

# *Land First*

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Community Self Reliance Centre (CSRC)

**Editorial Team**

Mr. Alex Linghorn (Special editor for this issue)

Mr. Jagat Basnet

Mr. Jagat Deuja

Ms. Chahana Chitrakar

Ms. Kalawati Rai

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Mr. M Phuyal

## Time for Action

We have witnessed some historic events over the last few months and we all eagerly await the formation of a New Nepal. The removal of an exploitative monarchy however, will prove to be a false dawn unless we also end the feudal power structure that has a strangle-hold over Nepal's economy and land. The major political parties are united in calling for revolutionary and scientific land reform in their manifestos; it remains to be seen whether they will honour those commitments. They would be unwise to ignore them as agriculture forms the bedrock of the economy and there can be no agricultural revolution without land reform.



*NLRF 2nd National Conference, Dang, March 2008*

Despite an agreement in 2007 there is still no sign of the government fulfilling their promise to create a high-level land commission. This is an essential step in providing the framework for implementing land redistribution, guaranteeing livelihood sustainability, preventing conflict, increasing productivity and ensuring long-term rural development. Such a commission must be a constitutionally authorised independent body with a decentralised regional power structure.

It is imperative that the new constitution enshrines the rights of tenants and landless farmers; real land reform in other countries has only come about through constitutional guarantee. The political parties campaigned under the slogans of 'housing land for all' and 'tilling land to the tillers'; the people voted for this and it must be in the new constitution.

The People's Movement and the voice of the people have brought great changes in Nepal. The government must understand that they have been trusted with a mandate by the people and should continue to listen to them; this means adopting inclusive and participatory principles in governance. The landless and tenant farmers have to be involved in the decision-making process for land reform to be effective.

Without a far-reaching and genuine land reform programme we will not achieve sustainable peace and development but will be destined to repeat the pattern of deprivation and injustice leading to more social unrest and continued stunted development.

**CSRC Editorial Team**

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# Land Reform:

## *From Words to Actions*



■ Bruce H. Moore

*Director, International Land Coalition*

Nepal is at an historic moment, one in which the pre-conditions for a progressive future are taking form. The Comprehensive Peace Accords and the pending Constituent Assembly provide the basis to transform Nepal into an inclusive society, based on growth with equity. More important, it is evident, that in this period of transition there will be no lasting peace if the issue of land reform is not resolved.

With three out of every four Nepalis depending on agriculture, it is essential that the commitments between the seven political parties to land reform be transformed from words into actions. In the past few days I have spoken with the Secretary of Land Reform, members of parliament, researchers, academics, civil society, tillers, farm workers and landless people. It is my impression, but more importantly their shared belief, that land reform can overcome the irony that in Nepal hunger and poverty is most prevalent among those who grow food, specifically smallholders and farm workers.

The articles in the interim constitution will hopefully become more prominent and precise when the Constituent Assembly establishes the new constitution. The natural resources of Nepal need to be

recognised in the constitution as resources that will be distributed and managed for the benefit of all, meaning the need to break with a past where the resources are in the hands of the few. Productivity has been falling over the past 25 years, as the real food producers, the tillers, have no lasting security. This means that the tillers have no incentive to invest in the long term productivity of the land. Their past experience is to have been evicted from land once they have made it productive. In Nepal, as in many other countries that have undergone land reform, tillers will increase aggregate production and the resulting rural incomes will stimulate both the rural and overall economy, as the poor become sellers and buyers of food and other consumable items.

It is my belief that the immediate establishment of the proposed High Level Commission on Land Reform is essential. If this commission lives up to expectations it will be representative of all affected parties, including the tillers, farm workers and the landless, all political parties and representatives of the landowners. The recommendations of the Commission can provide a balanced and legitimate basis of advice to the drafting of the constitution. The poor, as represented through the

National Land Rights Forum, have shown their commitment to engage constructively. At this time, I share their pride in asking candidates of the Constituent Assembly to meet with the Forum throughout the country and declare their position on the land reform agenda. They will then cast their votes expecting that elected officials will live up to their promises. This level of democratic maturity, by the tillers and other rural poor people, is a positive sign that people want peaceful change.

As the International Land Coalition, I hope that all persons of power and influence will embrace this good will for non-violent change and take immediate steps to put this Commission into place. As the ILC I have been asked if we can contribute to the process of establishing the “Scientific Land Reform” as called for under the Comprehensive Peace Accords. We are ready to bring the experience of other countries forward, so that the High level Commission can make informed decisions of which model of Land Reform will best serve the unique circumstances in Nepal.

The new constitution provides the place where words can become transformed into actions. As a representative of the international community it is my highest recommendation that land for housing and land to the tillers, be embedded in the new constitution of Nepal. - Thank you

### **An Extra Word**

As the Director of the International Land Coalition, I am very aware that land reform exposes fundamental inequalities and historical injustices in societies. But, I am also well informed of the growing body of evidence confirming that secure access to land by the rural poor is fundamental to reducing rural poverty, stimulating rural economic growth and protecting the natural resource base on which current and future generations depend. Furthermore, research has also

**The International Land Coalition is a global alliance of civil society and intergovernmental organisations, including the United Nations (IFAD, WFP, FAO, UNEP) the World Bank and the European Commission.**

**Rome, Italy 00142  
[www.landcoalition.org](http://www.landcoalition.org)**

confirmed that democracy has usually occurred much later in countries dominated by large landlords compared to those that relied on smallholder production. Where resource rights and security of access have been addressed there has also been a break with feudal systems and reduction in the exploitive working conditions of agricultural workers.

The ILC has studied the history of land reform and found two central lessons. First, land reform must occur through public consultation and result in pro-poor legislative, regulatory and judicial systems that the poor can trust to exercise fairness and not be subjected to the vested interests of elites. Second, land redistribution must be productivity enhancing, meaning that the beneficiaries need access to the factor markets to improve and reward productivity – including access to training, technology, infrastructure, credit and markets.

The challenge that emerges is that the institutions that control land are in the hands of the powerful non-poor. A common question arises in all of the countries where the ILC is involved: Can these institutions that were created by political and land elites to serve their own interests, be reformed to meet the needs of today’s societies and values of fairness, equity and opportunity for all within the emerging global human standards on the right to development and fundamental human rights?

# HOW LAND REFORM CAN PROMOTE INCLUSIVE GROWTH IN NEPAL



■ Jagat Basnet

*Executive Director, CSRC*

## 1. Background

Poverty alleviation has been a top priority for the Government of Nepal over the last few years. The Ninth and Tenth Five-year Plans (the Tenth plan also comprising the Poverty Reduction Strategy Paper, PRSP) were strongly focused on addressing poverty through improving productivity. What these plans did not attempt however, was to address the underlying socio-economic structures responsible for hindering the growth and well being of the poorest sections of society. The current Interim Three-year Plan (2008-10) commits to bringing about structural changes in the pattern of ownership and control of productive resources, especially land, and directs the state to implement 'scientific land reform' to end 'feudalistic' land ownership practices.

This paper gives a brief overview of the present situation regarding the exclusion

of poor and marginalised people from their rightful ownership of land, their only means of livelihood, and their active participation in development initiatives.

## 2. Situation Analysis

### 2.1 Structural exclusion and armed conflict

Bal Chandra Sharma's book 'Historical Outline of Nepal' revealed that 60% of cultivable land in the Terai belonged to only 40 or 50 people. Around 10% of the land was *Birta*<sup>1</sup> land under the control of royal families, the Ranas and priests. Of the remaining land, 30% was distributed among large landlords and *Raiker*<sup>2</sup> cultivators.

In the past, the Ranas and the royals distributed land to their relatives and supporters, as though it were their personal property. In this way government officials

<sup>1</sup> Land grants made by the state to individuals, usually on an inheritable and tax-exempt basis, abolished in 1969.

<sup>2</sup> Lands on which taxes are collected from individual landowners; traditionally regarded as state-owned.

and staff, including high-ranking military, often received land in lieu of a salary. Land which was under the collective ownership of ethnic communities was also distributed as *Birta* to the ruling class. As an example, in 1950 King Rajendra gifted Mathavar Singh Thapa, the Prime Minister, with 2,200 *ropanis*<sup>3</sup> of land in the hills and 36,466 *bighas*<sup>4</sup> of land in the Terai. In 1950, one-third of the land had been categorised as *Birta*, while 227,000 acres was under the name of three Ranas (Regmi, 1999).

A recent report<sup>5</sup> lends further credence to Regmi's historical observations by confirming that over 50,926,810 *ropanis* of land is under the name of the royal family alone. Such ownership and control of cultivable land by people not engaged in agriculture consolidates power in the hands of the few, perpetuates the gap between rich and poor and results in absentee landlordism with all the negative implications for agricultural production and social wellbeing. This is highlighted by Shanker Thapa's historic study on land that reveals how in 1951 24,000 *bighas* of land that were under the name of landlords, and 52,000 *bighas* of land under the names of farmers, became 52,000 and 24,000 respectively by 1967.

This feudal practice imposed political, social, economic and agrarian inequalities between the ruling classes and alienated tillers. This inequitable system was intentionally perpetuated by the state apparatus which was, and still is, heavily influenced by the landowning class (Ghimire 1992). It is why the people in and around the power centres are the landowners; their control on politics and policy making continue to exclude the

vulnerable members of society.

The structural exclusion that denies the majority from ownership of land, the only means of production available to them, was a primary factor contributing to the armed conflict in Nepal. The exclusion from land is so systemic that it also prohibits landless households from joining natural resource based groups, for example community forestry and water user groups. Land ownership is a prerequisite to receiving basic social services and the acknowledgment of human rights.

## 2.2 Unjust land accumulation and poverty

Government statistics show that 31.8% of the population is living below the poverty line; non-government studies put this figure above 60%. The degree of poverty varies between communities and geographical areas with some experiencing levels as high as 85%.

There are 4.2 million families in Nepal. Some 1.3 million of them, constituting over 25% of the country's total population, are landless or near landless farmers (CBS 2001). These people, the majority of whom are Dalits, ethnic groups and women, with most of them being illiterate, are solely dependent on farming for their subsistence. About 84% of women, 15% of hill Dalits, 44% of Terai Dalits and 42% of other disadvantaged groups from the Terai are landless. Some 200,000 families do not have a single piece of land, even to install a shelter; landless families live in whatever space is provided by their landlords.

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<sup>3</sup> A unit of land measurement in the hill districts, comprising an area of 5,476 square feet or 0.05 hectare; one *Ropani* is equal to four *muris* of land

<sup>4</sup> A unit of land measurement used in the *Terai*, comprising 8,100 square yards, or 1.6 acres or 0.67 hectare. A *Bigha* is divided into 20 *Katthas*.

<sup>5</sup> A report from the parliamentary land investigation sub-committee

**According to the National Planning Commission 1998, over 70% of peasants own less than one hectare of arable land in Nepal. Likewise,** as recorded in the Human Development Report 2004, 5% of rich landowners own 37% of the arable land, whereas 47% of poor tillers own only 15%. The existing situation is that poor farmers work the land but do not own it, while the rich do no farming and control the land. The poor farmers, who produce the food to be consumed by rich landowners, suffer themselves from food insufficiency and livelihood insecurity.

### 2.3 Threat to livelihood and civil freedoms

Land has always been the prime source of social, economic and political power in Nepal and while it enables a few wealthy landlords to wield considerable influence it also ensures that the landless and near landless are alienated and marginalised from society.

Nepal's institutions have been shaped by these huge inequalities in the distribution of land and those institutions continue the *status quo*. It is hardly surprising that a disproportionately large number of Dalits, ethnic minorities and women belong to the landless and near landless groups of society.

Having no land of their own, millions of people are at the mercy of powerful farmers and wealthy landlords; they are forced to sell their labour for negligible wages in systems of bondage or near-bondage. These vulnerable people are generally uneducated and illiterate with no hope of freeing themselves from this

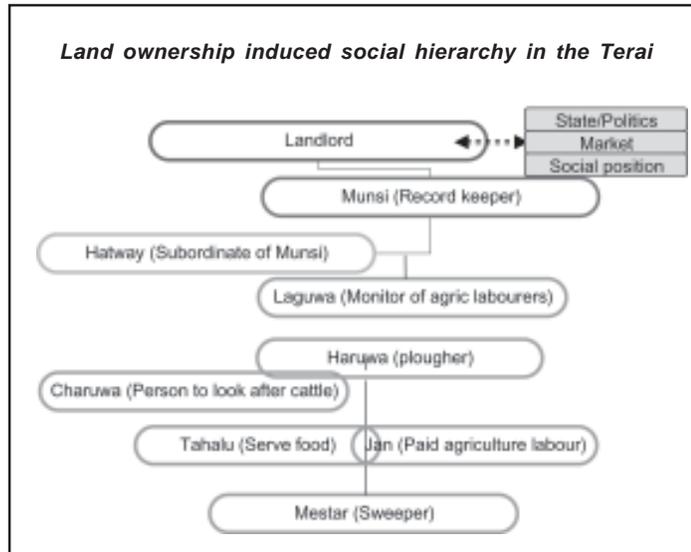
exploitation. Landlessness affords no status in the community and disenfranchises millions from their basic human rights. Without the possession of a land certificate people are denied access to basic government services such as banking, electricity, telephony and potable water. The landless are further victimised by non-government services, being unable to keep livestock and prevented from accessing community forest land. Millions of people in Nepal are trapped within this vicious cycle of poverty which does not benefit them, their communities or the national economy.

Some 300,000 landless Dalit families are estimated to work as *Haliyas/Haruwas*<sup>6</sup> in the hills of Western Nepal and in the Central and Eastern Terai. Likewise, the bonded labour, practiced in the Terai of Western Nepal until recently, was a typical example of land-based exploitation imposed upon vulnerable landless people. *Haruwa/Charuwa*<sup>7</sup> is yet another form of semi-bondage prevalent in Central and Eastern Nepal in which poor farmers are abused by landlords (see the land-based exploitation diagram on the next page). Indigenous peoples, who have maintained a special relationship with land and natural resources historically, comprise a significant percentage of those who suffer eviction and displacement.

The current pattern of land ownership and distribution allows a few powerful landlords to control not only the agricultural economy but also political and social life from the village up to the national level (Khadka 1994). This odious cycle which exists in Nepali society today ensures that those who rank low in social status are denied access to land which

<sup>6</sup> 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 the landowner's field by annual contract, but since he cannot pay back the principal amount, he ploughs for the interest on the loan he has taken, often passed down through generations.

<sup>7</sup> A *Charuwa* is a cattle herder.



Source: CSRC/ILO 2006

subsequently precludes them from participating in socio-political decision-making; a recipe for the unrelenting and unfettered exploitation which has occurred to date.

### 3. Implications of Land Reform

#### 3.1 Poverty reduction

Poverty is a major hindrance to development in Nepal; by implementing effective land reform the structural causes of poverty will be redressed. Land reform will enable the poor to participate fully in society and establish their social, political and economic status. Owning even a small parcel of land entitles people to benefit from agriculture inputs, micro credit and a number of government services; this can only lead to enhanced productivity and growth. This 'bottom-up' growth will facilitate a sustainable reduction in the poverty gap. Nepal's wage gap, between the richest and poorest, is currently the second highest in the World (after Brazil).

Experiences from other countries attest to the intrinsic link between land reform and poverty reduction. In Taiwan, annual rice yields rose 60% in the decade following

the "land to the tillers" programme of 1949-53. During the same period average farm household income increased by 150% as farmers diversified into high value-added crops. These higher incomes almost immediately translated into substantial increases in consumption of basic consumer goods, such as clothing, furniture and bicycles. Over the long term, Taiwan's secure and marketable land rights provided the capital that enabled

farmers to transform themselves into entrepreneurs and consumers. South Korea and Japan enjoyed similar successes in poverty reduction as a result of land reform.

The point to be noted is that landlessness in Nepal has not only been responsible for economic poverty, it has a direct bearing on socio-cultural human rights. To fight poverty on all fronts the poor need to be empowered and have a vested interest in the land they cultivate. This is possible only through effective and comprehensive land reform.

#### 3.2 Promotion of growth

Land is the main means of production in Nepal, involving over three-quarters of the population. In a country where growth cannot be fuelled by capital it is imperative that growth is derived from a broader base; land has the potential to provide the most promising base.

Population growth is increasing rapidly at a rate of 2.6% per annum, outstripping growth in agricultural production; this worrying trend is exacerbated by prevailing land policies. 38 districts currently have a

food deficit requiring them to import basic foodstuffs. When tenant farmers are denied a stake in the land they farm they will clearly have less incentive to maximise production. Their landlessness further impacts productivity by precluding access to capital for financing agricultural improvements. Consultations with tillers have shown that they have the knowledge and possess the necessary skills to increase production but are reluctant to invest themselves in a climate where they could be evicted at any time. Quoting a farmer from Saptari: ‘...if we develop the land with all our means, I have the high risk of the landlord evicting me from tilling or hiking my rent...we know how to improve production and would do so if it was our own property’.

Cropping intensity, an indicator of efficient use of land and agricultural productivity, is higher in small holdings (CBS, 2004; Chapagain, 1999; Chapagain 2001; HLCR 1995). Cropping intensity in small holdings of less than 0.5 hectares is approximately double; this growth derives from the fact that smaller holdings are owner-cultivated.

Increased productivity in agriculture stimulates growth in manufacturing and services. As land becomes more productive it will create more employment opportunities contributing to growth; young people especially are more likely to stay in farming if the land belongs to them.

In West Bengal the rate of growth in food grain production was the highest of the major food grain producing states of India. West Bengal also experienced the highest growth per capita of all Indian states and the highest employment elasticity of the fifteen most populous states. This exceptional growth was the result of the wide ranging changes in the structure of power brought about by land reform and the institutional reorganisation of local

government.

Post-land reform agricultural productivity in China made a substantial contribution to GDP. By 1952, 35% of the country’s gross investment was financed by savings generated as a direct consequence of land reform measures (Lappit, 1974). Land Reform was supported by other rural development measures including improvements in trade terms, liberalisation of output markets and improved access to inputs. The result was a doubling of the growth rate in the agricultural sector. Land reform and accelerated agricultural growth became a driving force behind China’s remarkable transition from a planned economy to a market oriented economic system (Ramachanran and Swaminathan 2002).

### 3.3 Promote inclusion and end discrimination

When the neglected and marginalised are permitted to participate in, and influence, the decision-making process they can begin to dismantle the deep-rooted discrimination and inequity within state institutions. Land reform will put an end to statutory and upper-caste landlordism and the whole land-based exploitation system in Nepal. An inclusive environment will end the dependency of tillers on landlords for their survival and opportunities will arise for social, economic and political development and participation, delivering the next generation from total exclusion and exploitation.

In West Bengal, a significant factor is the substantial representation of poor and deprived people amongst the elected state members. A sample survey conducted after the 1978 elections showed that 75% of the people elected to the local bodies were ex-*bargadars*<sup>8</sup> who had received land

<sup>8</sup> Tenant farmers

from the state (Mishra and Rawal, 2002). West Bengal's successful land reform process shows that marginalised people should be involved in the decision-making process.

### 3.4 Building a just state and society

Landlessness has a direct bearing on powerlessness, discrimination and alienation; a mass of discriminated and alienated people is a national time bomb. The end of landlessness is, on the other hand, the first steps towards the formation of a just, inclusive, participatory and democratic state, where all groups and communities are connected in a mutually beneficial way. Experiences in Taiwan, Indian states and Japan show that land reform has contributed to sustainable peace and ultimately to inclusion and state strengthening. We are at a critical juncture in Nepal's history and land reform has a vital role to play in the equitable state restructuring and successful conflict transformation which the government has been mandated to deliver.

As the country moves towards transformation, all the political actors, state machinery, civil society and the poor tillers should take this historic opportunity to bring about real land reform and sustainable peace and prosperity for all.

## 4. Government Initiatives So Far and the Task Ahead

### A. Government initiatives in land reform

In 1951, a commission was constituted under the chairpersonship of Naradmuni Thulung to consider a land reform process in Nepal. Nothing happened until 1959 when the first elected government passed an act to abolish the *birta* system of land distribution, ending an age old feudal tradition, at least in principle.

The 1964 Land Act was introduced under

the autocratic regime of the late King Mahendra. The Act met with strong opposition from land owners and was compromised by the tacit agreement that it would not be strictly implemented (Shrestha, 2002).

In 1987 the government distributed cleared forest in an attempt to assuage the building resentment directed towards the autocratic *Panchayati* system led by the king.

Following the People's Movement in 1990, a number of commissions to study land reform were instigated by consecutive governments. In 1996 the fourth amendment of the 1964 Land Act gave registered tenant farmers the right to claim 50% of the land they cultivated. Any claims, however, had to be made within six months of the amendment; it formally terminated the right of tenancy for tilling thereafter. At this time, many tenant farmers had temporary proofs of cultivation obtained during the Cadastral Survey, a land survey carried out after the 1964 Land Act, but they had not been officially registered as tenants. Without this official registration, they were ineligible to claim ownership of the land and it formally terminated the tenancy rights of 500,000 families.

The Maoist insurgency and mounting pressure from land rights activists forced the government into tabling a fifth amendment to the 1964 Land Act in 2001; this created a provision to lower land ceilings but the law was immediately repealed by the Supreme Court who deemed it unconstitutional.

### B. Task of the present government

Landless and poor farmers (around 1.6 million families) are demanding comprehensive land reform, covering land rights, effective land management, decentralised land administration, agricultural productivity support, employment generation and environmental

safety. The phenomenon of absentee landlords must be addressed and those who do not engage in agriculture should not be permitted to own arable land except for housing and kitchen gardening. This is not only a social justice issue but critical for the future food security of the nation; agricultural land must be made productive and not left to sit idle as a status symbol for the wealthy urbanite.

Land reform must be comprehensively integrated with other government services including irrigation, market linkages, subsidy, training, technology, seed support and rural financing, as part of a sustainable livelihood model. People other than farmers should be encouraged to join rural industrial businesses and services; exploitative traditions such as *Kamaiya*, *Haliya*<sup>9</sup>, *Ukhada* and *gutbi*<sup>10</sup> should be eradicated.

## 5. Recommendations

Nepal is undergoing a major socio-economic restructuring and the following actions should be considered as urgent priorities. A number of other subsidiary interventions should be considered but this article highlights only the primary ones.

### A. Inclusive policy formation and implementation

When the Panchayat regime formed the first Land Act in 1964 it did not take into consideration the exploited farmers and primarily sought to protect the interests of the powerful landowners and tighten state control over land resources. Despite six amendments, the fundamentals remain unchanged.

Against this background of inequity it is essential that existing land acts are

superseded by new inclusive policies which genuinely represent the vast majority of people involved in agriculture. A participatory, transparent and inclusive approach to policy-making is required.

Most importantly, there should be a constitutional guarantee of land reform as this has proved to provide the bedrock for success; in West Bengal progressive land policies have succeeded when backed by constitutional provision for land reform.

### B. Restructuring of land administration

Land administration in Nepal is excessively centralised. The Ministry of Land Reform and Management have subsidiary units throughout the country but they do not have the power to settle land issues at the local level; all decisions relating to land management are taken at Ministry level.

Simple logistics and financial constraints preclude poor farmers from attending the Ministry. Even if they could, they would become entangled in a complex web of bureaucracy, procedure and corruption.

The lengthy legal process begins at the district courts where rulings can be challenged all the way to the Supreme Court. A staggering 72% of all court cases are the result of land disputes.

The authority of land reform and administration needs to be decentralised and delegated to District Development Committees (DDCs) and Village Development Committees (VDCs) with District Land Reform Offices acting as secretariats. Separate land courts at the VDC and DDC levels should be established and charged with the authority to issue final settlement on local land issues

<sup>9</sup> A bonded labour system widely prevalent in the five districts in the Mid and Far Western development region of Nepal.

<sup>10</sup> An endowment of land made for any religious or philanthropic purposes

and disputes. Legal bureaucrats must be educated on land issues to ensure that the legal process is simplified for ordinary people and does not unnecessarily hinder land reform.

### **C. Establishing a high level land authority**

Various land related commissions have been created by authorities since 1950 in response to growing unrest from the land deprived. These commissions were so heavily compromised by pressure from the land owning class that they were largely specious and ineffectual. The very word 'commission' has become synonymous with broken promises.

There is an urgent need to constitute a high-level independent authority tasked with assessing land issues and issuing recommendations for concrete action. Such an authority should be an inclusive body comprising experts (legal, agricultural, technical) and representatives of the poor and marginalised, including women, Dalits, *Madeshis*, *Haliyas* and *Harumas*. Any authority must exhibit a high level of integrity and will need to establish an efficient communication network with DDCs and VDCs. The central committee should be confined to a technical and advisory role, with VDCs and DDCs invested with the power to recommend concrete action.

The success of land reform in Japan, Taiwan and South Korea depended on local level committees having power and authority.

### **D. Educating and organising landless and poor people**

Change will only come about through consistent pressure from the people, without constant pressure nothing will change and the ruling class will continue to control the poor through exploitative systems.

Unlike many other sectors, such as health and education, people do not receive land-related advice and information from the government, despite its importance to their lives. How would a tenant farmer know to keep (or ask for) grain payment receipts, or that he or she should have their tenancy registered at the District Land Revenue Office? Many tenants do not even have a notion of tenancy rights.

It is essential to invest in the organisation and education of the landless and poor farmers, informing them of their rights and mobilising them against ongoing deprivation and oppression. Tenants' and landless farmers' organisations should be facilitated to lead an effective land rights movement.

Through peaceful democratic means the marginalised and deprived can reclaim their land rights and thereby their right to full participation in society.

### **E. Budget allocation for comprehensive land reform and agriculture sector**

The government receives billions of rupees through land taxes and transactions each year but reinvests less than 10% of this revenue in land management issues. Little is done to improve agricultural productivity and ensure food sufficiency, consequently productivity is in decline, food imports are increasing and the contribution of the agricultural sector to GDP is decreasing. Progressive land reform needs to be addressed alongside productivity and their inter-dependence recognised and prioritised. A budget overhaul with increased investment for the agricultural sector can then take place.

## **5. Conclusion**

When land reform or land re-distribution is mentioned, some people become alarmed, think of revolution or cry foul on behalf of the landlords, seen as victims

of their own success. Land reform must be viewed as paramount if there is to be any hope of transforming the feudal economy which hangs like an albatross around the neck of Nepal. It is not leftist activism but firmly in the progressive interest of the national economy. Without land reform there will be no investment in farming technology, no improvement in agricultural productivity, no rural development and no evolution from subsistence farming to surplus farming.

Experiences show that effective inclusive rural growth and development is only possible after progressive land reform. Reform should have two main objectives;

first, to integrate the inactive wealth and human resources related to land, and second, to implement a justifiable distribution of land to the landless and poor farmers, creating an equitable balance of power, social justice and access to resources.

Land reform leading to improved agricultural productivity will stimulate the economy as a whole by creating employment, producing raw materials for other industries and reducing social unrest. Comprehensive land reform could lead to unprecedented growth in the agricultural sector and contribute positively to the ongoing transformation of the country.

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# Land Reform: An International Perspective



■ Alex Linghorn

*CSRC/Action Aid Nepal*

Pressure on land has escalated in recent years, driven by rising populations, price increases in food commodities, growing demand for bio-fuels, land use for non-agricultural purposes, the effects of natural disasters and climate change. Looming large is the paradigm-shifting presence of globalisation, reinforced by international financial institutions (IFIs) seeking to unilaterally impose their macro-economic policies.

Many of the prevailing forces, from transnational discriminatory caste systems to multi-national agribusinesses, do not favour the marginalised and exploited landless farmer. The importance of international cooperation to address these global issues is becoming increasingly apparent. After a long period of insularity, civil society organisations (CSOs) and NGOs are beginning to realise the benefits of forging international alliances to reinforce their campaigns and protect and promote the fundamental rights of landless farmers.

Organisations such as the International Land Coalition (ILC) and the Asian NGO Coalition (ANGOC) are bringing CSOs together to share information and create synergies to effectively raise land issues on a wider stage.

In 2002, ILC initiated Land Alliance for

National Development (LAND), a global programme of land partnerships between the state, civil society, and bilateral and international stakeholders. The aims are to widen participation, promote open dialogue, improve policy formulation and institute joint actions. In 2007, ANGOC, along with CSOs from six Asian countries, established Land Watch Asia, a regional campaign platform to address the issues of land rights, agrarian reform and sustainable development in rural areas.

These international networks and alliances make a valuable contribution towards building a sustainable, informed, cohesive and effective land rights campaign with the ability to pressure land reform authorities at both national and international levels. By sharing information through an international network, Nepal's CSOs, NGOs and donor agencies can learn from the experiences of other countries, both in developing the land rights movement and in structuring successful policy proposals.

The land rights movement in Nepal is building a significant democratic power base in the form of the National Land Rights Forum (NLRF). Facilitated by the National Land Rights Concern Group, CSRC and its partners, the NLRF has been developing a major groundswell of momentum to bolster the channels of

lobbying and policy advocacy. The NLRF is a united, democratic, people-led, inclusive and peaceful organisation which should serve as a role model for land rights movements across the world.

India too offers examples of successful people-centred movements which are peaceful and community lead. Sustained democratic pressure over the last 30 years has succeeded in putting land reform on the official agenda. The Janadesh Rally in October 2007 witnessed 25,000 people marching 340 km from Madhya Pradesh to Delhi. The marchers demanded a national land policy, a national land reforms commission and a fast-track court to expedite land access for the poor. The results were immediate and the government announced the formation of the National Land Reforms Council to be headed by the Prime Minister. CSOs are increasingly co-opted into development programmes initiated by the Indian government and are now seen as effective partners rather than as impediments. The government has initiated the procedure of placing social policy proposals and legislation in the public domain, where it invites critiques and suggestions for improvement.

In the Philippines the Tripartite Partnership in Agrarian Reform and Rural Development (TriPARRD) programme of PhilDHRRA (a rural development NGO network) employs a tripartite co-operative approach between the government, NGOs, and farmers' organisations to promote land tenure improvement, social infrastructure building and enhanced agricultural productivity. Cambodia has established partnerships between the government and international donors in the form of Technical Working Groups with a mandate to share information, foster dialogue and pursue action-oriented targets within specific sectors. Such steps are to be welcomed but private sector representation and an

improved role for civil society would be welcome additions.

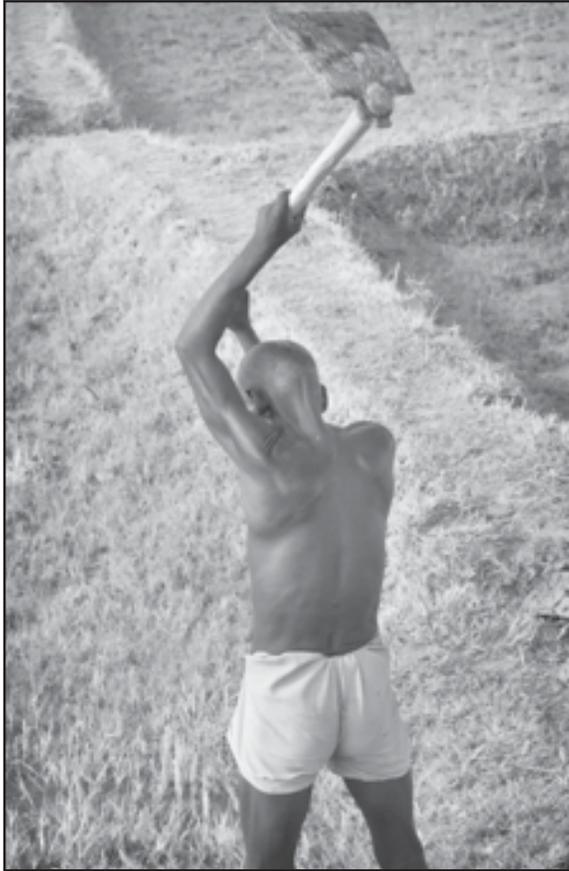
Cambodia can also claim to have forged a successful NGO alliance; the Land Action Network for Development (LAND) is a national level NGO network divided into three main groups; technical NGOs (legal assistance and education), operational NGOs (legal assistance and community development) and supportive NGOs (international organisations), although concerns remain about the refusal of government representatives to become involved.

While it is vital to keep land reform firmly under the political spotlight it is also essential not to politicise the land rights movement. Farmers' organisations in Indonesia became polarised between political parties, each pursuing separate or competing interests, and this proved to be a major obstacle to implementing successful land reform.

It is clear from shared experiences that land rights movements must remain firmly in the hands of the tenants and landless farmers where they are most effective. A sustainable and successful land rights movement needs to be led by those whose future security depends on its success. It is the role of CSOs and NGOs to support landless farmers' organisations to realise a solid institutional base and strong dynamic leadership while facilitating access to state policy making forums, at local and national levels.

Advances in land reform will only materialise through scrupulous advocacy and social innovation on the part of CSOs, NGOs, People's Organisations and reformers in government.

Nepal's land rights movement pursues a rights based approach, advocating the intrinsic link between land rights and the fundamental human rights of subsistence, protection, participation and identity. This



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leverages existing international conventions, laws and constitutions which protect fundamental human rights and is an effective way to ensure a framework for land reform which will address the structural causes of poverty. This enables landless and poor tenant farmers to actively pursue and gain land rights as a fundamental human right and lays the foundations for sustainable peace and economic prosperity. It is the duty of nation states to devise inclusive policies which allow citizens to participate fully in society and not to abandon them to inequitable power structures and a free market system which will ride roughshod over their economic, social and cultural rights.

A new constitution for the federal republic of Nepal is in preparation and now is the time to achieve constitutional land reform and press for a guarantee of rights for tenants and landless farmers, not just in principle but with concrete provision for implementation. The 1987 Philippine constitution provided the foundation for arguably the most progressive land reform policies seen to date. It strongly asserts the principle that property bears a social function and that the state has a mandate to promote distributive justice by regulating property ownership and use. The Philippine constitution explicitly promotes the rights of indigenous communities and makes further provisions for safeguarding against unfair foreign competition and for environmental protection.

In India the Forest Rights Act (2008) takes the important step of granting dwelling and ownership rights to indigenous communities who have lived on forest land for at least three generations, despite

lacking any documentary proof of ownership; a giant stride in the process of democratising access to land and safeguarding people's rights. Conversely in Bangladesh, where land reform has never been a political priority, landlessness has increased almost three-fold in the last 40 years (based on landless households, as a percentage of total land ownership).

Land reform policies can only be substantiated by political integrity and institutional capacity. The identification and redistribution of ceiling-surplus land is a widely employed mechanism for land reform. In Nepal, recent land ceiling limits were overturned by the Supreme Court for being unconstitutional. In West Bengal the redistribution of ceiling-surplus land

has been highly effective, almost completely removing absentee landlords and benefiting landless women and many marginalised farmers from the lowest castes. In West Bengal the Supreme Court backed the order on the confiscation of ceiling-surplus land.

The process of land reform must be transparent, straightforward and genuine. In Bangladesh, authorities failed to recover any ceiling-surplus land and have since moved to prohibit the purchase and transfer of land by those wishing to conceal their land holding; perhaps a case of shutting the stable door after the horse has bolted. The whole system of land redistribution in Bangladesh suffers from endemic corruption; redistributed land was nominally free but in practice only a significant bribe would secure land, which often found its way into the hands of the ineligible and non-landless.

In the Philippines a 'Voluntary Offer to Sell' and 'Voluntary Land Transfer' are the primary modes of land acquisition. Leaseback arrangements are common, whereby the landless farmer is coerced into turning over the awarded land on a lease contract to agribusiness corporations or former landowners, as a precondition for accessing the Certificate of Land Ownership, thus subverting the whole process of land redistribution.

India has taken the lead in computerising land records with the aim of ensuring ownership, tenancy transparency and security. Such records can help in minimising disputes and exploitation. There is a similar project afoot in Nepal, supported by the Asian Development Bank, although it is questionable that this should take priority over a fundamental restructuring of the land administration.

The redistribution of land, either through awarding new land to the landless or granting ownership rights to existing occupants, must not be seen as the final

stage in the process but rather the initial stage in creating a viable and sustainable model to ensure livelihood stability and enhanced productivity. In many developing countries there is a trend towards abandoning, selling or mortgaging awarded lands, often to raise money for medical expenses or because of a lack of credit to finance production. The combined pressures of increasing land prices and a dearth of government support services has been the main catalyst for selling awarded lands. Without the necessary support systems, deprived farmers will understandably focus on solving their immediate food and social security problems, undermining the whole basis of a sustainable livelihood model.

The Indonesian government places certain obligations upon land reform beneficiaries to ensure a positive outcome; the land must be owner-cultivated and production must increase within two years. Negligent beneficiaries have their land expropriated without compensation. Such conditions are only reasonable if the newly entitled farmers are provided with the support they need, including improved infrastructure and access to markets, accompanied by financial, technical and social services. Few governments and NGOs are committed to, or even capable of, providing the necessary support during this critical post-claim period.

The Philippines leads the way in rural support services, having established post-harvest facilities and continuous agricultural and enterprise development which focuses on community capacity building and rural infrastructure and finance.

Nepal is in the process of integrating into regional and global trading platforms which require a series of profound economic policy commitments. As a member of the World Trade Organisation (WTO), Nepal has a legal obligation to align its economic policy with global

requirements. The landless, near landless and smallholders face an uncertain future in this era of globalisation and Nepal must learn from the experiences of developing countries that have courted IFIs, adopted their policies and paid the price.

The land policies of IFIs pursue a privatisation model for property rights, granting secure access to land only for those who can pay the market price. Needless to say this scenario often benefits urban speculators and large corporations, with the high and fluctuating cost of land further exacerbating the inequality. Bringing together the wealthy and the deprived to bid in a free market does not redress historical injustices and fundamental inequalities. This one-dimensional valuation process ignores the complex social and cultural value of land and pursues a short-term ruthlessly efficient model for production, with land treated solely as a commodity.

IFIs must be informed that land in developing countries is associated with a whole gamut of issues including poverty, peace, development, gender equality, social inclusion, minority discrimination, conflict transformation, environmental protection, agricultural productivity and economic prosperity, as well as the fundamental human rights already mentioned.

It is clear from past experiences that IFIs are not interested in pursuing an equitable and sustainable system of land access and ownership, nor are they concerned with enabling landless farmers to lead respectable lives and contribute fully to the socio-economic and political life of their country. They persistently overlook the long-term benefits of providing secure access to land for the rural poor despite documentary evidence of poverty reduction, increased agricultural productivity, stimulation of the rural economy and conflict prevention.

In 1995, the Indonesian government and

the World Bank (WB) signed the Land Administration Project, creating a “land market” based on the model of free market supply and demand; as expected this land market served to exacerbate the existing disparity in land ownership.

IFIs advocate a Market Led Agrarian Reform model which enables “willing buyers” to purchase land to be ‘redistributed’ from “willing sellers”. The WB has proposed the creation of a “Land Bank” for Nepal where landless farmers can buy land from landowners at the full market price. The WB would provide the necessary loan and consequently create an enormous debt burden on the poorest members of society while generously rewarding the richest. CSOs and landless farmers protested this move as there are a number of pre-existing options to pursue, including the redistribution of fallow land, ceiling-surplus land, government land and cultivated forest land; the government have since postponed the programme.

Land ceilings are also under attack from IFIs with the WB criticising the Philippines for “existing land ownership ceilings [which] restrict the functioning of land markets”; is this not the intention of land ceilings? Instead of enabling an impoverished farmer to invest in the land, create a livelihood and improve production, IFIs opt to facilitate that farmer in selling it to someone in a better position.

In addition to privatisation, two further policies complete globalisation’s holy trinity; liberalisation and deregulation.

In 1995 Indonesia signed the Agreement on Agriculture with the WTO and agreed to open its markets; liberalisation of the domestic market for agricultural commodities spelt calamity for the peasants. International free trade agreements are not made with the intention of strengthening poor farmers’ land rights, furthermore small-scale agricultural

production simply cannot compete in a global market controlled by multi-national corporations. Developed countries continue to bolster their agricultural export products with significant state subsidies whilst protecting their domestic market with prohibitive tariffs. Indonesia has since become the largest recipient of food in the world and is experiencing a startling rate of natural resource exploitation; deforestation currently runs at the equivalent of 300 football fields every hour. In 1992 Kenya sourced 75% of its produce from smallholders; by 1998 this figure was only 18%, with large-scale production units

IFIs imposing neo-liberal market-oriented policies which act as major constraints on the rights of tenants and landless farmers and by extension threaten sustainable peace and development.

The WTO believes it is better for countries to buy food at the international market with money obtained from exports rather than attempting self-sufficiency; this paves the way for monoculture and contract farming while creating a precarious reliance on imports for basic food commodities.

In India contract farming has become increasingly prevalent; a farmer is asked to put their land and labour to use by a

company to produce a particular kind of crop. The farmer is expected to provide a specific quantity of the produce for which they receive the contracted price. Over the long-term, farmers are finding that this does not lead to the promised continuous growth in income and sections of the government are now opposed to it.

Monoculture of cash crops in Indonesia has caused landlessness and created dependencies for small-scale farmers on expensive agricultural inputs such as high-yield seed varieties, chemical fertilizers, and pesticides, which are often imported. Furthermore, these farming methods compromise ecological integrity and, as has been witnessed in Bangladesh and Indonesia, can lead to large scale environmental



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now dominating the market.

Nepal has recently entered into a WTO network that requires promoting an open market economy, with serious implications for landholdings. Nepal must guard against

degradation.

International trade is a natural occurrence but a significant degree of autonomy must be maintained; an over-dependence on imports for basic needs such as food is ill-



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advised. Experts predict that the increase in food prices is not temporary and that we are moving towards a new long-term higher equilibrium. International food prices have increased by 83% in the 36 months leading up to February 2008 (WB, April 2008); strengthening food self-sufficiency is especially important to developing countries that do not have the resources to sustain long-term expensive food imports.

The repercussions of IFI interventions in developing countries illustrate the danger of imposing a capitalist model upon semi-feudal systems; it will lead to greater exploitation and inequity. International trade policies and programmes in Indonesia which were aimed at strengthening the position of agricultural exporters proved to be overly discriminative and served to weaken the bargaining position of local farmers. Large corporations were expected to develop farmers' institutions, but instead they exploited them by creating monopsonies whilst forming cartels to raise the prices

of their own products.

Land reform, and protection against unfair trade practices, must take place before any market liberalisation. As the Indonesian press warned:

*"Conducting agricultural revitalization without implementing land reform will only open the old wounds...like a foolish donkey that falls into the same trap for the second time."*

To accompany market liberalisation IFIs seek to impose the use of modern technology on agrarian societies. If this is not implemented diligently and judiciously it leads to growth in rural unemployment. In Indonesia the imposition of modern technology achieved just this; notably amongst women, who were evicted from the land and became a pool of cheap labour for multi-national corporations; those same corporations that were the main beneficiaries of the modern technology.

The deregulation propounded by IFIs, to facilitate liberalisation, must not be carried out too hastily. Without a prior improvement in infrastructure to

accompany the dismantling of parastatal apparatuses marginal areas will be alienated; this has been seen in sub-Saharan Africa where only those farmers close to urban centres benefited from the influx of private trade.

Countries such as Zimbabwe and South Africa, which have followed IFI policies in addition to state deregulation, have seen increases in corruption and violence, a breakdown in food production and greater levels of inequality in landholding and in living standards. The case of Indonesia clearly shows that when control over productive assets is left to market forces only those who are close to power receive significant benefits, while small farmers are sacrificed on the altar of globalisation.

The Indian states of West Bengal, Kerala and Tripura have implemented successful land reform policies and are now enjoying the positive long-term impact on economic growth and poverty reduction. In the Philippines, studies show that when agrarian reform is implemented properly and integrated support services are provided, farmers have higher incomes and invest in their farms more intensively. Japan, Korea and Taiwan demonstrate that land reform is not only a social justice measure, but also the foundation for mobilising agrarian societies towards rural, and ultimately urban industrialisation.

Land reform is a pressing issue shared by many developing countries that are shackled by entrenched inequities in land access and ownership. Highly unequal land ownership breeds social tension, political unrest and inhibits economic growth. While each developing country faces its own particular land related issues, some common themes prevail; the lack of political will to formulate and implement effective land reform, entrenched inequitable power structures, exclusive legal systems, a lack of information dissemination and the age old millstones of corruption and excessive bureaucracy.

Across the board, authorities are seen to be rich in rhetoric and poor in deed.

The best approaches to land reform are those that integrate security, livelihood, resource management and community empowerment. Land reform must precede agrarian reform and redistribute land widely enough to preclude any dominant land-owning class. It must also be accompanied by a support structure to enhance productivity. The expansion of rural markets that will follow will generate growth and this will lead to sustainable peace and national development.

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## Pathway of National Land Rights Forum

### Unique Democratic Practices

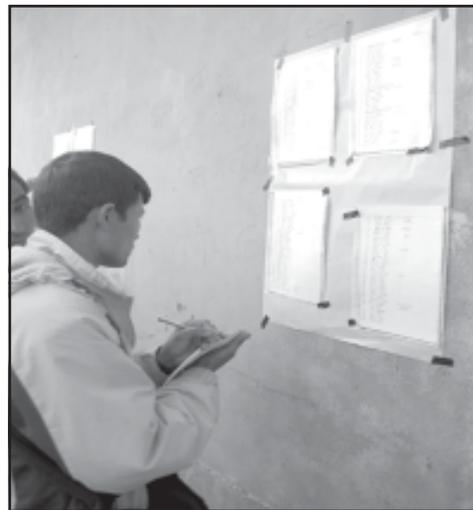


■ Krishna Pathak

In the 1950s people fought for democracy and for their rights over natural resources, especially land. The then King staged a coup and introduced the autocratic “*Panchayat*” regime which did not address the tenants’ and landless farmers’ concerns regarding land rights. The King introduced a Land Act to save face but it did not benefit the tenants and landless farmers. The tenants and landless farmers continued their struggle during the early *Panchayat* era and were suppressed by successive governments. Many political parties who supported the tenants’ and landless farmers’ agenda for land reform were banned. Land reform is a political issue but since there was no democratic space, political parties could do little. This caused the tenants’ and landless farmers’ movement to become diverted towards a movement for democracy between 1960 and 1990. However, the tenants and landless farmers continued their land rights struggle one way or another.

Following the advent of democracy in 1990, the political parties sidelined long-awaited land reform. Effective land reform remained only as a slogan on the lips of political parties. At this time the land rights movement had eased-off as the tenants

and landless farmers now had immense hope with the restoration of democracy. Tenants and landless farmers waited and waited, but nothing. For the next few years they raised their concerns and lobbied the political parties, but to no avail. Finally, tenants and landless farmers came to the conclusion that without a strong people’s movement the political parties would not listen. Tenants and landless farmers from across the country realised they must form an organisation that could better educate



*Delegates look through the voters list*

and mobilise themselves to create a movement capable of dialogue with government and political parties. Against this backdrop, the National Land Rights Forum (NLRF) Nepal was established in 2004. The NLRF envisions a society where all tenants and landless farmers can live dignified lives. Further to this, the NLRF strives to empower tenants and landless farmers to assert their rights over land resources in a peaceful way. The NLRF's objective is to ensure tenants' and landless farmers' ownership over tilling land, to improve their food security and health, to protect security of tenure and to promote dignity and peace.

The NLRF is a membership-based national-level People's Organisation consisting of land deprived people such as squatter settlers, slum dwellers, tenants, trust land tenants, landless farmers, former bonded labourers, Dalits, women, and other excluded and marginalised people. Since the NLRF was established in 2004, it has expanded to 42 districts. The NLRF has 28 district level and 1,223 village level people's organisations along with 48,133 members, including 19,098 women and 25,531 Dalits. The NLRF is led by 4,718 community leaders, of whom 7,067 (48%) are women and 8,251 (56%) are Dalits. The NLRF has been taking the lead in the land rights movement throughout the country and advocating for pro-people land reform. The NLRF is a representative body of over one million tenants, landless farmers and peasants in Nepal.

The NLRF practices a democratic process, participatory approach, gender sensitive style, and transparent and responsive behaviour at all levels of decision-making and organisational operation. The movement adheres to a democratic leadership style and the major decision



*Delegates busy canvassing*

making adopts a consensus approach. The NLRF<sup>1</sup> encompasses a unique organisational culture which articulates internalised core values such as gender and caste sensitivity, mutual respect, creation and innovation, and strives to be apolitical and non-sectarian.

The NLRF strongly believes that democracy is a practice which needs to be exercised at all levels of the land rights movement including its organisational functioning. Thus, the NLRF has developed a democratic set up with leadership elections from amongst its members. The NLRF conducts a National Conference every three years which discusses and adopts the key strategic direction for the movement for the following three year period, including constituting a new Central Executive Committee.

The NLRF convened for its first national Conference in Kathmandu in December 2004. The conference was a landmark event in the history of the NLRF. The conference established the NLRF at a civil society level. The NLRF is the first People's Organisation working for the cause of land rights. A further outcome of the conference was the election of a 15-member Central Executive Committee

with a three year tenure.

This tenure concluded in December 2007. The Second National Conference was to convene after completion of this tenure, but with Nepal's government announcing elections for the Constituent Assembly (CA) in November 2007 the NLRF had no option but to defer the conference. The NLRF convened its second National Conference in Dang from 1-3 March 2008.

The NLRF team worked around the clock to prepare for the conference and contributed both their money and their time. An encouraging amount of money and time was contributed by the tenants and landless farmers in making their conference both an historic occasion and result-oriented. The NLRF was able to acquire external resources through CSRC, in addition to what was contributed by the people.

The NLRF leadership process begins with primary groups, consisting of 20 or so members, from each district. Each primary group selects one woman and one man to represent its district committee. The district committee then selects one

delegate for the National Conference. The selection is based on the criteria developed and adopted by the district committee. The NLRF district committee promotes an inclusive approach that aims to ensure equal participation for women and allows for the proportional representation of ethnic communities, indigenous nationalities, less advantaged and marginalised groups. It is interesting to note that there was a consensus for electing delegates for the conference in some districts while in others there was a systematic electoral processes to elect the delegates. This process yielded a total of 400 delegates from 40 districts to take part in the conference; over 200 were women. 120 land rights activists and 150 national and international observers also participated in the event. 10,000 people took part in the inaugural ceremony and extended their solidarity to the cause.

The NLRF stated its commitment to democratic decision-making and the development of a transparent organisational structure. Several participants remarked that they had increased confidence in the NLRF now



*Newly elected Central Working Committee members*

that they could see the representatives were fairly selected. NLRF members managed their own decision-making process during the event and were able to resolve internally the one dispute that arose regarding selection of national conference delegates. This is significant in the context of strengthening the NLRF as an organisation to enable it to successfully manage internal politics and decision-making as it continues to develop and grow. It was also a good sign in terms of adhering to democratic processes with the Constituent Assembly elections drawing near.

On the third day of the Conference, the NLRF constituted a five-member independent election committee. The election committee was inclusive, consisting of two women, two Dalits, and two representatives from ethnic communities. The committee was given a full mandate to develop procedures for conducting the election. The election committee subsequently published an election timetable and a list of procedures, including; a voters' list, a timetable for submitting candidacy, a complaints procedure, a withdrawal procedure, a final list of candidates and finally voting procedure.

According to the election committee, there would be a 21-member Central Working Committee, of whom 17 office bearers will be directly elected, comprising at least eight women, three Dalits, Janajatis and two others. The remaining four seats will be reserved for the minority communities such as Raji, Badi, Raute and others. The election committee identified eight different electoral constituencies and allocated two seats for each of the constituencies with a mandatory provision of one woman and one man.



*Election committee chair administering the oath of office and announcing responsibilities to the newly elected leaders*

In order to conduct the election in a free, fair and impartial manner, the election committee issued a Code of Conduct (CoC) to the delegates. The CoC consisted of; no use of cell phones, a sealed electoral area, use of polite language while canvassing, no entering or leaving the electoral area, maintaining calm at all times, cordial and healthy competition, no speeches in the electoral area and separate working spaces for voters, candidates, observers and the media.

Within the allocated time, delegates were able to reach a consensus and the candidates were elected unanimously in six constituencies out of eight, with the final two being elected using ballot papers. Finally, the election committee completed the entire election process and announced the elected members to the new Central Working Committee. The election committee elected 17-members for the Central Working Committee and published the official results of the election. Elected members held a meeting and divided the portfolio of key office bearers between the members of the Central Working Committee.

After administering the oath of office and announcing the responsibilities to the newly elected Central Working Committee, the

election committee was dissolved.

The international observers were very much encouraged by Nepal's land rights movement and gauged the success of the movement by the evolving powers of the people's organisations and their struggle. Mr. Pradeep Priyadarshi, from Ekta Parishad India, reflected that the positive outcome of the conference resulted from a strong democratic process in the people's organisations, from grassroots to national level. This is one of the key lessons he learned while observing the NLRF conference which will be useful for the Indian land rights movement.

Mr. Andrew Fuys, Policy Officer for the International Land Coalition, was impressed with the strong participation of women throughout the conference, stating that: "women were visible both in terms

of overall numbers and in terms of speaking up from the audience during the event. NLRF uses a quota system to ensure women sit in half the seats on its national council; one woman chosen for the steering committee was later elected to become the NLRF Vice President. This is a very inclusive approach by the NLRF indeed".

The Conference was a unique example of democracy. The delegates were able to elect a new leadership following a full democratic process carried out in a peaceful way. It is crucial to elect the leadership to deal with the complex issues related to freedom, identity, dignity and security of daily livelihood. This is an excellent opportunity for political parties, civil society organisations and other organisations to learn from this fine example set by people in the community.

## ***Interaction program with the members of the Constituent Assembly***

An interaction program with the members of the Constituent Assembly (CA) was held on the 7<sup>th</sup> June 2008. The program was organized by the National Land Rights Forum, a people's organisation supported by Community Self Reliance Centre. 65 participants, including 12 Constituent Assembly members, representatives of NLRF, land rights activists, researchers and media personnel participated in the program. The main agenda for the interaction program was to establish land reform in the new constitution. The speakers stressed the following points;

- Without solving land issues, there

will not be sustainable peace; therefore it is important to address land issues in the forthcoming constitution.

- Due to fear of land reform, landlords are evicting tenants and landless farmers; the CA should immediately take action to prevent these evictions, if necessary making it a punishable offence.
- Joint ownership of land by both men and women should be mentioned in the constitution. The fundamental issue of land rights should be included in the constitution.

## Interview

# NLRF 2nd National Conference

## Interviews with International Observers

Interview with PRADEEP PRIYADARSHI  
Ekta Parishad, India



**How did you find the NLRF second National Conference?**

This is a key step in strengthening democracy in Nepal. Political parties' participation encourages people that land rights issues are being taken seriously. Global experiences show that without addressing the land problem, development is not possible. The NLRF movement in this direction is very worthwhile.

The organisational process of the NLRF, from grassroots to national levels, is a unique example of democracy. The method of selection and election of representatives and leaders paves the path for exercising mature democracy. I hope the political parties and national elections will learn from this process of operating in a free, fair and impartial manner. The way people are taking part in this election is a symbol of commitment and the struggle for rights; the organisations are ready for a long battle to secure land rights.

**How do you see the role of land reform in making democracy meaningful to poor people?**

Land reform promotes identity, livelihood and social justice. Some people encroach upon land and other people are landless and poor. Without equal land rights, 'land to the tiller' cannot prevent violence. Thus,

land reform is the effective means for maintaining peace and social justice that ultimately promotes real democracy at community and household levels.

**We know you have been part of a strong land rights movement in India. What similarities and differences have you found between the land rights movement in India and Nepal?**

Not much difference. The problems surrounding land are similar. A few people own most of the land in India, just as in Nepal. Poor people are committing suicide as they do not have a piece of land. Developed countries use subsidies and tariffs while the International Monetary Fund and the World Bank impose conditions on developing countries which further alienate poor people from land. So there is not much difference, which is why poor people in Nepal, India and Bangladesh should come together and launch an effective movement to stop such Multi-National Corporations (MNCs) encroaching on their land.

I have found that another similarity is the participation of youth in the movement. Youth should lead the movement. The

NLRF belongs to the youth and needs to link more with youth in creating a national movement. In India, the youth organised a month-long Janadesh (people's verdict) to draw the government's attention to the pertinent issues of land and natural resources.

**You mentioned about Janadesh. Would you please elaborate more, why did you organise the Janadesh and how did you do it?**

In India, political parties come to power by people's Janadesh but fail to implement their commitments and duties. Many rural farmers were deprived of their land rights and there was a land policy in the country which alienated poor people from the land. This kind of situation displaced millions of poor people from land and shelter.

Against this backdrop, Ekta Parishad (EP) asked the Indian government to draft a new land and natural resources law, but the government did not listen. So EP organised people in many states, during the last three years, with the aim of making the government hear the people's voice. Finally, over 25,000 people marched from Gwalier to Delhi for 30 days around the clock with their own food. Peaceful movements are a way for people from all walks of life to participate. Violence has no space. Tillers from Nepal had also extended their solidarity. This grand Janadesh pushed the government to establish a land reform committee which is chaired by the Prime Minister. Furthermore, there is a special committee which is chaired by Grameen Bikas, Rural Development Minister, who will draft a law.

**NGOs have been advocating the rights of poor and less advantaged people. In the meantime, deprived people themselves have been organising and fighting for their rights. How do you see the role of NGOs and People's Organisations in launching the rights movement?**

The first important thing is the policy. If

the policy is not in favor of the poor then development has no meaning for them. The NGOs' role is to make people aware and to enable them to fight for their rights. NGOs need to awaken people to understanding their rights but should not take the leadership themselves. There are committed people within people's organisations who can take leadership of the movement. NGOs and intellectuals play a supporting role in acquiring resources, enabling them and advocating at government level.

**What did you find interesting in this conference?**

One of the interesting aspects is that the movement has compelled key political party leaders to come to the conference and listen to the people's voice. Furthermore, they reaffirmed their commitment on land reform once again in front of the masses. Another aspect is that over 10,000 people from 52 districts took part in the conference which is significant in itself. Interestingly, the political leaders attended the rally and know that without addressing the land issue they cannot win the election. Finally, the method of selection and election of NLRF representatives and leaders is an example of mature democracy.

**Based on your observation and experiences in land rights movements, how would you advise the NLRF?**

The NLRF should continue its dialogue and struggle with political actors. There should be a steady movement in a peaceful way. The *Dharna* (sit-ins), *Satyagraha* (asking for truth), among others should be continued at the national level so that they compel government and political actors to implement policy reform in order to guarantee land rights for poor people. Furthermore, the NLRF should help build international pressure on the government. The NLRF can take assistance from international communities in this regard. Similarly, systematic and effective lobbying

is necessary within the bureaucracy and with the political parties.

**What are the challenges you have foreseen in the struggle by poor people for their land rights?**

Firstly, socio-cultural issues, such as caste, religion and culture may create problems that need to be overcome. Overcoming the feudal practices in our communities is one of the key challenges in order to break the present structure of injustice. Secondly, the feudal system may create violence that will have an adverse effect on the poor people's struggle, as they will be considered instigators of violence. Thirdly, globalisation is gradually becoming a challenge to poor people. The MNCs can buy land and make the poor live as wage labourers. Globalisation has serious

implications in making small farmers landless and displaced. We should protest such laws that give land to the MNCs. This has a negative effect on poor people. This is going to be serious in the days to come.

**Would you share your overall perception on Nepal's land rights movement?**

I have found that the conference gave a clear message to the political parties and that without addressing the land issue no government can succeed. The political leaders have good awareness of the land issue. I hope they will keep land reform issues in the election manifesto and implement them once they come to power. Similarly, the NLR election process is democratic. I will take this process to the grass roots level (10,000 villages) in India. This process keeps the organisation active and dynamic.

**Interview with ANDREW FUYS  
Policy Officer, ILC**



**How do you see Nepal's land rights movement?**

The movement is quite strong and becoming stronger. I am very impressed not only at the number of people but also how strong their voices are; how they came here prepared to share with each other, and with government officials, about their hopes and needs concerning land rights.

**Do you see any potential for the land rights movement to contribute to democracy and peace building?**

The basis of democracy whether in a political, economic or social sense concerns basic freedoms where people can organize themselves to express their opinions and needs, to create policies and laws that reflect their concerns. This kind of movement and conference play a

fundamental role in strengthening democracy in Nepal and helping to create lasting peace.

**What did you find significant about Nepal's land rights movement and what similarities do you see with movements in other countries?**

The first steps that the movement must take should be getting people together locally then coming together nationally. Finding their collective voice, their common position and presenting this to NGOs to pressure at the national government level. The meeting is a step forward in helping to strengthen the

movement, and its members, socially in terms of access to education and health, economically in terms of ability to sustain a livelihood through farming; there will be more steps to take in the days to come.

One significant aspect in Nepal is that the land rights movement is coming together with other people's movements such as the indigenous people's movement, Dalit movement, community forest movement and the like. This gives a clear picture that all those who are really concerned about their rights surrounding land and natural resources are coming together and finding common ground. The people who are taking part in this movement are setting the agenda for the future. People are standing up and taking over the leadership of the movement; NGOs and CSOs can provide support to people to help them in this regard.

It is important to have a strong people's organisation at the forefront of the land rights movement. This forms the basis of being able to form pressure and convinces the national government and parliament to make the necessary changes. Without such strong pressure from people it is much more difficult to achieve the desired changes in laws and policies.

The variety of people who are coming together from different backgrounds in terms of ethnicity, location, gender, caste and social conditions and finding common similarities and interests is one of the key steps that Nepal's land rights movement seems to be taking, which is different from the land rights movements in other countries.

**How do you see the role of Civil Society Organisations (CSOs) in helping people's movements like the land rights movement?**

One of the key roles of CSOs here is in helping people become aware of land rights movements internationally. Nepali people have been hearing about experiences in other countries through NGOs. This provides the opportunity for people around

the world to learn about the situation in Nepal and vice versa. This provides international solidarity for Nepal's land rights movement by strengthening the movement across the globe. CSOs can help promote the land rights movement in many ways and in various countries to create international solidarity and cooperation.

**What is your impression of the National Land Rights Forum in terms of its strength, and scope of work?**

The ability of different local chapters to come together to elect leaders, either through consensus or through voting, is a great strength of the NLRF, giving the confidence that comes from a democratic and peaceful process. The internal democracy of the movement is a real strength.

The approach taking place starts with people's organisations locally, as a building block, and builds up through a democratic process to form a national team to represent the interests of people throughout the country, finding a cohesive way to represent policy discussions; this is very important. One of the steps will be pushing the government to honor their prior commitments for scientific land reform. There needs to be a mechanism and channels for the NLRF to communicate their interests locally as part of a process of deciding what sort of policy for land reform will be put in place.

Land rights must be at the centre of the land reform process. I heard that as many as 25% of people, or more, are landless. This makes up a huge chunk of the population. The government and Constituent Assembly must address their concerns and needs regarding access to land and natural resources. The fulfillment of those rights will establish a strong basis for democracy and justice in Nepal. This will help in addressing the concerns people have regarding poverty, which is the landless people's central demand for reform and justice. This will address the

real concerns of the bottom 25% of the people. This will be the basis for ensuring democracy to these poor people.

### **What is the International Land Coalition's (ILC) role in land rights work across the globe?**

The ILC helps communities' in organising around land. The ILC also helps people's organisations and CSOs build up from local organisations to strengthen a national

network and influence national policy at a legislative level in their respective countries. The ILC contributes to making links between people's organisations and CSOs regionally and internationally to try to influence global decision making for land resource rights. The ILC also facilitates bringing Nepal's situation to the attention of global communities and tries to identify international power stations where it can be influential at that level of decision making.

## **Foundation of the Democratic Republic of Nepal: Pro-People Land Reform in Practice**

### **National Land Rights Forum, Nepal Second National Conference 2008**

1-3 March  
Ghorahi, Dang

## **Declaration**

**C**ommitting to contribute to holding free, fair and impartial elections for the Constituent Assembly (CA) which will reflect people's aspirations on human rights, social justice, sustainable peace, democracy and change, demonstrated through the people's movement in 2006;

Unanimously agreeing that land rights is the only option for poor tillers and victims of feudal exploitation and other forms of discrimination, such as *Haruva-Charuva*, *Haliya*, *Kamaiya*, *Kamlari*; victims of *Ukbada*, *Chure* and *Guthi*; unregistered tenants, amongst others, to ensure their security of livelihood, identity, dignity and freedom;

Emphasising that the people's dream for a new and prosperous Nepal is only possible through a pro-people land reform where land-dependent poor farmers' fundamental right to live a dignified life is protected;

Realising all the ongoing social

movements protecting people's rights on land, water and forest are interdependent and are mutually complimentary;

Extending solidarity to all past and ongoing social movements against caste-based discrimination, gender inequality, regional imbalance and social injustice and inequality;

Advocating that pro-people land reform is an opportunity and a medium for transforming conflict, which arises from unjust distribution of natural resources and the means of production, into a sustainable peace.

We the 500 delegates from 42 districts representing land rights deprived groups of people, such as *Haruva-Charuva*, *Haliya*, *Kamaiya*, *Kamlari*; victims of *Ukbada*, *Chure* and *Guthi*; unregistered tenants, landless settlers and 250 national and international observers met in Ghorahi, Dang on 1-3 March 2008 and conducted the second national

conference of the National Land Rights Forum. At the end of the conference, we the delegates of the National Land Rights Forum issued this declaration with the following demands:

1. Immediately implement the provision embedded in the Interim Constitution 2007 with regard to scientific land reform, the provision made in the Three-year Interim Plan (2007-10), all the commitments made by the political parties and an agreement entered into between the Nepal government and the National Land Rights Forum on 18<sup>th</sup> September 2006.
2. Constitute a high level Land Commission with the appropriate representation of land rights victims to take concrete initiatives from the Constituent Assembly election as a national campaign to pave the way for prosperity and freedom for the land rights deprived *Harima-Charima, Haliya, Kamaiya, Kamhari*; victims of *Ukhada, Chure* and *Guthi*; unregistered tenants and landless settlers.
3. The Conference has concluded that the Ministry of Land Reform and Management and its subsidiaries responsible for land reform have failed to address people's expectations on land reform. Hence, we strongly demand a guarantee of good governance and democratic practice within the afore-mentioned government mechanisms.
4. Participation of poor, landless, Dalits, agricultural labourers, slum dwellers and other excluded and disadvantaged people must be ensured in the CA election process. Land rights cannot be enshrined in the new Constitution without the meaningful participation of the land rights victims themselves. Thus, we strongly demand land rights victims' participation in the upcoming CA election.
5. The conference concluded that globalisation, an open market economy and intervention and pressure from multi-national companies has a negative impact on the national economy and violates the rights of tillers. Thus, the conference urges the government to take a strong position against the open commercialisation of agriculture, foreign encroachment on natural resources and allowing profit-oriented investors into the land and agricultural sector.
6. Every year, the 2<sup>nd</sup> August will be celebrated as a memorial day for Mr. Bhimdutta Panta and Mr. Tulsilal Amatya. Various land rights movement activities are being carried out on this day. Therefore, the conference strongly asks the government to officially recognise 2<sup>nd</sup> August as national land rights day.
7. The conference demands government and political actors address the genuine concerns and demands of women, Dalits and indigenous nationalities, which have been expressed for quite some time. Further, the conference also demands that the government end the culture of impunity and guarantee peaceful and impartial elections for the CA.

We, the delegates of the conference believe that the government should seriously consider the demands raised by the conference and take sincere action to fulfill them without delay. The conference appeals to the political parties and the government to instigate the appropriate policy framework for pro-people land reform in the spirit of transformation and justice. If this is not forthcoming we have no option but to put increasing pressure on the government using the land rights movement.

3 March 2008  
Ghorahi, Dang, Nepal

# People's Organisations and Land Reform



■ Jagat Deuja

*Programme Manager, CSRC*

## Recent Status

The people desire and hope for a revolutionary change in the economy and society as a whole. In an era of great non-violent political and cultural transformation it is appropriate for people to expect such changes. While there is no significant economic growth, the prices of basic human necessities are sky-rocketing. Under these situations, opportunities for employment and wages have not increased.

Land reform is necessary for social and economic transformation, but most people are not aware of this fact. People vehemently protest the hike in petroleum products but seem to be ignorant of the food crisis exacerbating the social problems of the poor. There has been no protest whatsoever regarding such a critical issue as the food crisis. How long do we have to wait for a protest that supports agricultural transformation with land reform for the overall productivity, opportunity and employment of the marginalised and poor? We have to watch

and wait. In the days to come, it is certain that debates will arise and tensions will appear in the Constituent Assembly, on the streets, and in the community. The fight for land rights will be the basis for land reform.

It is understood that after being involved in the government, a group of CPN (Maoists) are conducting research to collect more information concerning land reform programmes and policies. Although this is a positive step on the part of the government, if such kinds of discussions included local people then policies would spread more easily and widely. Nevertheless, it is also understood that there is little likelihood of land reform issues being implemented in recent policies, plans and budgets, which contradicts the wishes of poor people. The land reform programme, introduced in the 3-year interim plan, is not listed as a top priority, despite the agricultural sector being the top priority in this year's budget. It is important to identify which areas of agriculture are being addressed; it is such a vast sector that even the Ministry of Agriculture does

not have statistical data on such things as unproductive land. Without land reform, and instead only a 'soft' reform of the agricultural sector, real change is not possible and the desires of the people will not be fulfilled.

All the political parties seem to agree that under revolutionary land reform, unproductive land should be taxed; however efforts to put a stop to Land Reform Transformation are also increasing. After the certainty of a government to be formed under the leadership of CPN (Maoist), two important schools of thought are emerging; one is the redistribution of land and the establishment of a land development bank, the other is for the legal redistribution of land under a commercial model whereby anybody who has the power to increase the productivity of land may acquire it.

For agricultural development, it will be better to implement a co-operative or communal system instead of redistributing land. The personal opinion of an industrialist from the round table discussions conducted by Himal Association (Himal Newsletter, Vol. 221, 30<sup>th</sup> June-15<sup>th</sup> July) is that "to increase the productivity of agriculture, the government should first consider the procedures of land reform, and instead of distributing land, it should be united"; this clearly indicates a one-sided idea for commercialising the issues of land. There are rising calls for the conservation of Guthi land; the bad management of such land has failed to be discussed. We should not forget the fact that Guthi land should be preserved only after providing land to real farmers.

All the political parties decided on a common agenda and programme for sustained economic growth but a similar

programme of land reform is still in doubt. Land reform is a common agenda for everybody, the political parties and the people, but the Ministry of Land Reforms' proposal to establish a Land Commission is still pending after 3 years.

On the one hand, the environment at the policy-making level is filled with doubt, while on the other hand there is an increase in the number of rural farmers being evicted from the fields they plough. Unable to endure such injustice the tenants and farmers of Banke were forced to stage a sit-in protest in front of the Land Revenue Office during the 3<sup>rd</sup> week of June; while in Siraha, agricultural labourers are organising a protest programme over wages. Incidents of conflict between the landowners and the land deprived are on the rise.

### **Expectation of Land Reform**

Secure shelter for all and land to the one who ploughs it should be the central agenda for land reform. If social justice is to be provided and agricultural productivity increased there is no option other than land reform. The main aim of our revolutionary agricultural movement is to make the hard-working farmer the owner of the land he ploughs. All the major political parties agree to land reform but there is conflict over the processes and steps to be taken to achieve it. There can be no worse disaster than commercialising the process of land reform, especially when a quarter of the population is land deprived.

The geography, topography and productivity of land should be taken into consideration when deciding land ceilings. The capacity of middle class farmers is another aspect that should be considered in the process of deciding land ceilings. The state should distribute ceiling-surplus

land to the land deprived without any compensation to the previous owners. Appropriate compensation should be provided only to those small and middle class farmers wanting to move to other sectors like the service sector and to rich farmers wanting to move to the industrial sector. The state should guarantee that those lands that are owned by one person but cultivated by someone else will be provided to the rightful, deserving and productive owners. The Guthi lands that are cultivated by land deprived and small farmers should be registered in their names. The rest of the land should be distributed to the land deprived or be cultivated in a communal co-operative system.

Tenants should be provided with tenancy rights based on tilling. Tillers under the system of Adhiya and Bataiya should be guaranteed their tenancy rights. Tenancy rights should not be granted for those lands which are small in area and where the landowner, due to some physical disability or other, has to have tenants.

Justifiable and fair land mapping of all the land should be conducted and a new list should be prepared. It will be easier to solve many problems related to land registering, village block, Ukhada, etc after new land mapping. The land mapping should clearly indicate forest areas, residential areas, industrial areas, and public and community areas. The land credentials of the landowners and tillers should contain an indication number including both male and female heads of the family.

Haliya and Haruwa/ Charuwa will be the first rightful owners of the land they are cultivating. While distributing the land to Haruwa/ Charuwa, Haliya, bonded labourers and land deprived people, the land should be distributed such that they meet the needs of small farmers. After land

reform, agricultural reform can occur. Over three-quarters of the population are employed in the agricultural sector; almost half the labour is wasted. This labour force could be included in industries and other sectors in addition to agriculture.

### **Improved agricultural society after land reform**

The land-deprived farmers will be the true owners of land reform. These poor farmers will be turned into small farmers. Providing these farmers with other agro-products like fertilizers, irrigation facilities, improved technologies for farming etc will help to make them self-reliant. By providing access to the agro-based technologies, previously owned and used in an unfruitful way by the totalitarians, it is certain that markets and industries will develop and expand.

Every Nepali should have access to secure shelter. There will be a decrease in the loss of human life caused by natural disasters and it will be easier to provide necessities in the newly formed shelters. After the separation of land for shelter, industry and cultivation the unsystematic pattern seen at present will start to become systemised. Agricultural dependency ratios will start declining and land-deprived farmers' socio-economic statuses will start to improve due to their increased access to land. Production of livestock farming in the Himalayas, fruits in the Hills and food grains in the Terai will increase and with the increase in food grains agricultural productivity will start to increase as well. Irrigational facilities will be modernised and people who were indebted workers will have more mobility in their work. They will earn as per their labour and effort and will have autonomy over the use of their wages. The rise in foreign emigration for employment opportunities will decrease and productivity will increase. Other areas

of employment will also develop and land will gain importance not in the form of wealth but in the form of productivity. The basis of rural economic development will strengthen and this will guide society along a new, modern development path.

### **Organisation for Land Reform**

The concept of land reform is very important while the process for implementing land reform too is equally important. If there is no scientific basis in the implementation of land reform, the marginalised and underprivileged will again be deprived of their land rights.

The lack of reliable statistical data means that there cannot be any significant reports related to land. Land reform implemented without the data and description of cultivable land, the population dependent on it and the scientific ways to improve it, will result in an incomplete land reform process. Due to the lack of these elements, the efforts of previous land reform processes have been wasted. There have been cases where productive people have not been provided with land and instead the bourgeoisie have captured it. Land reform processes to date have been limited to speeches and talk. Present land reform must be implemented alongside intensive studies so that it has a scientific and modern basis.

To create a true record of land we need to identify the socio-economic status of village farmers and assess the numbers of land deprived and tillers. To achieve this and the subsequent implementation of land reform from a grassroots level, land rights activists and farmers must unite. Grassroots-level people must be included in national level planning and policy making for land reform to be successful. Therefore, to make land reform policies successful grassroots-level people's

organisations, comprising underprivileged, poor, marginalised, and land deprived, should be strengthened. The drafting of land reform proposals should be made with the authentic participation of the land deprived and farmers.

Prior to land reform there must be a scientific classification of racial, ethnic and caste groups from local areas and an analysis of the present condition of land deprived, Haruwa/ Charuwa, tenant, small farmers, middle class farmers, high class farmers and elites. Local people themselves should be responsible for carrying out this work as this will be more practical. Land reform will only be a success if top priority is given to local labour forces.

Now the question arises as to how can land reform processes, based on tillers, be implemented, and who will take on this huge responsibility? Experiences from the past have clearly indicated that people's organisations, united movement programmes, and careful implementation of these programmes, can lead to transformation in the land sector. Without extensive public discussions in every community and district the package of land reform will not be taken into consideration by the central and national government and even if it is taken into consideration the reformed policies will not be put into practice.

Even though land reform has been a central issue in politics and other developmental sectors for six decades, no significant changes have taken place.

The major reason for this is the lack of powerful people's organisations and ineffective existing organisations. For access and utilisation of land by Dalits, women, marginalised (Janajati), bonded labourers, and tillers (Haliya), a people's organisation

comprising the underprivileged and rights deprived should be established. It is equally important that these organisations maintain a strong relationship with human rights activists, political parties, the media, lawyers, and indigenous organisations.

To address the questions related to land rights properly, extensive interaction and sharing of information between people from different sectors should be conducted. United programmes and voices should be raised by the rights deprived so that they can identify with the land rights movement programme and realise the power they possess to bring about changes in society. Raising the issues of land rights at the central, local, national and international level, by a people's organisation, is essential. A study of the legal constitution and the act relating to land rights must be conducted alongside other research to motivate the government to work for the welfare of the people, form new policies at the macro level and to carry them out effectively.

The people's organisation identifies the central and common problem of the rights deprived. The fact that people are still forced to live in semi-bondage, by working as bonded labourers and ploughmen, is a result of the land act; an act still prevailing in a country that continues to focus on the bureaucratisation and centralisation of power. To eradicate this kind of totalitarian land act that hampers social equity and that centres on the welfare of the elites, the importance of land reform cannot be overstated. To achieve a land reform act that can develop a society as a whole on the basis of justice, equity and sustainability, a powerful land rights movement is necessary and this can be realised from an equally powerful people's organisation.

True change cannot come about until and unless the rights deprived people themselves realise, feel and learn from the rights-based movement, both here and abroad. To make the land rights movement sustainable and effective a



*Opening day of the 2nd National Conference of the National Land Rights Forum*

people's organisation, comprising tillers, bonded labourers, squatters, tenants and farmers is essential.

Intellectuals who believe in social equity must advocate for social justice. Political parties aspiring to make changes can implement a land reform act from the Constituent Assembly. The media, by giving voice to the underprivileged, can play the role of mediator between the state and the people. NGO's with a pure motive for social welfare can provide support in establishing a people's organisation at the grassroots-level and carrying out interaction programmes. However, the representation of the rights deprived should be by the underprivileged people themselves. Therefore, to make the land rights movement a huge success, a powerful people's organisation is essential.

Although the political parties claim to be in favour of land reform and believe in securing the land rights of deprived people, they have been unable to do so,

#### Some important features of a powerful people's organisation

- Formation of an inclusive people's organisation on the basis of caste, gender and region.
- Implementation of a democratic and participatory decision-making process.
- Independent decision-making, leadership and movement within the organisation.
- Capacity build people through an education and skills learning process; a major part of the movement.
- Proper utilisation of natural resources.

contributing to the prevailing social inequity in our society. The policies that are made for the welfare of the society are made by the elites who focus on the centralisation of power; the policies are not oriented towards the welfare of the poor and marginalised. Even the government and various governmental organisations are under the management of the high-class elite groups. To secure the land rights of the land deprived, squatters, tenants, peasants, and bonded labourers, a powerful people's organisation is vital. It is only through such organisations that social justice, equity, gender-inclusion, human rights and the overall development of a nation is possible.

The National Land Rights Forum is dedicated to securing the land rights of deprived people and has spread its wings to cover 42 districts. 190,000 marginalised people under 1,582 organisations are united under the Forum. Hundreds of activists are working to support these local, district and national level organisations. Land reform will benefit if these organisations are empowered and their members united. The people's organisation in itself is a means and tool for securing the land rights of the poor and deprived. This fact is the basis of a new culture, thinking and process, to move us forward in the development process.

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# LAND UTILISATION FOR POVERTY REDUCTION

■ Babu Ram Acharya MSc

*Secretary of Land Reform*

Nepal, with an area of 147,181 km<sup>2</sup> and a population of around 25 million, has immense topographical variety, from lowland plains lying at 60m from mean sea level to the World's highest mountain, Everest, at 8848m. This varied topography is reflected in the diversity of weather, climate, biodiversity and the harsh terrain. Ecologically the country is divided into three zones or belts: Mountains, Hills and Terai. This vastly different topography with diverse characteristics means Nepal is prone to natural disasters and has an uneven distribution, utilisation and quality of land access. Education and health facilities and the level of infrastructure development and employment opportunities are all irregular and its difficult terrain impedes communication and transportation.

Administratively, Nepal is divided into 5 development regions, 14 zones, 75 districts, 3,914 village development committees, 58 municipalities and 36,032 wards. Nepal is one of the least developed countries in the World and economic poverty is widespread. The Nepal Living Standard Survey (2003/2004, CBS), modestly estimated the incidence of poverty at 31%. Against this background the last three periodic plans have aimed to alleviate poverty.

Nepal is rich in water resources, biodiversity and culture, however economically the situation is not very encouraging. The majority of the population is engaged in subsistence agriculture for their livelihood and there is heavy population pressure in urban and Terai areas. The expansion of agriculture and rapid urban growth has generated much unplanned land use; this is most apparent in peri-urban areas. A natural consequence of this is the growth in economic migration by poor and landless people, from less fertile and difficult rural mountain areas to the more fertile lands and urban Centres. This leads to encroachment on public and forest land and generates slums. Changes in the population and patterns of land use requires some form of direction to minimize the adverse impacts caused by poorly sited buildings, the loss of green spaces and land for infrastructural development and service provision.

Therefore it is the prime challenge of the planners and natural resource managers to protect our natural habitat, safeguard us from natural disasters, improve the life of poor people and mitigate poverty. The challenge is made harder by a vulnerability to ongoing global changes in trade, technology and climate. The sustainable



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development of the agricultural sector must go hand-in-hand with a broader development and investment effort in rural areas. This will pay for the steady improvement in rural livelihoods, the achievement of improved food security and the rational, equitable utilisation and conservation of our limited land resources, for present and future generations. Thus, a land policy is needed which is consistent with land and rural development policies and aimed at strengthening poor people's access to land. It is possible to overcome these challenges with an integrated management plan for our natural resources.

In order to address these issues the 1992 UN conference on the Environment and Development, in Rio de Janeiro, adopted a series of measures in three important areas; sustainable agriculture and rural development (SARD), combating desertification and drought, and integrated planning and management of land resources. Ten years later, the UN Commission on Sustainable Development (UN-CSD) decided to review the progress

in these three closely related areas as a part of one single cluster known as "land agriculture".

Although the United Nations Conference on Environment and Development (UNCED, 1992) has stressed the need for increasing food production and understanding natural resource management, severe food insecurity, poverty and environmental degradation still persist in developing countries; Nepal is no exception. It is also clear that the demand for food will grow in the coming years.

Land policy lies at the heart of economic and social life in all countries. Weak land policy and land regulations can lead to harsh injustice and conflict. Thus, the land policy reform should be seen as an essential means to secure the broader objectives of social justice, economic development and the right to food. It plays a key role in the process of democratization, good governance, devolution, achieving a fair balance for peasants' and indigenous people's communities, their culture, gender

equality and social as well as political inclusion. Land policy is also vital in redressing the alarming trends of environmental destruction and natural disaster and will ensure the sustainable management of natural resources.

Fundamentally, a land policy's objectives are the use, management, access, tenure and right to land. It also defines the principles and rules governing property rights over land and natural resources, including the legal methods of access, use, transfer of rights and validation. Normally land policy is contained in documents issued by the government and further developed through legislation, decrees, rules and regulations, established for the purpose of land administration, the management of land, its rights, and land use planning.

Land use and its utilisation have strong links with poverty reduction, economic development, public administration, real estate activities, environmental protection and human rights. Land management involves changing land use practices to ensure the proper utilisation of land, but the diagnosis is often poorly informed and consequently the policy misses its objective. In-depth qualitative analysis of local practices, land regulations, issues of insecurity, types of conflict and modes of transfer are required to properly understand the nature of land issues and how they might be addressed. It is also recognized that there are limits to what the government can achieve in terms of enforcing planning regulations. People are using lands which are not, strictly speaking, appropriate or in accordance with land use planning guidelines. A pragmatic approach is needed to debate land use and land management options. Therefore the following key elements have to be addressed by the concerned agencies for the proper utilisation of land and to reduce poverty:

- Decision makers need to understand the crux of the problems on land matters in order to address the objectives and principles discussed above.
- Government must have the commitment to formulate policy and implement the mechanisms accordingly.
- Government planners need to engage and negotiate with local land users, rather than assuming that their plan constitutes a blueprint for immediate application.
- Local communities should be encouraged to develop their own planning processes which build on their desire to improve the management and productivity of the resources around them.
- Establishment of new institutional or partnership arrangements and structures with responsibility for land acquisition, administration, land use zoning and conflict resolution.
- Implement land use planning tools to achieve the desired outcomes in terms of goals, standards and objectives.
- Design a process for tracking the implementation of land use planning decisions - "land use monitoring".
- Consider the present and potential use of public lands.
- Build a strategy for establishing a land-based tax system.
- Anticipate issues and prepare for successful implementation with respect to:
  1. rural development
  2. environmental protection
  3. leading innovations for improvements in food production
  4. government policy supporting sustainable land management.

## Constituent Assembly Election 2064: Land Reform Agendas in the Manifestos of the Main Political Parties

### Nepal Communist Party-Maoist

1. Fundamental Rights: Land rights to the tillers (Article 7, p 13).
2. Transitional New Economic Policy: Eradication of all feudal practices of land ownership by implementing revolutionary land reform from the tillers' perspective (Article 16, p 15).
3. Economic Base of New Nepal: Preparation for accelerated economic growth by implementing revolutionary land reform from the tillers' perspective and eradicating feudal practices in all social dimensions (p 24).
4. Agriculture and Forest: Implementation of revolutionary land reform to end the feudal agrarian structure, including absentee landlordism. Free distribution of land to tillers, tenants, freed *kamaiyas*, landless and poor peasants. Different land ceilings for the terai, the hills and the mountains (Article 2, p 26).
5. Women and Children: Putting both men and women's names on land certificates and citizenship (Article 3, p33)

*Source: Constituent Assembly Election 2064, Commitment Paper of Nepal Communist Party-Maoist*

### Nepal Communist Party-United

2. Implementation of revolutionary land reform programs from tillers' perspective to end feudal land ownership. The free distribution of land belonging to royal families, *birta*, *guthi* and large landlords to tillers, landless and poor farmers.
3. New land ceilings must be fixed to enable the equitable distribution of land; the excess land will be distributed to tillers, landless and poor farmers.
4. Implementation of programs to promote cooperative farming to stop land fragmentation.
5. Elimination of all form of credits from landless and poor farmers. The State will provide seeds, fertilizers and tools at low cost, ensuring irrigation facilities and market procedures for agriculture products.
6. Arrangement of a justifiable wage rate to agricultural labourers, 8 hour working days and other facilities. Agriculture will be freed from imperialism.
7. Ensuring employment and residence to *haliyas*, *kamaiyas*, *haruwas*, and *charuwas*. Residence will be provided to all squatter dwellers and freed *kamaiyas*.
8. Eradication of *kamalari* and *haliya* system and arrangement of lodging, food and employment for them.

*Source: Constituent Assembly Election 2064, Manifesto of Nepal Communist Party-United*

### Nepali Congress

1. Cooperative Movement: In view of the dominant role agriculture plays in the economy and also due to a social makeup that draws its strengths from interdependence, we want to encourage and strengthen a cooperative movement in the areas of agricultural production and distribution along with the distribution of other goods and services, and of management of micro-credits.
2. Agriculture and Farmers: A 15-year plan will be launched in order to start a national campaign to improve the agricultural sector and enhance the quality of the lives of farmers. The plan will offer programs on the expansion and improvement of irrigation canals, roads, market access, agricultural credit, seeds, storage facilities and fertilizer facilities. Consensus among political parties will be sought for a scientific land reform measure and a land-use planning policy will be implemented in order to improve agricultural output and integrated land use.
3. Security and development of the landless, *Kamaiya*, Badi and other marginalized communities will be given a high priority.
4. We recognize the peaceful struggle of different communities, including Madhesis, Indigenous/Janajatis, Women, Dalits, Muslims, people of backward and remote areas, the disabled, the landless (*Kamaiyas*), and Badis for recognition of their identity and their rights as important steps in making our democracy vigorous and result-oriented.
5. Protection of the Landless, *Kamaiya*, Badi and other Marginalized Communities: Security and Development of the landless, *Kamaiya*, Badi and other marginalized communities will be given a high priority.

*Source: Constituent Assembly Election 2064, Manifesto of Nepali Congress*

### Rastriya Janamorcha Nepal

1. Agriculture and Land Reform: Feudal exploitation and suppression of peasants must be ended. Exploitative land related laws must be repealed. Land collected above land ceiling limits should be distributed to farmers without compensating the landowners. Laws must be enacted to protect the rights of *haruwas*, *charuwas* and agricultural labourers. Declaration of a minimal wage for agricultural labourers. Initiatives must be taken to tackle the problems of *haliyas*, squatters and *kamaiyas*. Rehabilitation programs for freed *kamaiyas*. Protection of tenancy rights. Land and other fixed assets belonging to royal families confiscated without compensation. Land from large landlords or religious academies and *guthi* distributed free to landless and poor farmers. Land must be entitled to the tillers under "Land to Tillers" policy. Implementation of revolutionary land reform programs.

*Source: Constituent Assembly Election 2064, Manifesto of Rastriya Janamorcha Nepal*

### Terai Madhesh Loktantrik Party

1. Land consolidation and promotion of programs like cooperative farming, communal irrigation, infrastructure, market management for the products and easy availability of raw materials should be implemented in a package policy by the State. A clear long-term agriculture policy for terai madhesh should be implemented by the State.

*Source: Constituent Assembly Election 2064, Manifesto of Terai Madhesh Loktantrik Party*

### Nepal Communist Party-United Marxist

2. Eliminating feudal land ownership and the implementation of scientific land reform programs. Entitlement of land to the tillers will be a high priority. Registration of land from absentee landlords and ceiling-surplus land to the tillers; the limitation of land ceilings will be minimized.
3. Implement a robust law to stop land being left fallow. Policies regarding crop productivity will be prioritised. All *guthi* land will be converted to *raikar* land and the State will undertake alternative actions for temples, mosques and churches.
4. Social and economic security will be provided to protect and maintain housing and employment for squatters, *kamaiyas*, *haliyas*, *haruwas*, *charuwas* and other economically marginalised groups.

*Source: Constituent Assembly Election 2064, Manifesto of Nepal Communist Party-United Marxist*

### Nepal Majdur Kisan Party

1. Revolutionary land reform will be implemented ensuring land to the tillers.
2. Due to feudal land ownership, land is owned by a few landlords. Hence most peasants are poor and their productivity is very low. It is important to devise policies which implement revolutionary land reform for the equal distribution of land and to increase productivity.
3. A few elites have accumulated unlimited wealth while the mass of people suffer in poverty due to the control of the economy by a few landlords and capitalists. There is no limit on accumulating wealth and that has created an exploitative nature in society.

*Source: Constituent Assembly Election 2064, Manifesto of Nepal Majdur Kisan Party*

## Suggestions for the Parties' Manifestos from the Land Rights Movement

1. Implementation of revolutionary land reform programs with the equal distribution of land and improved land management to end feudal land ownership. Ownership must be given to the land tillers. A scientific land ceiling must be maintained and the current ceiling must be lowered to 3 bigha. Land in excess of land ceiling limits must be distributed equally to those who have been excluded from having land rights. Absentee landlordism must be ended.
2. A high level land commission must be created in order to tackle land related problems. The commission must work to provide justice to existing land issues by ensuring the access of landless, tenants, *haliyas*, *haruwa-charuwa*, *kamaiya*, agricultural labourers, unmanaged residents, *chure* residents, victims of *ukhada* and *guthi*, dalits, indigenous people, ethnic people, madhesi and women.
3. Existing land related policies must be discarded or reframed to create new tiller- and farmer-friendly policies.
4. Land use rights should be granted on the basis of local units' and victim groups' representation regarding

- authentic squatters and unmanaged residents. Land must be confiscated from false squatters and they must be punished.
5. Tenancy rights must be given to those unregistered tenants who have been tilling land for more than three consecutive years or tilling to produce a major crop; eligibility should be based on local field investigation. Dual ownership of land must be ended by ensuring tenancy rights for tillers and tenant farmers.
  6. The rural *birta* and *guthi* land must be converted to poor tillers' *raikar* land.
  7. To ensure the land rights of women, land certificates for freed *kamaiyas*, landless, squatters and unmanaged residents must bear the name of both men and women. Taxes must be exempted while registering the land in the name of women.
  8. To discourage the fertile land being used by the non-agriculture sector there must be a land utilisation policy. Legal measures must be developed to encourage cooperative farming. Land which has been uncultivated for two years must be confiscated within a year and should be given to the landless.
  9. "One Household, One Land Certificate" procedure must be implemented. One window policy must be made available for land administration service.
  10. Landless and poor farmers must be exempted from all credits and special provisions regarding public services, reservations, and employment must be made through distribution of identity card.
  11. Compensation must be given to those whose land was lost during restructuring before the formation of the land act and to those whose land transactions have been stopped. Land that has been used during large construction projects and which is currently left barren must be made usable.
  12. Elimination of *baliyas*, *rajantas*, *birtas*, *haruwa-charuwas*, *kamalaris* and other land slave systems and a guarantee of residence, land and livelihood to those affected by them.
- (Excerpt from the suggestion paper provided by the Land Rights Movement to political parties to assist their manifesto preparation.)

## CSRC Analysis of the Main Parties' Manifesto Commitments

There is consensus amongst all the main parties for land reform but the prioritisation of land reform differs between the parties' manifestos. The Terai Madhesh Loktantrik Party insularly calls for "a clear long-term agriculture policy for terai madhesh" and the Nepali Congress blandly refer to "a scientific land reform measure...to improve agricultural output and integrated land use", with neither of these parties stating any further commitments or providing any details as to how they would achieve land reform. The other parties give land reform a

greater priority and advocate a more revolutionary approach, with most providing specific methods for implementing land redistribution.

The NCP-Maoist manifesto commitments are unequivocally pro-poor and propose an agenda for radical land reform. They call for the "eradication of all feudal practices of land ownership by implementing revolutionary land reform from the tillers' perspective". They see land reform as essential in underpinning nationwide economic growth by

providing the “economic base of [a] New Nepal”. They advocate the “free distribution of land”, effective land ceilings and gender equality in land ownership. Taken at face value this is a very positive manifesto commitment to land reform that will redress the entrenched inequity in land ownership.

Rastriya Janamorcha Nepal also adds its voice to the “implementation of revolutionary land reform programs” and calls for an end to “feudal exploitation”. They specifically call for the redistribution of ceiling-surplus land, *Guthi* land and land belonging to the royal family “without compensating the landowners”.

NCP-United echo the above and go on to demand debt relief for poor and landless farmers and fair wages for agricultural labourers.

NCP-UML prioritises the “entitlement of land to the tillers” and provides specifics on “the implementation of scientific land reform programs” including “registration of land from absentee landlords” and “a robust law to stop land being left fallow”.

The Nepal Majdur Kisan Party reiterate the ideological struggle against elite domination and criticise “the control of the economy by a few landlords”. They express the need “to devise policies which implement revolutionary land reform for the equal distribution of land and to increase productivity” but don’t specify their methods of implementation.

NCP-United, Nepali Congress and Terai Madhesh Loktantrik state the need to provide support services, such as irrigation and market access, to ensure a sustainable, secure livelihood for farmers.

It is clear that most of the main political parties have listened to suggestions from the land rights movement and the voices of the people calling for revolutionary land reform. NCP-Maoist, NCP-UML, NCP-United, Rastriya Janamorcha Nepal and

the Nepal Majdur Kisan Party see land reform as the means to end feudal exploitation whereas Nepali Congress views land reform more in terms of improving productivity. Land ceilings are advocated to provide land for redistribution, although no specific limits are mentioned, as is the conversion of *Birta* and *Guthi* land. None of the main parties responded to calls for a high-level Land Commission and only Nepali Congress stipulated a land use policy.

All parties, except Terai Madhesh Loktantrik, vowed to protect the rights and livelihoods of *kamaiyas*, *haruwās*, *charuwās* and *baliyas* but only CPN-Maoist specifically champions rights for women in relation to land, with other parties committing to a more general protection of rights for all citizens.

It is encouraging to see the new levels of commitment to land reform from the main political parties but it is prudent to view these in the context of a manifesto, which after all is an electioneering document filled with attractive promises to elicit votes.

It is now the role of CSOs and NGOs to work with the political parties to help devise concrete policies for implementing the consensus agenda for revolutionary land reform. The parties must be held accountable to their commitments, reminded that they received their votes based on these commitments and that the people have given them a mandate to fulfil them. If they are serious about implementing revolutionary land reform as a basis for sustainable peace and development then it should be enshrined in the new constitution and work begun immediately. Should they suffer from the traditional political ailment, namely the lack of willpower, their mandate shall be removed, as shall their integrity, and in two years time their Constituent Assembly seats.

# WOMEN AND LAND OWNERSHIP: WHY & HOW



■ **Kalpana Karki**

*Campaign officer, CSRC*

There is an age old saying in Nepali, “Motherland and Mother are the true bliss of heaven”. However, though mothers are compared to deities and are given a status that is equal to the feeling of heaven, it is these mothers themselves that have no access to land. They are the ones who cultivate the land in order to feed their family and children but they themselves are denied access to land.

A woman from Bodhgaya spoke the following on the topic of a woman’s social status: “Dear father, you assured me that I am equal to my brother. But today I have come to realise that you had lied to me. I have been cheated and betrayed, today I am getting married and all these dowries mean nothing to me. In fact, all these ornaments that bedeck my neck in the form of dowry are suffocating me.”

This clearly shows us the cruel position that women have in our society. Her brother whom she grows up with becomes the landowner and the head of the family, while she is given no ownership in land, resulting in her inability to sustain her livelihood by herself. In addition to this, the number of women who are physically tortured and beaten by the male chauvinists of our society is incalculable. To get her ownership of land she has to fight a legal

battle, with no-one willing to provide her financial support, or even boost her moral for that matter. Due to her lack of ownership in land she is treated as a second-class citizen in her own country. For women in rural areas, land is more than just property; it is the means of identity, social status, respect, and livelihood. It is these women who work 18 long hours each day farming in their field, but in the end are not guaranteed any rights. This has hampered the agricultural sector of the country as a whole.

During the time of conflict, the working load of women doubled as their husbands were either injured, dead or fighting as combatants. Even today, as the economy of the country is declining, men are going to foreign lands in search of employment while the women are left behind to do all the household chores, including working in the field alone.

In terms of data, women contribute 60.5% of the total economy of agricultural production, while men contribute a mere 39.5%. Paradoxically, the ownership of land by men is 89.17% while that of women is 10.86%. It is also important to know how these 10.86% of women have gained access to land. When land ownership is transferred to the name of a woman it is usually to avoid the law,



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particularly to circumvent land ceilings; such cases are frequent. The fact that ownership has been transferred to a woman does not empower her, as she still has no right to take decisions without consulting her husband or father.

A woman will have full ownership in land only if she has the decision making power over that land and if her decision is not affected by anyone else. She should have the right to be able to choose which crops to cultivate in which season, where the produce should be sold, and if needs be to sell the land as she likes. Transferring the ownership of land into women's names under false pretences brings harm to the social status of women as it provides another opportunity for domination by men. Therefore, the ownership of women's rights over land must be guaranteed, not only legally but practically, for land ownership by women to have any real meaning. This practice will improve the quality life of women and help in their overall development. In the course of the

formation of a New Nepal, the subject of why the ownership of land by women is much lower than men should be an important topic of discussion and debate, especially as it is proved that women do most of the work.

The development of a society is not possible until and unless social inequality is eradicated and women and men are treated as equal counterparts. Equal opportunity implies not only equal access to food, education, health facilities and family environment but also equal access to parental and ancestral property as well. A woman shoulders the lion's share of responsibility in taking care of her family. If her family is well known in the community all the credit goes to her husband while if the status of her family falls short due to the irresponsibility of her husband, she is blamed. Should she ever choose to leave her home due to physical torture and violence then society does not take her problems into consideration and goes to the extent of pointing a finger at

her character. Why do women who work for 18 hours a day not have access to proper food, health facilities and property?

Society respects the decision made by the male members, no matter what, even if they are irresponsible or alcoholic. This is all related to their power which is derived from their sovereignty over land and other kinds of property.

To ensure women's land rights, we require a single ownership certificate with the name of the person or household; this will ensure gender equality, as the name of both husband and wife would appear on the certificate. In the case of single women, they should have independent rights over their land and property and should be allowed to exercise such rights freely. The rights of communal lands under the traditional use of ethnic and indigenous

communities should be transferred to those communities and the land rights of the women in those communities must be ensured through legal procedure. Women from the community of Kamlari, haliya, haruwa/charuwa, bukrahi and women from all rural households must have equal rights over land alongside men. It is the state's responsibility to establish the equal rights of women and men in every sector and honour the Convention of Eliminating all forms of Discrimination against Women in 1991, which the state has signed. There are no other alternatives to becoming independent in this society and country.

The existing exploitation, discrimination, inequality, injustice and backwardness of women are due to the feudal structures that ensure all women labourers remain landless. The only alternative to this is to



*NLRF 2nd National Conference, Dang, March 2008*

establish land rights as a fundamental right and ensure the ownership of the homestead and agricultural land in the name of both male and female partners of each family; this must be addressed in the new constitution. In this context, it is very important to have rigorous discussions within and outside the political sphere. Discussions on topics related to seeds, fertilizers, irrigation, markets and other infrastructure requirements by the farmers associations of political wings are not sufficient. The campaign to restructure the unequal distribution of land must be carried forward. There must be political will in order to address the issues of landless poor peasants. The feudal and capitalist domination over land resources must be eradicated. This movement is fighting to establish equal rights and also for democracy.

There is a need for true and genuine political commitment to establish women's land rights. There is an agreement between the National Land Rights Forum and the Ministry of Land Reform and Management to form a High Level Land Resource Commission but the so-called democratic government has failed to implement the agreement to date.

The second point of that agreement states that the "Ministry of Land Reform and Management will initiate the system of issuing unified land ownership certificates in the name of both man and woman". But there have been no initiatives taken against that point for implementation. To ensure women's land rights, the issue must be raised by a strong campaign. For this, the state must exempt all taxes for the land registration process while registering in the names of women. The state must start making necessary policies to implement it and civil society must support the implementation of such government plans and policies. These initiatives must be taken by all organisations, governmental or non-governmental, who work for the rights of

people so that it reflects well on their associations.

The human rights commissions must have an agenda of equal rights for men and women for property inheritance without any conditions. In the new constitution, the equal land rights of men and women must be ensured for which the following points need to be included:

1. Every citizen must have the rights of secure livelihood and secure home stay and, in the case of women, should be freed from the taxes required for ownership.
2. The ownership of agricultural land must ensure the rights of both men and women.
3. The term farmer must be understood to refer to both men and women.
4. Women should have equal inheritance property rights to those of men.
5. Systems of social exploitation and unequal treatment like kamlari, haliya, haruwa/charuwa and bonded labourers must be eradicated.
6. Tenants, landless, squatters, haliyas, haruwa/charuwas, kamiyas, kamlaris and bonded labourers must be resettled and protected through unified land ownership certificates.

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## SIT-IN PROTEST IN BANKE

The land deprived people of Banke today held a sit-in protest in front of the Land Revenue Office. These people strongly believe in peaceful protests by the poor and marginalised who work day and night in the form of Kamaiya, Kamlari, Haliya, Haruwa/ Charuwa, farmers, squatters and so on. However, despite their peaceful protests they still do not have access to land; resulting in a lack of basic necessities such as food, shelter, education, health facilities etc and they continue to be forced to live below the poverty line.

The entire nation is celebrating with joy and happiness at Nepal being declared a federal democratic republican state. However, these land deprived people cannot even join in with this historic celebration that is a mark of a true peaceful epoch, because they worry about feeding their families everyday. To make their problems and voices heard they submitted a memorandum, stating their basic demands, to the District Land Reform Office, District Land Revenue Office and District Administration Office, on the 27th May 2008, which read as follows:

- Put an immediate stop to the act of evicting the land deprived and squatter settlers who are living on the Ailani and Guthi land without making proper arrangement for their shelter first.
- Implement decisions in favour of the land deprived who have filed for applications in the District Administration Office seeking their rights.
- Make provisions for the land

deprived to be able to live on Ailani land which should only be cultivated by plough people themselves.

- Put an immediate stop to the injustice perpetrated by landowners who are evicting unregistered tenants from their land.
- Put a stop to the process of transferring land to others' names until and unless a revolutionary land reform process is put into action.

In this context, on 16<sup>th</sup> June, 100 to 150 land deprived people staged a sit-in protest in front of the District Land Revenue Office to make their demands and voices heard. In order to show solidarity to the protest of the land deprived, representatives of various political parties also gave speeches and joined the protest program. Among these representatives were District Member, Mr. Raun Harsa Dhital of CPN (M), Mr. Ganesh Khanal of Janamorcha Nepal and Diwakar Sharma of CPN (UML). The land rights deprived victims have also publicly declared that they will padlock the District Revenue Office if their demands and rights are not met. Local radio stations and various media personnel were also present at the protest. Human Rights activists were present to investigate the issues being raised.

The land deprived people hope that civil society, human rights activists, the media, political parties, intellectuals, students, communities and society in general will show their solidarity with this peaceful and lawful protest.

# Inter-Government Organisations Document Mapping: Nepal

## *An analysis and comparison of IGO strategy documents for Nepal*

■ Andrew Fuys, *Policy Officer for ILC*

### THE DOCUMENTS REVIEWED FOR THIS ARTICLE:

#### European Commission (EC)

- o Country Strategy Paper (CSP) 2002-2006
- o National Indicative Program (NIP) 2002-2006

#### International Fund for Agriculture and Development (IFAD)

- o Country Opportunities and Strategy Paper (COSOP) 2006
- o Loan Recommendation and Approval of Revision: Leasehold Forestry and Livestock Program (2004)
- o Loan Report and Recommendation: Western Uplands Poverty Alleviation Project (2001)
- o Interim Evaluation: Hills Leasehold Forestry and Forage Development Project (2003)

#### World Bank

- o Country Assistance Strategy (CAS) 2003-2007
- o Indigenous Peoples Plan: Irrigation and Water Management Project (2007)
- o Project Information Document (PID): Poverty Alleviation Fund II (2007)
- o PID: Poverty Alleviation Fund II Supplemental (2006)
- o Project Appraisal Document (PAD): Poverty Alleviation Fund Project (2004)

### **Preliminary findings:**

The agencies' strategic documents all broadly recognise the links between social marginalisation – particularly through structures of caste, ethnicity and gender – and rural poverty in Nepal. Social exclusion and inequities between rural and urban areas are also identified by all three agencies as a key contributing factor to the armed conflict in the country.

The EC's country strategy for 2002-2006 goes a step further and identifies land tenure and land reform as integral to conflict management, and proposes actions to support land reform as a means of

addressing rural poverty as a proximate cause of the conflict. The connection between land tenure, including the prevalence of fragmented plots, and low agricultural productivity is also noted. (NB: A new EC country strategy document for 2007-2013 was anticipated for last year, but not yet available via the EC website.)

IFAD's strategy for land access focuses on increasing access to forest resources through leasehold forestry, in order to balance the need for fuelwood and other resources by forest-dependent households and sustainable management of forest resources. This strategy also adopts

targeting approaches to reduce gender, ethnic and caste disparities in access to resources, and particularly to support more secure forest access for women.

The World Bank's country strategy includes a component for increasing agricultural growth as part of broad-based rural

development. This strategy does not specifically include increasing access to land, although land was proposed to be part of a policy study on rural factor markets.

Below is a summary of key points on land access from the three agencies' strategic documents:

Agency	Key Land and Resource Access Challenges	Strategic Objectives	Main Action Areas	Outcomes Related to Land Access or Resource Tenure
<b>EC</b>	<p>Social discrimination faced by women, Dalits and indigenous peoples</p> <p>Highly fragmented land ownership</p> <p>Agriculture expanding onto marginal lands, posing environmental risks</p> <p>Land use and land tenure policy does not support stronger agricultural performance, and contributes to roots of conflict in rural areas</p>	<p>Rural poverty reduction in Mid-Western Nepal, with focus on increasing food security and expanding work and income-generating opportunities</p>	<p>Encourage land tenure reform as a means of eliminating root cause of rural conflict</p> <p>Good governance at local level</p> <p>Rural access to renewable energy</p> <p>Expand agricultural services to improve productivity</p>	<p>Obtain a clearer picture of the configuration of land ownership and profiles of land use</p> <p>Find practical ways to implement land laws at the local level</p>
<b>IFAD</b>	<p>Social and political tension from gap between rich and poor regions, which underlies conflict</p> <p>Small, fragmented subsistence farming – average land holding 0.8 ha</p>	<p>Reduce gender, ethnic and class disparities</p> <p>Increase secure access to common property (forest resources) for the extreme poor</p>	<p>Pro-poor leasehold forestry</p> <p>Encourage forest policy that takes more integrated approach to resource management</p>	<p>Improved access by women, and disadvantaged castes and ethnic groups, to financial and natural resources</p>

	<p>25% landless rate; even most smallholders are not self-sufficient in food production</p> <p>Increasing demand for forest products and expansion of farming into forest and marginal lands</p>	<p>Increase economic opportunities</p> <p>Improve community services and infrastructure</p>	<p>Development of value chains and market systems</p> <p>Increase access to microfinance and work opportunities in agro-enterprises</p>	<p>Increased empowerment and inclusion within rural communities</p> <p>Development of integrated forest policy, and sufficient legal framework for the pro-poor leasehold forest policy</p>
<b>World Bank</b>	<p>Broad linkages between caste, poverty and human development: most Dalits are disadvantaged; gender disparities are still great</p> <p>Recent economic growth has occurred largely in non-agricultural sectors, leaving behind most of rural population</p>	<p>Increase agricultural growth and broad-based rural development, as part of economic growth strategy</p>	<p>Help government refocus its agriculture and rural development strategy, especially in factor market policies (including land, credit, labor and water)</p> <p>Expand use of modern technology, and access to modern inputs and credits</p> <p>Promote diversification and commercialisation of crops</p> <p>Include NGOs and private sector in agricultural service delivery system</p>	<p>Improved enabling environment for factor and output markets</p> <p>Increased agricultural productivity and farm incomes</p>

In its 2002-2006 national indicative program, the EC included support to land reform within its work on strengthening rural development and governance in the mid-western region. In addition to agricultural support activities, the program was to support a study of local pilot efforts to implement legislation on land

reform. Among other challenges, this activity sought to address incomplete land records, increase the expertise, technology and data available for land reform, and apply Geographic Information System (GIS) technology (already provided through another EC project) to mapping land use at the village and district levels.

These activities intended to increase transparency in land tenure and provide improved information necessary for the preparation of a land distribution strategy, (although the activities do not include land acquisition directly). They also sought to create openings for landless households, particularly former bonded labourers, to gain state-recognised access to agricultural resources. Among the anticipated results and indicators are the number of facilitators promoting and managing transparency for land ownership-related issues.

As in the 2006 Country Strategic Opportunities Programme (COSOP), IFAD's country project documents from 2001 and 2004 focus on leasehold forestry as the primary means of improving access to land and natural resources by poor households and marginalised groups. The 2004 Leasehold Forestry and Livestock Program has the overall goal of reducing poverty among more than 44,000 households through increased forest and livestock production, and includes five main activity sets: (a) mapping and participatory planning at village and district level, (b) formation of around 3,300 new leasehold groups, including their formal registration, and allocation of forest areas, (c) recruitment and training of group promoters, targeting women, (d) sustainable land and forest management through land-use planning and conflict resolution, and (e) implementation support by the Department of Forestry. Land-related indicators listed in the project document are:

- Number of leasehold groups using sustainable forest management
- Number of leasehold groups that report increased production
- Number of leaseholders who are granted 40-year renewable leases (disaggregated by gender)

A mid-term evaluation in 2003 of a predecessor IFAD program, the Hills Leasehold Forestry and Forage Development Project, found that leasehold

forestry activities succeeded in the environmental restoration of degraded lands, and have contributed to improved access to forest products and livestock ownership among the leasehold groups. There has also been improved access to fuelwood with time savings effects, particularly for women. Key challenges which were identified include the gap between these activities and policies concerning transfer and inheritance of leasehold rights, and friction between leasehold and community forestry groups; these are included in the 2006 COSOP as areas that IFAD would address in the future.

The loan report for IFAD's other active program, the Western Uplands Poverty Alleviation Project (2001), describes a similar set of leasehold forestry activities, designed with the objective of increasing the capacity of poor households and disadvantaged groups to mobilise their own resources, including natural resources, gain access to external resources and ensure social justice. The leasehold forestry activities described, focus on production and marketing of non-timber forest products (NTFPs) and fodder crops. Program indicators include:

- Improved and sustained access of landless people to forest resources
- NTFP production developed for commercialisation outside the districts
- Number of landless households organised into forest user groups and managing forest areas effectively
- Number and efficacy of policy actions initiated, including degree of local participation in policy processes

Project documents for the most recent World Bank programs refer to land access challenges and their links to poverty, but do not specify activities that would target this challenge. The Indigenous People's Plan for the irrigation and Water Management Project (2007) cites landlessness and small sizes of

landholdings as a factor that constrains participation of indigenous peoples and Dalits in irrigation projects, and rural development processes more broadly. It proposes an inclusion strategy through the irrigation project under development, which would ensure that indigenous and Dalit communities have access to basic support services, including agricultural extension and credit, but does not specify access to land as part of this approach.

A series of Poverty Alleviation Fund projects (2004, 2006, 2007) have sought to improve rural livelihoods by creating employment opportunities, expanding rural infrastructure, and increasing the good governance capacity of local institutions.

Project documents for these programs refer to both inequalities in asset ownership and differential returns to assets, which is part of the social discrimination faced by indigenous peoples and Dalits that limits livelihood and poverty reduction opportunities. The project information document for the most recent of these programs, the Poverty Alleviation Fund II (2007), describes a small grant facility that could be accessed for livelihood needs, including land- and forest-based production. None of the project documents list activities that specifically address land access or landlessness.

Overview of proposed approaches by key issue areas:

Issue Area	EC	IFAD	World Bank
1. Land Conflict Resolution and Management	Support to land tenure activities as one component of a broader conflict resolution	Conflict management training as part of capacity-building for forestry leasehold groups	-
2. Equitable access: distribution	Mapping and data collection to improve transparency and information base for land management and future land distribution	Access to forest lands through 40-year leases, with participation focusing on women and extremely poor households. Link leasehold activities to policy reform to increase tenure security.	-
3. Gender equity	-	Women targeted for leadership of leasehold groups; women-headed households for participation in the groups.	-
4. Recognition of customary rights	-	-	-
5. Sustainable use and management of land and natural resources	Link GIS activities to land-use planning	Focus on natural regeneration of degraded forests. Development of forest land-use plans for sustainable management of leasehold plots.	-

## 119<sup>th</sup> International Labourers Day Program

The 119<sup>th</sup> International Labourers Day was celebrated on 1<sup>st</sup> May in a grand manner by Haruwa/ Charuwa. They have expressed their sorrows saying that although they work throughout the day they still have to suffer mercilessly to make ends meet. The completion of the Constituent Assembly elections is seen as the pathway for establishing a New Nepal; they have expressed hope that now the rights of marginalised, dalits and land rights deprived people will be secured. To secure the rights of the Haruwa/ Charuwa and their children, to land, shelter, food, education, and health, they believe that a revolutionary land reform process is necessary.

In order to secure their rights, thousands of Haruwa/ Charuwa under the leadership of Darshan Mandal held a procession carrying ropes and ploughs and later held a gathering on the 1<sup>st</sup> May 2008 in Rajbiraj. The procession was intended to mark the unity, effort and sacrifice of thousands of labourers on the occasion of International Labourers Day, observed as the symbol of success for the labourers. The program was organised by Haruwa/ Charuwa Rights Forum and Janchetana Dalit Sangam.

The various demands made during the program were:

- Put an immediate stop to the practices of Haruwa/ Charuwa.
- Put an end to the domination shown towards Haruwa/ Charuwa, labour farmers and land deprived people.
- Immediate cancellation of totalitarian Land Act and implementation of revolutionary land reform policies.
- For working 8 hours, a minimum of 10 kgs of rice or Rs 120 should be given per day.
- For ploughing 2 hectares of land a minimum of 36450-437400 ft<sup>2</sup> of land should be given.
- Education and medicinal facilities of Haruwa/ Charuwa should be guaranteed.
- Public holidays should be granted on festivals.

Shivan Sadaya of Janamorcha Nepal, Prakash Khatiwada representatives of Insec, Baldev Ram, and Bhola Devi Sada expressed their views on the issues of Haruwa/ Charuwa and land deprived people.

The program has not only shown that these people are aware of their rights but it has also brought awareness to the people of Rajbiraj, political parties and landlords in general. The program was covered by many radio stations and newspapers.

## Activity Bulletins

### **Action Aid Nepal's Participatory Review and Reflection Process (PRRP)**

There was a healthy participation present for the PRRP organised by Action Aid Nepal in VDRC, Gaidakot from the 17<sup>th</sup>-19<sup>th</sup> June. The program shared and presented the major campaign achievements, reflections and learning, challenges, media clips, photographs and publications ranging from January to June. The facilitators of the program were Mr. Dinmani Pokhrel, Senior Theme Leader of Action Aid Nepal, and Mr. Jagat Deuja, Programme Manager of CSRC.

### **National Workshop of Land Rights Activists in Lumbini**

The national workshop of land rights activists was held in Lumbini from the 21<sup>st</sup>-23<sup>rd</sup> June and was organised by 25 PNGO's working on issues of food security. 120 participants, ranging from land rights activists and leaders, campaign officers and program coordinators participated in the program. The facilitators were Mr. Jagat Deuja, Mr. Dinmani Pokhrel, Dr. Jagannath Adhikari and Mr. Jhalak Subedi. The focal issues of the program were "Development and Rights-Based Campaigning", "People's Organisations", "Land Reform; why and how?" and "International Experience on Land Reform". At the conclusion of the program some major plans were made to carry out the following: an interaction program with CA members regarding food security and the rights of the poor; to organise a national gathering of food deprived people on the occasion of International Poverty Day; to highlight the issues of land through media on an international basis and to carry out sit-in

protests and other forms of peaceful protest to secure the rights of the poor.

### **Impact Study on Livelihoods of Tenant Farmers**

Community Self Reliance Centre (CSRC), which has been working for the land rights movement for almost a decade, organised a program for the "Impact study on Livelihoods of Tenant Farmers" with the objective of analysing the livelihood development of tenants after they had received land. 25 land rights activists from 9 districts participated in the program which was held in Bhaktapur from the 10<sup>th</sup>-13<sup>th</sup> June. The major tool for assessing the impact on the livelihood of tenant farmers was through the use of questionnaires. Activists were given training on how to devise and effectively employ questionnaires by a team of four experts; Mr. Laya Prasad Upreti, Mr. Krishna Pathak, Ms. Nisha Sharma and Mr. Jagat Deuja.

### **Participation in the interaction program on the Issues of Women's Rights to be raised in the new constitution**

Ms. Kalpana Karki, Campaign Officer of CSRC, participated in this interaction program on the "Issues of women's rights to be raised in the new constitution" organised by WHRD on the 14<sup>th</sup> June. Chief guest and Minister of Physical Planning and Development, Ms. Hisila Yami, said that the major reason for violence against women was the lack of ownership of private property by women, without redressing this issue change is not possible. 38 female Constituent Assembly members and 80 female human rights activists participated in the program.

## Land Ownership Certificates distributed on International Labour Day

39 families from the Eastern Village of Ramchi in the Sindhupalchowk district were issued with land ownership certificates for the land they have been cultivating for decades. The ownership certificates were distributed on the occasion of Labourers Day (May 1<sup>st</sup> 2008). In 1985, land measurement was conducted in the village and during that time the Land Revenue Office issued a prevention order to the poor farmers,

stating that the land belonged to Pashupati Mahasnan Guthi. The farmers have been struggling for their ownership rights for decades saying that their land was forcibly registered in the name of the Guthi and that they have been done a huge injustice.

Various political parties had assured them that they would receive ownership of the land they were ploughing but they did not receive the land ownership certificate. On 2001, with the support of Action Aid Nepal, Community Self Reliance Centre and the Rural Development Society, the farmers of Ramche

village united and started their land rights movement. They were made aware of their rights and created an active land rights movement. After a continuous struggle the Revenue Administration was finally ready to issue the land ownership certificates.

After receiving their land ownership certificates, the farmers shared their experiences, their hardships, and how they were insulted during the time of



the movement.

Handing the land ownership certificates to the farmers, central chairperson of the National Land Rights Concern Group (NLRCG), Suresh Nepal, congratulated the farmers. The farmers were rewarded for having taken the initiative to fight for land reform, poverty, education, health facilities and land rights.

# WOMEN'S RIGHT TO LAND: A Neglected Issue

■ Jagat Basnet<sup>1</sup>

## Introduction:

Poverty has a woman's face. How can women climb out of poverty without access to land and housing?

- *Kofi Annan*

Women account for over 50% of SAARC's total population and supply 60-80% of the agricultural labour related to food production. Women are the real food producers yet they face real food shortages when their male counterparts leave in search of jobs. Women also face food deficits at home with discriminatory food distribution practiced within the family. Furthermore, women do not have control over decision-making in the pattern of production and its use. This bitter reality has seriously impeded women's identity, freedom, food security, right to property and overall social justice. Lack of women's entitlement over land is the primary factor underpinning these conditions.

A report by the Rural Development Institute, described below, demonstrates the importance of women's right to land<sup>2</sup>:

- Asset and income in the hands of women results in higher calorific intake and better nutrition for the households generally than when in the hands of men.
- Improving women's land rights makes a powerful contribution to household food security.
- Women's land rights increase women's status and bargaining power within the household and community.
- Secure land rights provide women with greater incentives to adopt sustainable farming practices and invest in their land.

## An unjust picture of women's landholding in Nepal

Women constitute 51.1% of the total population (23 million) of Nepal (Census 2001). According to the Human Development Report, women's contribution to agriculture is 60.5% yet those very women hold only 8.1% of the agriculture land. The average size of their landholding is just two thirds of the average landholding by men. Likewise, only 4% of women own both a house and agriculture land.

- Land is women's identity, social prestige, economic power and rural development.

Although there have been many discussions over the last 20 years on women's property rights and gender equality in South Asia, there has been little positive change in women's economic and social status. This has posed a number of questions regarding women's rights:

- Why are women suppressed and powerless?
- Why in South Asian are women still suffering from domestic violence?
- Why is discrimination against women so rampant and endemic in South Asia?
- Why are women still not regarded as farmers and entitled with land ownership?

## CSRC's Initiative:

CSRC has been advocating for women's

<sup>1</sup> Mr. Basnet, Executive Director of Community Self Reliance Centre, is a social activist and land rights campaigner in Nepal. Email: jagatb@csrnepal.org or landrights@csrnepal.org Tel +977 1 4360486; fax +977 1 4357033; P.O.Box 19790, Kathmandu, Nepal

<sup>2</sup> Rural Development Institute [http://www.rdiland.org/OURWORK/Ourwork\\_Womenland.html](http://www.rdiland.org/OURWORK/Ourwork_Womenland.html)

property rights to be equal to those of men. To this effect, CSRC has been reviewing property rights laws and state policies, in collaboration with other human rights organisations, and launching advocacy campaigns to pressure the state. Women's right over land resources is the main cross-cutting issue in CSRC's overall land rights movement. CSRC has further engaged with political actors and government officials through consultation, dialogue, debate and policy formation procedure to advocate for women's property rights, especially land rights. CSRC conducts programs at the community level to educate ordinary people on these issues and build public opinion to create grassroots pressure campaigns.

Women's rights over land resources have forced their way to the surface and are now a matter for debate at the community, political and government levels. Acknowledging this issue, and the campaign efforts, the government of Nepal has introduced a policy which gives a 20% tax discount on land registration by women.

As part of CSRC's present campaign on women's land rights we are engaged in lobbying the government to include women in the high level land reform commission (to be constituted in the very near future) and in other land reform and legal processes pertaining to women. Additionally, CSRC in conjunction with other civil society organisations, has been advocating women's land rights with decision-makers at the former legislation-parliament and the present Constituent Assembly.

The success of CSRC's initiatives is evident in the impact on policy and political discussion on land rights as a 'development issue' as well as its significance on 'poverty reduction'. Political parties and international donors now take notice of land issues and have begun to incorporate them into their mainstream programs. The spotlight is firmly on women and land rights.

### Next Steps

CSRC will systematically address the

following agenda:

- Conduct gender-sensitive land tenure context mapping at community, district and national levels.
- Campaign for joint land entitlement between men and women.
- Advocate sole land ownership to single women
- Advocate collective rights for land management by groups of women at the community level. However, there is a need for close scrutiny in the cases of so-called 'fallow' land.
- Promote women's stake in managing communal and other public lands, with management committees comprising not less than 50% women.
- Campaigning for women's land rights as an integral part of human rights, to be recognised by the government, the international community and all concerned stakeholders.
- Lobby the SAARC Secretariat to establish a special mechanism for ensuring women's land rights
- Link Nepal's women's land rights movement to other countries in the region and beyond, create synergies and share good practices and learning.

### Solidarity and strengthening the movement

- The struggle for women's land rights and agrarian reform must start here and now, from Kathmandu, Colombo, Delhi, Lahor, Dkhaka and others.
- We must strengthen people's solidarity in a collective struggle to protect and assert women's rights over natural resources, especially land resources.
- Land is a source of identity, power, dignity and security in the lives of poor women across the region. Women's land rights and agrarian reform must be a common agenda for South Asian states, civil society and people organisations.

*(The paper was presented at the People's SAARC workshop on women and land rights, Colombo, Sri Lanka)*

## CSRC Resource Centre

■ By Chahana Chitrakar

Community Self Reliance Centre (CSRC) is a social organisation that has been facilitating People's Organisations in their non-violent movement to provide social justice and secure the basic necessities of land rights deprived people.

Being a part of this movement is a major responsibility and it is important for activists to continue to increase their knowledge and keep updated on current statistical data. Activists should find time to read books and other materials to widen their thinking and knowledge.

The CSRC Resource Centre was established in 2004 with the aim of facilitating land rights activists in increasing their knowledge, intellect and overall development. A wide range of materials, documents, data and information concerning the land rights movement is freely available at the CSRC headquarters.

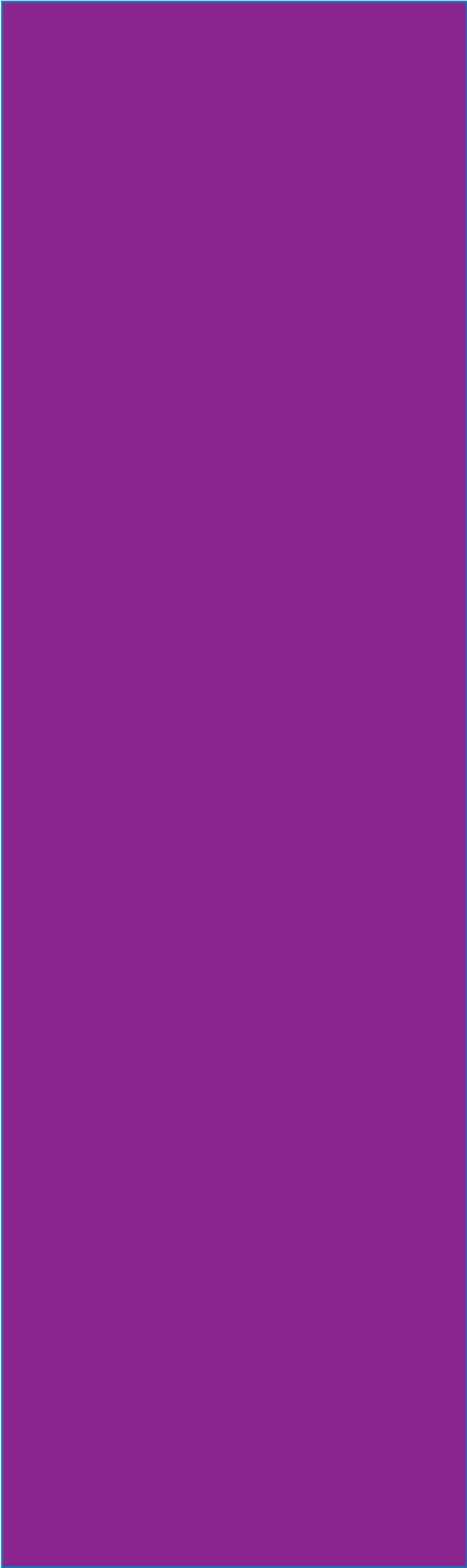
The CSRC Resource Centre is divided into 18 different categories for its proper management and cataloguing. The categories include CSRC Land Rights Publications; CSRC Reports and Reflections; Sales and Distribution Records; Land Related Books and

Documents; Training/ Workshop Reports; Organisation Magazines and Reports; National Development Report Profile; Legal; Women, Children, Janajati and Marginalised; Education and Others; Audio and Visual Documentary; Food, Water and Forest; Development Practice; Human Rights; Tools Materials; Religion.



For the safety of the books and documents, a resource centre registration policy has been implemented; all our members are warmly encouraged to make full use of the resource centre.

The resource centre stocks 1,355 books and CSRC aims to continuously expand this collection by adding new publications every month. The Resource Centre is always on hand for any immediate information needs. The Resource Centre was established for the sole purpose of capacity building and developing land rights activists and it will remain dedicated to this goal.



**Community Self Reliance Centre (CSRC)**

P.O.Box: 19970, Kathmandu

Phone: 01-44360486, 6916791

E-mail: [landrights@csrcnepal.org](mailto:landrights@csrcnepal.org)

Website: [www.csrcnepal.org](http://www.csrcnepal.org)

# *Land First*

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