

Land Rights Movement in Nepal



Reflections
2007

Community Self Reliance Centre (CSRC)



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COLLABORATING PARTNERS

- Abhiyan Nepal - Sunsari
- Centre for Society Development and Research Centre (CSDR) - Banke
- Community Development and Environment Conservation Forum - Sindhupalchowk
- Dalit Preservation Campaign Forum - Siraha
- District Dalit Network - Baitadi
- District Dalit Network - Dadeldhura
- Janchetana Dalit Sangam - Saptari
- Kisan Adhikarka Lagi Sahayogi Samuha (KASS) - Sindhupalchowk
- Adhikarmukhi Abhiyan Kendra - Bardiya
- National Land Rights Concern Group - Nepal
- National Land Rights Forum - Nepal
- Nepal Chepang Sangh - Lalitpur
- Rastriya Dalit Network - Kailali
- Rural Development Society - Sindhupalchowk
- Rural Women Development Centre - Dang
- Social Welfare Awareness Programme - Dang
- District Land Rights Forum - Sindhupalchowk, Sarlahi, Mahottari, Siraha, Saptari, Sunsari, Dang and Bardiya

INTERNATIONAL PARTNER ORGANIZATIONS

- ActionAid Nepal (AAN)
- Danish International Development Assistance, Human Rights and Good Governance Advisory Unit (DanidaHUGOU)
- Rights, Inclusion and Democracy Fund (RDIF/ESP)
- CARE Nepal
- International Land Coalition (ILC)
- Canadian Cooperation Office (CCO)
- Partnership Action for Mitigating Syndromes (PAMS/NCCR)
- Asian NGO Coalition (ANGOC)

Acknowledgement

Community Self Reliance Centre (CSRC) is immensely grateful to the entire community people, especially the landless farmers, tenants, *Haliyas*, *Haruwās/Charuwās*, *ex-Kamaiyas* and tillers, who gave their precious time and came forward in the mission of claiming legitimate rights over farming land, shelter, livelihoods and self-dignity. I am indebted to the movement activists for their tireless efforts to keep the movement vibrant. Their role as a vehicle and fuel in the movement has been crucial and commendable. We are grateful to all collaborating partners for their enthusiasm, patience, value-based determination and contribution to the movement that have been instrumental in playing a pivotal role for rendering support, organizing people, enhancing their capacities, and facilitating the movement at all levels – community, district, and national level.

Many individuals and organisations especially rights holder groups, activists, collaborating partners, and supportive government agencies deserve credit for the achievements made by the land rights movement during the year 2007. This would not have been possible without their patience and contribution. I would like to acknowledge and value the contribution made by participating individuals and organisations from different nooks and niches in making the land rights movement meaningful and recognisable social movement geared towards promoting social-justice.

I take this opportunity to extend my sincere thanks and appreciation to all international development partners especially Action Aid Nepal, DanidaHUGOU, RDIF/ESP, Care Nepal, International Land Coalition, Canadian Cooperation Office, PAMS/NCCR and Asian NGO Coalition for their valuable contribution to the mission of asserting the rights to productive resources for socio-economically and politically marginalised tillers through financial support, professional inputs and solidarity for the common cause. This has made us realise that we have received, apart from financial assistance, a strong moral support and professional/organisational inputs that have increased our level of confidence and

at the same time reassured the legitimacy of the movement. CSRC is also thankful to Kathmandu University, Department of Human and Natural Resources for their professional inputs in conducting social research on land rights issues.

Due credit of this success goes to Executive Committees and staff members of all collaborating NGOs for putting organisational priority and extending solidarity to the land rights issue. The National Land Rights Concern Group, National Land Rights Forum and different media have been the backbone of the movement. CSRC sincerely appreciates the outstanding contributions of all. We are equally thankful to seven political parties and members of legislative-parliament for their contribution to the land rights movement. Similarly, we would like to acknowledge the valuable inputs and cooperation received from government agencies, especially the Ministry of Land Reform and Management, District Land Reform/Revenue Offices and Trust Offices for their initiatives towards policy reform.

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Executive Committee, members and staffs of CSRC deserve special thanks for being highly motivated, committed and dedicated, particularly, through their leadership and facilitating role to raise the profile of the land rights movement at local, national and international levels. Last, but not the least, I personally acknowledge efforts of CSRC team for their persistent hard work and personal commitments to the land rights movement.

Roshan Chitrakar, PhD
Chair, CSRC



foreword

Community Self Reliance Centre (CSRC) is the Civil Society Organisation in Nepal that has been fighting for the land rights of the tillers and landless farmers with them for more than a decade. In order to protect the land rights of the tillers and landless farmers, CSRC has been putting its all efforts to strengthen people's organisations (National Land Rights Forum (NLRF) so that they influence the policies and practices; and also enjoy their rights.

The land rights movement has made daring and enduring initiations contributing to the changes against the unjust and unequal socio-economic structure through progressive land reform. In fact, this is not an easy mission as it has been associated with landowners and affluent class of people, who have always been in and around the power throughout the history and have had strong hold in policymaking. Therefore, the land rights movement has been putting the highest possible efforts in changing current mindset of policy makers and state mechanism. The movement further aims to enable rights holders, i.e. tillers and landless farmers in raising their voices on genuine concerns and putting forward the legitimate claim of their rightful share over the land resources. The country is in the verge of transformation and is in the process of building a 'new Nepal'. This mission would not be achieved without changing present unjust socio-economic structure of the country that is primarily through the reform of land and agrarian policies and practices.

It is high time for the human rights community all over the world to realise the fact that enjoying and ensuring economic, social and cultural rights of disadvantaged or excluded groups is equally important to realise other liberal civil and political rights. In this context, land is the most important natural and economic resource for the majority (about 80%) of population in Nepal as basis of their livelihoods. Only upon having access to land resource, the poor tenant and landless farmers can dream of a secured livelihoods and a dignified life. Most of the civil society, bilateral/multi-lateral donor agencies, and human rights organisations have been focusing primarily on the Civil and Political Rights (CPR) without giving adequate attention to the Economic, Social and Cultural Rights (ESCR).

Effective enforcement of ESCR is equally important in enabling poor people to come out from the vicious circles of poverty and enjoy other forms of rights. United Nations Higher Commissioner for Human Rights Ms. Louise Arbour said on 10 December, "Dignity and Justice for all of us". Land and agrarian reform is a key mean of promoting dignity and justice to poor and disadvantaged people especially tillers and landless farmers. The land rights movement strives to protect poor tillers' right to land resources that will eventually contribute for their dignified lives. CSRC believes that these as the key means to achieve justice and dignity for the poor tillers and landless farmers. Therefore, land rights must be taken as fundamental human rights in the context of Nepal.

There should have gender, caste and ethnic perspectives in the land and agrarian reform agenda in Nepal, which are missed out in the past. We strongly advocate that women must have equal rights to land resources. Indigenous people must have rights to use their original lands. Likewise, the Dalit population forced to work as *Haliya* must be liberated and made owners of the land. For these, a vibrant non-violent and inclusive land rights movement is needed. However, we are aware that this requires a fully democratic space and governance in the country. As land rights activists, we advocate for participatory democracy to ensure social justice and dignified life to the especially to the excluded and disadvantaged, especially tillers and landless farmers.

Poverty and discriminations have usually been the sources of conflict. Lasting peace cannot be achieved unless the marginalised and disadvantaged people, i.e., tenants and landless farmers find ways to break out the vicious circle of impoverishment. Therefore, the bold initiatives to make a historical breakthrough in ending poverty are inevitable. The tenants and landless farmers living in disadvantaged and vulnerable state are not because of them but because of the unjust distribution of productive land resources and means of production. Many people and institutions, both at national and international levels, have been pursuing Millennium Development Goals (MDGs) and human rights approach to address

poverty. However, without having comprehensive land and agrarian reform, the aim of poverty alleviation and MDGs could remain a bare dream. This cannot protect the interests and livelihoods of millions of tenants and landless farmers, which ultimately does not pave the path for sustainable peace and development. Thus, pro people land and agrarian reform could be one of the key economic reform agenda towards sustainable peace and improving the quality of life of the poor quartile of the society.

After popular movement of 2006, the leading political parties and the Government of Nepal (GoN) have been open and positive to the land reform agenda. This has given positive message to the people. Poor tillers and landless farmers are expecting the firm actions on the commitments that political parties made during the people's movement and thereafter. However, there is very little progress in terms of pursuing land reform process. Further to these, international development partners (INGOs, bilateral donors) have joined their hands in land rights movement from the perspective of promoting and protecting basic human rights of the tillers and landless farmers. The land and agrarian reform is believed as

one of the key areas for the overall transformation of Nepal and for a just society and lasting sustainable peace. The ever-increasing involvement of international community in human rights movement is a clear indication to these. It is a fact that without fighting against injustice and inequity, the mission of restoration of peace, promotion and protection of human rights and alleviation of poverty will remain a fantasy. Hence, on behalf of land rights movement, we encourage the state mechanism and political parties to acknowledge these facts and take careful steps shortly.

Finally, we look forward to receiving the same level of support, collaboration, solidarity and feedback from civil society, government agencies, political parties, international development partners and other well wishers in the mission of fighting against injustices and promoting and protecting basic human rights of the tillers and landless farmers, and sustaining peace in the country.

In solidarity,

Jagat Basnet
Executive Director



ACRONYMS

ADB	Asian Development Bank
ANGOC	Asian NGO Coalition
BCDO	Bhuwaneswor Community Development Organisation
BS	Bikram Sambat (Nepali year)
CA	Constituent Assembly
CCO	Canadian Cooperation Office
CDO	Chief District Officer
CPA	Comprehensive Peace Accord
CPN (UML)	Communist Party of Nepal (United Marxist and Leninist)
CPNM	Communist Party of Nepal (Maoist)
CPR	Civil and Political Rights
CSDR	Centre for Social Development and Research
CSRC	Community Self Reliance Centre
Danida	Danish International Development Assistance
DDC	District Development Committee
DFID	Department for International Development
DLRO	District Land Reform Office
ESCR	Economic, Social and Cultural Rights
ESP	Enabling Estate Programme
FAO	Food and Agriculture Organisation
FECOFUN	Federation of Community Forest Users Nepal
FFM	Fact Finding Mission
FUG	Forest Users Group
GTZ	German Technical Cooperation
HH	Household
HRTMCC	Human Rights Treaty Monitoring Coordination Committee
HUGOU	Human Rights and Good Governance Advisory Unit, Danida
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILC	International Land Coalition
INGO	International Non Governmental Organisation
KASS	Kishan Adhikarka Lagi Sahayogi Samuha (support group for farmers)
MDG	Millennium Develop Goal
NC	Nepal Congress
NGO	Non-governmental Organization
NHRC	National Human Rights Commission
NLRCCG	National Land Rights Concern Group
NLRF	National Land Rights Forum
NPR	Nepalese Rupees (1US\$=Nepalese Rupees)
OHCHR	Office of the High Commissioner for Human Rights
PAMS/NCCR	National Centre of Competence in Research
RCC	Rights Based Campaign Centre
RDIF	Rights, Democracy and Inclusion Fund
SDC	Swiss Development Cooperation
UDHR	Universal Declaration of Human Rights
VDC	Village Development Committee

GLOSSARY

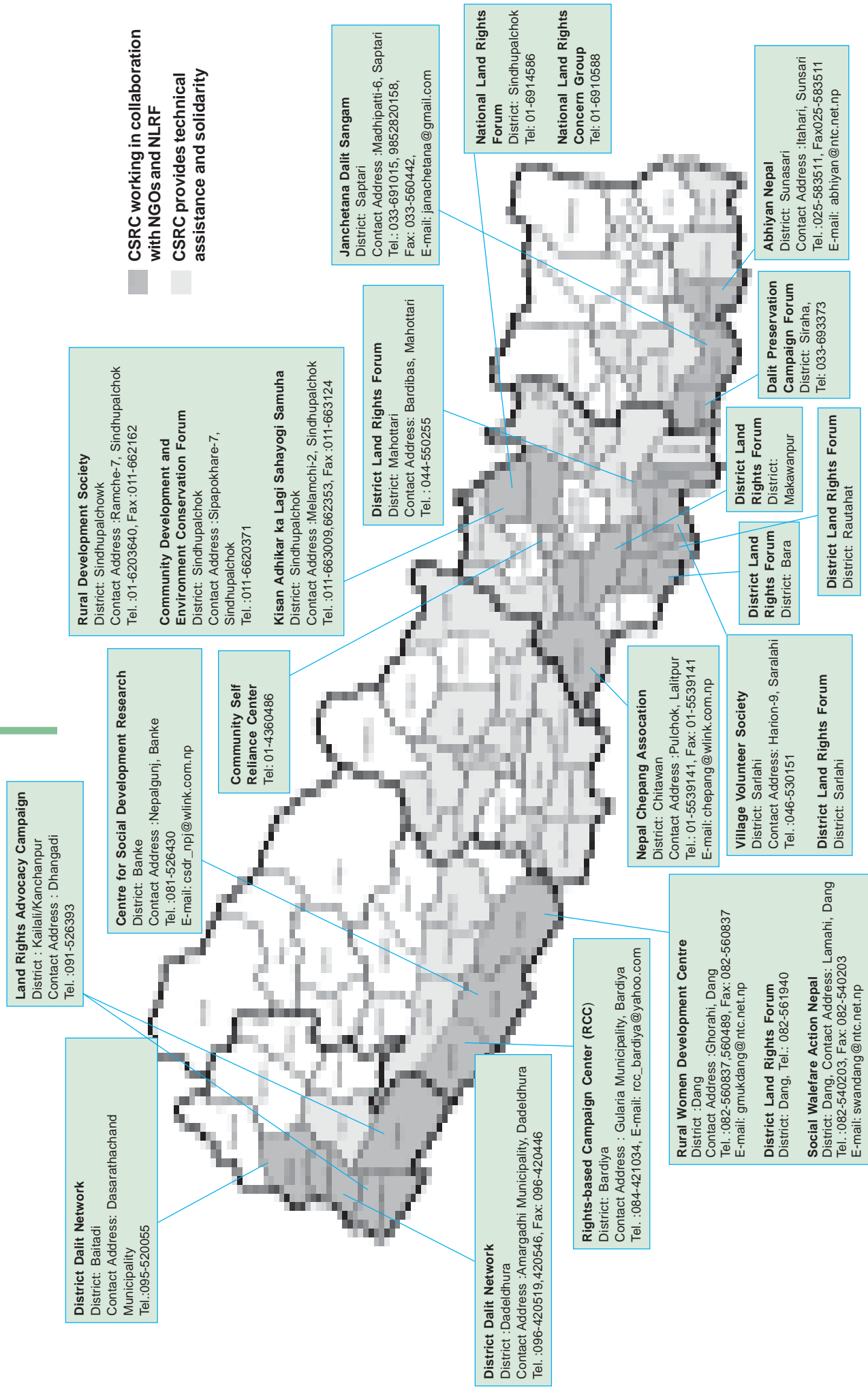
Bikalpa	alternative
Kamaiya	bonded labour system widely practiced in the mid and far western Terai of Nepal
Haliya	system of hiring people for ploughing landlord's land with nominal wages
Churia	the range gradually elevated from Terai up to 1,800 meter from the sea level
Dalit	group of people who are considered as 'untouchables' by high caste
Chepang	indigenous people habituated in up hills of central Nepal
Haruwa	system of hiring people for agriculture work with little wages
Charuwa	system of hiring people for grazing cattle of the landlords with exploitative wages

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Presence of Land Rights Movement



The Year 2007 in Brief

This document is a synthesis of experiences and learning gained by CSRC while facilitating the land rights movement in Nepal during 2007. It gives an overview of the progress against set objectives and outputs from the perspective of rights holders groups (tenant and landless farmers), civil society, funding agencies, government officials, political actors and others. The document is developed to share the processes followed, achievement accomplished and learning gained while instigating land rights movement, particularly aiming to policy makers, political actors, larger civil society, supporting agencies and individuals and institutions who have keen interests about the land rights issues and movement. Besides, CSRC expects inputs solidarity from various quarters of the society within and outside the country with the help of this document to make the land rights movement worthwhile in making significance difference on the lives of poor tenants and landless farmers and in overcoming the existing injustices and state of impoverishment.

The year 2007 remained historic to the tillers and landless farmers in terms of their meaningful engagement with political parties. The tillers and landless farmers had had a series of dialogue with political parties up to the extent of organising sit-in programmes at the party offices. The tillers and landless people had acquired this power through the ongoing land rights movement and sense of victory in their footsteps. The major political parties have realised the importance of long awaited comprehensive land reform in transforming both the armed and structural conflict into peace. Lasting peace cannot be achieved unless the marginalised and disadvantaged people come out from the vicious circle of impoverishment. Therefore, there is a continuous advocacy campaign going on with the state for a comprehensive land and agrarian reform by keeping the vulnerable and victims at the centre.

During the year, the tillers and landless farmers held series of dialogues with political actors. As a result, the land reform agenda has been incorporated in the Interim Constitution of

Nepal. The Interim Constitution 2007, part 4, article 33 (f) has recognised land reform as "Pursue the policy of adopting scientific land reform programmes by gradually ending feudalistic land ownership practices". After the formation of the Interim Government in April 2007, the newly constituted Parliamentary Committee on Agricultural and Cooperatives has taken the matter and has instructed the Interim Government, especially the Ministry of Land Reform and Management, to take concrete measures towards scientific land reform. The Ministry has made public commitment in pursuing the issue further. In a further positive development, an eight political parties' summit meeting held on 31 May 2007 has instructed the Interim Government to initiate steps towards the effective resolution of land related problems. A high level meeting, among seven political parties held on 23 December 2007 has also decided to constitute a "Study and Recommendation Commission on scientific land reform" within a month time.

National Planning Commission has developed a three-year Interim Plan 2007-10, in which land reform has been given high importance. The plan states a long-term objective "to make living standard of farmers prosperous and contribute to the national economy based on just land ownership and scientific land management system through implementation of scientific land reform". The plan has further set specific objectives as "to ascertain the land rights to the landless farmers, freed bonded labours and tenants for ensuring food security, addressing poverty and making the land more productive" among others. The plan has also outlined strategy to materialise these objectives also by formulating appropriate laws and build institutional mechanisms to provide land to the families of landless, tenants and squatters.

CSRC organised dialogue with local level government officials and assisted them to explore options in resolving the problems faced by tenants and landless farmers in receiving services. As a result, a total of 2,219 tenancy cases have been settled in 2007, in which the tenant families acquired a total of 681 hectares of land that worth of NPR 211 million. CSRC facilitate land rights movement



had bridged between poor people and government officials for addressing the tenancy issue in the given cases. In recent days, there are increased evidences of positive responses from the government officials to the movement and people. Officials from Land Reform and Management Ministry and its subsidiaries have proactively approached to the National Land Rights Forum at centre and districts, respectively.

In 42 districts of Nepal, CSRC works directly with 996 trained land rights activists (about 37% of them are women and 39% Dalits) and 1,455 front line facilitators (37% women and 44% Dalits). The activists and facilitators have been supporting land rights movement at community level. The movement has identified tenancy rights, agrarian reform, security of shelter and citizenship as major advocacy issues. In 2007, the land rights movement reached to additional 851,759 tillers totalling to 1.6 million (i.e. 1,620,134) land deprived people. The movement has enhanced their awareness on their rights, duties and peaceful measures to acquire them. With these initiatives, the movement has multi pronged benefits i.e., it has created hope among the people together with increased contributions of tillers and landless farmers to the peace process from

local level.

Tillers and landless farmers have formed National Land Rights Forum (NLRF) and been carrying out different initiatives at local and national levels. The NLRF is recognised as the foundation for the movement. In 2007, a total of 288 village level 'Peoples' Organisation' (tiller's organisation) were formed consisting 14,718 community leaders. Of whom 7,067 (48%) women and 8,251 (56%) are Dalits. In addition to the tenancy rights, a total of 21,698 individuals have received citizenship certificates through the support from land rights movement. The citizenship is closely linked to acquire lands in Nepal i.e., people cannot own land in absence of citizenship and landless cannot access citizenship. Therefore, the access to citizenship contributed not only in economic benefits to the land less families but also enhanced their socio-cultural status in the society. Many people who got the citizenship card have expressed that the citizenship has helped them to recognise their identity as Nepali and led to enhance dignity in their society. *Mr. Bachharam Baidas-65 habitant of Gularia Municipality, Bardiya said that he truly became a citizen at the age of 65 after long struggle. He added, "I became an owner of a piece of land that puts me at par with other fellow villagers. Now, I feel equal to them".*

It is learnt that mass rights based encampment in village is the best way to aware people about their rights and mobilise them for the movement. CSRC has adopted it in every Village Development Committees (VDCs) and villages in which people get more opportunity and conducive environment to share their issues. CSRC has further learnt that engagement with landlords is vital for minimising the tensions in the community and settling in the issue of tenancy settlement and other land related disputes finding amicable way by mutual agreement.

CSRC has realised that livelihoods support initiatives are highly important to those who have received land as part of tenancy rights. Since they required inputs for agriculture, they need support services from both the government and non government sectors. CSRC has observed that the poor tenants and land poor farmers are likely to end up with frustration if there is no impact on their livelihoods because of access to land. Usually, poor people do not have enough patience in the situation where their daily livelihoods needs are not met. This also limits their motivation to social movement.

Land reform is a complex political matter. It has been deeply rooted with the socio-cultural system, values and norms from the history. It has a strong orbit which is difficult to break but not impossible. This requires long and sustained efforts for which democratic space is inevitable. The present progress could have not been made without democratic environment. Therefore, freedom provides enormous space to the people and civil society to pursue their agenda. Thus, CSRC has strong commitments and beliefs that the land rights movement needs to be linked with the democratic movement and respective democratic values, norms and principles.

Land reform and ensuring social justice are not the easy tasks. It is linked with political economy. CSRC along with other stakeholders has been facilitating and leading a complex movement in changing the political economic structure and it has been able to establish the land reform agenda as the national agenda. However, there is long way to achieve the mission and collective efforts are inevitable for making a real difference.

Increasing political upheavals and sudden strikes in Terai were key challenges faced by CSRC

and the entire land rights movement in 2007. Since CSRC mobilised local facilitators and land rights activists, the strikes had limited affect on the movement. However, CSRC had difficulty in brining external visitors in some of the villages in Terai.

During the year, the movement acquired a total of 22.68 million rupees (i.e., NPR 22,678,373) funding from donors and well wishers. The leading funding agencies were DanidaHUGOU, Action Aid International Nepal, International Land Coalition, Canadian Coordination Office, CARE Nepal and NCCR. Besides, the movement mobilised local material resources that were contributed by tenants and landless farmers themselves. In terms of overall financial performance, CSRC spent about 80 percent against the annual approved budget i.e., NPR 18,158,366 during the year. A detail of budget and expenditure is presented in [Annex 3](#).

The land rights movement has some opportunities with the changes in political scenario of Nepal and the movement will enjoy them to a highest possible extent in the future. For instance, politically Nepal is going through a transition and people in general have confidence to assert the changes. Therefore, the landless and people excluded from the land rights have been aware on their land rights and have been organised. These have also created awareness to the politicians and enforced them to work for far reaching changes in the country. There are some legal provisions as 'road map' to the change. For example, the Interim Constitution of Nepal 2007 clearly states of endeavouring for a 'scientific land reform' as a consolidation of peace accord that was taken place in 2006. The land reform has also been a part of the National Three Year Interim Plan 2007-2010. With these all efforts and policy provisions, the understanding on the importance of land reform has been increased and the different development actors and civil society have stated defining this as an effective means of addressing poverty in Nepal.

There are some pertinent issues around land and agrarian reform and they need to be addressed properly. Therefore, CSRC has decided to concentrate on those issues in the days to come. One of them is to initiate a process to formulate land and agrarian reform policy framework with the participation of the people to whom the policies matter. The existing land related acts and policies are to be

repealed and new policies are to be formulated on behalf of landless, poor and tenant farmers. Land administration is highly centralised in Nepal and powers have not been devolved to the local level government offices. These have systematically reduced the poor people's access to the decision makers and decision making process.

There are state versions that land reform has been made at various times since 1950. However, the problem is increasing and has been further complex and therefore, there is an urgent need to constitute a high level authority to look into the real life problems that are faced by land poor people.

This is a living experience that the changes take

place with the constant pressure from the people who are in need and excluded systematically. As long as the poor are not organised, the disparities are continued and they will be supported by the feudal, semi-feudal, bondage and exploitative systems. The sufferers should therefore be organised with the awareness of their situation and mobilised against the any form of deprivation and oppression.

When one talks about land reform or land redistribution, some elites are alarmed, some think of revolution and others think it against the landlords. Therefore, it is important that the matter is taken as a national issue and as an opportunity to transform the nation and society peacefully.



I

Chapter

Introduction



This document is the synthesis of progress and learning of CSRC while facilitating the land rights movement in Nepal during 2007. It further provides brief overview of cumulative progress of the land rights movement since 2004. Primarily, this is a learning document that contains key learning and progress achieved against objectives and plan of the year 2007. The learning and progresses described in this documented are of the views and opinions of tillers and landless farmers, who were in the forefront of the struggle to claim their rights over land resources. Further, the experiences, learning, observations of NGOs, networks, alliances, international partners and other stakeholders' vis-à-vis land rights movement in 2007 have also been incorporated in this document.

The purpose of this report is to share key achievements, emerging issues within the land rights movement and key learning generated during the year to the all stakeholders, including political actors and policy makers and other interested individuals and institutions.

The collaborating agencies within the land rights movement have a system to review the

progress and critically reflect upon learning and outcomes against their work plan on a regular basis. A series of reviews and reflections have been held at people's organisation, supporting NGOs and alliance/network level. Further, formal and informal consultations have taken place with other stakeholders, including government agencies and non-government organisations to incorporate their views and perception on the land rights movement. CSRC collects and compiles the outcome of those reviews and reflections regularly. CSRC has a participatory monitoring and evaluation system that collects and compiles qualitative and quantitative information on monthly basis. Besides, it also conducts quarterly reviews and reflections that assess the effectiveness of organisational work and reflect upon outcomes and learning. This annual report 'Reflections 2007' is the synthesis of all these processes and efforts.

1.1 SOCIO POLITICAL CONTEXT

The history of the movement for land rights in Nepal is also the history of the struggle for human rights, equity and social justice. Social exclusion and denial of individual's rights to

▶
CSRC team
conducting
context
mapping



and control over productive resources, lack of basic needs, injustice, unsecured livelihoods and other forms of violations are universally recognised causes of poverty. The existing socio-economic structure is not conducive for poor and marginalised people, as it widens the gap between the haves and have-nots and perpetuates the state of poverty.

Land ownership remains the main source of wealth and social status and also the source of economic and political power in Nepal. However, people who toil the land are the ones who are discriminated and marginalised from enjoying the basic human rights, food and shelter, among others. For example, the *Haliyas*, ex- *kamaiya*'s, tenants, poor farmers and landless Dalits are ones who till the land but always suffer from starvation and malnutrition. In addition, agriculture is based on subsistence farming and it has not maximised the benefits because of the exclusion of cultivators from land rights.

The practices of tenancy and half crop-sharing system are widespread. About 690,000 tenant families are estimated to till land in half-sharing cropping. Legally these peasants are supposed to have the tenancy rights. However, about 35 percent of them have legal status as tenant-cultivators since 65 percent of tenants are still unregistered. The fourth amendment 1996 of the Land Act 1964 has provisioned for the equal division of land between the owners and the tenants who have legal status, from which 65 percent of the unregistered tenants are excluded from claiming their tenancy rights. Moreover, this amendment has systematically supported the elites who did not work in the farm and always have been the landlords.

Many Nepali and international development partner organisations believe that one of the major root causes of the current conflict is associated with honouring and fulfilling of land rights of poor and marginalised communities. Finding a lasting solution of the conflict and a move towards peace and prosperity, depend largely on the willingness and ability of the political forces to address the land issues. A few political parties have been talking about the land reform as a priority for years but they lack articulation on the process of its implementation. Therefore, the success of land

rights movement will depend on the ability of civil society organisations in bringing the issue as one of key agenda of good governance, democracy and peace in Nepal.

1.2 ISSUES AROUND LAND RIGHTS IN NEPAL

There are 4.2 million families in Nepal. Some 1.3 million of them, constituting over 25 percent of country's total population are landless or land poor (CBS 2001) who fall under absolute poverty line. These people, majority of whom are Dalits, ethnic groups and women with most of them being illiterate, are solely dependent on farming for sustenance. Some 0.2 million families, of the total 4.2 million, do not have a single piece of land, even to install a shelter. The prevalence of landlessness is high in Terai districts as compared to the hills. Generally, the landless people live in the space provided by landlords.

A total of 5% of rich people own 37% of arable land where as 47% of tillers own only 15% the very land (HDR-2004). Among them, only 10.8% women have land ownership. 70% Dalits are landless or land poor. National Planning Commission has officially stated that 31.8% population is below the poverty line. It is obvious that 25% of tillers are the key segment of the poverty pocket. The existing situation shows that the poor do farming but do not own land, while the riches do not do the farming and control it.

As the landless having no property, they have no social status and no access to political decisions, and are also deprived of credit facilities, for which land could be used as a collateral, to invest in creating other livelihoods options, such as kitchen gardening, and so on. These are also evidences that the landlessness or lack of land ownership is the root cause of exclusion and poverty in Nepal.

The landless are the ones to suffer other forms of indignities. Some 300,000 landless Dalit families are estimated to work as *Haliyas/Haruwas*¹ in the hills of Western Nepal and central and eastern Terai of Nepal. Likewise, bonded labour is a classic example of land-based exploitation practiced in Terai of western Nepal until recently. "*Haruwa/Charuwa*" is yet

¹ Literally, *Haliya/Haruwa* is a male who ploughs his master's field. Such a ploughman is called as *Haliya* in the hills and *Haruwa* in the plains. Normally, *Haliya/Haruwa* is a bonded labour. He ploughs landowner's field in an annual contract, but, since he cannot pay back the principal amount, he ploughs for the interest of the loan he has taken.



▲
*Tiller and
Landless
farmers in
demonstration
with agriculture
tools*

another form of semi-bondage labour prevalent in central and eastern Nepal in which poor farmers serve to their landlords in an exploitative condition. Indigenous peoples, who have maintained a special relationship with land and natural resources historically, comprise a significant percent of the poor to suffer eviction and displacement from their natural locale.

The poor are the people systematically pushed on the periphery of society and, hence, are deprived of entire development and political processes by reducing them as powerless objects. To have power, as stated above, one has to have access to resources, favourable policy condition and the effective organisations of the powerless. Therefore, this is envisioned that the effective land reform would bring the changes in the power dynamics by enabling the poor and discarded and having access to resources. Once they have resources under their control, they would have their identity as human being with the capabilities. This identity gradually enables them to reclaim a decision making power. When the neglected and marginalised rise to positions of power, they will, it can be plausibly expected, play a crucial role in ending deep-rooted discrimination, including bonded and semi-bondage labour practices, inequality, inequity and other

exclusionary institutions and processes.

The large number of tillers and peasants consider land reform as the broken promise by the national politic for decades. After the restoration of democracy in 1990, the government introduced a plan to eliminate "dual-ownership" of land by giving land to the registered tenants. However, majority of the tenants could not benefit because they did not have registration certificates, and many of them even did not have citizenship certificates to claim their rights.

There are several outstanding issues around land reform that has to be dealt with by the democratic government and political parties. There still exists the Land Reform Act formulated in 1964 during the autocratic regime, and it does not ensure justice to the poor tillers. Another issue is around the political will amongst the political actors for making breakthrough in land reform. Likewise, the tillers have a vulnerable living with severely exploited practices by the feudal and elite landlordism. The tillers have been pouring their sweat in the farm for generations but the very people suffer from starvation and malnutrition, and the farm is never belongs them. This has led 1.3 million poor families being homeless, food less and living lives in a various forms of bondage and semi bondages. These situations have always put the tillers into the trap of poverty and injustices.

Unjust distribution of land has compelled many farmers to shift as tenants. Majority of these farmers' time has been spent in tilling the land for their lords and accepting unjust benefits for their hard labour. These systematic exploitation and exclusion have made poor the poorer also widening up the gap between the rich and the poor. Thus, to address inequity and thereby reduce the poverty, the equitable distribution of land and agrarian reforms are essential, especially the tillers should have the ownership over the farming land. This also contributes in increasing production and also the productivity of the land.



II
Chapter

Land Rights
Movement



II.1 CONTEMPORARY LAND POLITICS

The issue of land ownership has been a hot debate in Nepal for centuries. Before 1711 AD, Nepal was divided into dozens of tiny kingdoms. These small kingdoms were run by few feudal elites. In 1768, the King Prithvi Narayan Shah of Gorkha started unification of these small kingdoms into a large kingdom through military force. State did not have diverse source of revenue to finance the army and the bureaucracy except exploiting natural resources. Natural resources especially land was the key source of revenue and the rulers wanted to control state treasury within themselves. So, they adopted policy to identify their closest people to take care of land and collected the taxes. In many instances, the rulers distributed land to the military officers, judges, priests, and other high ranking officials with two primary aims: first, give land against salaries and rewards and it helped them to reduce a burden to the state treasury; and second, to keep the land within the control of elites and supporters.

There were political reasons behind the rulers' eagerness in keeping land under their control. They did not want to remain those resources in the possession of ordinary people. It is because the land was the prime source of power at that time and they wanted general public away from the power. The rulers never wanted to let the control over land resources by ordinary people, as they did not want to see independent people out of their grip. The rulers had taken independence as the great threat to their rule. Thus, the rulers in different regimes kept on distributing lands to their near and dears so that mass people remain dependent upon the landlords so that they could never go against them.

These practices imposed the political, social, economic and agrarian inequalities among the rulers and ruling classes with the alienated tillers form possession of land. The alternation to this situation was largely negated because of the domination of these elements over the state machinery, political power and their ability to exclude others (Ghimire, 1992). In Nepal

II.2 TILLERS AND LANDLESS FARMER'S MOVEMENT FOR LAND RIGHTS

Land has not been responsible for economic poverty only; it has direct relevance with socio-cultural and political nature of poverty and most importantly human poverty. As mentioned earlier, land has been a prime source of socio, economic and political power in Nepal. Since all these tillers and poor people are alienated from the source of power, they have always been disadvantaged, marginalized and denied of their basic human rights.

The tenant farmers initiated land rights movement before the restoration democracy in 1950 in order to change unjust and inequitable power relations between the rulers and ordinary people. The tenant farmers fought and sacrificed their lives for democracy but the successive government after democracy could not address the problems though few policy arrangements were made, like introducing crop sharing system between the farmer and the landlord in some parts of the country. Farmers were not happy with this initiative and the farmers of Bardia district were organised against the exploitation and begun protest. The then government used force and killed six tenant farmers agitating against the

landlords in 1951.

This incident further intensified the conflicts between the tenant farmers, landlords and the government. Popular farmer leader Mr. Bhim Dutta Panta from Dadeldhura, Mr. Asarfi Shah from Rautahat, Mr. Bhukhlal Mahato from Bara, Mr. Gumraha Tharu from Dang, Mr. Aghori Yadhav from Saptari and Mr. Bhimbahadur Sen from Palpa districts took lead in the land rights movement in their respective locations and sacrificed their lives fighting for the rights of the tenant farmers. The political parties were established with the slogan of protecting tenant and farmers rights over their tilling land in 1940s and kept promising to the people till today without materialising the promises in practice.

There was a growing agitation against Rana regime in Nepal. Mr. Bhim Dutta Panta led the land rights movement against Rana regime from Dadheldhura and Baitadi districts. He was very keen to abolish Haliya and *Kamiya* system and fight for tillers rights. He built up awareness among the poor farmers by saying the slogan "Either you till or you leave the

today, the people in and around the power centres are landlords who constitute the elements of the aristocrats that holds ultimate control of state and hence of formal politics of Nepal. They are the very people who formulate policies and plans for land reform even in recent times.

The vast land grants made during the last century to nobles, successful generals, and other favoured state functionaries were abrogated and, therefore, limited land reform was introduced in the 1960s. Nevertheless, there still exist many larger landowners (who frequently control more land than the legal maximum), who are able to extract from those who work the land surplus in the form of rent, shows, the independent peasantry is by far the largest category of the producer (Blaike, et al., 2005).



land". From this slogan; all the feudal landlords were scared.

Land reform commission proceeded for the demand of farmers on 25 September, 1954. The same year in October, farmers in Kathmandu pressurised the government for 6 points demands to fulfil. The demands included to take money instead of 4/100 kinds system, dismissing of land-lordship system etc. Farmers sat-in from December 1954, when the government was indifference to their demands. Farmers organised various kinds of demonstrations against the landlords and government of Nepal. In the agitation, 19 people were arrested and kept even without food for 3 months. Again the next phase of revolution started from March 1957 in which 55 farmers were punished with 10 months of imprisonment. This movement continued to 1980.

The then King Mahendra, with the help of the landlords, staged coup in 1961 and as a result, the agenda of land reform was sidelined. All the political parties were banned and the spaces for conducting political activities by the people

were sruken. However, the autocratic Panchayat regime introduced Land Reform Act in 1964 with the aim of "showing a human face" of the regime and establishing its legitimacy. The Act put a ceiling on the land tax, assured loans to the tenants to purchase land, introduced rights of tenants and put a ceiling on land holding by landlords. However, the act was not implemented consistently.

After restoration of democracy in 1990, the political parties carried the slogan of land reform but could not come up with concrete plans. The government showed gesture for the land reform by constituting a high level commission to recommend for appropriate ways and means for land reform. However, the immature democratic practices and frequent coalition governments could not implement the recommendations made by the commissions. From the post 1990 democratic governments, people had hopes which gradually turned out into frustration due to inability of the government to address land issues. Later, the same frustrations played a fuelling role to the decade long armed conflict began from 1996.

II.3 CIVIL SOCIETY INITIATIVE FOR LAND RIGHTS

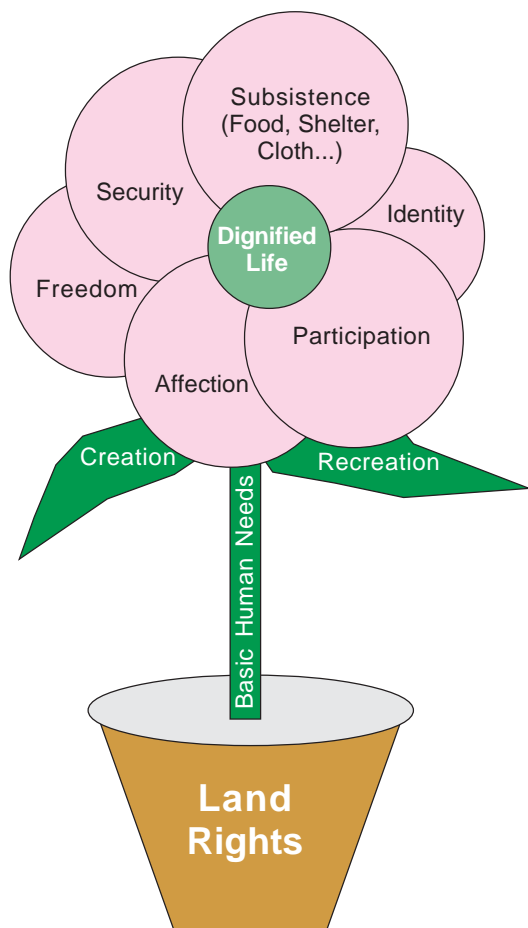
The land rights movement in Nepal have faced several ups and downs as the politics goes along. After restoration of democracy in 1990, it was necessary to floor out the tenant farmer’s issues on the surface. However, the tenant’s issues were sidelined in the name of other priorities and they were not given adequate attention.

In the democratic ground, CSRC felt the need to take up the issue of land rights with the aim of awakening tillers to come forward to claim their rights on one hand and making land reform a pressing issue amongst political spectrum in the country on the other. CSRC is guided from the principle of self-reliance. Over the period, CSRC further realised the importance of advocacy, social movement, roles of state mechanism and reform of state governance without which people cannot be empowered and be self reliant. Thus, CSRC decided to come out of traditional framework of charity-based development work and engaged in strengthening people’s movement for social transformation with particular focus on land rights.

In this background, CSRC began to engage in land rights issue since 1995 from Sindhupalchowk district. It took quite some time to establish land rights as crux for fighting against poverty and all sorts of injustices and discriminations. Basically, it started organising land rights victims and advocating for pro tenant policy framework. Within a couple of year time, the process got momentum in the form of movement expanded beyond Sindhupalchowk district. Gradually, the development organisations (both national and international) recognised the land issue as important aspects of protecting human rights, building peace and addressing poverty and discriminations, and joined hands in supporting land rights work in Nepal. CSRC has been facilitating the ongoing land rights movement.

Since the land reform has been a complex political issue, it had not been possible to create vibration with the efforts of few small organisations. Thus, an idea of having greater civil society alliance for working together for common cause was conceived. As a result, an alliance of civil society organisations ‘National Land Rights Concern Group (NLRCG)’ established consisting diverse range of expertise, including media, human rights, and policy advocacy, social activists and others. The alliance adopted a strategy to enhance capacity of the deprived tillers and landless farmers vis-a-vis develop leadership and skills to launch rights claiming initiatives. Thus the civil society initiative has been able to reach 0.8 million tenants and landless farmers and develop 102 local activists in 2007. As of 2007, a total of 1.6 million tillers and landless farmers made aware on land rights and mobilised 996 land rights activists and 1,455 community leaders. (Please see annex 2 for more information) The local activists come from the tillers and strengthen tiller’s own organisations to launch rights claiming movement in their own initiation and leadership.

The tiller’s organisation "National Land Rights Forum (NLRF)" is a membership based Organisation established in 2004 has been expiated to 42 districts of the country. It has 28 district level and 1,211 village level organisations along with the 48,133 members (one person per family), including 19,098 women and 25,531 Dalits. NLRF conducted conventions and mass awareness events in the villages that has mobilised hundreds of thousands of people in pursuing rights claims in an organised way.



II.4 STRATEGIC CHOICES ADOPTED

CSRC has adopted few strategic options in order to manage and lead the movement towards attaining its goal.

The movement strives on protecting and maximizing the interests and rights of landless farmers, tenants, *Haliyas*, former Kamaiyas and agricultural labourers through educating, lobbying, advocating and claiming their entitlements.

Likewise, it follows participatory approaches at all levels. The movement focuses to empower and enhance capacities of the fellow landless and tenant farmers. It views empowerment as a stepping-stone towards gaining confidence and power to take decisions and actions on matters relating to their lives. The empowerment ultimately leads to the self-development and social, economic, cultural, political and civil rights.

Cost effectiveness and value for money is a major approach during handling the entire movement. The movement advocates value and the effective practices and local expertise are replicated in other areas. Furthermore, the movement activities are designed and implemented in collaboration and partnership with as many individuals and agencies, both government and non-government. Gender sensitivity is a crosscutting matter at every stage of the movement.

Basically, the movement operates at – people, process and policy levels. Working at people level consists enhancing their understanding on the issue and capacities to take led the movement, whereas working at process level refers to plan and implement the movement in a systematic way i.e. being participatory, inclusive and democratic, conducting research studies and identify common issues and taking positions, developing systematic planning, implementation and its critical reviews and reflections, among others. Finally, working at policy level refers reviewing and analysing policies and identifying gaps, bottlenecks, and barriers for the tenant and landless farmers. The movement also advocates and lobby for formulation of appropriate policies and their effective implementation.

The movement has been guiding by a set of core values and principles, such as trusting in people's power, self reliance society through transformation, non-violent social movement, gender and caste sensitivity, mutual respect, taking side for oppressed and vulnerable, creation and innovations, quality and effective practices, non-party policies and non-sectarian, among others.

JAGAT BASNET AWARDED BY ASHOKA FELLOWSHIP 2007

Mr. Jagat Basnet, Executive Director, Community Self Reliance Center (CSRC), has been awarded Ashoka fellowship, 2007.



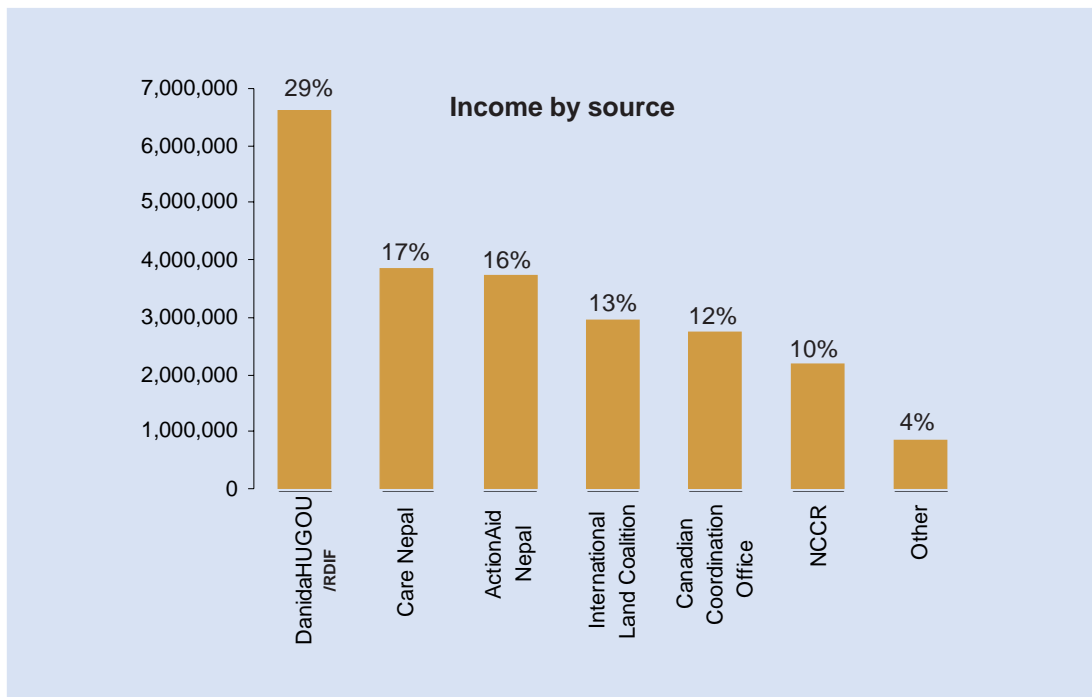
Ashoka is the global association of the world's leading social entrepreneurs—men and women with system changing solutions for the world's most urgent social problems. Ashoka was founded on the premise that the most effective way to promote positive social change is to invest in social entrepreneurs with innovative solutions that are sustainable and replicable, both nationally and globally. Ahoka is the name of Indian social leader who is renowned as an example of a social innovator in terms of renouncing violence, dedication in social welfare and economic development and creativity for creativity, global mindedness and tolerance.

Mr. Basnet has been awarded this fellowship for his innovative initiative leading the way in peacefully and legally resolving land disputes, through tiller and landless farmers' organisations that represent the interests of their members and negotiate with landlords. In contrast to many development agencies working in rural areas for poverty alleviation and economic empowerment, Mr. Basnet, is first working to get them their due rights over the land and livelihoods, thus delving into the crux of the problem. His initiative aims reversing land-based enslavement and linking it to increase productivity. He strives in empowering tenant and landless farmers to claim their rights for the land which some of them have been tilling and living in for generations. The initiative organises the tillers and landless farmers and support them in forming their own organisations for an integrated voice and collective bargaining on the issue. This action then spreads awareness on the judicial processes of how to get legal land documents for the land they have been working on for many years. Since land resources are the backbone of rural Nepalese economy and provides the most employment, this initiative aims to have poor tillers and tenant's access to the land and contribute to the mission of poverty alleviation, sustainable peace and social justice.

II.5 PARTNERSHIPS AND FUNDING SOURCES

The land rights movement is a collective action of tenant and landless farmers, civil society organisations and international organisations. The movement has unique combination of roles and distinctive expertise of landless and tenant farmers, civil society organizations, well-

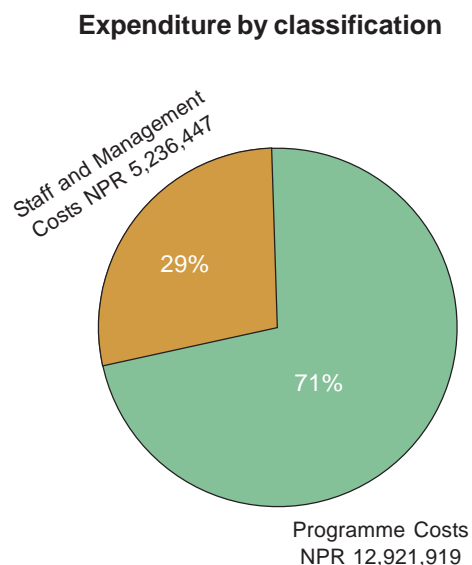
against income. Besides, the movement has mobilised other local resources that are contributed by the tenant and landless farmers themselves in the form of materials. The movement emphasised to generate and mobilise the local resources to support the movement with the view of its sustainability in the long run as well as to have greater sense of ownership among the tenants and landless



wishers and funding partners. The international partners who have been supporting to the movement both financially and professionally are Action Aid Nepal, DanidaHUGOU/RDIF Care Nepal, Canadian Cooperation Office, and Swiss National Centre of Competence in Research (NCCR) North South, International Land Coalition, ANGOC, Department of Human and Natural Resources Study, Kathmandu University Nepal.

farmers. Out of the total expenditure, the programme and management costs were NPR 12,921,919 (71%) and NPR 5,236,447 (29%) respectively. A detail break down of budget and expenditure is provided in [Annex 3](#).

The total budget for 2007 was NPR 24,686,707 under various donor supported projects and CSRC's own internal resources. The movement has been able to generate a total income of 22.68 million rupees i.e., NPR 22,678,373 during the year from donors and other sources. The funds received from DanidaHUGOU/RDIF NPR 6,570,000, ActionAid Nepal NPR 3,681,641, International Land Coalition NPR 2,929,933, Canadian Coordination Office NPR 2,702,750, Care Nepal NPR 3,802,863, NCCR NPR 2,171,310, and NPR 819,876 was generated from other sources. The total expenditure in 2007 is NPR 18,158,366, which is 74 percent against approved budget and 80%



II.6 THE LAND RIGHTS MOVEMENT: VIEWING FROM STAKEHOLDERS LENSES

II.6.1 Political parties

● Nepali Congress

The leaders of Nepali Congress (NC) have closely observed the activities undertaken by the land rights movement. The central working committee member of Nepali Congress (NC) Mr. Chandara Singh Bhattarai said that his party would support the land reform and it has been the agenda of the party since 1951. NC wanted implementing the recommendations from the High Level Commission-1995 but they could not be taken ahead because of the changed priorities with the armed conflict. Further, Mr. Bhattarai has appreciated the present land rights movement. He has expressed happiness that the land rights issue has been raised and movement has been established. However, he has made his concerns over the 'agitating styles' of the movement, Mr. Bhattarai finds the opinion that the demands of tillers and landless farmers are reasonable. He also shared that the government of Nepal has given due priority to the Constituent Assembly election and it has not been able to work on it. Mr. Bhattarai further agreed that this would require collective efforts of politicians and civil society. He assured that the party would incorporate the land reform issue in its election manifesto and also requested for the suggestion from the movement.

● Communist Party of Nepal (UML)

Mr. Dirgha Sodari and Mansingh BK, District Committee members, CPN UML, Kailali, have viewed that land reform has not been a national agenda, as it should have been, due to philosophical difference among the political parties. They added that the political parties should give high priority to the land reform agenda ensuring democracy and peace to the poor tillers. Mr. Sodari and Mr. BK have sensed that the landlords are in powerful positions of many political parties and they never prioritise the land reform agenda in their political parties rather enjoy using poor landless communities as their vote banks.

According to Mr. Sodari and Mr. BK, the present land related laws and policies are in favour of the landlords. Besides, there are other several land reform issues, which need to be

addressed in a comprehensive manner. In this context, both leaders have appreciated the initiatives of NLRFB in advocating the land rights issues. They have got an impression that land issue has gradually been established as a priority agenda in the political parties and different stakeholders at local level and above. While comparing the present participation of



landless people in political process with the past, they have seen increased participation of them in the socio-political movement, significantly and they believe this as a good practice and recommend continuing. The leaders appreciated and said, "NLRFB has come up with clear vision, strategy and processes while launching the land rights movement. However, NLRFB should put extra efforts to work together with political parties for the greater impact".

● United People's Front

Mr. Om Bikram Pun, Central Committees member, United People's Front said that his party has been committed to end the dual ownership over the land since 1950. The party has supported several peasant movements in the mid/far west and central region of Nepal. Mr. Pun has appreciated the NLRFB efforts and said that it has succeeded in giving momentum to the land rights movement, in a short span of time. He has assessed that the movement has identified the core issues around the land ownership and flagged out for wider discourse. Further, having tillers and landless farmers organised into their own organisations and leading land rights movement across the society has been an important, he added. He suggested the land rights movements that the activists should explore the different modalities in land reform strengthen people's organisations and come up with clear options for the solution of the land related problems.

▲
Policy dialogue between political leaders and tillers and landless farmers

Trust land
victims
holding press
meet



II.6.2 Media

Mr. Yubaraj Ghimire, President of Federation of Nepalese Journalists, District Branch, Kanchanpur acknowledged that land rights issues had hardly been covered by the media. However, he has observed the changes in the situation in the recent days and land issues have got priorities almost every day. Mr. Ghimire is aware about NLRF; he attends the events and has reported the land rights issues frequently. He shared his concerns over the disintegrated actions of different organisations in the same issue. The issues of land rights has been established in the district within past one year period notably, said Mr. Ghimire.

II.6.3 National Human Rights Commission

Mr. Koshraj Neupane, Deputy Director, National Human Rights Commission (NHRC), Far-Western Regional Office, Dhangadi said that NHRC has been working on land rights within the framework of safe shelter, food and cloth. He has been observing the land rights movement in the Far Western region for some time. He said that the movement was not so clear and wide spread until few years ago but

he has seen increased actions and reporting of the movements led by NLRF and he shared about his participation in the events organised by it. Mr. Neupane values the movement especially for victim's leadership with the peaceful means. He recommended moving forward by strengthening victims' organisations without the influence of political parties also striking the right balance with them. He also expects government's concrete actions to reassure the landless people.

II.6.4 Police

Mr. Karna Bahadur Chand, Police Inspector, District Police Office, Kanchanpur believes that social justice should be in place for the peace and welfare of the society. He shared that there were growing tendency to come to the street to put forward their demands and it has posed challenges in maintaining law and order. He recommended that the demands raised by the tillers for land reform should be addressed through constituting a high level land reform commission. Mr. Chand had also reflected that some false faces have been trying to take advantage from land rights movement. Thus, he suggested making sure of participation of the real victims in such processes.



III
Chapter

Key Achievements
of the Year



III.1 CHANGING POLICIES AND PRACTICES

a. Land Reform Agenda in Interim Constitution

Tillers and Landless farmers interacting with political leaders

CSRC intensively lobbied to the political parties and campaigned for materialising the political commitment made in the Comprehensive Peace Accord (CPA) while drafting the Interim Constitution. Tillers and landless farmers provided written suggestions and organised series of debates with political actors. As a

result, the Interim Constitution 2007, part 4, article 33 (f) has recognised land reform as "Pursue the policy of adopting scientific land reform programs by gradually ending feudalistic land ownership practices". Likewise, the Interim Constitution 2007, part 4, article 35 (15) has stated, "The State shall pursue a policy of making a provision of providing adequate piece of land and livelihoods to the freed bonded labourers for their sustenance by determining their number" as the state policy. This is what CSRC and its collaborating partners had been demanding for long time.

b. Land Reform Agenda in Three Year Interim Plan 2007-10 as a priority

The land rights movement had aimed to build a national consensus on the land reform and initiate actions towards development of a pro-tenant and pro-landless national land reform policy framework. CSRC and collaborating partners had had series of policy dialogues and debates with National Planning Commission, Ministry of Land Reform and Management and the Parliamentarians for having pro poor tillers and landless land reform policy. As a result the Three-year Interim Plan 2007-2010 has set a long term objective "to make living standard of farmers prosperous and contribute



WEBS OF POWER AND WAVES OF CHANGE

● Webs of Power

Over 1.6 million tillers and landless farmers were made aware on their rights over land resources, strengthened 1,211 Peoples Organisations at village and district levels. The organisations have developed local leadership of 14,718 community people, of whom 7,067 (48%) women and 8,251 (56%) Dalits. The people's organisations are taking lead of the movement at both local and national levels. This has enhanced people's sense of being change maker within themselves and in the society. Further, land rights movement has helped 21,698 individuals (9487 - 44% women and 15,238 - 70% Dalits) to get citizenship certificate. This has contributed not only economic benefits to the family but enhanced socio-cultural status. Most of the people who got their citizenship have expressed that it has helped them in promoting their identity and enhanced dignity in their society. Mr. Bachharam Baidas-65 habitant of Gularia Municipality of Bardiya said that he has been a true citizen at the age of 65 after long struggle. He says "I became an owner of a piece of land that puts me at par with other fellow villagers. Now, I feel that I am also as equal as to them". These figures, which are only representative, have in them a strong message: a message of power, a

message of people creating webs of power through organisations and collective efforts.

● Waves of Change

The webs of power at the grassroots have been catalysing waves of change at the policy level. There is a national consensus to keep land at the centre of peace building and state restructuring process. Part 4 of Interim Constitution gives directives to the state to adopt scientific land reform to end feudalistic land ownership practices. Similarly, Three-Year Interim Plan 2007-10 stresses the need for land reform for transformation of Nepali society. The plan has also mentioned to waive 50 percent land registration fees for women. Seven political parties, through their recent 23-point consensus, agreed to form a commission to suggest measures for scientific land reform. Local infrastructure is in place to drive that high-level consensus into practical action (human rights aware people; NGOs, CBOs, and their networks; local activists committed to peaceful movement; and critical mass of people in favour of transformation). Change requires a catalyst. If Nepali society is on the threshold of change, the land rights movement has shown that it can serve as the catalyst.

to the national economy based on just land ownership and scientific land management system through implementation of scientific land reform." The plan has further set specific objectives as "to ascertain the land rights to the landless squatters, freed bonded labours and tenants for ensuring food security, addressing poverty and making the land more productive" among others. The Plan has also outlined strategy to materialise these objectives and says the government will formulate appropriate laws and build institutional mechanisms to provide land to the families of landless, tenants, squatters. The Interim Plan has further devised working strategies which says, among others, to constitute a High Level Commission to resolve the problems concerning landless, squatters, tenants and others. CSRC is proud to note that almost all the recommendations provided and position taken by the land rights movement have been incorporated into the Interim Plan.

d. Amendment in the Existing Laws

CSRC has been pursuing land policy analysis and advocacy for policy reform. With the constant pressure of the tenants and landless farmers, Government of Nepal has extended the deadline for filing tenancy cases until April 2007 and settling those cases by April 2008. The deadline has been extended only after the lobby and advocacy by the people and institutions involved in the land rights movement. With the successful implementation of tenancy process.

Likewise, CSRC has been lobbying and campaigning to resolve Trust Land problems which have affected over 200,000 families. As a result, Nepal government constituted a high level committee to take appropriate measures for resolving this problem in Sindhupalchowk



Haliya people holding its Second National Conference

CONSTITUTING LAND COMMISSION SOON: SAYS THE MINISTER

Jagat Bahadur Bogati
Minister for Land Reform and Management

Q. What are your contribution as a Minister for Land Reform and Management?

A. We have started process of resolving problems faced by former Kamaiyas, landless farmers, tenants and other land poor families. For instance: a total of 12,019 families of former Kamiayas have received 2,381 bigha (more than 1,790 ha) of land; and NNPR 10,000 and 35 cft wood for each family for reconstructing their houses.



Q. What about resolving other problems related to land reform?

A. We have initiated concrete initiative to resolve problems of landless, tenants, squatters, slum dwellers, Ukhada victims, and many others. Government has set up special committees to resolve the problems in Chulachuli Ilam, tenancy on Trust Land in Sindhupalchowk and river-induced displacement in Koshi. The committees have already begun their work. Government has extended deadline and expected reports for addressing the cases on the above issues by mid July 2008.

Government has been updating records and documents that were destroyed during the armed conflict. Government has planned to conduct a survey and provide land certificates to the conflict affected communities. Government has already seized all the public land that was owned by the Royal Palace. Further, government is planning to initiate land-sue programme as a pilot in Lekhnath Municipality of Kaski district. Government is carrying out internal work for constituting a high level Commission to resolve land related problems. Thus, the government has been making its best efforts in resolving different problems associated to land reform.

Q. Why is it delayed in constituting the high level Commission?

A. I am hopeful that the cabinet will take a final decision and the high level Land Commission will be constituted very soon.

Q. The Interim Constitution has provisioned for the scientific land reform in Nepal. How is the government pursuing this matter?

A. Government has been consulting with the National Planning Commission and the political parties in preparation of concept paper for the scientific land reform. The concept paper will be ready soon and that will define the meaning of scientific land reform and outline the framework to implement it further. Landless farmers should be the owner of the land resources. However, there are differences among the political parties in the process and methodology of the land reform.

▶
*NLRF
 leader
 taking to
 UML
 general
 secretary
 Mr. Madhav
 Kumar
 Nepal*

district as a pilot. The Committee has, so far, settled 839 tenancy cases along with 50% tilling land. Based on the success, government has planned replicating this model in other districts in near future. CSRC has been working with the government to take the process ahead.

f. Changing donor's policy

CSRC has been engaged in analysing policy framework introduced by the donors in relation to land reform in Nepal. Asian Development Bank (ADB) initiated a project in collaboration with Ministry of Land Reform and Management for improving land recording system in couple of places in Kathmandu district. Since the county is moving towards structural transformation, the poor tillers and landless farmers are expecting tangible peace dividends through land reform. CSRC supports the constructive external engagement and assistance to address the situation and help in managing Nepal's present transition smoothly. CSRC strongly dialogued with ADB in this matter and urged to fund the project or initiative that should ultimately contribute to the peace process as land reform has been one of the central agenda in it. CSRC advocated ADB for the support in land related policy and structural reform, including management system in Nepal instead of focusing only on developing land recording system, which are not just and pro poor people. ADB, CSRC and Ministry of Land Remorm and Management had additional dialogue on the subject and finally ADB agreed to change the modus of operandi of the project, including shift of major focus on policy reform.

g. Buying land reform agenda by key political actors

Land reform is a complex political issue and it is not possible to address without strong political will and common understanding among the political actors about the roadmap. Almost all the political parties have been chattering social justice through land reform for long time without having appropriate process and methodology. Moreover, there was no concrete policy outline and consensus among the political actors regarding the process and methodology for the same. After restoration of democracy in 1990, the agenda of land reform has been almost sidelined in the name of other different priorities.

Since the land rights movement has mobilised over a million deprived tenants and landless

farmers, which has created enormous pressure to the political parties to undertake land reform initiative in the recent years. Major political parties, such as Nepali Congress, Communist Party of Nepal (United Marxist and Leninist), and Communist Party of Nepal (Maoist) and others have agreed to incorporate land reform agenda into their election manifestos and party documents. They have extended solidarity to the land rights movement and have given assurance for the land reform as part of state restructuring. This has paved path for seven-party coalition to develop a common understanding on the land reform as an important element of peace dividend to the poor tenants and landless farmers. More importantly, land reform has been a common agenda for all the high level political meetings of seven-party coalition that held throughout 2007. Since the Comprehensive Peace Accord –CPA- (22 November 2006) section 3 stated "To adopt the policy to implement scientific land reform programme by ending feudalistic system of land holding", it has been a top political agenda. A high level meeting among seven political parties held on 23 December



2007 has also decided to constitute a "Study and Recommendation Commission on scientific land reform" within a month time.

h. Wider understanding – land rights as a matter of human rights and peace

In the past, development of national and international policies and practices, were focused on delivering services to the people rather understanding underlying structural causes of denial, deprivation and impoverishment. CSRC has worked hard in advocating and ensuring structural causes and



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*Tillers and
 Landless
 farmers
 demonstrating
 at the residence
 of the prime
 minister*

poor people's access to and control over productive resources (especially land resources) to accomplish the goal of poverty alleviation and human security. Gradually, there is increased recognition of the issue by multilateral and bilateral donors as poor tiller's possession of land as their fundamental human rights and effective means to maintain sustainable peace in Nepal. As a result, DanidaHUGOU, Department of International Development (DFID), Swiss Development Cooperation (SDC), Canadian Cooperation Office (CCO) and others have extended their assistance in the land rights initiatives. Further, International NGOs working in Nepal i.e., MS Nepal, ActionAid, Care Nepal, Oxfam and others have also identified land issue as one of their priority themes. This has given CSRC and the entire land rights movement a great sense of pleasure that land rights have been a priority in development discourse.

III.2 IMPROVING GOVERNANCE

a. Increased efficiency of Land Reform and Management Ministry and its mechanism

The land rights movement had extended to more 11 districts in 2007 covering a total of 42 districts in Nepal. While starting the movement, there was a strong feeling that there were big gaps between district level Land Reform Offices and the tenants and landless farmers in terms of sharing information and delivering efficient services. The poor tenants and landless farmers were not aware about the basic formalities of claiming their tenancy rights in one hand and on the other, district land reform offices did not have enough initiatives to reach to the people. CSRC facilitated educating tenants and landless

farmers about the tenancy rights and procedural formalities. Likewise, CSRC organised series of dialogues with local level government officials and assisted in exploring options to resolving the problems faced by the tillers, starting from the services from the offices. As a result, a total of 2,219 tenancy cases have been settled in 2007. Further, CSRC facilitated in distributing citizenship which helped 21,698 poor tenants and landless farmers in acquiring citizenship. CSRC facilitated land rights movement has also helped in bridging between tillers and landless farmers and government officials for efficient government services. The people have felt that the government officials have been more responsive to their issues than ever before. Officials from Land Reform and Management Ministry and its subsidiaries have proactively been approaching to the NLRM at districts and centre for consultation. This has increased people's access to the government authority in one hand and increased their level of self confidence on the other.

b. People's access to the Parliamentarians, Ministry of Land Reform and Management and the National Planning Commission

The poor tillers and landless people had hardly seen the capital city, Legislative Parliament, Ministries and National Planning Commission neither understood their functions. However, they are the key policy formulation bodies and that have no connection with the marginalised and disadvantaged people, poor tillers and landless farmers. The land rights movement realised that as a big gap and that needs to be narrowed. Thus, CSRC conducted several policy dialogues by bringing poor people to



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Second
National
Conference of
NLRCG

the capital city and the policy formulating offices and also taking the officials to the community. This helped both in understanding each other and also the opportunities and limitations. Consequently, the community leaders were able to draw attention of the Legislative Parliament, National Planning Commission and the Ministry of Land Reform and Management to pursue land reform. These initiatives contributed in incorporating land agenda in the Interim Constitution and Three-year Interim Plan 2007-10. Further, it has also helped Parliamentarian Committee on Agriculture and Cooperatives to issue directives to the government to pursue the matter. Likewise, the community leaders have been able to hold dialogue and sign agreements with the Minister and high level officials at the Ministry of Land Reform and Management Ministry. Ensuring the effective implementation of these agreements will be challenging and requiring further lobby and advocacy.

c. Partnership between Government and tillers and landless farmers

Local government bodies especially District Development Committees (DDCs) and

Village Development Committees (VDCs) have started to provide financial and moral support to *Haliya, Haruwa/Charuwa* and landless tenants in their struggle of claiming right to secured livelihoods. For example VDCs and DDC in Banke and Dadeldhura have provided financial assistance in undertaking movement activities. This has strengthened partnership between the local government agencies and tenants and landless farmers.

d. Shift in CSRC's own institutional governance system

CSRC believes that internal democracy, not least the practice of institutional good governance, is very important in the functioning of government agencies, political institutions, private sector and civil society organisations if they are to be responsible for, transparent, and accountable to the people. Therefore, CSRC has taken initiatives to develop and implement institutional good governance policies and system within its structure and practices. CSRC has been guided by the good governance principles, basically accountability and transparency, among others and they are the basic tenets of a democratic system. CSRC believes that good governance is the backbone of democracy, and the civil society has a key role in strengthening democracy. Therefore, the civil society organisations have a prime responsibility to apply good governance practices in their structures, systems and functions. Since one of the tasks of civil society organisations is to hold public institutions accountable to these basic tenets, CSRC believes that civil society

▶
Policy
discussion
with three
year Interim
Plan Drafting
Committee
Members



organisations should institutionalise the culture of accountability and transparency in their own functioning.

In this backdrop, CSRC has adopted an institutional good governance policy into practices from 2007. The key features of the policy include CSRC membership consists at least of 40 percent women, 20 percent *ethnic communities*, and 15 percent *Dalits*. The same pattern is reflected in the composition of the Executive Committee (EC). The EC is constituted through election in every three years. CSRC runs based on generally accepted policies and systems, and it has a clear separation of powers between the Executive Committee and the management. Inclusive organisational governance, open membership, elected leadership from members, participatory decision making, establish benchmarking for proving public accountability and justifying organisational transparency, among others are the key aspects of CSRC institutional governance practices.

III.3 SPONTANEOUS INITIATIVES IN CLAIMING RIGHTS BY TENANTS AND LANDLESS FARMERS

a. Mobilisation of tillers and landless farmers

CSRC has been working with a total of 996 land rights activists (364 -37% women and 391 – 39% Dalits) and 1,455 front line facilitators (537 – 37% women and 634 – 44% Dalits) in



NLRF holding national gathering

42 districts. The activists and facilitators are the one who have been supporting land rights movement at community level. The movement has identified tenancy rights, security of shelter for landless people and citizenship as major issues for the advocacy. The land rights



movement has reached to additional 851,759 tillers in 2007 that bring a total of 1.62 million (i.e. 1,620,134) land deprived people and it has made them aware on their rights, duties and peaceful ways to claim them. This has created hope among the people and the tillers and landless farmers have been contributing to the peace process from local level.

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Women chanting slogan for women's rights in land

b. Changes in power structure: growing collective bargaining capacity of tillers and landless farmers

Tenants and landless farmers have been organised into NLRF and carrying out advocacy movements. In 2007, a total of 288

Living without fear

I am Matrika Prasad Khatik – 50, residing in Bankatti VDC-8 of Banke district. I have 13 members in my family and I have been ploughing for landlords for 33 years. I have been a member of Land Rights Forum in my village since 2005. Once we discussed about tenancy rights, I collected all necessary evidences and filed a case in the District Land Reform Office in June 2005. This supported us in getting a total of 5 Katha and 6 dhur of land as tenancy in December 2006 after 18 months of processings.

Now, I have got my own land, though it is little in terms of area. All my family members put labour in this land. We produce the vegetables and food from this land that is sufficient for 10 months. Now a days, I participate in the meetings in village and share my views confidently. I do not have fear of evicting me from this place any more. I wish I would not go to the landlords to borrow loan from them.

village level 'Peoples' Organisations (tiller's organisation) have been formed with the leadership of 14,718 community people, of whom 7,067 (48%) women and 8,251 (56%) Dalits. NLRF has functioned as the foundation for the movement. These primary organisations have been federated as a district level NLRFs in different districts. Village level organisations primarily involve in making people aware about their rights and facilitate the peaceful process of claiming rights, whereas district level organisation conduct lobbying and advocacy activities with political parties and government agencies in terms of fulfilling their rights. Thus, NLRF has been recognised as the peoples' organisations both at local and national levels. This has also contributed in enhancing poor peoples' access to the political parties and putting their agenda forward, systematically.

The political parties invite the NLRF for consultation and their activities. In the context of Constituent Assembly election in near future, the NLRF has strong voice and influence over political parties not only for land reform but

providing them space in the political process. Likewise, the government officials both at national and local levels have recognised the presence of NLRF and invite them in meetings and consultations. These have provided them additional space in influencing polices at different levels and holding collective bargaining. Thus, the land rights movement is gradually enhancing the collective bargaining of the people over the time.



I can smile now

I am Kaluram Tharu. I live in Dhodhari VDC-3 of Bardia. I have been ploughing for Mr. Rabindra Shah right from my childhood. I was a registered tenant of the very land. With the help of District Land Rights Forum, I filed a case in District Land Reform Office on 25 January 2005. The landowner began to scold and threaten me once he knew that I had filed a case demanding my tenancy rights. Nobody trusted me even NPR 400 for a medical treatment to my daughter. They did not have trust on me because I had no reliable source of income to pay back their loans.

I did not give up my patience despite several hardships. I continued to take part in land rights events. I became part of the organisation and launched a campaign called 'let's have rights not promise' and gave continuous pressure to the District Land Reform Office. After this pressure, the Land Reform Officer promised to settle the case soon. This was our first victory indeed and this boosted up our confidence and

moral.

Our campaign had a big pressure to my landowner Mr. Shah. Finally, he came to an agreement to give 50% of the tilling land to me as tenancy as per the law. The landowner and myself went to the District Land Reform Office and settled the case on 28 July 2007. I got 1 bigha and 5 dhur (about one hectare) of land. He says, "I am happy that I enjoyed my rights with the help of land rights movement".

After our initial success, I have been a continuous part of the movement. I believe other victims should also get their rights like me. Now, my neighbours come to me for consultations and for my advice. Their behaviour has been changed and I felt respected these days. I am engaged in farming. The land is enough to produce food for my family throughout the year. Now, I realised the importance of land for identity, self respect and securing livelihoods of my family.

III.4 TRANSFER OF PRODUCTIVE RESOURCES (LAND) FROM RICH LANDOWNERS TO THE POOR TILLERS AND LANDLESS FARMERS

a. Transfer of land from landlords to tillers

In 2007, a total of 2,219 families got tenancy rights (50% tilling land) of 681 hectares of land from their landowners and retained 63 hectares of public land. With these, a total of 13,484 tenant families have got their land rights and managing a total of 3,034 hectares of land. In the current pricing, the total value of the land worth NPR 893 million (\$ 14.17 million).. Out of the total tenants who got their tenancy rights, Dalits accounts 25% (3,387 families) and 6% (837 families) are women. This is, indeed, a big shift in resources transfer to poor section of community. The assets are not the only means of production but they are the symbol of socio-economic power and they provide basis for identity and dignity. Shifting significant amount of resources from rich to poor have tremendously impacted in the lives of tenants.

b. Food sufficiency and security of shelter

The people who have got tenancy rights have primarily secured their shelter. A woman in Saptari says that she has felt secured after she had her own place to have a small hut. She got

Freedom from semi-bondage system

Mr. Tul Ram Sui resident of Bishalpur- 4 of Baitadi does not have his own agriculture land. He works for a local rich person Mr. Dan Sing Bista as a Haliya since 1997. He has borrowed NPR 4,500 from Mr. Bista and started working as Haliya. During armed conflict, Maoists declared liberation of *Haliya* in Baitadi district and warned landlords not to practice Haliya system. After end of armed conflict in April 2006, the local landlords began to practice the *Haliya* system again. They started pressurising *Haliyas* either to payback the loan or plough their land. Poor *Haliyas* had no options except accepting what the landlords said to do.

In the mean time, land rights activists started facilitating discussion on the *Haliya* system where Mr. Sui took part and shared his problems. Later, the land rights activists and Mr. Sui met the landlord and asked for a copy of the receipt of the loan. Mr. Bista denied to give original receipt back to Mr. Sui and threatened them. However, there was decision of liberating *Haliyas*, made by political parties and district administration office. Therefore, the land rights activists referred the decision to Mr. Bista and challenged him for not adhering the decision. This became a powerful tool to make Mr. Bista realise the fact and he finally agreed to provide the receipt. With the increased pressure thereafter, from the land rights movement, Mr. Bista later agreed to pay NPR 5000 and one pair suit to Mr. Sui as compensation. Mr. Sui felt the real freedom from the day. Now, the very landlord offers NPR 200/day to Mr. Sui for his works as wages. Mr. Sui has been happy these days and his self respect has been enhanced with the freedom that he got.

confidence that nobody could evict her from the piece of land and her husband could go to in India for employment. There are numbers of people who have expressed similar views after they got a piece of land at least for their shelter. Additional to these, the ownership of land has been a basis for increasing food sufficiency up to six months. These people had to work for their landlords in a form of discriminatory labours before having the land ownership. After having the rights over land resources, people have managed the resources so that they could have increased productivity also obtaining credit facilities from the financial institutions and investing additional inputs from other sources.

c. Identity, dignity and gender justice

In addition to the tenancy rights, a total of 21,698 individuals (9,487 - 44% women and

15,238 – 70% Dalits) have received citizenship certificate with the help of land rights movement. This has contributed not only economic benefits to the family but enhanced socio-cultural status. Most of the people who got their citizenship have expressed that it has helped them in promoting their identity and enhanced dignity in their society. *Mr. Bachharam Baidas-65 habitant of Gularia Municipality of Bardiya said that he has been a true citizen at the age of 65 after long struggle. He says "I became an owner of a piece of land that puts me at par with other fellow villagers. Now, I feel that I am also as equal as to them". Now, he also got the rights to pursue tenancy rights case with his landowner.*

Similarly, a group of women who got pieces of land shared that having ownership over a piece of land has reduced the degree and extent of domestic violence in their communities. So, having entitlement of a piece of land has tremendous value and impact on promoting identity, dignity and gender justice.



IV

Chapter

Ever Growing Momentum on the Ground



▶
Tillers and
Landless
farmers came
for sit-in at
the political
parties having
their meal



▶
Tillers and
Landless
farmers in
sit-in at the
political
party

themselves in the Land Revenue Offices in various districts to get the government to pay attention to their demands. They succeeded; the government promised to form, within 45 days, a high-level commission involving the tillers and landless farmers to resolve land related problems. This matter was also submitted for deliberation by the cabinet, and all of the country's leading political parties made a commitment, in writing, to support the agreement struck between the government and the tillers and landless farmers. However, to this day, the government has yet to make good on its promise. Hence, landless farmers resumed protests. The sit-in ended with an

IV.1 APPEAL TO POLITICAL PARTIES "FULFIL YOUR PROMISE"

In April 2007, the tillers and landless farmers led by NLRF organised sit-in at the offices of eight political parties to express their frustration over government's continued inaction on their demands for land reform. Eight months earlier, from 30 August to 14 September 2006, the tillers and landless farmers had padlocked

agreement between the eight political party alliances and the agitating group. The agreement includes, among other, to give high priority for land reform by the interim government. The land reform has been a lip promise by the political parties. People wanted to remind and warn political parties to fulfil their long standing promise.

The sit-in followed by series of activities that drew attention of the political parties in implementing agreement entered between the Ministry of Land Reform and Management and NLRF on 18 September 2006. The agreement has spelled out for constituting a high level land commission to resolve land related problems. The leaders of NLRF had consultation with the Minister, Land Reform and Management. The Minister admits that he has already taken the proposal to the Council



Value of peaceful movement from community leader's lens

My name is Dukhi, meaning sorrow. It is apt because my life is full of sorrow. While I was struggling to defend Dalits (so called untouchable class) and land rights, the landowners and other powerful people came to search my house about five times. I was under the custody of the army for six months. Then I was thrown into prison for 15 months. The tortures I have gone through are indescribable.

My friends and I at the National Land Rights Forum have been fighting for years for land to build our huts on. However, the government has not been able to identify the real landless people and thinks all landless people are cheats.

The poor have been deceived repeatedly. The land reform process has not even started. In our agreement with the government in September 2006, we demanded the conversion of Trust Land into a private land, and the granting of tenancy rights to unregistered tenants. If these leaders refuse to listen to us, we will have to start thinking harder about who should lead our country in the future. Political

leaders who do not listen to the voice of the people and are against the poor must not be allowed to enter our villages.

Our movement will be peaceful. We will not resort to transport strikes or to killing people. If we do not get what is rightfully ours by peaceful means, then we have no need of these rights. Someday, we will reap the rewards of our blood and sweat. Before the constitutional assembly elections, we will conduct a march from east to west. We will make the public aware of those who would deny us our land rights; we will call on farmers to stop paying taxes.

We are not few in numbers. We are over 1.6 million people all over the country. Today, in 42 districts, about a hundred thousand families have already formed an organisation. We won't secure our rights by begging, because it looks like this government will not do anything for land reform. Land reform will happen only if landless families organize themselves.

Do not think that we are weak. We are aware of our rights. Politics that cheats us won't work anymore.

of Ministers for discussion.

Despite various commitments, political parties did not take concrete actions on the issue of land reform. As a result, NLRF undertook sit-ins at political party offices in several districts to pressurise them on the agenda. The sit-ins moved to the headquarters of eight political parties in Kathmandu from 21 May 2007. Thousands of land deprived people took part in the sit-ins with slogan "remember your promise: fulfil our demand".

The land right victims also organized sit-ins in front of Prime Minister's residence in Kathmandu. More than 300 community leaders from 22 districts took part in the sit-ins. Finally, all the political parties extended their consent and solidarity on the issue raised by the tillers. The tiller leaders held dialogue with senior leaders of the eight political parties. The sit-ins in Kathmandu and holding dialogues with senior leaders were the historical event by the poor tillers. The summit meeting of eight-party reaffirmed their commitment collectively to go for scientific land reform.

IV.2 PEOPLE'S MARCH: PEOPLE'S JOURNEY FOR LAND RIGHTS, PEACE AND DEMOCRACY

South Asia is the home of 40% world's poor people. The people in South Asia have been living under similar social, economic, and

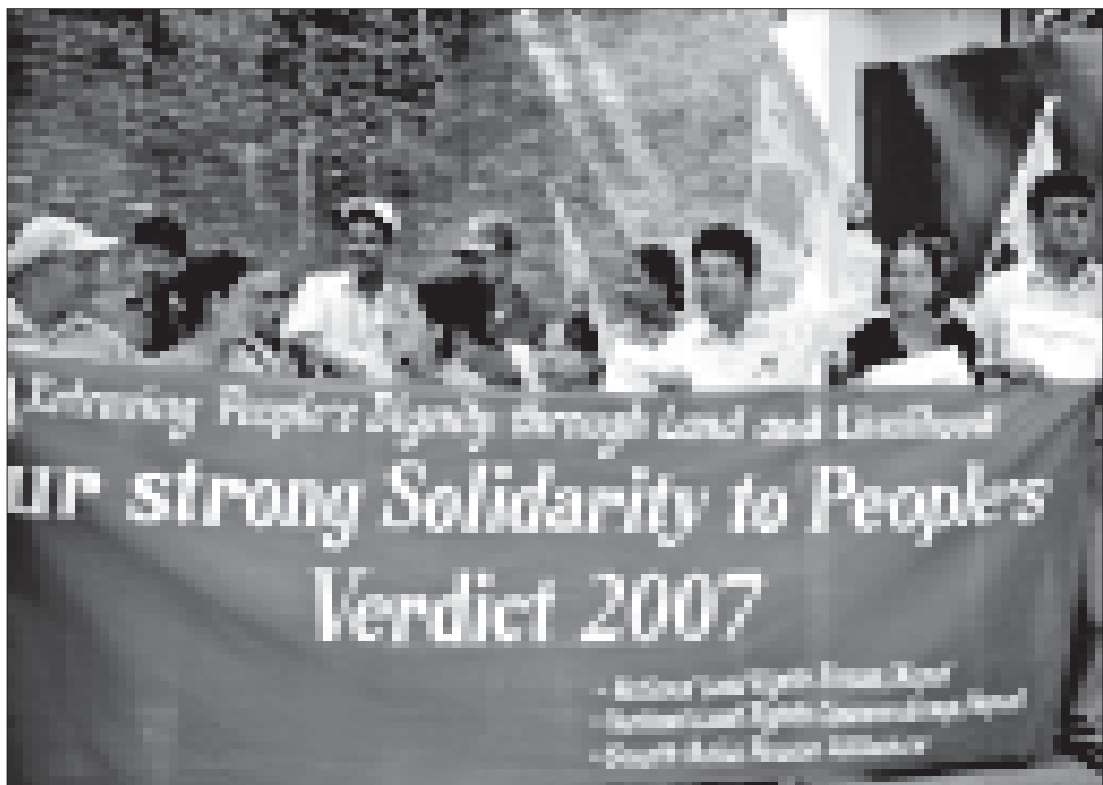
political situations. People's lives have been painful and marginalized because of acute poverty, exploitations and discrimination.

There lacks social security in South Asian countries. Unequal distribution of resources, power, and denials of rights has caused shortage of food, shelter, and clothing to millions of people. The governments have not been effectively able to address the problems of the poor and marginalized groups. Women, Dalit, ethnic, indigenous and marginalised groups have suffered a lot.

There are several movements being undertaken by the people in South Asia in order to bring positive changes in their lives. Some movements have been launched jointly while

*Tillers and
Landless
farmers
participating
in People's
March*





some are confined to specific geographic region. All these movements have been demanding for humanity, ending inequality and uphold social justice.

Since South Asian people have common problems and common socio-economic and political patterns, it demands common action for the solution. This also demands strengthening people to people relationship in South Asia for taking collective initiatives in resolving problems. In order to strengthen people's solidarity in South Asia, an event called "People's Caravan for People's Rights" was organised in Nepal in September 2007 in the form of a movement. Similar activities were undertaken in India and Pakistan.

In this context, a 13-days march was organised across the country. The march was concluded on 21 September 2007, i.e. the International Peace Day. The March appealed for strengthening democracy, holding Constituent Assembly Election in free and fair manner and protect people's rights over natural resources among other, in the light of new Nepal.

IV.3 PEOPLE'S VERDICT 2007: JOURNEY OF NON-VIOLENT MOVEMENT

Mahatma Gandhi fought against British Empire following a non-violent means. He is

known as a symbol of truth, tolerance, love and non-violence. On the very occasion of his birth day, Indian land rights victims organized a month-long march "Janadesh 2007" (people's verdict 2007). The march crossed 313 km from Gawliyor to New Delhi. Over 25 thousand people's leaders and land rights activists took part in the march every day. Over 3 million people took part in the Janadesh. 25,000 land rights victims wrote a letter to the Prime Minister of India for solving the problem.

The Janadesh was guided by the principle that people are the ultimate superior who can bring positive change in their lives only through their tireless struggle. The Janadesh appealed to the establishments and mainstream forces to listen voices of women, Dalits and indigenous communities. Janadesh had a slogan that violence-based movements never solve problem. It had a belief that positive change in society is only possible through peaceful



►
*Nepali activists
extending
solidarity in
people's
verdict 2007
organised by
Ekta Parishad
in India*

mobilisation of people.

All the participants only had one meal per day and slept under open sky. The objective of Janadesh 2007 was to build public opinion and to pressurise the government for pursuing pro people land reform to address growing and deepening poverty, social inequality, unjust distribution of resources, and ever growing violence. One can conclude from the event that though few people have political and armed power, great amount of moral power rests with the majority people. The people's power only can overcome the injustices, impoverishments, denial of rights and inequalities.

Nepal's land social movement can learn from Janadesh 2007 by following non-violent, creative and peaceful process and tools. As Dukhi said (IV.1), our movement will be peaceful. We will not resort to transport strikes or to killing people. If we do not get what is rightfully ours by peaceful means, then we have no need of these rights. Someday, we will reap the rewards of our blood and sweat. There are options for dialogue and consensus rather following violent mode of socio-political movement. The non-violent movement has more power than anything else.

IV.4 A CHRONOLOGY OF TIRELESS STRUGGLE

A total of 162 tenant families of Nawalpur VDCs -4 of Sindhupalchok have been tiling trust land for generations but deprived from the land ownership certificate. CSRC started working with them since 2000. These people were organised in land rights groups. They started dialogue on the issue in their village. Later, they formed a district level Land Rights Forum. The Forum gave momentum in organising discussions with the political leaders and government officials. In 2004, they submitted applications to District Land Revenue Office (DLRO) of Sindhupalchok demanding land ownership certificate. The tillers visited DLRO, Trust Corporation Office and Ministry of Land Reform and Management by chasing their applications.

DLRO did not take action on the applications despite several follow ups and consultations. As a result, tenants padlocked the DLRO from 8 to 11 September 2006. This forced Chief District Officer (CDO) to organise a dialogue between the tenants and political leaders. The

Tillers in litigation

In Reti Tole, Simria VDC-2 of Sunsari district, a total of 46 Mushahar families have been living in public land since 1961. Mr. Pashupati Sah bought a piece of land on the east of this settlement in 2004. Mr. Sah later claimed this settlement as his private land. He asked people to vacate the area in a few days. While getting pressurised, these people came across the land rights activists. They held a meeting in the village and formed a land rights forum with the chairpersonship of Ms. Shakuntala Devi Ram.

Mr. Sah used police force to evict them from the settlement. A victim Mr. Shophi Lal Rishidev said that he was arrested by the police. However, the Land Rights Forum put pressure on the police and he was released in two hours. He said, "I was released due to the unity of our organisation". There were indulged with a court case. The Court sent survey team who proved that the disputed settlement was belonged to the public land. The court had not given its final verdict on the case until the end of 2007. Mr. Rishidev says "we would have been already evicted if we were not organised. We, who had even not seen government office before, are now fighting for justice in the Court. We will not leave this place as we have been living here for generations. We will struggle till the date we get justice and our rights".

meeting decided to write a letter to the Ministry of Land Reform and Management to resolve the problem. On 14 September 2006, there was negotiation between the tenants and the Ministry in Kathmandu to find ways in resolving trust land problem in Sindhupalchok and Dang districts.

A team of officials from Ministry of Land Reform and Management and members of legislative Parliament visited the communities and listened the voices of the victims. Finally,

*Tenants
celebrating
victory after
getting land
ownership
certificate*



the ministry agreed to resolve the trust land problem of Sindhupalchok as a pilot.

However, the commitment did not get materialised. The tenants again padlocked the DLRFO on 18 February 2007 for indefinite period. The eight political parties responded the case and facilitated negotiation between the government and the agitating tenants. Finally, on 7 March 2007, government decided to form a commission to resolve the trust land tenancy problem in Sindhupalchok. The committee began its work right after the government decision because of heavy pressure from tenants.

The Committee provided land ownership certificates to 162 families for 75 hectares of land. Of whom 29 women have got land ownership certificate. The prevailing market value of land is around 30 million. This success brought the happiness amongst the tenants. This case has opened up the avenues in resolving trust land problems in other districts too. *Ms. Laxmi Khanal acknowledged the victory due to their collective struggle. She says "united we are, we got the success".*

IV.5 LIVELIHOOD SECURITY AND CHURIA CONSERVATION

Towards the end of 2004, a fact-finding mission of CSRC paid a field visit to the Churia area of Mahottari. The mission found that 165 households out of 168 households in Ratamate village of Gauribas VDC as landless. CSRC joined hands with Women Cooperative Society (WCS) a local NGO to provide legal support to the victims of two VDCs of the area. Two district-based NGOs –WCS for Mahottari and Village Volunteers Society (VVS), for Sarlahi

districts were selected to work in 12 and 4 north of East-West Highway VDCs, respectively. Bikalpa was the first action-research which was initiated by an NGO with an aim to reach to many villages of Churia. It insisted to work in Churia as upstream since the sources of downstream flooding and cutting of the land was the river and it was logical to work at the source. Bikalpa brought the issues that were coming from their researches in the wider arena. Issue of the land entitlement was the most prominent one. The research established a linkage on how the issue of livelihoods in Churia were related to the issue of its conservation.

Conducting an action research with local young people by training and mobilizing them was an innovative approach. Outcome of the research was fed into an 'action-reflection' process in which popular education approach was used. It combined the social dialogue with research and therefore, it enriched the research and number of themes for community to reflect upon. This has significantly contributed to the development of local human resource to carry the land rights issues forward. They had also been capable in conserving the Churia and exploring livelihoods opportunities.

People from Biklpa working area had been strongly organised because their issue was reflected through the action reflection process based on research findings. A total of 223 Peoples' Organisations (POs) were formed organising 5,634 people. A total of 214 POs were emerged in Makwanpur - Saptari Churia range. They have been federated at VDC level units in Sarlahi and Mahottarai culminating into 'National Churia Conservation and Rights Forum Nepal' which is a part of National Land Rights Forum. Some 5,000 people are directly



affiliated in the forum. A majority of people who have been affiliated to the forum have been involved in mass meetings, foot and cycle rallies, festivals and other campaigns as appropriate. This process brought a significant awareness on conservation and livelihoods issues of churia and the need for getting organized. Participation of people in thousands in these gathering has been the testimony of their engagement.

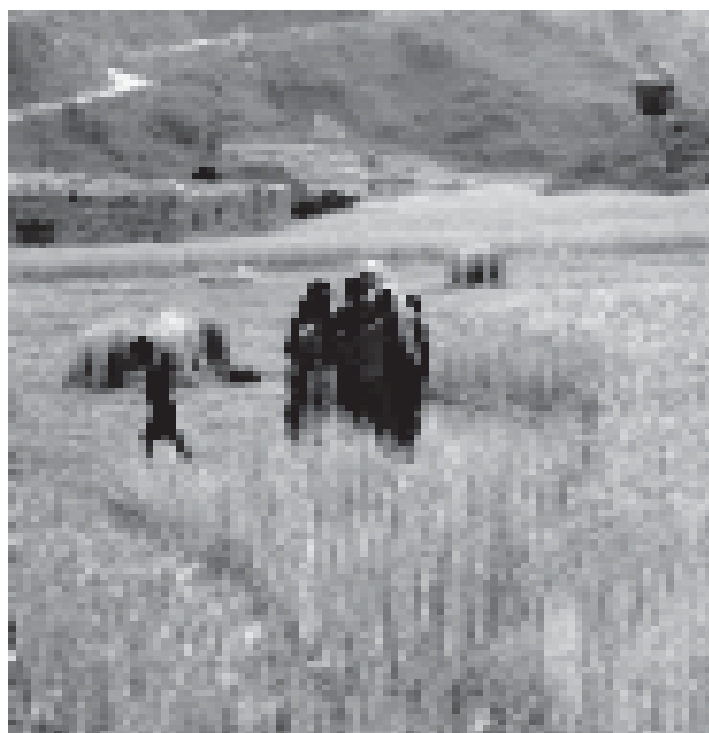
The action-research has identified several issues related to landlessness and Churia area conservation. The issues are categorised into: a) land use and relationship with conservation with land entitlement, land size and landlessness; b) resources relate many facets of pressure on natural resources emitting from poverty; c) livelihood concerns raise food security, labour exploitation and indebtedness as the major issues to be tackled; and d) political economic issues that digs out the reasons for a low voice of Churia people in the districts.

Many peoples' organisations have been active in conservation of Churia and advocating for the rights of the people living in the area. The POs have initiated self-help actions without external assistance. Planning at local level is becoming customary. They have been regulating grazing, controlling forest fires and smuggling of timber and planting trees by collecting saplings from the forests. They have also been approaching and demanding facilities with the service providers especially from DDCs and VDCs.

Bikalpa mobilised local young people for action-research by training. The 'action-reflection' process helped people to analyse local context and identify pertinent issues. It revealed an example of effective youth mobilization. This has been a model on local people led research relevant to the community. This significantly contributed to the development of local human resource that is able to carry the issue of land rights forward and conduct conservation and livelihoods activities.

IV.6 FACT-FINDING ON THE HUMAN RIGHT TO FOOD IN NEPAL

International Centre for Human Rights and Democratic Development (Rights and Democracy) commissioned a Fact-Finding Mission (FFM) in Nepal on "The human right



▲
Fact finding
teams
interacting
with farmers
in Accham

to food in Nepal". CSRC was part of the FFM. The objectives of the FFM were to – assess hunger and food insecurity in Nepal from human rights perspective; apply the FAO Voluntary Guidelines on the human rights to food in a practical context; and make recommendations in relation to using human rights framework for policy and programme development. The FFM paid special focus on the situation of former bonded labours, agrarian reform and the rights of tillers and landless farmers as well as the impact of food aid with particular attention to Dalits, women and indigenous peoples.

The FFM visited communities, consulted people in various walks of life and interacted with government officials and other stakeholders. After in depth study, the mission concluded that there is a need for an integrated land reform to address the food insecurity and shelter of millions of poor tillers and peasants. The FFM report has identified several gaps between the international human rights standards and state compliance in terms of respect, protect and fulfil ESCR. The report states that "States reform agrarian systems to achieve the most efficient development and utilisation of natural resources. Access to land is inextricably linked to access to adequate food, for freed bonded labours and other marginalized groups in Nepal". The FFM noticed a general lack of technical capacity and policy guidance from the central government. Local authorities have no margin for manoeuvre, which leads to a complete

standstill. Women, especially those in female-headed households, are among the most food insecure because they do not have access to land. Of the total land holdings, only 8% is under female ownership, leaving 92% for men, which grants them power at all levels. The FFM has recommended to government to formulate a land reform policy through setting a high level commission with the participation tillers and landless people, among other.

IV.7 LAND RIGHTS IN THE CONTEXT OF INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Nepal became a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 on 14 May 1991. This brings obligation to the state as a domestic law to fulfil the provisions made in this Covenant. The state has two obligations; first, to domesticate the principles and clauses mentioned in the ICESCR and ensure that the people have been enjoying those rights; and second, the state has to submit the progress report of the implementation of ICESCR in every five years to the United Nations' Economic and Social Council (ECOSOC) through the UN Secretary General.

Government of Nepal has submitted its second periodic report to the ECOSOC on 30 June 2006, which shares about land tenure and agrarian reform. According to the report "... GoN has resolved the tenancy problem by amending the Land Reform Act, 1964, on 8 February 2003. ...the Act has resolved the tenancy problem by securing the rights of the tenant of the land"². However, the reality is different than what is stated in the report. There are still 266,000 tenant families registered in government records and struggling for the tenancy rights. Likewise, there are further 450,000 families of tenants tilling landowner's land but do not have evidence to claim their rights. Government has not been able to address these problems despite of several political commitments.

The land rights movement team strongly believes that ensuring land rights is one of the important elements of complying ICESCR that paves path to secured livelihoods and shelter of many poor and disadvantaged section of community and promote peace in the society. The land rights movement team has taken this matter seriously during the year. The movement conducted several protests, demonstrations and issued appeals to draw attention of politicians and bureaucracy in resolving the issues around land rights of the poor people.

Tillers and Landless farmers are on the way to a week-long campaign



² Implementation of the International Covenant on Economic, Social and Cultural Rights, Second Periodic Reports Submitted by States Parties, 30 June 2006, Article 20, P. 19.

This has created good amount of pressure to the policy makers to make public commitment for progressive land reform. The movement team will pursue the issue until it is resolved.

IV.8 LAND RIGHTS COMES UNDER HUMAN RIGHTS TREATY MONITORING WORK

CSRC is a member of Human Rights Treaty Monitoring Coordination Committee (HRTMCC). It is an alliance of 48 human rights organisations collectively working for monitoring of State obligation of enforcement of international human rights treaties. CSRC



Jana Chetana Dalit Sangam holding orientation to activists

has been a part of International Covenant on Economic, Social and Cultural Right (ESCR) sub-committee under HRTMCC and contributed to write a civil society shadow report on ESCR as a member of writing committee. The shadow monitoring report on ESCR highlights that "The issue of land ownership is fundamentally an issue of human rights that directly corresponds with the citizens' social security, justice and dignity. In Nepal, the agenda of land reform is inevitably associated with political, economic, social and cultural development of the poor and marginalised people. Land reform should be taken as a pre-condition for development that would materially contribute to the efforts being made for sustainable peace, reduction of poverty, improvement of living standard, and ultimately for the better cause of human rights".

IV. 9 INTERNATIONALISATION OF NEPAL'S LAND RIGHTS MOVEMENT

Nepal's land rights movement has been linked with the similar movements in the other

CSRC became ILC member

CSRC has become a member of International Land Coalition (ILC), is a global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue and capacity building. ILC membership now comprises 57 members from civil society and intergovernmental organisations.

ILC envisions secure and equitable access to and control over land reduces poverty and contributes to identity, dignity and inclusion. ILC believes that sustainable land use is basic to the achievement of lasting solutions to hunger and poverty.

In November 1995 over 1,000 representatives of civil society organisations, governments, the Bretton Woods institutions, United Nations agencies and EU institutions came together in Brussels for the Conference on Hunger and Poverty. The conference recognised the importance of equity in access to land for rural development and resolved to create an alliance of civil society and intergovernmental agencies: the Popular Coalition to Eradicate Hunger and Poverty.

CSRC's membership with ILC would benefit to Nepal's land rights movement and other international campaign through sharing of information, knowledge, skills and solidarity.

countries around the globe. It has maintained functional relationship and coordination with International Land Coalition (ILC) Italy. CSRC attended the general assembly of ILC and got membership in 2007. Further, a team of development experts and farmer leaders, including government officials visited Nepal and observed the ongoing land rights movement. The visiting team expressed that they had scope of learning from the process and methods that have been followed by Nepal's land rights movement. Further, this was an opportunity to share Bangladeshi experiences from tiller leaders. The movement has functional linkage with Ektaparishad India,

CSRC executive Director facilitating group discussion during the meeting of Land Watch Asia



Land rights activists discussing women and land rights issue during the World Social Forum in Kenya



Sathi for all partners of India and ANGO of the Philippines, who have been launching a notable land rights movement in their respective countries. The land rights movement has realised that international support and solidarity is tremendously necessary for the learning and sharing and acquiring backstopping support in Nepal's initiatives.

IV.10 GLOBALISATION AND LAND RIGHTS

A burning example of industrialising agricultural sector and increasing its productivity is the newly made proposal by the government. The proposal includes allowing private companies to run agricultural activities without



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any limitation of land acquisition. The government would provide at least 50 years of security to these companies in holding the land.

This kind of proposal has clearly dismissed the possibility of the landless people receiving land from the state. Nepali women who are deprived from the ownership of patriarchal and tenant shares, have been facing another form of discrimination. On the other hand, land bank concept has been expanded and it is under discussion. These all have increased uncertainty on the tenancy rights of the farmers in the future.

The concept of open economic system and using land as a profit oriented source have threatened the conditions of deprived women who are marginalised based on society and culture. Taking these obstacles into account, the land movement has to be strengthened so that interest of tenants, landless, women and deprived will be addressed. When different parts of the society are closely observing different forms of discriminations, particularly to women, the movement has challenges in protecting the resources rights of women.

The land rights movement team has been disseminating the information under discussion to the tillers and landless farmers on the concept of globalisation and its impact on their lives. Besides, the team has been lobbying and advocating for the protection of the rights of the tillers and landless farmers. The team raised its concerns at national and international forums during the year 2007 so that the policy makers would make decisions in favour of poor tillers and landless farmers.

IV.11 WOMEN AND LAND RIGHTS

The access to and control over property especially land has become the central part of women's rights and in changing existing unequal power structure in the society. This also strikes the balances in changing oppressive conditions of the women in Nepali society. Thus, the land rights movement has taken women's right on land resources seriously as a cross cutting approach at all levels. The movement has reflected its understanding and situation of women in the pretext of the land rights. The findings revealed that many Nepalese women are without having ownership over land and building, living lives of subordinate in families, victims of disaster, sufferer from breakdown of marital relations and so on. Dalits and marginalized women of Nepal are further dominated because of the caste and sex based discriminations which are additional to them.

CSRC organised series of activities in promoting women's rights over land resources. Since land rights are fundamental human rights, CSRC organised a consultation with women human rights defenders in Kathmandu. About 300 community women leaders participated in the event representing various marginalised groups, i.e., Madheshies, women with disabilities, Muslim, Rajis, squatter settlers, landless, indigenous, Badi and socially excluded groups. The participants had shared the issues around women's ownership on land resources from human rights perspective and consequences to women because of their deprivation.

Further, Women's Tribunal on Poverty and Violence against Women was jointly organized by 12 civil society organizations, including CSRC. Around thirty community women leaders presented their case studies highlighting the state of women's deprivation from land resources and its implication on balancing powers in society. The tribunal concluded that



Women demanding equal rights on land



women's ownership over land has direct relevance to the domestic violence. Thus, the tribunal demanded to ensure women's right to productive resources, including land.

IV.12 PARTNERSHIP BETWEEN CSRC AND LAND WATCH ASIA

Mapping of Land Tenurial Security in Nepal

Land Watch Asia is a regional campaign that ensures that the issues of access to land, agrarian reform and equitable and sustainable development in rural areas are addressed in the national and regional development agenda. It shall map the rural poor's access to land in the region by reviewing existing political and legal frameworks; initiatives and mechanisms for participation by various stakeholders in governance processes. It aims to contribute to existing campaigns by identifying, through consensus building the context, challenges and opportunities of access to land and agrarian reform campaigns at regional and national levels.

Land reform initiatives have been developed in many Asian countries, but the implementation of these has generally been wanting because of corruption, changing political leadership and priorities, and a lack of political will. In most countries, even where agrarian reform efforts have been undertaken

or are underway, there are significant sectors that do not benefit in these programmes such as rural women, indigenous peoples' communities, and youth. Particularly in South Asia, the marginalization of women and Dalits is a key factor, as land access is often impeded by class/caste dynamics and gender discrimination; discrimination against indigenous peoples is also a concern throughout the region.

CSRC came to contact with Land Watch Asia through International Land Coalition and other regional initiatives. As Land Watch Asia aiming to map out the situation of poor people's access to land, CSRC has valued the initiation in Nepalese context. Thus, CSRC developed a study plan on Nepal's land rights situation, further possibilities and opportunities for genuine land reform in Nepal as part of the broader campaign of Land Watch Asia. The key objectives of the study was to – i) assess the policy and legal environment on access to land and tenurial security; ii) assess the past contributions and existing efforts of different sectors (government, private sector, donors, social movements and civil society) in addressing land issues; and iii) identify opportunities & strategies in effectively addressing existing issues and gaps and advancing access to land and tenurial security.

CSRC conducted the study and submitted a report to Land Watch Asia. The study followed

the participatory process and methodologies, such as organising consultations at community to policy levels, reviewing secondary information, including manifesto of political parties, having stake of landless people in designing and conducting the study, involving diverse range of experts in drawing conclusions, sharing of draft report and incorporating comments, among other.

The study has identified that state has been positive towards land re-distribution; ordinary people have become more aware about their rights and taken initiative in a peaceful way and civil society organizations, including human rights organizations have been proactive and supportive for land and agrarian reform as a positive aspects. Similarly, the study has come up with few essential conditions for the success of the land rights work. Prevalence of democratic space to demand rights, people's organization and powers to influence political actors and state mechanism, in-depth knowledge on the causes and symptoms of poverty, injustices and violation of human rights among the civil society organizations, and linking land reform as a tool for ensuring social justice are key essential conditions for the success.

The mapping study reveals some promising opportunities in the course of land and agrarian reform. People in general have much confidence to assert change. Landless and people without tenancy rights are aware and getting organized. Politicians know that if they do not bring far reaching changes neither it is good for neither the country nor it will help

them to remain in power. Legal provisions have already been drawn a sketch of the road map: the interim constitution 2007 clearly states of endeavouring for a 'scientific land reform' as a consolidation of seven party peace accord that was taken place at the year of 2006. This has also been a part of the National Three Year Interim Plan.

Highlighting the risks, the study states that land reform is challenging endeavour. It is likely to be opposed or create obstacles from the elite landlords and influential leaders in the political parties who come from the same elite class. The globalisation advocates and promotes market based economy which regards land as commodity with commercial value, poor tillers and peasants will have to suffer more from this approach. Key influential donors, such as the World Bank and Asian Development Bank, among others have been pursuing market based approach of land reform, which might not yield for the poor tillers and peasants. This needs to be analyzed and studied critically and carefully.

Finally, the study presents some strategic actions which should be considered as urgent priorities. They are to focus on: 1. Inclusive policy formulations and implementation; 2. Restructuring of land administration; 3. Establishing high level land authority; 4. educating and organizing landless and poor people; 5. Budget allocation for comprehensive land reform and agriculture sector; and 6. Make land reform a common concern for government, political actors and civil society organizations.



V

Chapter

Challenges, Learning and Way Forward



The year 2007 remained challenging and exciting to the land rights movement. The movement team struggled with numerous challenges as well as potentialities. The challenges have taught us lessons for the future. Both the challenges and new opportunities have given new direction to the land rights movement.

V.1 CHALLENGES FACED

The land rights movement team had had various difficulties and constraints during the year while planning and launching the movement from both grass root to the national levels. The land rights movement team devised way outs that helped to mitigate them. Following are few examples of challenges that the movement had come across during the year 2007:

- Increasing political upheavals and sudden strikes in Terai posed challenges in smooth implementation of the actions as planned. Since CSRC mobilised local facilitators and land rights activists, the effects were minimised. However, CSRC had difficulty in bringing external visitors in some of the villages in Terai.
- Tillers and landless farmers have been organised into several Peoples' Organisations. These organizations are in infant stage in terms of management capacity and pursuing to the registration. Government officials often ask leaders of the organisations about their legitimacy and this forced organisations to have immature registration.
- The landless tillers have been living in the public land in many areas, for many years. In some places, the public land comes under the domain of community forestry. As a result, the Forestry Users Groups (FUGs) ask and also force the squatter settlers to leave the place. This has been an increasing challenge to the land rights movement.
- Most of the institutions and campaigns are men lead and inadequate human resources, especially participation of women in both the Peoples' Organisations and in the land rights movement have been a persistent challenge to CSRC. This sometimes limits the women perspective in the movement and its decisions.
- As much as the land reform is important, it is equally challenging endeavour. The history is evident that the land has been



the source of socio-economic and political power. And the elites who own the large amount of land, are around the power and always reluctant in changing power dynamics. In fact, they do not necessarily want the land reform the way it is being discussed in the public domain. Thus, it is likely to be opposed from the policy makers and power holder elite landlords in the implementation of the land reform.

- As we have elite dominated society, the key influential leaders in the political parties again come from the same elite class. They obstruct parties to go for the scientific land reform which could bring a breakthrough. It is likely that despite lip service, the political parties would be reluctant for the scientific land reform as directed by the Interim Constitution 2007.
- This is the era of globalisation and the movement should explore the options which could maximise the benefits to the poor within its broader framework. As the globalisation advocates and promotes market based economy and it considers land as commodity with commercial value; poor tillers and peasants will have challenges to compete with the big private

organisations. On the other side, key influential donors i.e., the World Bank and Asian Development Bank, among others have been pursuing market-based approach of land reform, and these all might not yield for the poor tillers and peasants. This needs to be analysed and actions to be identified critically and carefully.

V.2 LEARNING

The land rights movement team is very happy upon generating valuable lessons while launching the land rights movement during the year. Following are some of the key learning:

It is learnt that mass encampment in village is the best way in enhancing awareness of people on their rights and mobilising them to the movement. CSRC has adopted it in every VDCs and community in which people got more opportunity and conducive environment to share their issues.

CSRC has further learnt that engagements with landlords is vital for minimising conflicts and

tensions in the community, in resolving the issue of tenancy and other land related disputes and finding amicable way through mutual agreement.

CSRC has realised that livelihoods support initiatives are very important for those who have received land as part of tenancy rights. Since they required inputs for agriculture production, they need support services from both government and non government sectors. CSRC has observed that the poor tenants and land poor farmers are likely to end up with frustration if there is no impact on their livelihoods because of access to land. This also limits their continuous motivation to social movement. Usually, poor people do not have enough patience in the situation where their daily livelihoods needs are not met.

Land reform is a complex political issue and it has been deeply rooted with the socio-cultural system, values and norms for long time. It has a strong orbit which is difficult to break but not impossible. This requires long and sustained efforts for which democratic space is inevitable. The present progress could have not been made without democratic environment.



Therefore, freedom provides enormous space to the people and civil society to pursue their agenda. Thus, CSRC has strong commitments and beliefs that the land right movement needs to be lined with the democratic movement and respective democratic values, norms and principles.

Land reform and ensuring social justice are not the easy tasks. It is linked with political economy. CSRC along with other stakeholders has been facilitating and leading a complex movement in changing the political economic structure and it has been able to establish the land reform agenda as the national agenda. However, there is long way to achieve the mission and collective efforts are inevitable for making a real difference.

V.3 KNOWLEDGE MANAGEMENT

The movement has generated many useful information and insightful learning that can be used within the movement and beyond for the benefit of tenants and landless farmers. The movement team has established the participatory monitoring and evaluation system where rights holders and CSRC along with collaborating partners sit together, review the performance and reflect upon results and learning in every three months. This process has been part of the movement right form community to national levels. CSRC disseminates the outcome of such reviews and reflections through e-bulletins for the wider sharing.

The movement team has been utilizing the

gained knowledge in its work at all levels, i.e. villages, districts and national level tiller's organizations, civil society alliances/networks, and funding agencies. The ground experiences and proper documentation of them have been instrumental for policy advocacy. The land rights movement team has created a system to share experiences and information to the external stakeholders, in the areas of human rights, conflict transformation, and poverty alleviation, among others in the view that it would help them in developing their actions to the benefits of the tenants and the landless farmers directly or indirectly.

V.4 WAY FORWARD

Keeping in mind the successes and challenges of the movement, the following strategic steps have been identified as the way forward.

The land rights movement has some opportunities with the changes in political scenario of Nepal and the movement will enjoy them to a highest possible extent in the future. For instance, politically Nepal is going through a transition and people in general have confidence to assert the changes. Therefore, the landless and people excluded from the tenancy rights have been aware on their land rights and have been organized. These have also created awareness to the politicians and enforced them to work for far reaching changes in the country. There are some legal provisions as 'road map' to the change. For example, the interim constitution of Nepal 2007 clearly states of endeavouring for a 'scientific land reform' as a consolidation of peace accord that was taken



place in 2006. The land reform has also been a part of the National Three Year Interim Plan 2007-2010. With these all efforts and policy provisions, the understanding on the importance of land reform has been increased and the different development actors and civil society have stated defining this as an effective means of addressing poverty in Nepal.

Since Nepal is undergoing socio-economic restructuring, Land rights movement recommends the following actions as urgent priorities. With them a number of other subsidiary interventions could be made. CSRC will focus its concentration on the following issues in the days ahead:

a. Formulating and implementing inclusive land and agrarian reform policy

In 1964, the government formulated the first Land Act and made the provision for tenancy rights. But it did not provide redress to the poor (Bhusal 2006, unpublished paper). In fact the Act was brought primarily to protect the interest of the powerful elites, and to ensure their control over the land resources throughout the country. Although the act has under gone as many as six amendments, fundamentals that favour the landlord and well-to-do have remain unchanged.

On this background, the need of the day is to initiate a process to formulate the policies and acts with the participation of the people to whom the policies and acts matter. It is a must that the existing land related acts and policies are repealed and new policies are formulated in favour of landless, poor and tenant farmers. Most important of all, there should be a constitutional guarantee of land reform. We have scope to learn from the successes of neighbouring state of West Bengal of India in which it was successful due to progressive land policies as dictated by the constitutional provision of land reform.

b. Restructuring of land administration

In Nepal, land management is highly centralized. Although the Ministry of Land Reform and Management has their extended units across the country, they do not have power in resolving issues at local levels. All the decisions related to land management are taken to the Ministry to which poor people cannot

afford to reach for their decisions. Besides, land administration is marred by procedural complexities and duplicities, which the poor find unable to deal with. This calls for the urgency of simplifying and decentralising land administration. The authority of land reform and administration should be delegated to DDCs and VDCs to redress these complexities and difficulties making District Land Reform Offices as the secretariat of DDC and VDC, A separate land court at VDCs and DDCs should be established to settle the issues of land for the benefit of poor people. The court at the district level should have full authority with the general court working as Appellate Court in the case of land disputes.

c. Establishing high level land authority

From its ESCR reports to the ECOSOC on 30 June 2006, GoN has reported that there has been land distribution in Nepal at various times since 1950. But the problem has been growing and getting complex. What is true is a number of commissions were constituted on a number of occasions in the past in response to a growing pressure from the victims and each time the commissions were constituted with relatives or henchmen of the people in authority with a clear intent on diluting the pressure from below.

There is therefore an urgent necessity to constitute a high level authority to look into the claims and data of the state, real life problems faced by the people from the deprivation of productive land and recommend ways to address the problems. Such an authority should be independent of vested interests, with experts in the field and representatives of the poor and marginalised, including women, Dalits, Madeshis, Haliyas and Haruwas. The authority should have its mechanisms or layers expanded from the centre to down to VDC levels with a clearly spelled out Terms of References (ToR) and authority for each level. The role of centre should be the technical and advisory and VDC and district level mechanisms should have power to recommend the concrete actions. The success of land reform in Japan, Taiwan and South Korea depended on the power and authority of local level committees. Since commissions have failed in the past and the name as such has been detested, CSRC strongly recommends the formation of a high-level constitutional authority to address the land issues in Nepal.

d. Educating and organising tillers and landless farmers

In absence of accountable governance, no changes have occurred at the high level without constant pressure from below. This is a living experience of Nepal as everywhere else. As long as the poor will not be organized, the elites will continue controlling the poor and condemning them to feudal, semi-feudal, bondage and exploitative systems practices. The sufferers should therefore be organised, made aware of their situation and mobilised against the ongoing deprivation and oppression. The oppressed and exploited should be made aware that they have the rights to peaceful resistance against suffering and oppression. Therefore, awareness gives them power to fight against oppression and their own organisations make the fight constructive and logical. The recommendation is to invest in strengthening peoples' organisations and education to the landless and poor.

e. Allocating budget for comprehensive land reform and agrarian reform

Government of Nepal collects billion of rupees as tax from the transaction of land but hardly 10% of the total revenue from land taxes are invested in land management issues. There are hardly any efforts in enhancing land productivity. As a result, the land productivity decreasing and contribution of agriculture sector to GDP is also decreasing. Therefore, to ensure food sufficiency to poor and

vulnerable group of people, there is a need to make efforts on enhancing agriculture productivity which would be possible only after there is a progressive land reform and agrarian reform.

f. Making land reform a common concern

When one talks about land reform or land redistribution some are alarmed, some think of revolution and others think that it's against the landlords and those people who have worked hard to create some wealth at family level. So, it is important that it is taken as a national issue and a national opportunity to transform our society. It's not a left-winged activism alone. In fact, it is in the interest of national economy and industrialists. Without land reform there will be no investment on technology at the agricultural sector. Without it, no agricultural productivity can be increased significantly as the issues such as over fragmentation of land can be addressed. Land reform is necessary in order to upgrade Nepali farmers as subsistence farmers to surplus farmers.

If agricultural productivity is increased, it will create employment, produce raw material for industries. Let the reduction of social unrest alone. What the land reform activists are looking is not a piece of land for everybody but wish to ensure their rights to live. A broader alliance amongst the political parties of all sides, the private sector and the civil society needs to sit together and seek an amicable solution to this issue.



VI

Chapter

- Annex 1 Key Annual Event
- Annex 2 Statement of Cumulative Performance
- Annex 3 Financial Overview
- Annex 4 Memorandum to OHCHR
- Annex 5 Letter to the Prime Minister
- Annex 6 Declaration of National Land Rights
Concern Group Nepal
- Annex 7 Baitadi Declaration

Annexes



Annex 1

KEY ANNUAL EVENTS

Key Events Conducted for the Period 1 January to 31 December 2007

Month	Key Events
January	<ul style="list-style-type: none"> ▪ Participation in World Social Forum in Kenya ▪ Popular education training in Kailali district ▪ Campaign began in Kailali and Kanchanpur districts ▪ Annual Reflections 2007 and planning for 2008
February	<ul style="list-style-type: none"> ▪ Padlock district Land Revenue Office in Sindhupalchok ▪ Padlock Swargadrari religious institution in Dang ▪ Published draft 'People's Land Right Act' ▪ Loan annulment campaign in Chitwan ▪ Policy dialogue with political parties in Sunsari ▪ Week-long march for land and livelihood rights, and Churia conservation in Sunsari, Saptari, Siraha, Dhanusha, Mahhotari, Sarlahi, Rautahat, Bara and Makwanpur districts
March	<ul style="list-style-type: none"> ▪ Nationwide mass meetings demanding government to implement the agreement reached between NLRP and the government ▪ National level policy dialogue on 'rational and process of land reform' in Kathmandu ▪ Conference of District Land Rights Forum in Baitadi, Banke, Makwanpur, Bara and Rautahat ▪ Participation in People's SAARC ▪ Publication of land rights bulletin ▪ Participation in planning meeting of Land Watch Asia in the Philippines ▪ Incorporation
April	<ul style="list-style-type: none"> ▪ Tenants under trust land meet the Prime Minister and Ministers ▪ Policy dialogue and debate with legislative-parliamentarians ▪ Participation in the Fact-Finding Mission on Human Rights to Food at Risk in Nepal organized by Rights and Democracy, Canada ▪ Interaction on women and land rights in Kathmandu ▪ Pro. Praveen Jha from Jawaharlal Nehru University, India visited CSRC for the study of country situation on land rights
May	<ul style="list-style-type: none"> ▪ Sit-in at the office of seven political parties ▪ Policy discussion on Haliya rights issue with government officials and political leaders ▪ Sit-in programmes in 15 districts of Nepal demanding political parties to fulfill their promise
June	<ul style="list-style-type: none"> ▪ Mass conference in Sindhupalchowk in victory of tenancy rights on trust land ▪ Policy dialogue with the members of National Planning Commission
July	<ul style="list-style-type: none"> ▪ District conference of District Land Rights Forum in Mahottari ▪ Formation of People's Organisation by <i>Haruwa/Charuwa</i> in Siraha ▪ Press conference to raise issue of torching fire by the forest officials in poor people's settlement in Siraha ▪ Half yearly programme reviews and reflections

August	<ul style="list-style-type: none"> ▪ Second <i>Haliya</i> conference in Baitadi ▪ Second national conference of National Land Rights Concern Group Nepal ▪ Regained public land by the landless tillers in Kanchanpur ▪ Documentary show 'landlessness and suppressed voices' to the legislative-parliamentarians ▪ GTZ mission visit to CSRC and Sindhupalchowk ▪ <i>Haliya</i> conference in Baitadi
September	<ul style="list-style-type: none"> ▪ People's March for land rights, democracy and peace ▪ Meeting with the Asian Development Bank to discuss ADB proposed land administration project ▪ Actionaid advocacy review team visit CSRC and its working area ▪ Publication of 'land first' bulletin ▪ Week-long bicycle rally in Kailali and Kanchanpur districts ▪ PAMS Project Coordinator visit CSRC and its working area
October	<ul style="list-style-type: none"> ▪ Solidarity to Indian land rights movement 'people's verdict 2007' ▪ Submission on memorandum to the Indian Embassy Kathmandu in solidarity to the Janadesh 2007 held in India ▪ Radio journalism training for land rights activists ▪ Conflict transformation training for land rights movement team ▪ Celebration of world food day
November	<ul style="list-style-type: none"> ▪ Week-long march 'Dalit and land rights' ▪ Process facilitation training
December	<ul style="list-style-type: none"> ▪ Celebrated human rights day: memorandum to OHCHR by tillers and landless farmers ▪ Care Bangladesh team visit CSRC ▪ Financial management training ▪ Meeting with the Minister of Land Reform and Management

Annex 2

STATEMENT OF CUMULATIVE PERFORMANCE

Cumulative Performance of the land rights movement for the year 2004 - 2007

Particulars	Unit	Year				
		2004	2005	2006	2007	Total
1. People's Organisation						
1.1 People's organisations at community levels	Organisation	258	284	381	288	1,211
1.2 People's organisations at district levels	Organisation	3	8	2	15	28
1.3 People organised into people's organizations	Person	9,461	9,106	14,848	14,718	48,133
	<i>Women</i>	2,763	2,561	6,707	7,067	19,098
	<i>Dalits</i>	5,021	4,202	6,057	8,251	23,531
1.4 People's participation in land rights discourse	HH	26,420	22,601	42,157	86,043	177,221
1.5 Tenants and landless farmers aware/sensitised	Person	130,000	341,000	297,375	851,759	1,620,134
2. Leadership						
2.1 Activists trained and mobilised	Person	97	310	487	102	996
	<i>Women</i>	27	133	165	39	364
	<i>Dalits</i>	24	131	180	56	391
2.2 Community leaders trained and mobilised	Person	213	77	377	788	1,455
	<i>Women</i>	67	12	153	305	537
	<i>Dalits</i>	117	23	176	318	634
3. Civil Society Alliance						
3.1 Total districts covered	District	11	11+3	14+17	31+11	42
3.2 Total VDC covered	VDC	118	106	168	218	610
3.3 NGOs involved in the land rights alliance	NGO	15	15+2	17+2	19+5	24
4. Achievements						
4.1 Number of petitions filed by the tenants	Petition	4,916	15,309	0	5,267	25,492
4.2 Total tenancy petitions settled	Petition	2,406	4,052	4,807	2,219	13,484
	<i>Women</i>	112	378	234	113	837
	<i>Dalits</i>	82	1,583	1,174	548	3,387
4.3 Total areas of land transferred to the tenants	Hectare	237	719	1,397	681	3,034
	<i>Women</i>	11	67	68	33	179
	<i>Dalit</i>	8	281	340	166	795
	Market price NPR (million)	53	197	432	211	893
4.4 Citizenship certificate received	Person		232	820	21,698	22,750
	<i>Women</i>		80	278	9,487	9,845
	<i>Dalits</i>		199	687	15,238	16,124
4.5 Retention of public land	Hectare			200	63	263
	Market price NPR (million)			56	19	75
	Families benefited			200	76	276
4.6 Number of petitions filed by Landless farmers	Petition	53,096	0	0	0	53,096
4.7 Total petitions settled	Petition	0	0	0	66	66

Note: 1 US\$ = 63 NPR

Annex 3

FINANCIAL OVERVIEW

Financial performance of the land rights movement for the period
1 January to 31 December 2007

A. SOURCES OF FUND	Commitment	Disbursement
DanidaHUGOU/RDIF/ESP	7,577,346	6,570,000
ActionAid Nepal	3,823,069	3,681,641
International Land Coalition	3,174,750	2,929,933
Canadian Cooperation Office	2,727,750	2,702,750
PAMS / NCCR	2,682,000	2,171,310
Care Nepal	3,802,863	3,802,863
Asian NGO Coalition	415,829	302,939
SDC / VSBK	483,100	412,280
Interest from Bank	-	100,857
Membership Fees	-	3,800
TOTAL, SOURCES OF FUND (A)	24,686,707	22,678,373

B. APPLICATION OF FUNDS	Budget	Expenditure
a. PROGRAMME COSTS		
Strengthening National Land Rights Forum	500,000	400,661
Capacity building	900,000	835,715
National conference of NLRF	190,000	-
Systems and policies development	180,000	175,000
Local campaign facilitation	1,358,000	1,149,603
Support to district NGOs	1,238,000	1,049,368
Mobilisation of land rights activists	3,600,722	3,156,115
Establishment of movement fund	180,000	77,000
Livelihood and economic empowerment initiative	1,697,000	1,145,334
<i>Haliyas</i> and <i>Haruma/Charuma</i> rights campaign	276,645	151,386
Support to community level movement initiatives	850,000	559,185
Micro study	629,899	629,899
Technical support	1,638,369	1,257,659
Advocacy and lobby and policy dialogue	2,347,489	1,135,947
Media campaign	575,000	205,131
Advocacy materials development	730,000	281,493
Learning documentation & publication (Action research)	860,753	381,472
Internal reviews and reflections	440,000	330,951
TOTAL, PROGRAMME COSTS (a)	18,191,877	12,921,919
b. MANAGEMENT COSTS		
Office equipments	356,613	377,297
Staff salaries and benefits	3,928,197	3,154,111
Travel, transport and accommodation	925,216	709,907
Office Rent	167,400	106,200
Communications and office utilities	311,958	293,236
Audit fees	80,390	70,390
Other office expenses	725,056	525,306
TOTAL, MANAGEMENT COSTS (b)	6,494,830	5,236,447
TOTAL, APPLICATION OF FUNDS (a+b) = (B)	24,686,707	18,158,366
FUND BALANCE (A-B) = (C)		4,520,007

Annex 4

MEMORANDUM TO OHCHR

10 December 2007

The Chief
Office of the High Commissioner for Human Rights
Regional Office, Biratnagar

Dear Madam/Sir,

Today, we are celebrating 59th anniversary of Universal Declaration of Human Rights (UDHR). The UDHR recognise the civil freedoms, security of tenure and livelihoods as basic tenets of human being. Many States, including Nepal has endorsed the UDHR and adopted its basic features into the Constitution. Effective compliance of principles and parameters of UDHR is the primary duty of Nepal as the state which is a party of the UDHR.

During the armed conflict in the past 12 years, there happened gross human rights violation and countless abuses in Nepal from State and non-state actors. In order to protect and promote Nepali people's human rights, National Human Rights Commission (NHRC) has been established and functional. Yet, the incidents of human rights violations were increasing in the country. As a result, the Office of the High Commissioner for Human Rights (OHCHR) has been established in in Nepal in 1995 and helping State and civil society in upholding human rights.

After the success of people's movemnet in April 2006, we have democratic government and there is democratic ruling system in the country. However, we, the poor tillers in Siraha district such as *Dalits*, women, landless farmers, squatter settlers, tennats, among others have not been able to realise that there is democracy for us. We have not been able to have a sense of human rights for us neither we enjoy them. Many of us have been working for the landlords with very little wages. We are the farmers, we produce food but unfortunately our family members suffer from starvation and malnutrition. We cannot afford to send our children to school rather sending them to serve our masters. The law of the state provides tenancy rights but we do not get it. If we ask for our rights, we have to be evicted from the piece of land given by the masters to live in. We have no place to go and have shelter to our family. Many of us having been working as *Haruma/Charuma* (a form of semi bondage) and we have to obely all orders and conditions imposed by the landlords. All these circumstances have barred our freedoms, security of shelter and livelihoods. Besides, we have been facing several atrocities and misbehaviors from security personnel and these have adversely damaged our dignity.

We, therefore, would like to handover this memorandum to your good office with the hope that you would support us in getting justice. We have enclosed a report that gives you a glimpse of human rights violations in Siraha and Saptari districts and few case studies on the denial of geeting fair wages to the *Harumas* and *Charumas*.

Sincerely,

National Land Rights Forum Nepal, Saptari/Siraha
Haruma/Charuma Rights Forum, Saptari/Siraha
Janachetana Dalit Sangam, Saptari
Dalit Protection Movement, Siraha

Annex 5

LETTER TO THE PRIME MINISTER

9 September 2007

Honourable Prime Minister
Government of Nepal
Kathmandu, Nepal

Subject: Loan repayment

Dear Sir,

We all are in the process of rebuilding a 'new Nepal' and the election for the Constituent Assembly is approaching soon. The political parties that have participated in the government are doing homework for the election. On the other hand, various issue-based organisations are in the movement with their specific demands to be addressed.

Haliya Rights Forum is also an organisation which has been launching *Haliya* liberation movement through a peaceful process and within the framework of the law. Unfortunately, the state has not taken *Haliya* issue seriously despite our several efforts. We, the *Haliyas* are suffered from social suppression and have become further vulnerable once we are ignored by the state.

Haliyas have been living a 'slave life' for ages. Suffering from social discrimination and not having piece of land for livelihoods have led the *Haliyas* (*Dalits*) towards extreme poverty. Due to poverty, we have not been able to afford for education and medical treatment. These have led us gradually to become unemployed and suffer from starvation. At this juncture, we do not have options except agreeing unjust conditions imposed by the rich people for our livelihoods. Thus, we borrowed small amount of money from rich landlords for managing our daily lives by accepting their conditions as their *Haliyas*. The sources of livelihoods for some 90% of *Dalits* have been *Haliya* and there are about 60,000 *Haliyas* in Nepal.

It is said that the slavery was abolished long ago in Nepal. However, the legacy of slavery system in the form of *Haliyas* still exists in the Far Western region. The *Kamaiya* Labour (restriction) Act 2001 (2058 BS) has declared the abolishment of *Haliya* system along side the *Kamaiya* liberation in the western *Terai* of Nepal. Since the political leaders and government officials have been practicing the *Haliya* system, the Act could not be implemented. The Act caused additional torture to the *Haliyas*. As a result, the landowners began to evict the *Haliyas* from their tilling land.

The Maoists had declared abolishment of *Haliya* system and caste-based discrimination while they were in armed struggle. It was practiced for some time. Now the Maoists have become a part of government and there are evidences of increased atrocities to the *Haliyas*. The landowners have been threatening to the liberated *Haliyas* either to back their loans back or work for them with the same terms and conditions.

In this backdrop, the *Haliyas* had filed a case in the Supreme Court in 2005 (2061 BS) and the respected court has given verdict in favor of *Haliyas* instructing the government to bring rehabilitation package for the *Haliyas*, including land.

The government heading to build 'new Nepal' does not seem to be proactive in resolving *Haliya's* problems. The *Haliyas* also do not want and have no capacity to be liberated by paying back the loans to the landowners as they have been working for them from generations for a small amount of loan.

Informed by above facts and situation, we, the *Haliyas*, have collected small amount to payback our loans. We would like to handover this amount (NPR 8) to the government lead by eight political parties.

Besides, specifically we demand for:

1. Write off the unjust loan burden to the *Haliyas* and declare the abolishment of *Haliya* system, formally;
2. Provide land that is adequate for the decent livelihoods to the *Dalits* and landless farmers;
3. Guarantee the education, health, employment, food and shelter to *Dalits* and *Haliyas*;
4. Ensure proportional representation of *Dalits*, *Haliyas*, women and landless farmers at all levels of state mechanism;
5. Guarantee the social security to *Haliyas*; and
6. Enforce the Haliya Labor (restriction) Act

Cc

Honorable Speaker
Interim Legislative-Parliament
Kathmandu

President
Nepali Congress
Kathmandu

General Secretary
Communist Party of Nepal (UML)
Kathmandu

Chairman
Community Party of Nepal (Maoist)
Kathmandu

President
Nepali Congress (Democratic)
Kathmandu

Chairman
People's Front Nepal
Kathmandu

Chairperson
Nepal Sadhbawana Party (A)
Kathmandu

Chairman
Nepal Peasants and Workers Party
Bhaktapur

Chairman
Left Front Nepal
Kathmandu

Annex 6

DECLARATION OF NATIONAL LAND RIGHTS CONCERN GROUP NEPAL

**Pro-People Land Reform: Basis for Democratic Republic
National Land Rights Concern Group Nepal
Second National Assembly, 2007
Lalitpur
2 August 2007**

Declaration

National Land Rights Concern Group (NLRCG) Nepal is a national level network of civil society organisations involved in social movements for land rights, social justice and peaceful transformation of society. Second National Assembly of NLRCG was held in Lalitpur, Nepal on 2 August 2007. Members of NLRCG, land experts, government officials, media persons and others participated in the assembly. The assembly intensively discussed on the existing feudal exploitations, injustices, and poverty caused by unequal distribution of land resources. The assembly further looked upon socio-economic and political issues pertaining to living dignified lives of *Haruwa/Charuwa, Haliya*, former *Kamaiya, Kamhari, Ukhada*, trust land, *Churia*, unregistered tenants, and landlessness. The assembly unanimously concluded that pro tiller land reform is inevitable for ensuring social justice, sense of change and overall development. These are the fundamentals for building sustainable peace and basis for democratic republic in Nepal.

The assembly has further decided to strengthen present peaceful land rights movement for materialising pro-people land reform that paves path for eliminating feudalism, institutionalising democratic republic and ultimately building a new Nepal.

Against this backdrop, the assembly has adopted this declaration appealing all concerned to overcome all forms of land-based exploitations and injustices through pro-tiller land reform and management.

1. We have understood the provision of 'scientific land reform' in the Interim Constitution 2007 with the spirit of pro-tiller land reform. True land reform is not possible without guaranteeing the land to the tillers. Thus, we strongly urge concerned stakeholders to internalise this fact and pursue land reform process immediately;
2. We demand to begin pro-tiller land reform process to make landless, tenant, *Haruwa/Charuwa, Haliya* and former *Kamaiya* free and prosperous before the Constituent Assembly (CA) election;
3. Government is failed to implement its commitment and agreements made with tillers. We have concluded that has undervalued the spirit of people's movement and political changes taken place in the country. Therefore, the assembly strongly demands to implement all agreements, understanding and decisions reached between the government of Nepal, Ministry of Land Reform and Management and National Land Rights Forum and NLRCG;
4. The assembly has concluded that the Ministry of Land Reform and Management and its subsidiaries are failed to discharge their duties and responsibilities. The mechanism is unable to enforce the present law related to land ceiling. Therefore, the assembly has demanded to pursue the land ceiling law effectively and restructure the ministry mechanism.
5. The meaningful participation of poor landless tillers, *Dalits*, agriculture labors, squatter settlers and others must be ensured in the CA election. Without their stake, the land rights cannot be guaranteed in the new constitution. The assembly believes that the outline of land reform should be developed with the participation of land rights deprived people. Thus, the assembly demands ensuring landless tiller's participation in the upcoming CA election;
6. The assembly demands to constitute a high level Land Commission with the participation of land rights deprived people, human rights defenders and land reform experts to assist the government in deciding scope, nature, process and methodology of land reform;

7. There are several land related problems across the country. In order to address them systematically and specifically, the assembly demands following in the form of rapid movement:
 - a. Provide land to the unregistered tillers who have been tilling the land until 2053 based on local survey;
 - b. Bring effective rehabilitation plan to the former *Kamaiyas* along with ensuring land rights;
 - c. Provide land ownership to landless people;
 - d. Transfer trust land to the farmers;
 - e. Provide land ownership to the *Churia* settlers on the basis of present in-possession;
 - f. Write off loans of the *Haliyas*, *Harumas* and *Charumas* and rehabilitate them;
 - g. Provide land ownership to the *Ukhada* victims; and
 - h. Provide reasonable settlement and compensation to the victims of Park, dam and floods/ river cutting.
8. The rights of tillers and national economy is gradually being endangered due to overwhelming influence of globalisation, open market economy and intervention of multinational and transnational companies. The privatisation and commercialisation of natural resources, including land would promote scarcity, injustice and poverty. Therefore, the multinational companies should not be given land ownership and there must be complete ban on investing in agriculture field. The farmer's cooperatives should be enabled for promoting agro enterprises. The assembly urges to take strong position on foreign intervention on natural resources and its open commercialisation; and not to allow profit oriented companies in this sector;
9. The memorial day of late Bhim Dev Panta and Tulsī Lal Amatya is being celebrated on 02 August every year. Thus, we urge government to recognise 2 August as Land Rights Day and observe it with special programmes;
10. Thousands of families have been severely affected by the flood and landslide which are leading them to displacement and migration. Thus, the assembly urge to all concerned especially the government to provide relief and rehabilitation assistance to the victim families;
11. We believe that the government will take above demands seriously and will take necessary steps immediately to fulfil them. If these are not addressed properly, we will have no option except a peaceful movement. Therefore, we appeal the government and the eight political parties to come up with the necessary policy framework in this regard;
12. We humbly appeal to all concerned to make the 'people's march' grand success which is going to begin from 6 September 2007. The march will help to fulfil above-mentioned demands, create peaceful environment for holding CA election, have poor people's stake in asserting power and enhancing dignity, establish people's ownership and control over natural resources; and
13. The assembly has constituted a 17-member central working committee appointing Mr. Suresh Nepal as chairperson. We urge people from all walk of life for extending their solidarity and cooperation to the land rights movement. Finally, we would like to extend our sincere thanks to those who directly and indirectly helped us in organising this assembly with a great success especially civil society leaders, political parties, government of Nepal, media, human rights defenders and collaborating partners.

BAITADI DECLARATION

- Recognising and respecting the people's power in restoring democratic process through a grand movement in April 2006;
- Acknowledging the fact that exclusions and discriminations in terms of class, caste, sex and ethnicity in Nepali society are still in existence and they have denied people to enjoy their human rights and being fueled several conflicts;
- Expressing commitment in transforming all forms of conflict through a peaceful negotiation and restructuring of the state to a more just and equitable way;
- Agreeing the outcome of political negotiation among eight political parties and on going peace process that would create an environment where every one can live a life with dignity and freedom of fear;
- Welcoming the political decision of having 33% women in all fronts of the state mechanism;
- Appreciating the government decision on abolishing bonded labour and *Haliya* system;
- Reaffirming our commitment to abide all policies formulated and declaration made by the State in Baitadi as a model;

We the following dignitaries present in this event of celebrating 42nd international day on elimination of caste-based discrimination would like to make declaration. We:

1. Agree to have proportional representation of *Dalits* (20%) at all fronts of state mechanism. We will seriously pursue this matter at policy formulation level;
2. Agree to eliminate all barriers imposed on *Dalits* in using public utilities/services and spaces. We will take initiative to take actions to those who still practice caste-based discrimination in the district.
3. Believe that prevalence of any form of bondages is a crime and against the Constitution. Thus, by this declaration, we abolish the existing *Haliya* system in Baitadi district. We will pursue to provide justice and compensation to the victims if any one who disrespect this declaration;
4. Will take the caste-based discrimination, *Haliya* system and other forms of bondages and injustices as a public awareness movement to the villages appealing people to give up them;
5. Appreciate *Haliya* census that is taking place in the district. We will consider the census report as a basic reference document for abolishing the *Haliya* system;
6. Would like to make public commitment that we instruct and orient our party rank and files to eliminate above-mentioned discriminations in this district as a model. Those party bearers who acts against this spirit will be taken action;
7. Would like to appeal government mechanism and officials to take this matter seriously and practice accordingly. The officials failing to respect this declaration will be persuaded for the necessary action;

8. Will take initiative to incorporate movement against caste-based discrimination, *Haliya* system and other forms of injustices at school level extra curricular activities through District Education Office of GoN; and
9. Realise the need for rehabilitation of *Haliya* after it is abolished. We will initiate to support for livelihoods enterprises and determination of fair wages for the victims. Moreover, we will put pressure to the State to provide land to the victims as it the only alternative to them in terms of their skills and sustainable livelihoods.

Signatories

Nepal Communist Party (UML), Nepal Community Party (Maoist), Nepali Congress, Nepali Congress (Democratic), Civil Society, Rastriya Dalit Network, Nepal National Dalit Social Welfare Organisation, Nepal Bar Association, DSDF, BCDO, Dalit Women Council, Civic Concern Centre, Haliya Rights Forum, Haliya Liberation Society, HUSEC, MASAM, SOURCE Nepal and FECOFUN

