

# INTERNATIONAL CONFERENCE ON 'AGRARIAN QUESTIONS AND COMPREHENSIVE SOLUTIONS'

Kathmandu, Nepal



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INTERNATIONAL  
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COALITION

**International Initiatives**

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Jagat Basnet

Executive Director

Community Self-Reliance Centre (CSRC)

## SECTION 1: BACKGROUND

### 1.1. Context

After the Rana Regime was overthrown in 1950s, the concept of ‘Land Reform’ was introduced in Nepal with a new hope for the tillers. In 1960, land reforms entered into more classical agrarian reforms though not implemented properly. Following, the restoration of democracy in 1990s, the land reform practice was completely in favor of tillers but, unfortunately, the practice was not executed. In the people’s movement in 2006, the political parties raised the voice on land and agrarian reform on behalf of the poor and marginalized farmers. As per their voices, the Comprehensive Peace Accord (CPA) 2006, Interim Constitution (IC) 2007 along with Periodic National Development Plan 2007-2010 and 2011-2013 included the agenda of land and agrarian reform and promised for the scientific land reform and management. However, there is still no visible action. Even though, they documented the agenda of land and agrarian reform, they are still lacking clear policy, legislation and actions regarding these issues. Therefore, it is necessary to make dialogues and discussions with the political parties and government agencies to build proper policy and legislation on land reform.

*Community Self Reliance Centre (CSRC), International Land Coalition (ILC), International Initiatives (II) and Forum for Agrarian Concern and Studies in Nepal (FACT-Nepal)* realized that they need to look into other countries' experiences and learn from their land - reform initiatives that might be suitable to bridge the gap between land policy and action in Nepal. Thus, Community Self Reliance Centre (CSRC), International Land Coalition (ILC), International Initiatives (II) and Forum for Agrarian Concern and Studies in Nepal (FACT-Nepal) jointly organized the International Conference on ‘Agrarian Questions and Comprehensive Solutions’.

The International Conference on ‘Agrarian Questions and Comprehensive Solutions’ was commenced from 26<sup>th</sup> February to 4<sup>th</sup> March 2014. There were 21 International participants represented from India, Bangladesh, Pakistan, Indonesia, Philippines, Switzerland, Venezuela, Columbia, Canada and Senegal and other 96 national participants from International Land Coalition members of Nepal, civil society organizations, social and farmers activists, non-violent land movement activists, international organizations, government agencies, academicians, experts, parliament members including the political leaders and policy makers attended the conference.

## **The conference was divided into three events:**

- i. Dialogue and Sharing with community members, landless and/or farmers (Village Land Rights Forums/District Land Rights Forums) and land rights activists.
- ii. Conference on Land Reform and Non- Violent Land Rights Movement, and
- iii. Conference on Agrarian Questions and Comprehensive Solutions.

## **1.2. Objectives of the Conference**

The main objective of the conference was to promote national policies and laws to secure tenureship of landless and tenant farmers. It also aimed to discuss, analyze and exchange land and agrarian related issues, experiences and learning from the perspectives of various countries as well as the regions and build knowledge, skills and develop plausible alternative action plans on land rights movements and land and agrarian reform. The specific objectives and thus are:

- i. Exchange the learning and experiences on land and agrarian rights movement, land and agrarian reform approaches and models between Nepalese farmers, land rights leaders, activists, parliament members, government officials and CSOs members.
- ii. Build the knowledge on the land and agrarian reform models, approaches and policy provisions.
- iii. Influence Nepali parliament members, political leaders and CSO members on land and agrarian reform issues.
- iv. Build the alliance, networking and coordination for regular exchange and knowledge sharing on land and agrarian reform.

## **1.3. Brief Description of Relevant Stakeholders**

Ministry of Land Reform and Management is responsible for land issues and reforms in Nepal, which deals with the land reform and management training including the land information and archives.

The international development partners are supporting CSOs creating awareness on land policies and empowering communities in their claim to land. It also supports the Government of Nepal for the formulation of national land policy and creates an environment for policy discussions.

Civil Society Organization is playing a pivotal role in empowering landless and landless to exercise their rights, and advising the state for policy - making.

#### **1.4. Number and Types of Beneficiaries (Disaggregate by Gender)**

Out of 103 International and National participants, 78 male and 25 female participated in the learning route on 'Land Reform and Non-Violent Land Rights' on 26<sup>th</sup> February - 2<sup>nd</sup> March 2014 in National Land Rights Resource Centre, *Thimura, Chitwan*.

Out of 117 International and National participants, 92 male and 25 female participated the conference on 'Agrarian Questions and Comprehensive Solutions' on 3<sup>rd</sup> and 4<sup>th</sup> March 2014 in the Park Village Resort, Kathmandu.

#### **1.5. Areas of Work and Geography**

The conference was held in different parts of the country according to the events of conference. The dialogue and sharing with communities was totally based on field visit, taken place in *Mahottari / Sarlahi* (East), *Rasuwa* (Centre) and *Nawalparasi / Rupendi* (West) of Nepal. International Conference on 'Land Reform and Non-Violent Land Rights Movement' was held in *Thimura, Chitwan*. Accordingly, the policy level discussion titled 'Agrarian Questions and Comprehensive Solution' was held in Kathmandu, Nepal.

## SECTION 2: DIFFERENT EVENTS OF INTERNATIONAL CONFERENCE

From 26 February – 2 March 2014, a total of 18 International participants and 33 National participants visited *Mahottari / Sarlahi* (East), *Rasuwa* (Centre) and *Nawalparasi/ Rupendi* (West) of Nepal for two days to make dialogue and sharing with the Community Members, Landless and/or Farmers (Village Land Rights Forum / District Land Rights Forum) and Land Rights Activists. The International Conference on ‘Land Reform and Non-Violent Land Rights Movement’ was held in National Land Rights Resource Center *Thimura, Chitwan*. The meetings in the field gave an opportunity to policymakers, international experts, and local as well as international development sectors to realize the truth about the land-poor and landless farmers in Nepal.

### 2.1. Learning from the Field Visits

It is good to start any event with bottom-up approach. As a matter of fact, prior to the conference, the international participants visited and interacted with the members of different communities, Village and District Land Rights Forums (V/DLRFs) so that they could have a clear description and understanding on reality that is faced by the landless and tenant farmers including smallholders in Nepal. It increased the knowledge of international participation on the process of establishing the organization (V/DLRFs), process of obtaining land, differences between landless and squatters, utilization of the funds from women’s agriculture cooperative and movement fund, mobilization in the land reform processes, future plans, struggles, and challenges of the community.

- An issue – based movement is a key to address the specific needs of land deprived people and realize the common goal of housing land for all, and agricultural land only for tillers. Instead of just focusing on broad- based nationwide campaigns, there is a need to look at particular issues at regional and district levels. Specific campaign to address the *Birta* Land issue in Rasuwa district is an example of a successful action initiated at the local level.

## Case I. Acquisition of *Birta* Land

The District Land Rights Forum (DLRF) *Rasuwa*, was established in 2005 that now consists of 17 members advocating land rights. Since its establishment, the District Land Rights Forum has been initiating the movement on the issue of *Birta* ( a system of free tax land holding )land though the system was abolished already in 1959 but not fully implemented yet. For this, it has been organizing rallies, mass demonstrations, sit – in, policy dialogues etc. at the local as well as national level.



Discussion with DLRF, *Rasuwa* District

In August 2009, the Council of Ministers decided that the farmers could register the **Birta land** in their names by paying 10% of minimum amount as per the contemporary valuation of the land. Altogether, 500 farmers from *Dhaibung*, *Laharepauwaa* and *Bhorle* VDCs submitted the application at the land revenue office, *Rasuwa*. Regarding this, the District Land Rights Forum visited the office frequently creating pressure on the authority to speed up the registration process. But the authority didn't cooperate for further proceedings. Hence in December 2010, the forum submitted an appeal warning them that they would organize an indefinite sit-in program provided they did not take an immediate action.

Because of the continuous pressure, the land revenue office became ready to publish the notice in the name of farmers. Accordingly, receiving support from CSRC and Nepal Agro Forestry Foundation (NAF), the victim farmers published a notice on the *Gorkhapatra* National Daily with the minimum 10 % valuation of the total *Birta* land that counted NPR 299,680 (\$4,191.32). Later in 2010, a total of 152 joint families received certificate of *Birta* land that benefitted 400 families. In the same year, the victims of *Birta* land filed a case at Commission for the Investigation of Abuse of Authority – CIAA but the commission recommended the case to be filed at the court. Then in 2013, other 15 families received land certificate of *Birta* that was mortgaged in the agricultural development bank by fraud. Like this, the struggle for receiving the land certificate of *Birta* land is still going on in *Rasuwa* with some pains and gains.

- Land –poor women and men had, with an increased access to and control over land, begun to switch to agricultural entrepreneurship and the practice of community land reform in public land. This is a new departure for the movement. For instance, group with cooperatives, vegetables production and fisheries are ahead of others in making their local campaign/movement more effective due to their enhanced campaign.

## Case II. Collective Effort for Land Rights and Improved Livelihood

*Charghare* Village Land Rights Forum, located in the eastern part of Nepal, was established in 2008, which currently has 68 members, including 40 women and 28 men from 29 households fighting collectively for their land rights.

After a year of their establishment, the VLRF coordinated a meeting with leaders of local political parties, VDC members and the members



Discussion with Chareghare VLRF members, Mahottari

of the Community Forest Group regarding the settlement and utilization of fallow land. Later, it resulted in creating a settlement for 29 households, called '*Namuna Basti*' (Model Settlement) in 0.60 ha. land and ten thousand trees plantation in 10 ha. river elevated land. The VDC has distributed tillage certificates for those who have been living in the public land, and 43 land less identity cards have also been distributed by the Landless Problem Solving Commission (LPSE). A total of 32 households have received tillage certificate for the public land. And the Forest Department has provided them with 'forest management and utilization certificate' as well. Moreover, the villagers have been running fish pond that was able to generate NPR 90, 000.00 (\$ 900.00) last year supporting directly the livelihood of the villagers. The VLRF is also used to collecting a certain amount of seasonal crops that is utilized during ceremonial, cultural, and various ritual ceremonies. By the collective effort of its members, a total of Rs. 35.000,00 (\$350.00) has been deposited in the movement fund which was established to run the movement smoothly. The women's cooperative, on the other hand, is strengthening economic status of women making them more independent and secured in family as well as society. In a nutshell, the VLRF members have gained a lot of success in regard to receive land rights and achieve improved livelihood.

- The problem of fake squatters and identification of real landless people is an issue. There is a need of action immediately to identify the real landless people. Understanding the situation on the ground accurate case documentation, networking and knowing the right people to lobbying are of equal importance, if the movement is to succeed in influencing the policy makers.

### Case III. Strength of VLRF for Canceling the Fake Registration of Public Land

Established in 2006 aiming to achieve equitable and just society through land rights, *Kerabari VLRF* is located in the western district of Nepal, *Nawalparasi* that currently has 51 members including 11 women and 40 men representing 20 dalits, 19 indigenous people and 12 others.

The VLRF has been occupying 34.84 ha land since 1978 though lately registered forgery in the name of Mr. *Baburam Poudel*, the headman of *Jadaha* and others by



Discussion with DLRF, Nawalparasi District

influencing the authority of the then Landless Problem Solving Commission. Actually, the fertile land occupying by the real farmers was forged and replaced with low quality land by them. So, claiming the land for himself and others, *Mr. Poudel* made several attempts to discard the villagers from the place but, as the villagers defended him united, they couldn't make it happen.

Apart from rallies, sit - ins and mass demonstrations, the villagers had filed an application at the VDC and received the fundamental tillage paper in their names following the discussions with seven major political parties locally. They also visited the then Landless Problem Solving Commissions, District Administration Office, Land Revenue Office, Ministry of Land Reform and Management several times demanding the cancelation of fake registration and to provide land certificate based on the statement by person. Then the ministry forwarded a circulation to the land revenue office not to evident the registration of the land halting the further proceedings. Until recently, the farmers have made the land so fertile that grows substantial amount of paddy, maize, wheat, etc. supporting strongly the villagers' livelihood. Now the farmers have also taken initiatives for collective farming.

- Enhancing women leaders in respective community groups and people's organizations for leading the campaign, ultimately priorities women and land rights issues.

#### Case IV. The Struggle of Putali Tamang to Acquire Land – 'A Success Story'

In February 2008, **Putali Tamang**, a simple faced *Mongolian* woman from *Rasuwa* district had participated in a training program organized by District Land Rights, Forum (DLRF) *Rasuwa*. Then in 2010, she along with other villagers, many of whom living in **Birta land** formed the *Utpanneshwor* Village Land Rights Forum (VLRf) that comprised 23 members, *Putali* herself being the vice-chairperson. As she became more involved in the movement, CSRC gave *Putali* an opportunity to take a lead role in both national review and the movement. She often organized meetings of the



VLRf which in turn facilitated her to create networks to the other villages. Now, *Putali* is one of the members at district land rights forum and is well established as a leader of the villagers being able to represent their views to others within the community. Though the land survey in the village was undertaken 31 years ago, *Putali Tamang's* family, after a long struggle, is one of 149 farmers families to receive the land certificate recently. Her family received the certificate of 0.2 ha land. "This happiness is a result of continuous struggle" she says, "The remaining **Birta** owners in the district have made illegal land certificates for which the farmers should fight more organized and committed to move things forward. Should we work together, the success is definitely possible".

#### 2.2. Learning from International Conference on 'Land Reform and Non- Violent Land Rights Movement'

The three - day conference on 'Land Reform and Non-Violent Land Rights Movement' was enthusiastically conducted in an open atmosphere, touching upon many interesting topics, in *Thimura, Chitwan*. Participants had an unique opportunity to share ideas and demands, to exchange experiences and discussions, and accordingly to propose measures to collective action and strategies. The program specially focused on non-violent movement; social security; democratization and people's rights. At the conference, many participants expressed loads of original views and made many constructive suggestions from different perspectives on all concerning areas of the conference. It has been sought that the policy level advocacy with the major influencing bodies<sup>ii</sup> is very important along with other mobilizations. Further, it has also been fruitful to work together, to debate on alternatives and to link our struggles with them.

In the discussion and sharing session, six major action points were identified; and through group discussion, strategies were prepared for each action point that includes:

- i. Mobilization of People's Organization
- ii. Issue of Women and Land Rights, and Joint Land Ownership
- iii. Campaign Against Eviction (Forest Encroachment and Displacement)
- iv. Formation and Mobilization of Agricultural Co-operatives
- v. Revision of Land Policy and Laws (National Level Advocacy)
- vi. Coordination and Networking with District as well as National Level Political Leaders

### 2.3. Challenges

- The dissolution of the 'Landless Commission' was unanticipated and this governmental action has been a setback for the distribution of identity cards and land to the genuine landless people, thereby obstructing CSRC and NLRP to reach into their mission.
- Political instability/transition have been serious challenge. The frequent changes in the government including key officials at the policy level has resulted in limited progress.
- Occasional forced eviction of landless people by community forests, community -managed schools, districts forest offices, local landlords and National Wildlife Management offices.

### SECTION 3: LEARNING FROM THE INTERNATIONAL CONFERENCE ON ‘AGRARIAN QUESTIONS AND COMPREHENSIVE SOLUTIONS’

The plenary discussion was conducted on the 3<sup>rd</sup> and 4<sup>th</sup> March in the Park Village Resort, *Budhanilkantha*, Kathmandu. The objective of the program was to learn from land rights movements in other Asian countries including the regions across the globe, and receive the positive and negative impacts of their work in order to influence the land rights movements in Nepal and to realize their aims in the framework of the new Constitution of Nepal. Total of 117 participants i.e., 21 international and 96 national participants attended the conference. *Community Self Reliance Centre (CSRC)*, *International Land Coalition (ILC)* and *International Initiatives (II)* facilitated the conference on March 03, 2014 whereas on March 04, 2014, *Forum for Agrarian Concern and Studies Nepal (FACT- Nepal)* facilitated the conference. The modalities of the workshop were Key paper Presentations and Round Table Discussions.



Glimpse of International Conference : Different Political Party Representatives Participating in Round Table Discussion Program

#### 3.1. Learning from Land Rights Movements and their Impacts on Reform Processes in Asia

**Bangladesh:** Regarding land reform issues, Bangladesh is also facing the same problem like other countries that accounts lack of proper land management system, law and policy; problems like

landlessness, land grabbing, loss of agriculture land, and lack of access to agricultural services. To protect the rights of the farmers, in 7 districts and 837 villages of Bangladesh about 21,000 farmers formed a networks of farmers to protect the rights of the farmers, run advocacy from local to national level and for saving agricultural production from natural disaster, constructing dam and climate change. For this, they need proper agrarian reform in conjugation with the advocacy from local to national level gradually reaching to the global context.

**India:** Ektaparishad has been promoting for the non-violent movement and land rights movement for the last 25 years. India also has the same problem like Nepal since the people are displaced due to construction of dams, Multi-National Companies (MNC) mining industries, not getting land for resettlement, the land grabbing and/or displacement of indigenous people from their land. The harassment has been caused by the Land and Forest Revenue officers causing poor implementation of the act of forest line. Due to the insistence on truth movement (*Jan Satyagraha*) for 11 days, the Government of India had to bow down for the demand of the farmers that resulted in 10 points agreement between them. Because of this, the land reform policy draft has been formulated along with the home stand land act that assures 10 dismal 4400 sq. ft. land to be given to the landless people. In addition, instructions have been given to the Forest and Revenue Land Department to form a team to deal with the issues of land.



**Indonesia:** Indonesia has the basis of agrarian law that has been implemented since 1969 but unfortunately, the government have still not implemented agrarian reform. Thus, they are

continuing their struggle strengthening the movement of agrarian reform in Indonesia. The major problem is inequality of land ownership between big cooperation and farmers. Agrarian reform movement is not only to strengthen the land ownership of the farmers or small holders but also to achieve the social and agrarian justice that leads to better lives of the farmers.

**Nepal:** The basis of the movement is being led by the NLRF to access and right over land. It is an independent organization of landless farmers, slums, *Haliyas (ploughmen)*, *Haruwa/Charuwa (ploughmen and cattle herders)* including deprived ones of the land rights, who has been campaigning non-violent land rights movement throughout the country bridging the gap between

rich and poor. Most of the farmers are deprived of their land rights because of unequal distribution of land. So they are demanding the land reform that would make the equitable distribution of land providing the way to industrialization and increase in production and productivity. They have to further strengthen the movement with international networking and non-violent action. CSRC is not only strengthening the community organization and mobilizing them to claim and exercise their right, but is equally active in organizing multi-stakeholder dialogues for policy reform and enactment of new policies and laws that in turn resulted in the formulation of National Land Use Policy by the Ministry of Land Reform and Management (MOLRM) which was approved in June 2013 by the government. In the policy guidelines, it provides basis for optimal use and management of land by implementing land use plan and land adjoining activities in the country. Similarly, in 2011/12 in its budget, the Government of Nepal (GoN) announced different provisions on joint land ownership title aiming to increase the women's access to land. It shows that CSRC is able to pressurize the government from local to national level. CSRC has participated in preparing action plan of High Level Land Reform Commission and is also contributing to the formulation of National Land Policy since its inception period acting as the secretariat of the entire project.

***Pakistan:*** Land Distribution in Pakistan is highly unequal as if 5% of large landholder possesses 64% of total farmland and as compared to 65%. On the other hand, small farmers hold only 15% of the farmland implying that there is a high land concentration in the country. When in 1947, British regime left the Indian sub- continent, Pakistan inherited feudal system. Now, the large landholders have all political power and economic advantages because they are rich and invest their money in the election and most of them are in parliament and assembly. Some of them are even lawmakers who never allow doing land reform. In Pakistan, we can notice the ***three waves of land reform*** i.e. during 1959 the military government of General Ayub Khan introduced first land reforms, in which a ceiling was fixed as 500 acres for irrigated areas and 1000 for un-irrigated areas. After 10 years, in 1972 and in 1977 there were two more land reform efforts made by the government of Zulfikar Ali Bhutto, where the ceiling was reduced to 150 acres irrigated and 200 to un-irrigated areas. As compared to these two provisions, the state distributed land among 183,000 landless farmers in 1959, whereas in 1972 and 1977, lesser number of people got the land. During General of ZaulHaq regime, there was a case against land reform, called QazalbashWaqf case which is a religious trust that declared land reform is un-Islamic act.

The Supreme Court gave a verdict of Shariat Bench in QazalbashWaqf case that applied brake to land reforms debate. Recently, two years ago, there is a review petition going on in the Supreme Court led by ten political parties and civil society organizations led by Mr. AbidHasanManto which is still being heard in the Supreme Court. Recently, there was a bill moved in a parliament

by a party MQM in the favor of land reforms. In 2000, the *Corporate Agriculture Policy* was introduced during the regime of General Musharraf aiming to bring investments in Pakistan particularly in the agriculture sector. The state gave free for all system investment policy in which investors could come and buy or lease any quantity of lands without any ceilings, taxes, and duties. They could also import any kind of machinery without any custom duty that created huge interest in Pakistani farmlands by different companies particularly companies from the gulf region, for e.g. in June 2008, the UAE had purchased 3,240,000



hectares of farmland in Punjab and Sindh Provinces. Similarly, Abu Dubai company has purchased 16,000 hectares of farmland in *Balochistan*. Emirates Investments Group and Abraaj Capital, are also investing directly in corporate farming there. Land reform agenda were bypassed on the election manifestos of the political parties in 2013.

The National Peasants Coalition and civil societies raised the voice against it. Apart from this, Pakistan People's Party distributed land to landless women in Sindh province called Benazir land distribution program. In Punjab the government of Punjab has initiated a land digitization process in which all the land records have been computerized. NPCP and other farmers organization are approaching to Supreme Court to become party in the case. So the Supreme Court has publically invited opinion from general public, all the organizations having public interest, civil society groups including the provincial governments whether land reform policy be restored or not. But, unfortunately all the provincial governments through their official letter refused to accept land reforms that created confrontations with the civil society organizations.

The large farms have reached the maximum yield per acre with the available technology. Further growth in agricultural output depends on raising the yield of smaller farms. The small-farm sector, whose yield potential remains to be fully utilized, constitutes a substantial part of the agrarian economy. They are rising to provide the small farmers with the incentive and the ability to raise their yields. The small farmers will accelerate agriculture growth and there will be social crisis associated with the poverty as well as to protect land from land degradation.

**Philippines:** In Philippines, 98 million people are depended in agriculture support; 40 percent of the labor force contributes 20 percent of GDP but poverty still exists in rural areas, where about 38 percent families are poor out of 71 percent. While talking about the *brief history of land reform*, the colonization process has contributed to the powerlessness, patronage and dependency particularly in the rural areas. *300 years of colonial rule from Spain*, introduced the regalian doctrine by Spanish government that said all the land would be under the ownership of the king of Spain. Thus, the indigenous people defied to claim that they are the rightful owners of the land. The *Americans* ruled there for 40 years and introduced the titling system. There were three equal branches of the government i.e. *Legislative, executive and the judicial*. Then upon Japanese occupation, concentration camps were created for 4 years. After that, in 1945, Philippines became independent, only politically but not economically, because the American continued to be major part in the economic system.

After the independence in 1945, it had numbers of government, which tried to institutionalize the land reforms programs, but they were very limited. In 1986, they had people power revolution where elections were restored and different representatives from the country, politicians, civil society organizations and farmers, drafted the constitution. As a result, some social reforms were legislative through lobbying the rural poor by NGO's. *Three major land sectorial reforms* i.e. a) *comprehensive agrarian reforms law* was introduced by Republic Act 6657 of 1998, which redistributed 8.1 million hectare of agricultural land and integrated social forestry areas to landless tenant farmers and farm workers. b) *Indigenous people act*, which was recognized and implemented in RA 8371 of 1997, promotes and protects the rights of Indigenous Cultural Communities/Indigenous Peoples. c) *Urban development and housing act* RA 7279 of 1992 was introduced to address the problem of housing and urban development. The *accomplishments of the comprehensive agrarian reforms program* has distributed 8.3 million of agricultural land and integrated social forestry areas to 5.4 million agrarian reform beneficiaries. The remaining balance of 646,000 hectares, were distributed among the 2195 agrarian farm communities from which the government developed proposals for foreign assisted projects, and support services like credit, technology and marketing. About 1331 agrarian reform communities have benefited from these projects remaining 864 communities accounting 1.1 million agrarian reform beneficiaries who are yet to be organized in reform communities, i.e. the support services.

*Some of the challenges* they face today are that the land owners' resistance and violence since the land being the source of power, wealth and prestige. Thus, the owners will definitively not give the land easily due to lack of records. The title does not guarantee installation or conservation of farmers on their lands either. Regarding *challenges on ARB Development and support services*, it still needs to improve access to support services and it should be tied with long-term outcomes of

poverty alleviation, food security, economically viable farms and sustainable farmer organizations. They need to finance the agrarian reform communities who have no access to foreign assisted projects and also need to ensure the participation of other farmers who are not yet part of the program; they need land as well as support services. On the other hand, the peasants and ingenious people are fighting for same piece of land because of conflicting laws.

Land reform is an ongoing political process which must be based on constitutional and legal framework. For this, the farmers, naught caring their lives<sup>iii</sup>, became more organized and agitated against the authority that finally succeeded in bringing the agrarian reform program in 1982. Firstly, Social movements and CSOs must participate in formulating the Constitution and laws. And secondly, the state should make commitment to participate all in this process. It needs to take an “activist” role and use of the “coercive” powers of the Sovereign State to redistribute land in favor of tenants, landless & disenfranchised populations addressing the issues of food sovereignty, sustainable production and resource management ,poverty reduction and peace, and youths' involvement in agriculture as well as in formulating national plan of action and/or national economic development plan. In terms of dignity, dialogue and diversity, improving tenurial status increases bargaining power and confidence of farmers. There should be mechanisms for policy dialogues and for partnerships in implementation.

### **3.2. Learning from Land Rights Movements and their Impacts on Reforms Process in Other Regions**

**Venezuela:** In Venezuela, land reform practice was started in 1962, in which there was a national law that was proportionate to basic element to appropriate land, large land holdings to provide a land to peasants and their collective enterprises, like co-operatives and industries following on a model from Israel. This law was established for *four-years trial period* for peasant to evaluate to experience if the collective organization was suitable for them. After 4 years, they could ask to divide the land in individual plot and receive full ownership though the initiative was not pro-peasant. Thus, the government tried to solve the problem by top down approach.

*The Land Reform in Venezuela* can be divided into three phases as the process of agrarian transformation that started nearly a half century ago. for 50 years now. The *first period began from 1960s to end of 1970s* for about 20 years time when the the State had direct control over 3.5 million hectares of land, mostly municipal common lands, called “*Ejidors*”. In total, some 30% of the land became state managed proprietary. . Due to the rapid expropriation process of many lands in full production as well as providing land to untrained farmers, an agricultural crisis appeared. Import of food increased. Poverty decreased not because of an increment of production, but for the large amount of state resources invested, both in agricultural infrastructure and housing and

urban development. During *the second phase from 1980s to 2000*, few lands were expropriated and the state action was oriented to consolidate *asentamientos*(settlement) and increase food production.

Nevertheless, the state did not follow the law appropriated for four years trial period to allow the peasant evaluate of the production system or to choose division in family fixed plots. Earlier at 1990s, the country began to export foods. However, most of this increment was achieved in private no-expropriated lands, the *Asentamiento*'s production lagged behind due to the failure of the cooperative production system, lack of private propriety/land rights of families, and the financial crisis of 1983, that reduced the state resources to finance land reform enterprises. All agro-industrial towns were collapsed. The *third phase started from 2000 up to now*. The Chavez's government reinitiated the land reform expropriating, those lands still in large and medium sized enterprises. Until 2012, some additional seven million hectares were expropriated, particularly farmers producing rice, corn and meat. A difference was that agro-industrial facilities, such as poultry farms, rice and sugar mills, coffee factories, as well as seed and fertilizers commerce, was expropriated. This process, carried out without a clear understanding of the land reform history, invited production crisis causing import of these items in large amount. by the year 2007. The failure behind this is seen as the farmers never felt themselves as the owner of the land being indifferent to invest money on it. On the other hand, the financing process is also very complicated in Venezuela in terms of loan to the farmers that sometimes takes a long time halting the production amount and productivity of the farmland.

**Colombia: LASIER** agrarian strike was held in August 2013, which was one of the huge national agrarian strikes, with most of working at the agrarian sectors, potato and onion farmers, all seasonal as well as traditional miners, etc. In 2012, they had peace dialogues between Colombian Government and Leftist Guerrilla leaders of FARC (Colombian Revolutionary Armed Forces). There were numbers of conflicts over lands and construction of industrial projects in rural areas where peasants and ethnic communities were living. Within the violent armed conflict between the Leftist Guerrillas (FARC, ELN), Paramilitary Forces (landlords and armies of the private property) and the State Army, the rural population was the most affected with 17,559 peasants became victims (73% men and 7% women) of Human Rights Violation cases.

Approximately, 4 million people were forcibly displaced from their land because of land disputes by armed actors in order to control over drug trade, cattle ranching, agro fuels, palm oil, and mining enterprises. Continuous failure in land reform, genuine rural development plans and persistence of failed agreements by the government have led to more social movements often causing criminalization. Yet, Colombia never had a proper agrarian reform to redistribute land. In

contradiction, there has been a process of expulsion of poor peasants towards wilderness areas where the state is not present and no chances to integrate to the nation. The peasants were involved in the number of social mobilization. When the national economy got involved in the global market and global economy between 1981-1990, most of the peasants were affected. Due to this, the social mobilization took a pace after 2010 demanding public and social services and infrastructure development.

Actually in Colombia, there were number of agreements regarding peasants' movements and land acts but in practical, either they all failed or not implemented properly. vis-à-vis , ***bottom-up legal frameworks for territorial rights***, they do not talk about land reform and land titling. There is a complete legal framework concerning territorial rights for the protection of the territories of ethnic communities against land dispossession which includes: a) ***Communitarian Councils of Afro-Descendants***: Colombia was declared as a multicultural and plural-ethnic nation in the new constitution of 1991. Because of frequent mobilizations of indigenous people social organizations of black communities and claiming for the Law 70 in 1993, the state recognized them as ethnic group with their collective rights over territory.

The creation of socio-political figure of territorial governance called ***Communitarian Councils*** under the Decree 1745 of 1995. This ethnic groups have access to Free Prior Informed Consent (FPIC). Afterwards, these communitarian councils founded to Peace Communities and Humanitarian Zones. b) ***Peasants Reserve Zones***, in law 60 of 1994, was an attempt to do land reform in the framework. The PRZs were created as a commitment of the government to meet peasant communities' claims in property rights and social investment on education and health. First PRZ was established in 1996. The State financially supported to the proposed zones with local diagnosis of communities' needs, dialogue with local public institutions and constant agreement of the projects. The existent legal framework and the examples of territorial planning figures neither address the main structural problem, nor do they change the agrarian structure of the country.

Finally, having such a complete legal framework serves as a platform for the rural communities to have a place as political subjects and to protect their land especially against the global land rush situation. Therefore, it is essential to promote legal and institutional mechanisms that recognize the organizations of rural communities as political actors, such as the Voluntary Guidelines is responsible for Governance of Land Tenure, Fisheries and Forests in the context of National Food Security.

## LESSONS LEARNED

- i. It was a great platform to understand the various models of land reform such as the scientific and/or revolutionary land reform, market based reform or pro – poor land reform, etc. It also provided an opportunity to listen to their views on land and agrarian reform from the high-level political leaders, parliament members and high level government officials.
- ii. The International Conference brought the major political parties together for discussion in regard to collective goal of land and agrarian reform in lieu of their different land reform agenda in their political manifestoes. All agreed upon the urgency of upright land and agrarian reform in this critical and historical movement of the country.
- iii. It also influenced the members of parliament, political leaders, policy makers and government agencies on land and agrarian reform, from the sharing of experiences of international participants on their best practices and lessons learnt in their respective countries.
- iv. Sectoral and/or issue - wise discussions are much more effective than debate on political discourse and various perspectives of land and agrarian reforms. One thing for sure that there is no any full fledged land reform model in the world that can address all the issues of land reform as one. Rather, it is more contextual which requires a comprehensive study on various related topics since all are inextricably linked to land and agrarian reform of the country.

## SECTION 4: WAY FORWARD

Firstly, based on the discussions with different political leaders, experts and activists, and sharing from international delegates during the conference, seven major issues have been identified regarding the land reform models. They follow:

- i) Land rights, land distribution, and land reform issues; i
- i) Agriculture production, agriculture input and infrastructure development;
- iii) Agriculture labor; iv) Environment, land quality and land degradation;
- v) Agriculture research and agriculture institutions; vi) Food security and food sovereignty, and
- vii) Climate change and adaptation regarding agriculture. The discussion session be conducted separately in these issues to endorse them into the National Land Reform Action Plan.

Secondly, CSRC and FACT, Nepal will conduct the separate specific issue-wise discussion programs among influencing members of parliament, government of Nepal, political parties and leaders on land and agrarian reform based on the identified issues form the conference.

Next, alliances, networking and coordination for exchanging ideas and experiences will be strengthened in coming days focusing more on the ILC networks in Asia.

Finally, knowledge and skills on land rights movements and agrarian reform will be enhanced among the farmer leaders, land rights activists and team, and NES members of Nepal and mobilized jointly for the common framework of the land and agrarian reform.

## Annex I : Program Schedule

3 March 2014, Monday

<b>Opening Session</b>	09:00 - 12:00
<b>Session I</b>	
<b>Chair</b>	Mr. Krishna Raj BC, Acting Secretary Ministry of Land Reform and Management
<b>Key Note Speaker</b>	Hon. Dr. Yuwaraj Khatiwada, Governor, Central Bank of Nepal
<b>Guest Speakers</b>	Hon. Mr. Keshav Badal, Parliament Member and Chair of Badal High Level Land Reform Commission Dr. Madiodio Niasse, Director International Land Coalition (ILC) Ms. Jill Car-Harish (II Coordinator) Dr. Rigoberto Rivera, Latin America, Venezuela, AccionCampesina
<b>Farmer's Leaders</b>	
<b>5- minutes each</b>	Mr. Zahidul Kabir, Kandio Krishok Moitry (KKM), Bangladesh Mr. Nabi Noor, NPCP, Pakistan Ms. Puspa Singh, Ekataparishad, India Ms. Dewi Kartika, KPA, Indonesia Mr. Marciano Virola Jr. (Jun), Philippines Mr. Som Prasad Bhandari, NLRf, Nepal
<b>Welcome by</b>	Dr. Suresh Dhakal, Vice Chair, CSRC, Video from Nepal
<b>Lunch</b>	12:30 - 14:00
<b>Afternoon Session</b>	14:00 - 16:30
<b>Session II ( 14.00-16.30)</b>	
<b>Round table discussion: Land Reform Issues and Alternative Solutions</b>	
<b>Chair of session</b>	Mr. Bimal Phunyal, AAN Country Director
<b>Paper presentation</b>	Mr. Hari Rokka (former parliament member), Political analyst
<b>by</b>	Hon. Gagan Thapa, Parliament Member and CCM of Nepali Congress Mr. Ghanshyam Bhusal, Politburo, Member, UML

**Floor Discussion and Interaction**  
**Concluding by Chair of the Session**

4 March 2014, Tuesday

**Morning Session** 09:00 – 12:30

**Session I**

**Round Table Discussion with Major Political Parties' Senior Leaders**

**Chair** Mr. Sitaram Tamang, Chair of FACT - NEPAL

**Guest Speakers** Hon. Dr. Baburam Bhattarai, Ex. Prime Minister and Leader of UCPN Maoist  
Hon. Ram Chandra Paudel, Vice Chair of Nepali Congress  
Hon. Bam Dev Gautam, Vice Chair of CPN UML  
Mr. CP Gaujurel, Vice Chair Person CPN Maoist  
Mr. Pari Thapa, General Secretary of CPN (Unified)  
Hon. Jeetendra Narayan Dev, General Secretary of MJF  
Dr. Rigoberto Rivera, Accion Campesina, Latin America, Venezuela  
Mr. PV Rajgopal, Convener, Ektapariashad, India  
Mr. Deependra Bahadur Kshetry, Adviser FACT-NEPAL (Ex. Vice Chair of National Planning Commission and Ex. Governor, Central Bank of Nepal).  
Dr. Madiodio Niasse, Director International Land Coalition (ILC)

**Floor Discussion**

**Concluding by Chair**

**Lunch** 12:00 - 14:00

**Afternoon Session** 14:00 - 17:00

**Session II**

**Roundtable Discussion with Parliament Members / Political Leaders**

**Chair and facilitator** Mr. Umanath Rijal, Member of FACT- NEPAL

<b>Paper presentations</b>	Mr. Nahendra Khadka, Member of National Peasants' Coalition, Nepal Dr. Chet Bahadur Pariyar, Adviser FACT-NEPAL and Water and Environment Specialist
<b>Guest Speakers</b>	Prof. / Dr. Kailash Nath Pyakuryal, Vice Chancellor Agriculture and Forest University  Mr. Ganesh Shah, Adviser FACT-Nepal, Ex. Minister and Political Leader Prof. / Dr. Om Gurung, Head of the Department of Sociology and Anthropology, Tribhuvan University Mr. Prem Dangal, General Secretary, All Nepal Peasants' Federation Mr. Nathniel Don Marquz, Philippines Ms. Zohanny Arboleda Mutis : Latin America, Columbia, CINEP Mr. Erpan Faryadi, ILC Asia Facilitator, Indonesia
<b>Commentators</b>	Dr. Shiva Sharma, Adviser FACT-NEPAL and Director of National Labour Academy Mr. Baburam Acharya, Ex-Secretary, Ministry of Land Reform and Management, Nepal
<b>Floor Discussion</b>	
<b>Concluding by Chair</b>	

## Annex II: Introduction of the Field Visit

### i) Rasuwa

***Khamdhenu Village Land Rights Forum:*** *Katuenjel* is situated in *Rasuwa* District, *Dhadabhung* village, Ward no 4. Regarding on land issue, *Birta* land is the main issue in this village. From 2005, landless people started land rights movement and raised the issue on *Birta* land from this village. Later on December 13, 2009, *Khamdhenu* Village Land Rights Forum was established here. A total of 31 members are organized in this VLRF. The total amount of movement fund raised by the VLRF is Rs. 10,650.00 (\$107.00). Among the members, 22 families got the *Birta* Land Certificate whereas 6 couples got the joint land ownership. This VLRF regularly participates in the DLRF and NLRF land rights movements.

***Pipalbot Village Land Rights Forum:*** *Ghaeraghar* is situated in *Rasuwa* District, *Dhadabhung* village, Ward no. 6. This VLRF was established in *Pipalbot*, in June 2009. A total of 31 members are organized in this VLRF. The main issue in this village is *Birta*. They have been able to collect a total amount of NPR 3,468.00 (\$35.00) in their movement fund yet. Among the members, 7 families have received the ownership on *Birta* land whereas 8 couples have made joint land ownership certificate. All the VLRF members have donated their labor force to build the meeting hall where they can conduct their periodic meetings, seminar and trainings and also share their experiences. VLRF members have also established Women Agriculture Cooperative. A total of 15 members are doing the collective vegetable farming.

### ii) Nawalparasi and Rupendhi

***Kerabari Village Land Rights Forum:*** Since 1979, a total of 72 landless households have been staying in the public land in *Dhaunedevi-2, Kerabari, Nawalparasi*. The VLRF was established in February 2007. Out of 72 households, only 47 landless households (9 female and 38 male) are organized in this forum. Their monthly meeting is held on the tenth day of each month, where all the members discuss their problems and find solutions. They also collect Rs. 10.00 each month for movement fund. , Like this, they have collected a total amount of Rs. 12,050.00 (\$121.00) yet.

### iii) Mahottori

***Kishannagar Village Land Rights Forum*** is at *Kishannagar* VDC, *Mahottari*. There are 7 VLRFs where 151 members including 94 women are organized. Every first week of each month, they are conducting the VLRF meeting discussing the land rights issues, planning their movements and sharing their problems and solutions including collection of movement fund, etc.

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<sup>i</sup> granted land to a particular person or group by the state for some special reasons, esp. for their bravery

<sup>ii</sup> Policy makers and parliament members, major political parties, other governmental agencies including experts and medias

<sup>iii</sup> since many farmers lost their lives while fighting for land reform