

Land Rights Movement in Nepal

Reflections **2008**



Community Self Reliance Centre (CSRC)



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- Centre for Society Development and Research Centre (CSDR), Banke
- Community Development and Environment Conservation Forum, Sindhupalchok
- Community Self Reliance Centre, Kathmandu
- Dalit Preservation Abhiyan Forum, Siraha
- National Land Rights Forum Sunsari, Saptari, Siraha, Dhanusha, Mahottari, Sarlahi, Bara, Makawanpur, Sindhupalchok, Rasuwa, Kaski, Parbat, Baglung, Nawalparasi, Rupandehi, Kapilbastu, Dang, Banke, Bardiya, Surkhet, Kailali, Kanchanpur, Dadeldhura, Baitadi
- Janchetana Dalit Sangam, Saptari
- Kisan Adhikarka Lagi Sahayogi Samuha (KALSS), Sindhupalchok
- National Land Rights Concern Group – Nepal, Kathmandu
- National Land Rights Forum-Nepal, Kathmandu
- Nepal Chepang Association, Chitawan
- Rastriya Dalit Network, Baitadi
- Rastriya Dalit Network, Dadeldhura
- Rights-based Campaign Centre, Bardiya
- Rural Development Society, Sindhupalchok
- Rural Women Upliftment Centre, Dang
- Social Welfare Action Nepal, Dang
- National Land Rights Concern Group

Acknowledgement

Community Self Reliance Centre (CSRC) is extremely encouraged with the level of enthusiasm, courage and tireless struggle on behalf of the tenant and landless farmers in fighting for justice, freedom and dignity. CSRC is grateful to these people for their precious time, hard work and leadership in continuing this vibrant movement throughout the country for claiming legitimate rights over farming land, shelter, livelihood and self-dignity. We are indebted to the land rights activists for their skilful and professional contribution in keeping the movement alive during the year. We would like to offer special credit to our collaborating partners at local, national and international levels for their commitment, dedication and solidarity to the movement that have been instrumental in playing a pivotal role for organising people, enhancing their capacities, and facilitating the movement at all levels.

CSRC takes this opportunity to extend its sincere appreciation to all international development partners especially ActionAid Nepal, DanidaHUGOU, RDIF/ESP, Care Nepal, International Land Coalition, Canadian Cooperation Office, Oxfam GB, MS Nepal, PAMS/NCCR, Asian NGO Coalition, Land Watch Asia and the Department of Human and Natural Resources at Kathmandu University for their valuable contribution in providing financial assistance, professional support and solidarity in the cause of making a difference to the lives of tenants and landless farmers. This support has greatly contributed in making a positive impact that has been meaningful for tenants and landless farmers. This has further encouraged CSRC and its collaborating partners to strive to maximise benefits to the people through further creation and innovation.

CSRC immensely values the role of National Land Rights Forum Nepal who took the driving seat in leading the land rights movement. Further, National Land Rights Concern Group - Nepal, media, political parties and members of the Constituent Assembly deserve special mention for their valuable contribution to the land rights movement. Similarly, CSRC would like to acknowledge the valuable input and cooperation received from government agencies, especially the Ministry of Land Reform and Management, District Land Reform and Revenue Offices.

Executive Committee, members, volunteers, well wishers and the staff of CSRC deserve special thanks for being highly motivated, committed and dedicated, particularly in their leadership and facilitating role to raise the profile of the land rights movement and CSRC at local, national and international levels.

Jagat Basnet
Executive Director

January, 2009

Foreword

Nepal is at a crossroad and moving ahead towards transformation. Over the last few years, Nepali society experienced an historic breakthrough that is expected to pave the way for justice-based socio-economic and political systems in the country. The historic changes have seriously challenged the past feudal behaviour and practices and have opened up avenues for collective efforts to make an equitable and prosperous society where everyone can enhance their dignity and enjoy their human rights. In this context, land reform and agrarian reform is one of the key structural areas where a breakthrough is imperative in order to ensure social justice to all sections of Nepali society. This country is moving towards new structures and systems which will be enshrined in a new Constitution. The Constitution must guarantee the poor tenants and landless farmers' rights to live dignified and secure lives by gaining reasonable access to, and control over, productive natural resources, especially land. 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. It is evident that there is no possibility of lasting peace unless the impending land reform issues are addressed seriously and effectively.

The much hyped political transformation will not be meaningful unless there is transformation in economic infrastructure. Land reform is an important aspect of this economic transformation. Some groups have been trying to divert the spirit and rationale of the land reform process in the context of drafting the new Constitution; they have been arguing that the new Constitution will not come into place if we indulge in land reform. This is a common tactic employed by feudal power holders to keep land reform off the agenda. In fact, this should not be the case; if the means of production continues to remain under the control of the elite class, the fruit of democracy and peace will not extend to the millions of poor tenants and landless people. They will not have the opportunity to realise the changes brought about by their great sacrifice during the people's movement in April 2006. This will once again become a serious threat to sustainable peace and stability in this country. So, the new Nepal is only possible by facilitating socio-economic and political transformation together in complement to one another. All people should constructively contribute to drafting the new Constitution, managing political transition and handling the process of state transformation.

We have witnessed some historic events over the last few months and we all eagerly await the formation of a New Prosperous Nepal. The removal of a feudal monarchy 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 if they will honour those commitments. Therefore, it is high time to transform our words into actions to sincerely pave the way towards sustainable peace and stable democracy in Nepal.

Roshan Chitrakar, Ph.D
Chair, CSRC

January, 2009

Acronyms

ANGOC	Asian NGO Coalition
CA	Constituent Assembly
CEDAW	Convention on Elimination of Discrimination Against Women
CPN (UML)	Communist Party of Nepal (United Marxist-Leninist)
CPNM	Communist Party of Nepal (Maoist)
CSRC	Community Self Reliance Centre
Danida	Danish International Development Assistance
DDC	District Development Committee
DFID	Department for International Development
DLRO	District Land Reform Office
ESP	Enabling Estate Programme
FAO	Food and Agriculture Organisation
FECOFUN	Federation of Community Forest Users Nepal
FORUM ASIA	Asian Forum for Human Rights and Development
HUGOU	Human Rights and Good Governance Advisory Unit, Danida
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILC	International Land Coalition
ILO	International Labour Organisation
INGO	International Non Governmental Organisation
KALSS	Kishan Adhikarka Lagi Sahayogi Samuha (Support Group for Farmer's Rights)
NCCR	National Centre of Competence in Research
NGO	Non-governmental Organisation
NHRC	National Human Rights Commission
NLRCG	National Land Rights Concern Group
NLRF	National Land Rights Forum
NPR	Nepalese Rupees (1US\$=75 Nepalese Rupees)
OHCHR	Office of the High Commissioner for Human Rights
PAMS	Partnership Actions for Mitigating Syndrome of Global Change
RDIF	Rights, Democracy and Inclusion Fund
SDC	Swiss Development Cooperation
UN	United Nations
VDC	Village Development Committee
VSBK	Vertical Shift Brick Kiln

Glossary

Bigha	a unit of land measurement used in Terai, comprising 1.6 acres or 0.67 hectare. A Bigha is divided into 20 Katthas.
Charuwa	system of hiring people for grazing cattle for landlords with exploitative wages
Chepang	indigenous people inhabiting the upland hills of central Nepal
Dalit	group of people who are considered as 'untouchables' by so called high caste
Haliya	system of hiring people for ploughing landlord's land with nominal wages
Haruwa	system of hiring people for agricultural work with little wages
Kamaiya	bonded labour system widely practiced in western Terai of Nepal
Kamlari	girl child domestic helpers employed by the landlords from the poor <i>Tharu</i> families in the five <i>Terai</i> districts of the Mid- and Far-Western Development Regions of Nepal who were themselves <i>Kamaiyas</i> in the past
Kattha	a unit of land measurement used in Terai comprising slightly over 300 square meters in surface



Table of Contents

Annual Overview	9
1 Introduction	11
1.1 Purpose and Process of the Document	12
1.2 Organisation of the Document	12
2 Context of Work	13
2.1 Political Developments	14
2.2 Government Plans and Programmes	14
2.3 Land Agenda in Non-state Stakeholders	15
3. Reflecting the Actions	17
3.1 Building People's Power	18
3.1.1 Strengthening National Land Rights Forum	18
3.1.2 Creating and claiming space	22
3.1.3 Changing power relations	27
3.1.4 Making a difference to livelihoods	27
3.1.5 Momentum for land reform	33
3.2 Policy Initiative	40
3.2.1 Policy dialogue and consultation	40
3.2.2 Policy reforms	42
3.2.3 Advocacy and lobbying	43
3.2.4 Alliance and networking	44
3.3 Knowledge Generation	45
3.3.1 Research and studies	45
3.3.2 Creation and innovation	46
3.3.3 Sharing knowledge	46
4 Organisational Development of CSRC	47
5. Challenges and Learning	51
5.1 Challenges Faced	52
5.2 Learning from Actions on the Ground	53
6. Way Forward	55
6.1 Strategic Focus for the Next Year	56
6.2 Organisational Change	56
7. Appendices	57
Appendix 1: National Conference Declaration	58
Appendix 2: Agreement between the government and NLRF	60
Appendix 3: Political Commitment	61
Appendix 4: Statement of Cumulative Performance	63
Appendix 5: Media and Publication Clips	64

Presence of Land Rights Movement



Annual Overview

Reflections 2008 derives from the synthesis of progress and learning of the land rights movement for the period January to December 2008. This report documents the progress achieved against the strategic objectives and the annual plan of action 2008. This report also contains key challenges that have been faced during the year. The learning and progress described in this document are primarily the views and opinions of tillers and landless farmers, who are at the forefront of the struggle to claim their rights over land resources. The purpose of this report is to share key achievements, emerging issues and learning within the land rights movement during the year with all stakeholders, including political actors and policy makers and other interested individuals and institutions.

The year 2008 turned out to be an historic year. The long awaited election for the members to the Constitution Assembly (CA) was held successfully amidst much doubt and uncertainty. This was a milestone for paving the path to move the ongoing peace process to the logical end. There was overwhelming participation by tenants and landless farmers in making the historic event of CA elections a grand success with the hope that the new Constitution would overcome injustices manifested in various forms including the denial of land rights. Major political parties asserted their commitment to proceed with land and agrarian reform to ensure poor tenants' and landless farmers' rights to land resources. A 601-member CA has remained remarkably inclusive with 33% women and the fair representation, caste, creed, gender and geographical territory.

The land rights movement has been able to achieve notable accomplishments. The People's Organisation National Land Rights Forum (NLRF) led by tenants and landless farmers has been recognised amongst the political parties and the government agencies as one of the active rights claimants. Similarly, major political parties have made public commitment to go for land reform through the manifesto prepared for the election for the members to the CA.

Land Commission has been set up including one designated member from NLRF, which was the one of the key demands of the land rights movement for quite some time. Moreover, the land rights issue has strongly been linked with other social movements, such as women and Dalit's rights movement during 2008.

A total of 2,997 tenant families filed tenancy rights writ petition at the District Land Revenue Office and total of 1,065 tenant families received 351 hectares of land worth NPR 85 million. Further, the land rights movement expanded during the year 2008. NLRF strengthened 12 district level and 117 primary levels units comprising 2,902 community leaders, including 1,534 women and 1,342 Dalits. The land rights movement reached to 51,151 families in engaging them into land rights discourses. Likewise, a total of 355,400 tenants and landless farmers were made aware about their land rights. The land rights movement has been instrumental for increasing trust and enhancing confidence in the community. One of the tenants says "I am proud to have been part of the NLRF which has given me the power and confidence to fight for my rights".

The land rights movement has been able to create and expand space for tenants and landless farmers to negotiate and influence the national policies in their favour. As a result of the momentum created and the leadership developed by the land rights movement, a total of five of its leaders have gained seats in the CA with various political parties. The CA will be very important platform for the tenant and landless families to raise their voices in favour of land rights.

The 2008 became a milestone for CSRC for its internal organisational development. CSRC has developed its five year strategic plan (2009-2013), operationalised institutional good governance policy and got a collective funding for the land rights movement through a basket funding mechanism by the key six international partners, ActionAid Nepal, CARE Nepal, Canadian Cooperation Office, DanidaHUGOU,

MS Nepal and Oxfam GB.

CSRC's total budget for the year was NPR 23,701,606. The total expenditure in 2008 was NPR 17,751,698, which is 75% of the approved budget. Among them, program costs accounted for NPR 12,940,085 (73%) and management costs were NPR 4,811,616 (27%). Additionally the movement has mobilised local resources in the form of materials contributed by the tenant and landless farmers themselves. The movement emphasised the need to generate and mobilise local resources to support the movement with the view of its long term sustainability and to provide a greater sense of ownership amongst the tenants and landless farmers.

Despite several commitments, land reform has not been a burning issue for some of the major political parties though they have made public commitment. There is still a fear amongst some that land reform will conflict with their class interests. This has been a key hindrance in the pursuit of land rights for tenants and landless farmers. There is a growing discourse on civil and political freedoms in this new democracy but it is not filtering down into real life. There is still no socio-economic justice for the poor and these people do not have a support system to involve them in the political process. The battle that poor tenants and landless farmers have been fighting takes time to yield fruit but on a day-to-day basis it is very difficult challenge powerful local landlords.

The political upheaval continued in the Terai region especially in the Eastern and the Central regions. Several strikes and forced shutdowns of transport and business activities frequently took place over the year. The conflict between sister organisations of the ruling political parties has created fear and havoc amongst many people, creating an obstacle to the smooth running of industry and business, leaving many people unemployed or semi-employed. This has serious implications for the peace process and has created tremendous difficulties in carrying out land rights work.

CSRC has strong realisation that political will is essential for making the breakthrough in land reform. CSRC further realises that political actors will not pursue land reform seriously until and unless they receive significant pressure from below.

From its ground experience, CSRC firmly believes that a non-violent movement ultimately

wins the hearts and minds of people and decision makers. It has further convinced that state of present land rights movement is the result of the power of a peaceful appeal for justice. CSRC and the entire land rights movement have realised that we can win our battle if we follow a peaceful way, but we will definitely lose if we choose violent mode. Violent methods may get immediate results and may even provide an outlet for frustration but it does offer a sustainable long term solution.

CSRC has also realised during 2008 that the entire movement is guided by a common philosophy and set of principles rather than solely being focused on the process. CSRC recognises that if its activities and lobbying is based upon principles it will enhance confidence and affects other stakeholders more profoundly.

In few instances, CSRC has not succeeded in its plan of action. These failures have taught us that self interest, either from activists or leaders, or deviating from a peaceful framework will not win the hearts and minds of public, our partners and stakeholders. Additionally, improper understanding of the socio-political and economic dynamics of the land issue among activists and leaders, will fail to influence and pressure the political actors and decision makers.

The ground actions have taught us that people receive support and feel empowered when they have the opportunity to speak their mind in public forums. The village encampments, community review and reflection activities have proved that grass root people can be empowered through public speaking. These activities and techniques have proved to be the right way to make people aware of their rights and the inform them of the land rights movement. Regular village encampments, farmer-tenant meetings and women's forums becomes an instruments in encouraging people to discuss their issues intelligently and to make constructive decisions.

It is realised from field experience that having working relationships with landlords and bringing them into the land rights process is effective in building momentum. Landlords are one of the key actors to be informed and educated on the objectives and principles behind land reform in order to bring them over to the cause. The involvement of landlords minimises tensions and makes for a more open, cooperative environment.

1

Introduction



►
CSRC team
conducting
internal review
and reflection



1.1 PURPOSE AND PROCESS OF THE DOCUMENT

This document derives from the synthesis of progress and learning of the land rights movement for the period January to December 2008. It further provides a brief overview of the cumulative progress of the land rights movement since 2004. This report documents the progress achieved against the organisational strategic objectives and the annual plan of action 2008. This report is also a learning document that contains key challenges that have been faced with reflections on both the positive and negative aspects. The learning and progress described in this document are primarily the views and opinions of tillers and landless farmers, who are at the forefront of the struggle to claim their rights over land resources. This report also captures perceptions and observations from key informants, independent researchers, government officials, land rights activists, NGOs, networks, alliances, international partners and other stakeholders vis-à-vis the land rights movement in 2008.

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

This report is a product of joint efforts by communities, CSRC and other individuals and organisations involved in the land rights movement. The collaborating agencies within the land rights movement have a system to review progress and critically reflect upon their work on a regular basis, with respect to learning and

outcomes. A series of reviews and reflections have been held at people's organisations, supporting NGOs and alliance/network levels. Furthermore, formal and informal consultations have taken place with other stakeholders, including key village-level informants, government agencies and non-government organisations to incorporate their views and perceptions on the land rights movement. CSRC regularly collects and compiles the outcome of these reviews and reflections. CSRC has a participatory monitoring and evaluation system that collects and compiles qualitative and quantitative information on a monthly basis. Additionally, CSRC conducts quarterly reviews and reflections that assess the effectiveness of the organisation's work and reflects upon outcome and learning from the land rights work. This annual report *Reflections 2008* is the synthesis of all these processes and efforts.

1.2 ORGANISATION OF THE DOCUMENT

Reflections 2008 has been divided into seven sections including an introduction. The introduction describes the purpose of this report and the processes involved in preparing this document. The second section examines the operational context of land rights work in 2008 including the socio-political situation in the country. The third section highlights key achievements in terms of building people's power, policy initiatives and knowledge generation. The fourth section deals with the organisational development of CSRC. The fifth section oversees the challenges faced and learning gained over the last year the six section details the way forward and the final section gives the annexes.

2

Context of Work



2.1 POLITICAL DEVELOPMENTS

The year 2008 turned out to be an historic year. The long awaited election for the members to the Constitution Assembly (CA) was held successfully amidst much doubt and uncertainty. This was a milestone for paving the path to move the ongoing peace process to the logical end. There was overwhelming participation by tenants and landless farmers in making the historic event of CA elections a grand success with the hope that the new Constitution would overcome injustices manifested in various forms including the denial of land rights. Major political parties asserted their commitment to proceed with land and agrarian reform to ensure poor tenants' and landless farmers' rights to land resources. A 601-member CA has remained remarkably inclusive with 33% women and the fair representation, caste, creed, gender and geographical territory.

The very first meeting of the CA formally abolished the 240-year institution of monarchy from Nepal that was widely considered as the symbol of feudalism. This is a landmark breakthrough in Nepali political history that has many implications for the political, social and economic dimensions of society.

The result of the CA was not predicted and was unexpected by some political actors,

creating tension and causing delays in the hand over of powers to the new government. Rivalry amongst the political actors lead to the politics of revenge and created a political deadlock which delayed any breakthrough action by the new government as promised in the Comprehensive Peace Accord 2006 and the Interim Constitution 2007 which included constituting a High Level Land Commission.

The political upheaval continued in the Terai region especially in the Eastern and Central regions. Several strikes and forced shutdowns of transport and business activities frequently took place over the year. The conflict between sister organisations of the ruling political parties has created fear and havoc amongst many people, creating an obstacle to the smooth running of industry and business, leaving many people unemployed or semi-employed. This has serious implications for the peace process and has created tremendous difficulties in carrying out land rights work.

2.2 GOVERNMENT PLANS AND PROGRAMMES

After the CA elections a coalition government has been formed whose main duty is to draft a new Constitution for a new Nepal. The new Constitution is expected to guarantee the rights of all individuals and groups of people





including tenants and landless farmers. The coalition government developed a common minimum programme, where land reform has been recognised, as the basis for running the government. When the new government presented its policies for the fiscal year 2008/09 to parliament, both the minimum common programme of coalition of ruling political parties and the government's policy included constituting a High Level Land Commission to settle the land-related problems being faced by tenants and landless farmers.

2.3 LAND AGENDA IN NON-STATE STAKEHOLDER

Over the years, development agencies have begun to recognise the importance of ownership and possession of land resources and this is now a key agenda item in tackling the structural causes of poverty. Access to land by poor tenants and landless farmers is now considered as the basis for realising socio-economic and cultural rights as enshrined in the Constitution and international human rights laws and instruments. There are several interest groups who have been fighting for specific

human rights, for instance, women's rights, *Dalit's* rights, farmer's rights, rights of the ethnic minority; there is an increasing trend that land rights is fundamental to these forms of human rights struggles and movements. The *Dalit* rights movement, women's rights movement FECOFUN, NEFIN and NGO Federation have systematically been linked with the land rights movement. Realising the importance of land issues in addressing the root causes of poverty, conflict and exclusion,





DanidaHUGOU, ActionAid Nepal, MS Nepal, Oxfam GB and Canadian cooperation Office and Care Nepal have agreed to support the land rights movement by pooling their resources in a basket fund.

National Human Rights Commission has seriously pursued land rights matters up to and including issuing directives to the government to make the appropriate legislative and

administrative arrangements to ensure poor tenants and landless farmers realise their land rights for secure and dignified lives. Similarly, UN OHCHR has also taken up the issue of land rights as an important agenda under the Economic, Social and Cultural Rights domain of the human rights movement. UN OHCHR has invited land rights activists and agencies to join in capacity development processes.

3

Reflecting the Actions

*I am proud to have been part of the NLRF
which has given me the power and
confidence to fight for my rights*

– Yamnath Acharya



Community people holding a consultation on land rights in Dadeldhura district

3.1 BUILDING PEOPLE'S POWER

3.1.1 Strengthening National Land Rights Forum (NLRF)

►
Orientation
for local land
rights
leaders in
Bardiya

The NLRF is a membership-based People's Organisation consisting of land deprived people, such as squatter settlers, slum dwellers, tenants, trust land tenants, landless farmers, former bonded laborers, *Dalits*, women, and other excluded and marginalised people. The NLRF was established in 2004 and it has 42 district chapters. The following section gives examples of the NLRF strengthening during 2008.

Key Achievements in 2008

- People's Organisation (NLRF) has been recognised amongst the political actors. Members to the CA and political party leaders extend their support and solidarity to NLRF organised events.
- All major political parties have made public commitment to go for land reform through the manifesto prepared for the election for the members to the CA
- Land Commission has been set up including one designated member from NLRF
- Land rights issue is strongly linked with other social movements, such as women's rights movement and Dalit's rights movement.
- A total of 2,997 tenant families filed cases at the DLRO and total of 1,065 tenant families received 364 hectares of land worth NPR 85 million
- Expanded 12 district level and 117 primary levels NLRF comprising 2,902 community leaders, including 1,534 women and 1,342 Dalits. The land rights movement reached to 51,151 families in engaging them into land rights discourses. Further, a total of 355,400 tenants and landless farmers were made aware about their land rights.
- Government has allocated a budget for land reform related work in its annual plan and budget 2009/10.
- Government has increased land registration fees waiver to women from 20% to 25%.
- As a result of the momentum created and the leadership developed by the land rights movement, a total of five of its leaders have gained seats in the Constituent Assembly (CA) with various political parties
- CSRC has developed its five year strategic plan, operationalised institutional good governance standards and got a collective funding for the land rights movement through a basket funding mechanism by the key five international partners.



Increased trust and confidence in the community

The NLRF has taken leap in 2008 in terms of expanding its organisational presence in more communities. The NLRF has been able to enhance its legitimacy in pursuing its mission by mobilising more people this year. In 2008, NLRF has strengthened 12 districts level and 117 primary levels units comprising 2,902 community leaders, including 1,534 women and 1,342 Dalits. The land rights movement reached to 51,151 families in engaging them into land rights discourses. Further, a total of 355,400 tenants and landless farmers were made aware about their land rights. A total of 2,997 tenant families filed cases at the DLRO. A total of 1,065 tenant families received 364 hectares of land worth NPR 85 million. The land rights movement has reached to over 2 million tenant and landless farmers as of 2008.

The NLRF's ever expanding organisational presence has accelerated the mass mobilisation of grass root people, especially poor farmers and tillers, enabling them to claim their rights to secured shelter and livelihood through land and agrarian reform. The organisation has been an umbrella for millions of tenants and landless farmers by providing the means and support to pursue their rights agenda. There is growing trust and ownership over the NLRF by the tenants and landless people. One of the tenant farmers and a local leader, Mr. Yamnath Acharya, Bardiya says ***"I am proud to have been part of the NLRF which has given me sense of power and confidence to fight for my rights. Though I have not yet received my land certificate, I am convinced and motivated that I will definitely get my land ownership certificate in the near future with the help of the NLRF and as a result of the on-going land rights movement"***.

Exemplary democratic exercise

There is growing internalisation of the values and principles of democracy within the NLRF. The NLRF has articulated its belief that de-



mocracy is a way of life that has to be proved through application in real life.

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

The NLRF convened its second National Conference in Dang from 1-3 March 2008 fol-

lowing a democratic process. The NLRF leadership selection process begins with a village-based primary group. Each primary group selects two representatives (one man and one woman) to the district assembly. Similarly, each district selects two representatives (one man and one woman) to the national council, with each district further selecting two representatives (one man and one woman) from every 100 members to form the central council. 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 both men and 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 consensus for electing delegates for the conference in some districts while in others there were systematic electoral processes to elect the delegates. The selection process at primary group and district level 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. More than 10,000 people took part in the inaugural ceremony and extended their solidarity to the cause. The delegates voluntarily contributed food and accommodation during the Conference.

NLRF members managed their own decision-making process during the event and were able to internally resolve the one dispute that arose

Delegates
busy
canvassing



Delegates
conducting
business
session

►
Newly elected
Central
Working
Committee
members



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 providing a basis for democratic processes in the country with the elections drawing near.

The election committee completed the entire election process and elected 17-members to 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.

The NLRF constituted a five-member independent election committee. The election committee was inclusive in nature 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 which included; a voters' list, a timetable for submitting candidacy, a complaints procedure, a withdrawal procedure, a final list of candidates and finally voting.

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 issue related to one's freedom, identity, dignity and security of daily livelihood. This is a classic example where political parties, civil society organisations and organisations who have been preaching democratic values, principles and processes can learn from people in the community.

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 Priyadarship, from Etaka Parishad India, reflected that the ***outcome of the conference is the result of a strong democratic process within People's Organisations right from grass roots to national levels. 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, International Land Coalition, Italy, finds a very strong participation by women throughout the conference. He says; ***"women were visible both in terms of overall numbers and in terms of speaking up from the audience during the event. The 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"***.

Increased skills and knowledge

The NLRF has matured greatly in terms of resourcefulness, skill and knowledge in 2008. NLRF leaders and members have learnt the skills necessary to effectively plan and conduct movement activities at local and national levels, resulting in spontaneous movements at local level. Land rights activists and leaders independently organised a series of dialogues with political actors, arranging to take them to their communities to observe conditions. Several independent demonstrations were organised at district level which resulted in agreements being reached with the District Land Reform Office in Banke, in the presence of the District Forest Office and District Administration Office (DAO). The agreement provides a basis for tenants to lodge complaints to DAO against any form of forceful eviction.

The land rights leaders have enhanced their negotiation and lobbying skills during the year. The tenants and landless farmers staged a fair wage movement in Siraha, demanding an increase in their daily wages from Rs 50/day to Rs 100/day. They lobbied with political actors and government officials to extend support in their favour as their demand was within the framework of the minimum wages fixed by the government. They negotiated with the landlords to fix the wages at Rs 80/day in the presence of human rights defenders. This is one of the instances of the increased skills and confidence displayed by leaders, activists and community people.

Sharpened strategies and building on values

The NLRF defined and refined its organisational strategy during the year. Key strategic moves include expanding the NLRF to 50 districts in the next two years and making the NLRF as inclusive as possible. This will be achieved by incorporating Madhesi and Muslims, practicing democracy and good governance within the organisation, linking the movement with the political process in the light of the on going state restructuring through a new Constitution and demonstrating a viable land reform model from the community to justify the need for land reform.

The NLRF leadership and activists have been enlightened by the power and value of non-violence in effecting social and economic change. The entire movement has defined non-violence as its guiding principle. To quote one land rights activist: ***“you can win your battle***

and the outcomes become sustainable if you follow the creative and peaceful way, but you will turn out to be a loser if you adopt violent means to achieve your mission even though it might give you a temporary sense of romance”.

In the same light, the entire land rights movement team has broadened its understanding of land rights vis-à-vis increasing overall production and establishing a mechanism to allow the equitable sharing of benefits through land and agrarian reforms. Likewise, the team has further increased its knowledge in the broader areas of human rights, providing space for people

Freedom and independence have enormous value for human life

Nariram Tamata, 32, inhabitant of Durga Bhawani VDC, Baitadi, has been serving landowner Ganesh Dutta Bhatta as *Haliya*. This has continued for the last three generations. Nariram ploughs five hectares of the landlord's and receives almost nothing in return. In 2005, he took part in the village encampment organised by land rights activists where he was informed that the *Haliya* system is illegal. He shared this with his family and continued collecting information. In February 2006, he filed a writ petition with the District Administration Office demanding that he be liberated from the state of *Haliya* and given 0.13 hectares of land as compensation. The land rights activists assisted him with this petition. As soon as this news spread around the village, he was boycotted from using public land and forbidden to use the foot trail and water tap by the local elites. In July 2008 the District Administration Office decided in his favour.

The entire family was extremely happy upon being liberated from their state of bondage and receiving compensation. He now works for others and earns NPR 200/day. He has taken a further 0.3 hectares of land on lease for farming. Once he became free and independent, he received income generating support of NPR 25,000 from the District Agriculture Office to improve his Iron making enterprise from which he earns NPR 200-1000/ month. Nariram is able to feed his family from this variety of work and seems happy. He says: ***“I have a new life with freedom and independence. I heartily value the independence and freedom that made my family's life comfortable, self-reliant and dignified”.***





to pursue their struggle for rights, even beyond the national laws using international human rights instruments and conventions such as ICESCR, ICCPR, ILO Convention, and CEDAW as a reference. The NLRF leadership has sharpened its understanding that the land rights movement is similar to a political initiative but is separate from a party politics. We need the collaboration and support from political parties but the land rights movement is not involved in party politics or any political framework.

Enhanced identity and profile

Through its actions, the NLRF has been recognised as a fighter for justice and freedom among the community, mass media, political and state level actors, both at national and local levels. There is growing recognition and accep-

tance of the NLRF in the political arena, where the NLRF has been pursuing debates and dialogues on the rationale of land and agrarian reform. In the light of state restructuring, the NLRF is bringing democratic discourse to the doorstep of disadvantaged people. In recent days, none of the actors have denied the NLRF's standpoint on land reform even though they may not be willing to act upon it. This presence has made the NLRF a strong civil society force in Nepal. As a result, the NLRF has had more influence when dealing with government agencies and political parties with a view to speeding up government decisions and eliciting positive responses from political leaders.

3.1.2 Creating and claiming space

Increased acceptance and access

Along with the enhancement of its organisational capacity (skills and knowledge), profile and identity, the NLRF has been able to claim and create space to make influence in the decisions that affects the lives of poor tenants and landless farmers in Nepal. The land rights movement and the NLRF have been regarded by political and government stakeholders in a much more functional manner this year. This has resulted in the NLRF leaders and land rights activists being invited by political parties and government stakeholders to engage in consultations and events. This has provided a tremendous opportunity for tenants and landless farmers to understand the internal dynamics at political and government levels vis-à-vis land and agrarian reform, and given a platform to put forward their views and positions on the matter. This has had an influence on the decisions made by the stakeholders.

► Political party leaders demonstrating solidarity during NLR National Conference



Stake in Constitution making process

As a result of the momentum created and the leadership developed by the land rights movement, a total of five of its leaders have gained seats in the CA with various political parties. It is very encouraging to note that four of them are women; two Dalits and two indigenous nationalities. The CA is the sovereign and supreme body to draft a new Constitution for the country, which had been pending for the last six decades. This is an opportunity for tenants and landless farmers to raise their voices in order to address their concerns during the drafting of the new Constitution.

The vice-president of the NLRF is amongst the CA members. These prominent leaders walked a long and difficult path of struggle for rights and justice before entering the CA. Their participation in the CA is the result of their dynamic leadership and hard work for the cause. Some of them have come from a state of bondage since early childhood.

Ms. Shanta Chaudhary, a land rights movement leader is one such example. She worked as a bonded labourer in the house of a landlord from the age of eight and that went for 18 years until she was married. Her husband had an argument with the landlord and was put in jail.

The land rights leaders have acted as law makers to draft a new Constitution for the country, while increasing their influence and stake in the Constitution drafting process. It is apparent that some influential political leaders do not stand in favour of land reform or guaranteeing land rights to the tenants and landless people based on social justice and human rights principles. The participation of land rights leaders in the CA will ensure that poor tenants and landless people have a voice loud to challenge such attitudes collectively. This has really provided them space to claim their rights.



National Land Rights Forum cleans Land Revenue Offices

The office environment and efficient functioning of public offices makes a difference in delivering better services to the people. In this context, the office environment in some of the land revenue offices was not conducive. The National Land Rights Forum took the initiative to clean the office premises of the Land Revenue Offices in Kailali, Bardiya and Dang districts. The event was aimed at encouraging concerned office bearers to maintain neat and clean offices every day. This event gave a clear message that maintaining office premises and working places does not require much effort or cost but only a commitment and sincere effort by staff. The National Land Rights Forum wants to establish cordial functional relationships with the District Land Revenue Offices through these creative initiatives.

The Chief of the District Land Revenue Office in Bardiya, Mr. Shankar Prasad Bhetuwal, remarked that the initiative taken by the National Land Rights Forum was a positive move to encourage the bureaucrats from district to central level to serve people with a clean heart. Mr. Bhetuwal mentioned that "this has pressurised us into maintaining our office, and we will act accordingly".

"I did not have any sense of the world outside my village. In 2004, the land rights activists came to my village and started conducting meetings. In the meeting I began to understand what it meant to be organised. We formed a primary group in the village to pursue the land rights campaign."

Shanta Chaudhary



Journey from *Kamlari* to the Constituent Assembly: Commendable Courage in Struggling to Ensure Social Justice

Shanta Chaudhary, a resident of Dandagaun, Laxmipur VDC, from Dang district lived with a family of six sisters, one elder brother and her parents before she married some 12 years ago. Her maternal family did not own any land and was devoid of other employment options. Their livelihood was completely dependent upon cultivating the landowner's land.

As a result of being landless and without any options to ensuring a livelihood, her parents were forced to send her to work for the landowner at the age of 8 (known as *Kamlari labour* in local parlance). Her parents would receive NRS 6,600 per annum as her remuneration. She had to begin household chores from 4 am until 8 pm. Often, she had to do work beyond her age and physical capacity. Seeing the landowner's children, Shanta would wish she could also sleep with her parents, play with them and enjoy her childhood. It was a dream for her. During the winter she did not want to touch cold water, and for this she was frequently beaten by the landlord. The landowner would give her leftover food (often thrown by their children) to eat and their children's rags to wear. She never had the chance to feel affection, love and care from her parents and other family members. She received new clothes for the first time for her wedding. She spent 18 years as *Kamlari*, until 2006.

In the mean time, she met NGO workers in 2003 who had come to her village to organise women into savings and credit groups. Shanta says, "I wanted to do something creative and innovative in the village. I was convinced by the ideas of the savings and credit group activities. I thought this could be a means to escape bondage and I decided to join the group". Later in 2005, a land rights activist from a local NGO came to her group and discussed landlessness. Shanta was curious and asked questions pertaining to land, shelter and livelihood. The NGO representative briefed her of poor people's rights over state resources, especially natural resources like land. After a few days, Shanta decided to become a part of the land rights group at the village and engaged in organising, educating and mobilising tenants in the village during her free time.

In 2006, there was a district level assembly of DLRF in Ghorahi, Dang. One man and one woman were invited from each village group to the assembly as delegates. Shanta represented her group from one small village. As soon as she arrived at the district

headquarters she met thousands of men and women who had similar stories and similar hopes. She found them like family members. The amount of courage she witnessed in the other delegates encouraged Shanta to become more active in the land rights struggle. Due to her leadership potential and enthusiasm, the assembly elected her as the district chairperson of the National Land Rights Forum (NLRF).

Under her leadership, the DLRF developed a land rights movement plan followed by demonstrations, public processions, sit-ins in front of major political party offices, padlocking District Land Revenue Office, and dialogues and consultations with government officials and political actors. The movement reached Kathmandu and ended with an agreement between the NLRF and the Ministry of Land Reform and Management. The agreement included the government's commitment to constitute a high level land reform commission and provide proper rehabilitation for freed bonded laborers. As a leader of the movement, Shanta interacted with government officials and political party leaders. In a relatively short time, Shanta became a well-known personality amongst government officials, political parties, civil societies and the people.

A number of political parties tried to get her to join their respective parties. Recognizing her brilliant leadership and contribution, CPN-UML nominated her to the CA in April, 2008. Now, she has become a law maker in helping to draft a new Constitution for the country. Shanta says that she will not be happy until she has achieved her aim of establishing poor tenants' rights over land. She optimistically says that she will argue for pro-people land reform in the CA and with the political parties. She sees challenges at the CA too; some influential political leaders are not in favour of poor tenants' rights over land and there is big class gap which challenges change. Shanta has the firm belief that without overcoming acute hunger and insecurity of shelter for poor tenants, the mission of having sustained peace and an institutionalized republican set-up remains a mere dream. Shanta says, "The struggle is inevitable and continuous. I will fight at the policy making level and my friends (rights activists) should fight at the grassroots level. Peaceful movement is the only way to translate our dream into reality".

Source: Empowering the Disempowered Tenant Farmers: A Study of the Impact of People Centred Advocacy for Land Tenancy Rights in Nepal, 2008



◀
Talks between
the Prime
Minister and the
NLRF team

Agreement with the government

The land rights movement has intensified its lobbying and campaigning initiative to create pressure on the government to implement the agreements reached vis-à-vis land reform with previous governments. In this regard, the NLRF submitted a memorandum to the Minister for Land Reform and Management and the Minister for Finance.

The team organised demonstrations, sit-ins in the capital city and the district headquarters to pressure the newly elected government to listen. They met with the Prime Minister, Deputy Prime Minister, minister for Home, and other ministers. The strength of the people's organisations backed by the genuine issue of basic human rights and justice in society, that was agreed upon by the political parties, placed tremendous pressure on the government. As a result, the government signed a four-point agreement (See Appendix 2). The agreement includes the government's commitment to constitute a high level land commission including one representative from the NLRF. This was a great achievement successfully negotiated by the land rights movement.

This was the first time that land rights leaders met the Prime Minister to share their problems. None of the former Prime Ministers had taken the time to listen to the poor people. This meeting with the Prime Minister took place amidst an intense movement prevailing across the country. It is important to note that women leaders and Dalit leaders formed the majority of those holding negotiations with the Prime Minister.

As a result, the government of Nepal has constituted a High Level Land Commission in December 2008 where one representative from

the NLRF has been nominated as a member in the Commission as demanded by the movement, in line with government's prior commitment.

Increased access to local resources

Tenants and landless people have also increased their access to and control over economic resources at local level. The tenants who have received land as part of their tenancy rights have begun to increase agricultural production and they have begun to undertake income generating initiatives on their own.

Once tenants and landless people became aware of public resources available at VDCs, DDCs and other government and non government agencies at district level, they have taken the initiative to claim a reasonable proportion of such resources for their benefits. These people have begun to prepare their development plans and submit them to the VDC and other relevant agencies. For example, Madhupatti VDC Saptari has provided Rs. 150,000 to the Dalit tenants to carry out development programmes in their community. These poor people would never have had such opportunities in the past.

Minister of
Information
and
Communications
Mr. Krishna
Bahadur
Mahara
signing the
agreement
with the NLRF
at the sit-in site
in Kathmandu



►
Tenant
farmers
celebrating
upon receiving
Land
Ownership
Certificate



Land ownership certificates after a long struggle, Sindhupalchowk

39 families from the Eastern Village of Ramche VDC 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 1st 2008). In 1985, a land survey 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.

Land tenancy rights – bliss and a blessing

Land entitlement brings joy and can turn life into a blessing; Mata Prasad Khatik is an example. He is residing in Bankatii-8, Banke, with his 13 family members. He lived his entire life tilling others land. He remembers those days when he used to work hard all day and then have to carry the harvest to the landlord's house 12 km away. With the half share he received his family could not sustain themselves for more than six months. Even his children were busy in the field and could not go to school. In addition to all this distress was the ever present threat of eviction by the landlord.

But the situation has now changed in the livelihood of Mata Prasad. He received 0.2 hectare of land as tenancy rights in his 50 years of age. Along with this land entitlement, he has gained dignity in his society as an equal to the other villagers. These days he is busy working on his own land, which provided his family with security for 10 months. One of his sons has started working in the District court and two of his children are attending school. He is now encouraged to attend public meeting and he can speak his mind, free from fear. Now that he has his land certificate, nobody can evict him and he can use the certificate as collateral, without having to ask his landlord for a loan. Mata Prasad is glad to be free.

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. In 2001, with the support of ActionAid Nepal, Community Self Reliance Centre and 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 District Land Revenue Office was finally ready to issue the land ownership certificates in 2008.

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, 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.

3.1.3 Changing power relations

Improving the identity and profile of tenants and landless farmers in society has been one of the key sources of power for the poor to pursue their agenda publicly with confidence and hope. Tenants and landless farmers are now well organised, skilful and articulate. This helps them in defending and claiming their human rights. Now that tenants and landless farmers are organised into a powerful force the landlords are less likely to forcibly evict them as in the past.

The land rights movement has demonstrated explicit examples of changes that have taken place in local power relations. The landlords and elites in the villages have demonstrably changed their attitude and behaviour in dealing with the poor. The elites have realised that they should not and cannot mistreat tenants and landless farmers as they did in the past. In most cases, the elites treat tenants respectfully both in words and action. This has had an enormous impact on the poor tenants in that they have begun to feel more confident, cheerful, dignified, happy and cooperative towards the entire society.

Since many tenants and landless people are becoming well trained and knowledgeable in many areas, these people have been called to give advice and resolve local disputes. This is a big shift in the power structure at the local level. The power equation between caste, class, gender and age has also been changed. Many tenants, including Dalits, indigenous nationalities and women are represented at local decision making forums, such as School Management Committees, User Committees and Development Projects.

Societal changes can be seen at inter and intra household level. Women and Dalits have increased their leadership and decision making roles within the family and in public affairs. The land issue has been a main concern for the women's rights movement across the country.

3.1.4 Making a difference to livelihoods

Empirical evidence of making a difference to the lives of tenants and landless farmers

An independent team of professional researchers conducted an impact study on the effect of the land rights movement on the lives of poor tenants and landless farmers. The study

A journalist's view of community change Landless receive land as a result of being organised

Fulai Ram, 73, resident of Madhupatti-3 Saptari, had no land, even to install a hut. His family has been landless for generations as servants to the landlords. Mr. Ram had tilled 2.6 hectares of land owned by a local landowner and in 1965 gained temporary evidence of tenancy. Mr. Ram has attempted to file his tenancy rights writ petition since 1965 but has never succeeded due to non cooperation from the landowner, legal and administrative bureaucracy and even physical threats from the landlord. The landowner would evict Mr. Ram from tilling the land as soon as he asked for tenancy rights. All this left Mr. Ram feeling disappointed, helpless and with no faith in justice.

The land rights movement has begun to gather momentum in Saptari district over last few years. Mr. Ram became a part of the land rights movement in 2006 and with the help of land rights activists he filed another writ petition in August 2008, demanding his tenancy rights. This time the District Land Revenue Office gave its verdict in his favour and he received 1.3 hectares of land. Recalling his struggle, Mr. Ram says *"the landowner never wanted to give me tenancy rights before. Due to the increased power and pressure by the land rights movement, they have easily agreed to give my rights now"*. Mr. Ram further says *"I was really tired and had given up hope of getting land. Finally, the landowner was compelled to provide land rights due to the organised land rights movement which spread out across the district and at national level"*. Now, the land that Mr. Ram has received has secured shelter and food for his family. This has provided full time work for his 11-member family and Mr. Ram has already repaid loans borrowed for the litigation from the surplus of food production. The land is worth Rs.1 million.

Bharat Jarghamagar
Kantipur daily, 3 January 2009

was primarily focused on the inter and intra household level changes taking place after tenant families received land as their tenancy rights. Key areas of study included food security, employment, gender relations, dignity and freedom, claiming space to protect and defend their rights. This section provides excerpts from the key findings of the study.

Increased productivity

The study has revealed that the production and productivity of land increases up to certain limit if that land is in the possession of those tenants who work on it. The average production

“It was very difficult for our family to have sufficient food before tenancy rights. After receiving 0.16 hectares of land as our land rights in 2006, we do not now have a food problem and our production is enough for a year. Paddy wheat and sesame are the main crops that we grow; I also sell Rs.15,000 of rice and make Rs.30,000/year from the shop. I gained credit from the Agriculture Development Bank, using my land as collateral, which I invest in our small shop. Using the income of land and shop, we bought 0.6 hectares of land. Our children go to the English school, before they would go to government school. It took five years to get tenancy rights and we are now enjoying our rights after 60 years of tenancy.”

Ram Chandra Chaudhari
35 years literate (4 class) , Banauli VDC-1, Saptari

of paddy, maize, vegetables, oil crops, wheat and pulses was found to increase ranging from between 7% and 95% after tenancy rights had been granted. The pattern of increased productivity shows that, vegetable production has increased 95% followed by oil crops 53%, wheat 47%, paddy 24%, pulses 19% and maize 17%. Vegetable and oil crop cultivation has been very attractive for these farmers because of the immediate cash earning opportunities in the local markets. One key reason for experiencing this positive trend in production is that tenants began to farm their plots of land more intensively than before. The freedom to choose which crops to grow after receiving tenancy rights has led to the diversification of crops and brought higher incomes

Increased self-employment

53% of respondents reported that household employment has increased after receiving the land as a tenancy right, more so among *Dalits* (69.4%). A large majority of respondents

(74.1%) reporting that the acquired land has provided full work for 1-3 members of the family followed by 14% who said it has given employment for more than 4 person. The higher proportion of *Dalits* engaged in self-employment appears to stem from a motivation to work on their own land after having been historically, socially and culturally marginalised from resource possession). Increases in household employment is most prevalent in Banke (89%) followed by Mahottari (85%), and then Siraha and Saptari (> 70% in both).

Tenants who have been freed from the domination of landlords are free to work on their land as they choose, with work being divided between family members. Women and children who previously worked in the landlords' houses have begun working on their own farms and houses. Some tenant households have succeeded in creating self-employment by opening small shops and practicing vegetable farming.

"I have planned to continue farming and have moved towards commercial farming. I think we need to change our system of traditional farming to modern farming in order to increase our production. I am thinking of using fertilizer, modern farm tools, improved seeds and pesticides in my land, which will further increase employment to additional individuals."

Kashi Lal Chaudhari-42
Baklauri-4 Sunsari

Increased food self-sufficiency

29.1% of households had food self-sufficiency before gaining land rights; this number has risen to 42.6% after receiving tenancy rights. Similarly, 3% had a food surplus before but this has increased to 8.1%. In addition to improvements in food self-sufficiency the proportion of food households in the *Dalit* community experiencing food deficits was found to have decreased from 78% to 75% (*Dalit* households with food surplus was found to have increased from 2% to 5%).

After receiving tenancy rights the number of respondents having food sufficiency for less than 3 months has decreased from 46% to



20%. The number has increased in the category of having food sufficiency for 7-9 months from 26% to 41%.

Similarly, the proportion who stated that they had three meals a day increased from 49% before tenancy rights were awarded to 58% after they received tenancy rights. Slightly more than one third of respondents (34%) had only two meals a day before tenancy rights and this had decreased to only 14% after tenancy rights. It has also been revealed that the number of households which have four meals a day has increased from 15% to 26.4% after tenancy rights. The situation for households which were either half fed or had no meals for a few days was also found to have improved after tenancy rights.

Increased security of shelter

Tenants who have received a plot of land now have the perception that their shelters are secure and they cannot be evicted. This has increased the confidence of men, who no longer have to worry about leaving their families to go in search of jobs. Similarly, women feel that



Life has changed considerably after receiving land tenancy rights

Moti Deve Ram, Saptari, a widow living with her daughter and son-in-law. After receiving 0.30 hectares of land as her tenancy right, her income from the land has increased. She sold 0.23 hectares of land and bought another 0.30 hectares in a different place. Her daughter and son-in-law also work as labourers (her son-in-law helps to plough the land), bringing in more income. Now there is enough food for 6-7 months whereas before there was only enough for 3 months. In order to survive for over the whole year she would go to the forest to collect firewood to sell. She began to go bald from the loads of firewood she would carry on her head. Now she is earning Rs. 1,000-2,000 per month from the sale of vegetables and uses this income to meet the food requirements for the household. She has also bought a cow and a bicycle.

The increased income has enabled them to repair their house. The house now has two rooms with a wooden door whereas before there was only one room and a very weak bamboo door. She shared that many nights they had gone to bed hungry and had to wait for festivals to enjoy items such as meat and milk. They now eat pulses and vegetables regularly and can afford to occasionally have meat.

Her grandson and granddaughter have started to attend school and she has begun participating in village meetings and discussions.

She claims that she would not be anywhere, not even with her daughter if she had not received land in her name. In her old age, she is finally living happily and freely. Over the years she has had bad experiences with her landlord; once she had to sell the door of house to pay *Kut* (rent of land to be paid to landowner) and was deceived many times over her land certificate. She was called "*Chamariya*" (disrespectful word) by the landlord and others, now she is addressed as "*Muthi Didi*" (sister). Before getting land, she used to massage women from rich families to earn a living but now she has stopped to do so. She has broken the trend of early marriage by sending her granddaughter to school. She can have two *Saris* (women's dress) in a year. Neighbours no longer offend her by calling her *Niputtar* (woman incapable of begetting a son). She wants to irrigate her land and has a plan to set a treadle pump in the land for growing more vegetables. She also plans to send her son-in-law to Malasiya for employment and to buy more land. Life is comfortable now for her compared to the past.



Before



After

the piece of land will give stability to their lives and will not worry so much about shelter and security for their children.

Before they received tenancy rights, tenants were living on either public land or land owned by the landlords, with the associated costs of exploitation and the likely threat of forceful eviction at anytime. A group of tenants in Sindhupalchok remarked that **“Tenants had to obtain permission from landlords to build a hut. The landlords used to impose certain conditions in this regard. Now tenants are free to build houses as per their choice”**. The quality of houses has improved after getting tenancy rights over land. The perception is that **staying in a house on one’s own land gives a greater sense of security** which, in turn, encourages hard work. In many cases tiles are being used to roof houses instead of thatch, including that of some *Dalit* houses. Mr. Raj Kumar Paswan, Vice Chair of Dalit Protection Campaign Forum, Siraha, says **“The housing condition of tenants has improved. They had small thatched-roof huts which have now turned into tiled roofs”**.

Increased school enrolment

Children of school going age (31.5%) from 421 households were not going to school before their families received tenancy rights. The reasons for not going to school included: lack

of money to pay for tuition fees/uniforms/text books, distance from the school, required to help parents at home, required to earn a livelihood for the family, lack of interest in study due to tiredness from working for the landowner. The weak economic status of the family was shared as the main reason for children dropping out or discontinuing school. Of the 421 households which were not sending their children to school, 75% of these household respondents (317) began sending their children to school after they received land tenancy rights. The main reasons found for these changes were increased awareness over the period and increases in family income, with children no longer having to work in landlords’ houses. In this context, Mr. Bamdev Chaudhary, from Maheria, Sisahaniya VDC of Dang district shared, **“Children now have the opportunity to go to school as they do not need to work in the landlords’ houses as Kamlari or Kamaiya”**.

Improved health care

Changes in the household livelihood pattern have also been assessed from a family healthcare perspective. The survey has revealed that out of 1,335 respondents who had received tenancy rights, almost all (99%) were visiting health institutions (health post, hospital or health personnel) for the treatment of family members; prior to tenancy rights this figure was 69%. These significant statistics are similar across all caste/ethnic groups and districts. In Bardiya and Dang, the proportion of households visiting health institutions was found to be only 33% and 19% respectively, before tenancy rights; these figures have increased to 89% and 100%, respectively after tenancy rights.

Increased access to public services

There has been increased access for tenants to

The movement has taught the tenants the importance of education. Most of them tend to enroll children into school. Children are free from working for landlords which makes it easier for them to go to school.

- Mr. Som Bahadur Karki, NLRF district committee, Bardibas, Mahottari

government and non-government services. Tenants were excluded from government services such as water, electricity, agriculture inputs, livestock and income generating schemes due to their landlessness. Now the recently empowered tenants have access to these services. During focus group discussions and key informant interviews in all nine study districts, it became apparent that many tenants have been enjoying increased access to government services. The majority of them stated that increased awareness and exposure were the bases of increasing access to government services. It is interesting to note that *Dalits* and ethnic communities were the ones who benefited the most from such services. In terms of gender, it is encouraging that women have improved access to government services. This is one of the key indicators that the land rights movement has reached poor people, especially *Dalits*, women, and other disadvantaged sections of communities.

The tenants themselves have several stories regarding the benefits they have been enjoying through increased access to government services. For instance, a group of tenants of Uttar Falkapur, Sonapur VDC-5, Dang district, have proudly expressed, ***“The land rights movement provides a good platform for us to become exposed to relevant information, and establish links with government offices such as VDCs, Land Revenue/Reform Offices, schools and Users’ Committees. This really opened up the doors for us to receive services”***. This group had never known about the VDC plan and budget. Now the group has been part of the Users’ Committee and is enjoying services.

Protecting and promoting cultural rights

The long struggle for land rights has provided tenants and landless people with some level of happiness, knowing that they can now freely perform their cultural traditions alongside other people in the community.

Mr. Baldev Ram, a beneficiary tenant in Madhupatti-6, Saptari, as well as being Chairman of the NLRF has remarked, ***“The poor tenants were very sad for not being able to marry their son/daughter because their identity as landless was a disrespected status in a feudal society”***. Landlessness has had a painful impact on people’s religious duties as well as relationships with relatives and the community. Mr. Baldev Ram recalls that he met people who, at times, had to beg for rice, and

failing that, had resorted to stealing just to provide an offering to their deities. The entitlement of land rights as a tenancy right has solved these cultural problems to a large extent. Tenants have expressed their views that the situation has largely changed for those who have a piece of land. This has helped tenants in bridging, renewing and strengthening family ties and relationships with relatives and neighbours.

Although land is primarily a means of production for sustaining the household livelihood; it is also associated with the sentimental aspects of human life. In this regard, Mr. Kamal Narayan Chaudhary, Sisniya-6, Pattargadhwa, Dang, remarked:

“There is a pervasive deep-rooted belief among some cultural groups in Terai that the departed soul will only rest in peace if the dead body is buried/cremated, and funerals and other rituals are performed on their own plot of land. Many poor people were really disappointed in the past for not being able to respect their deceased loved ones due to the lack of a plot of land. Once the tenants received land, they at least have an area for burial/cremation. The plot of land has also provided them opportunity to pay tribute to their ancestors on their own land”.

Similar voices were also heard from the tenant farmers of Sindhupalchowk district. A group of people from Taruke Besi, Nayabasti, Ichowk VDC, Sindhupalchowk, have remarked, ***“Tenants had no means to celebrate festivals/cultural activities in the past and hence they always had to rely on some material/cash support from rich Sherpas (landlords). Often, tenants were humiliated while asking for such support for cultural activities. Once these tenants have their own piece of land and began producing, they no longer depended upon the Sherpas. They have now enjoyed more cultural freedom compared to the past; a function of having resources in their own hands”***.

Enhanced gender justice

The land rights movement has given emphasis to protecting women’s rights on land with the slogan ***“half men half women: equal rights over land”***. The land rights movement has given priority to achieving a balanced gender composition while organising people into primary groups/organisations at the

community level. The primary focus is to achieve equal representation of men and women in each group/primary organisation and in the committee of the NLRF (from primary group to national level). Gender perspective has been considered while planning, implementing and monitoring/evaluating the land rights work at all levels.

Ms. Ram Rati Ram, District Chairperson of the NLRF of Siraha district who is also a CA member has remarked ***“Women who were limited to the kitchens earlier on have been leading the movement. Now they participate in public meetings, can deliver speeches, and participate actively in the processions. They have demonstrated encouraging leadership attributes and that has expanded up to the political domain. This has challenged the old notion that politics is the sole business of men and that women cannot possess the desired leadership attributes by taking a lead in the political process”.***

My son married the daughter of a Chaudary family. The Chaudhary family became angry and threatened to burn our house because of inter caste marriage. Once we became organised they could not do anything. We participate in community discussion groups and our local organisation for the land rights movement has made us strong. We are free from exploitation and domination.

Fulchan Sada, Medinipur, Bhawanipur VDC-9, Siraha

The land rights movement has helped to gradually change traditional gender relations. In this regard, Ms. Surya Kumari Majhi, Bhadaire, Bandegaoun VDC-4, Sindhupalchowk, says, ***“I spend my time not only by doing the household drudgery but also participate in the village meetings/discussions about development activities. My husband has also begun helping me to participate in the program. I am now capable of expressing my opinions boldly in the meeting”.***

Women's increased awareness in the communities has decreased trends of early marriage, with women beginning to raise their voices against this practice. They are also happy to speak publicly on the process of the land rights movement. Some have felt empowered to give interviews to radio and television stations, events that were unimaginable in the past. Ms. Hela Maya Dhami from Barhabise VDC, Sindhupalchowk, is one of several women giv-

ing this opinion.

Enhanced social status and dignity

The tenant/landless farmers have developed an enormous amount of confidence and dignity within society. The land rights movement has brought a major shift in the thinking of people in the community. Previously, the richer people/local landlords would view tenants as poor, inferior and inarticulate but these days they have begun to regard them as good leaders in the community. These empowered tenants can now approach related government offices and boldly express their concerns, forward their plans/agendas/activities and implement them independently.

“In the past, nobody believed that a widow like me could get land. However, I kept on struggling continuously which finally helped me to win the battle and I became a landowner. The land has given me life support in this old age. I am very happy”.

Ms. Muthi Devi Ram-60
Kushaha VDC-5, Saptari.

Receiving a plot of land has made all the tenants very happy and excited. For instance, Mr. Laxman Ram, Bramhapur VDC-3 Saptari district, remarked, ***“I was really thrilled on the day when I received my land ownership certificate. I was very happy because I had become a landowner for the first time in my life. I spent Rs.700 on sweets as presents to fellow tenant farmers and well wishers”.*** Mr. Ram received a small plot of land (0.06 hectares) from his landowner. In similar circumstances, another tenant Mr. Rati Lal Paswan from Bastipur VDC-8, Siraha district, remarked, ***“Upon receiving the land ownership certificate, I felt myself winning a big battle in the field”.***

The earlier antagonistic relations between tenants and landlords have also been gradually reconciled. For instance, according to Mr. Baldev Ram, a tenant farmer and the chairperson of the NLRF from Saptari district, ***“The past rivalry between landlords and tenants has now changed into brotherhood/sisterhood. The elites and landlords in the village have now begun to regard them and address previous tenants using the appropriate terms of respect/love such as uncle,***

father, sister, brother and daughter. There is, indeed, a big change in dignity from Ta to Tapai (from thou to you), which was unimaginable in the past". Tenant farmers have the perception that such a shift in the behaviour of the landlords is a function of the change in traditional power relations. Mr. Shiva Paswan, Ramgopalpur VDC-1 of Mahottari recognises that he, along with other *Dalits*, in the village is experiencing more respect in the community than before. He shared that the very community has begun to invite him and other *Dalits* to various social, cultural and religious functions in the village, which was unthinkable in the past. This is a big change for the *Dalits*. A group of women in Medanipur, Bhawanipur-9, Siraha have also shared that the landlords have begun to address them using their real names instead of the other symbolic names they used in the past. They now have the perception that the land rights movement has greatly helped tenants in enhancing their identity and dignity within the community.

An Example of the enhanced confidence of a tenant farmer

"When we were tilling the landlords' land, we were made to work at the whim of the master. They did not even care if we were injured while tilling their land or had to attend to our sick family members. The return on the land was also fixed by them. Now I have my own land, I work harder and the yield has increased. Now I am also free to work for daily wages as I wish. Previously, even this was controlled by the landlord and we were compelled to work for minimum wages. Now if I want, I can pledge my land to obtain a loan from the Agriculture Development Bank. I am more confident and the community gives me more respect." A tenant of Laxmipur VDC- 4, Dang

Building ground for peace and harmony

There is a perception among the tenant farmers that the receipt of their tenancy rights has also significantly contributed to the reduction of intra-household conflict. For instance, Mr. Deep Narayan Chaudhary, Sukhipur, Sukhipur-3, Siraha, says, ***"Due to the increased income within the household from the received plot of land, the degree of tension, and dispute between husband and wife, children***

and other family members has been reduced to a large extent. Once the basic survival needs are fulfilled from the household income, there is less need to quarrel at home".

In isolated cases, serious tensions arose in families that could not arrange marriages for their children, a function of landlessness in a predominantly feudal society where all social relations are based on the possession of land. Such incidences of tensions/humiliations have also been reduced through land ownership. It is also clear that tenants in the past lived in fear of the threat of eviction from the landlord's land. The threat of eviction was used to exploit tenants into complying with the landlord's wishes. Now tenants feel safe, independent and have a sense of peace and security. The majority of respondents (73.8 %) have said that conflict with the landlords has substantially reduced after receiving their share from the tenanted land. A significantly higher proportion of respondents from *Adibashi/Janajati, Dalit* and women hold a similar opinion

3.1.5 Momentum for land reform

National Conference

Just prior to the election of members to the CA, the NLRf convened its second National Conference in Ghorahi, Dang, from 1-3 March 2008. The aim of the conference was to elect a new working committee and to bring land rights issues to the mainstream political discourse. The land rights activists and land rights deprived people began preparing for the Conference across the country. They collected food grain and cash from individuals in the communities and managed shelter and other logistical arrangements. It was a challenging task for the NLRf to arrange food, accommodation, transportation, and other services for over 500 people for four consecutive days. The NLRf aims to generate local resources and arrange conferences in a cost effective way, forming a Conference preparation committee in all districts and mobilising them three months before the Conference took place.

Over 500 delegates and representatives from 42 districts took part in the Conference. Further, a total of 120 land rights activists and 150 national and international observers also participated in the event. There were several prominent civil society organisations and individuals behind Nepal's land rights



▲
The delegates engage in cooking and eating during the National Conference

movement and the NLRF offered its cordial invitation to the Ministry of Land Reform and Management, National Planning Commission, major political parties, National Human Rights Commission, NGO Federation of Nepal, Federation of Community Forest Users Nepal and the media. The NLRF received very encouraging responses from invited individuals and organisations. Ministers, senior political leaders, human rights defenders, government officials, civil society leaders, representatives from international development/human rights

agencies and international guests were present at the Conference.

Embracing revolutionary land reform, poor tenants and landless farmers from all over the country were gathered in Dang district. The Conference was one of the key events of the larger land rights movement in the country.

Before inaugurating the Conference, over 10,000 tenants and landless farmers organised a grand procession that marched around the

Slogans chanted during the Conference

- Land, forest and water: should come to people's possession
- Half women half men: equal rights over land
- All the land rights victims: we are united
- Guarantee land, food and shelter rights
- Abolish present feudal Land Act and formulate people's Land Act
- Implement revolutionary land reform
- Our struggle will continue
- Constitute a High Level Land Commission
- Implement 18 Sept 2006 agreement
- Let's not keep land fallow: we don't want feudal land management system
- Long live women's power
- Long live democracy
- Let's make the Constituent Assembly election successful
- Long live National Land Rights Forum



Mass demonstration before inauguration of the National Conference

city chanting slogans in favour of land rights and land reform. This procession in turn became a mass opening ceremony.

Although the people were from different places, they shared the same problems. Despite different bodies, they have been living similar lives. They differed in ethnicity, age, sex and class but they all bore the same pains. They have different faces but carry the same voice. Each of them had different stories of life but they all had the same dreams. These common denominators bring these people together to

consolidate their power for the struggle. There was evidence of plenty of courage and strength despite the pain, worry and disappointment. The people realized that despite their problems there are also alternatives and goals.

The participants put questions to the government and society regarding their issues. Ms. Hira Kumari Musahar, Nawalparasi questions, ***“how long do we have to be deprived? We have come all the way thinking we ourselves should come forward to assert our rights. Army personnel point guns at us when we go fishing and ask us “Why have you come here? What right do you have?. But we can’t leave the land, because we don’t have any other option. People have come to the Conference to raise this issue in a larger forum”.***

The participating tenants and landless farmers asked society and the government, ***“We the tenants and landless farmers grow food but cannot bring it to our homes. We grow food in December but starvation begins from February. Our children suffer from malnutrition and are deprived from education. Why does this happen? We have been fighting for 60 years to rid ourselves of this malady”.***

At the inauguration, participants and dignitaries held up an NLRF flag followed by a song. The song says ***“tenants and landless farmers to stand up, speak out and step forward to overcome all form of exploitations and discriminations that are responsible for putting them behind in the form of exclusion”.***

- Production and productivity can only be increased if the tenants and landless farmers are given ownership over the land
- The issue of land rights will be raised strongly and decisively until it is solved
- We are ready to move forward by joining hands with the political parties
- United we are, we can fight for our rights. Once we fight the battle, surely we will win

Senior political leaders delivered key note speeches at the Conference. Mr. Madhav Kumar Nepal, then General Secretary of CPN UML, said that tenants and landless farmers have been living in impoverishment and are waiting for the day when they can live peaceful and happy lives. They must be given their rights over natural resources such as land, forest, water and herbs. His party is ready to work together with the tenants and landless farmers in the land reform process. In a similar vein, Dr. Minendra Rijal, of the Central Working Committee for the Nepali Congress, said that people in all walks of life are struggling to assert their rights. These people are seeking a prosperous and peaceful future with rights, identity and dignity. Many disadvantaged people such as Dalits, women, former bonded labourers and Madeshis are together in this battle. The production and productivity can only be increased when the tiller is entitled with full rights over land. At present, lands are given to those who are not linked to the production process. Similarly, Mr. Krishna Bahadur Mahara, spokesperson for the CPN Maoists, said that land



◀
Tenants and
landless
farmers
attending
NLRF National
Conference

ownership is a crucial and complex political issue in Nepal. Political parties, tenants and landless farmers alike have paid heavy prices to arrive at this stage and there is need for social and economic revolution alongside the CA election. The issue of land, water and forest should explicitly be established in the new Constitution. CPN Maoist explicitly is committed in protecting land rights of the tillers.

At the end of the Conference, the NLRF issued a seven-point Dang Declaration in a special press conference (see Appendix 1). The key message that the Declaration carries is that government and political parties should display the political will to translate long overdue commitments on land reform into action, through constituting a High Level Land Commission.

CA campaign: no votes for land rights perpetrators

The NLRF, CSRC and its collaborating agencies along with tenants and landless farmers launched a special campaign during the CA election. The aim of the campaign was to encourage community people to speak up about their concerns to political parties and election candidates. There was overwhelming participation by tenants and landless farmers during the election process. Tenants, landless farmers and the land rights team contributed to the free and fair CA elections.

Similarly, tenants and landless farmers invited CA election candidates to engage with their on land reform issues. The candidates were invited to attend public hearings and to answer questions on land and agrarian reform raised by the people. It was a great opportunity for people to put pressure on the political parties and their candidates.

The tenants and landless farmers organised sev-

eral demonstrations and processions in various districts to draw the attention of political parties and their CA candidates to the issues of landlessness and land rights. The people warned CA candidates that they would not receive their vote if they were not ready to resolve their problems. The tenants and landless people pressured the political parties not field any candidates who were against land reform. People launched community campaigns to ensure no votes would be cast for candidates and parties who did not support the implementation of land reform.

Encampment

CSRC and the NLRF organised a series of encampments in several communities across the



The continued struggle over Sworgadwari Temple Trust land

A total of 1,788 poor households, in 12 clusters, were tiling 685.4 hectares of trust land belonging to Sworgadwari Temple Trust. The tillers, who had been tilling for generations, were demanding that Temple authorities and the government transfer the ownership of this land to the poor tenants as the temple has plenty of land and other properties to manage their regular business. The claim was made from the perspective of social justice that thousands of food producers could suffering from impoverishment is unjustifiable. There is enough proof that the tenants are entitled to the land they have been tilling according to the Land Act. The temple authority responded by applying to the court not to provide any land to the tenants. In response to the writ petition, the Supreme Court verdict on 27 March 2006 denied the tenants their tenancy rights and any chance of transferring the ownership of the tilling land to the tillers; a serious injustice to thousands of tenants. The tenants have continued and intensified their movement continuing to put forward their unchanged demand that the land ownership be transferred to the tenants unconditionally.

► Women organising a rally demanding land rights in Banke

▼ People gathering to discuss their agenda for the CA election in Sindhupalchowk



country. The aim of the encampments was to train land rights leaders and activists in the theoretical and practical aspects of land reform. Encampments also provided a platform for the land rights movement to reach a mass audience and convince them of the rationale behind land and agrarian reform in this country. Encampments are excellent vehicles for orientating and mass mobilising communities.

During 2008, the land rights movement provided orientation to 406,551 tenant and landless farmers through conferences, encampments, sit-ins, among other.

Encampments are instrumental for developing leadership within the NLRF and to provide the knowledge and skills required for launching and sustaining the movement at community, district and national levels. Encampments provide a platform for land rights leaders to learn from each other and reflect upon their experiences and good practices. Prominent activists from India facilitated some of the sessions in the encampment.

The encampment was highly effective for land rights activists and front line mobilisers, providing them with a sound understanding of the practical procedural skills in planning and implementing community mobilisation and facilitation work. This process made the activists more confident in articulating the importance of land reform and land rights to poor people. This further helped them in convincing landlords and defending the land rights movement to stakeholders who may be against land reform.

Demonstrations and sit-ins

Several demonstrations and sit-ins were organised across the country during 2008. The aim of the events was to make the land reform agenda a national concern, build public opinion and increase pressure on the political actors and decision makers.

A number of sit-ins were organised in front of the district land revenue office in order to pressurise them to settle pending tenancy cases. Similar sit-ins were organised on the doorstep of the political parties to pressure them into listening to poor tenants and landless farmers.

Tenants and landless farmers have great hope in the newly elected government. However, despite several commitments, the government has delayed pursuing land reform according to the government plan and mandated by the In-



▲
*Demonstration
for land reform
in Sunsari*

terim Constitution 2007. To combat this delay the NLRF carried out public demonstrations and sit-ins, at district level and in the capital city. In November 2008 a 12-day sit-in was organised in Kathmandu to appeal to the government to pursue land reform as per their repeated commitments. Once again the hungry and exploited stood up collectively to peacefully demand a fair deal for all their hard toil.

The political forces that used revolutionary land reform as an election slogan to win the people's votes are now reluctant to bring their words into actions and are failing to implement agreements. A total of 144 landless, tenants, Kamiyas,

Reclaimed hopes through the land rights movement

Chhatra Bahadur Karki, 60, from Bhatte, Ramche-9 of Sindhupalchowk, received tenancy rights after a 23 year struggle, with the help of land rights movement. He spent a lot of money over the years in pursuing his tenancy rights case.

Chhatra says: **"I was totally exhausted. Fortunately, land rights activists from the Rural Development Society came to my village in 2007. They informed me of the process to claim tenancy rights"**. Chhatra along with other tenants took part in demonstrations, rallies and other activities. He filed a writ petition to the District Land Revenue Office and finally he received a plot of land.

Chhatra greatly values the plot of land and says that **"the land ownership certificate is written with my sweat and blood. The villagers never believed that I would get a land ownership certificate. People used to dominate me as we used to reside on Trust Land but now I have my own land and permanent residence"**.



▲
*Sit-in at
District Land
Revenue
Office, Dang*

Haruwa-charuwa, victims of Chure, Guthi, Ukhada and village block farmers took part in the sit-in, representing 42 districts.

The protest gathered momentum in the villages and in the district headquarters where the Land Revenue Offices were held up. The rallies and demonstrations took place everywhere, with land rights and social justice slogans chanted as part of a national movement.

The NLRF disseminated its demands to concerned stakeholders and the general public through media in addition to presenting to the Prime Minister. The land rights victims held a sit-in in the cold breeze of the capital city surviving on their own rations. There was over-

whelming solidarity for the sit-in from various sections of society, including members of the Constituent Assembly, human rights defenders, occupational groups and ministers. Political leaders, ranging from senior to youth leaders, listened to the land rights victims and extended their solidarity on the issue. They gave a commitment to cooperate in fulfilling the demands.

On the second day of the sit-in, Mr. Krishna Bahadur Mahara, Minister of Information and Communications, visited the sit-in site to extend his solidarity to the movement and he promised to resolve the issue. Mr. Bamdev Gautam, Deputy Prime Minister and Home Minister, met the agitating tenant leaders at the sit-in site and approached the Prime Minister to resolve the demands of the agitators. Over 100 CA members and leaders from the various political parties visited the sit-in site and extended their solidarity and committed to take the initiative in favour of tenants and landless farmers.

The long days and nights of the sit-in were continuing, dozens of agitators were falling sick, but the agitating tillers did not see the government resolving their problem; like the crow that lost its way in the deep fog. The radical promises and repeated commitments of the political leaders turned out to be hopeless and worthless words. This was once again a betrayal of



►
*Sit-in at
the open
theatre in
Kathmandu*



Deputy Prime Minister discussing with the NLR Chair and vice chair at the sit-in venue in Kathmahdu

the tillers with broken promises.

The agitating tillers knocked at the door of the NHRC and the Chairman of the CA in their search for their right to a dignified life.

On the 13th day of the sit-in, dialogue was held with the Deputy Prime Minister and Home Minister and later with the Prime Minister. The government agreed to fulfil the demand put forward by the tillers.

Finally, Mr. Krishna Bahadur Mahara, Minister of Information and Communications came to the sit-in site and signed the agreement on behalf of the government. Mr. Baldev Ram signed the agreement on behalf of the movement and called off the sit-in.

This was a victory for the agitators; the new government made a written commitment to fulfil their demands. Some agitating tillers were in a dilemma; should they celebrate victory or continue chanting slogans.

Wall painting and letter writing

The tenants and landless farmers intensified a campaign to write their demands in local dialects on the walls in their communities. This was an attempt to creating pressure on the political parties and government agencies to understand their views.

In another move, tenants and landless farmers wrote a letter to individual elected/nominated

CA members from their respective districts, describing their problems and offering possible solutions to the problem. Community people have urged CA members to become accountable and act responsibly towards dealing with the issue of the generation-long deprivation and denial of basic human rights. As a result, many CA members have raised the issue in regular Parliament sessions to put pressure on the government to fulfil the demands of tenants and landless farmers.





▲ Policy makers, political leaders, academics and land rights activists attend a policy dialogue in Kathmandu

3.2 POLICY INITIATIVE

Policy advocacy is one of the key areas of CSRC's work. CSRC conducted critical review and analysis of laws and government policies and programmes pertaining to land and agrarian reform. The finding of the review and analysis provides CSRC with a basis for advocacy with the government and empowers tenant and landless people. Key policy initiatives conducted in 2008 are as follows:

3.2.1 Policy dialogue and consultation

Commitment from CA candidates

There was political break through in 2008 with the CA elections and forming first elected republic government. This presents a unique opportunity to formulating new policies, including writing the new Constitution to protect and fulfil the rights of tenants and landless farmers. CSRC has conducted a series of meetings and consultations at national, district and community level between tenants and landless farmers and CA candidates from various political par-

Land Deprived Peoples' rally during the Constituent Assembly elections in Saptari



ties. Each consultation provided an excellent platform for tenants and landless farmers to put forward their views and opinions regarding land and agrarian reform and to elicit a commitment from the CA candidates.

Almost all the candidates committed themselves to raising the issues of tenants and landless farmers in their respective parties and also while drafting the new Constitution. In order to keep the promise alive, the tenants and landless farmers have been constantly following up the matter through a variety of channels including letters, the media and personal meetings.

Consultation with stakeholders on land rights

An interaction programme was organised on "Districts' land rights issues and the land rights campaign" at Birendranagar, Surkhet, on 23 December 2008. The objective of the event was to share information concerning the re-



District level stakeholders holding consultations in Surkhet

cently initiated land rights campaign and to assess the progress in this district. The interaction further aimed to hold discussions on the issues of land reform with political parties, their sister organisations, land related government officials, representative of other organisations and land rights deprived people. A total of 38 stakeholders took part in the event, including major political party district leaders, the chief of the District Land Revenue and District Land Survey Office, the president of the former Squatters Commission and land rights activists.

The participants focussed their discussion on land reform and how to ensure optimum land utilisation to increase production and productivity. They noted that equitable distribution of land is not merely the shift in ownership. They also emphasised that land reform should not repeat the mistakes that had occurred in the

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.

Pradeep Priyadarshi, Ekta Parishad, India

past. The participants suggested developing the National Land Rights Forum as an apolitical organisation. They highlighted the need to organise similar consultations in the future as this helps all concerned to become more open and constructive during the process of land reform.

CSRC organised a series of consultations with the political parties who have been part of the government and the main opposition and are now actors in the coalition. In each of the consultations CSRC has raised the impending issue of land reform that has lasted for six decades, highlighting the negative consequences manifested in the form of poverty, exclusion and conflict throughout society. CSRC shared international experiences of land reform with the political parties for reference.

Manifesto review

In the pretext of the CA election, CSRC conducted review of manifesto of major political parties. The key purpose of the initiative was to see the public commitment they made during election canvassing and official position on the issue of land rights or land reform. The findings of the review would be an instrument for people to make the political actors accountable in their words and deeds.

There is consensus amongst all the main parties for land reform but the prioritisation of land reform differs between the parties' manifestos.

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. CPN-Maoist, CPN-UML, CPN-United, Rastriya Janamorchha Nepal and the Nepal Peasant and Workers Party see land reform as the means to end feudal exploitation whereas Nepali Congress views land reform more in terms of

improving productivity. None of the main parties responded to calls for a high-level Land Commission and only Nepali Congress stipulated a land use policy.

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. Please refer Appendices 3 for details.

Nepal's land rights movement: An external view

The land rights movement is quite strong and becoming stronger. I am impressed not only with 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 related to land rights. 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 reflects their concerns. This kind of movement and conference are really a fundamental part of strengthening democracy in Nepal and helping to create lasting peace.

The movement is bringing people together locally and nationally finding their collective voice, their common position and presenting this to the national government. One significant thing in Nepal is that the land rights movement is coming together with other people's movements like 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.

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 push and convince the national government, political parties and parliament to make the necessary changes they have to make. Without such strong pressure from people it is much more difficult to achieve the desired change in laws and policies. I am impressed that Nepal's land rights movement is heading to that direction.

Andrew Fuys

Policy Officer
International Land Coalition, Italy

Consultation with law makers

Once the CA was held in April 2008, Constitution drafting process has begun. CSRC has intensified policy dialogue and consultation with the CA members. The purpose of the consultations was to orient new CA members on the gravity of land issues and their links with human rights, poverty, exclusion and agricultural production in Nepal while they prepare to draft the new Constitution. The tenants and landless farmers held in-depth discussion with the CA members in their respective communities.

Following these consultations, CSRC provided CA members with a set of reference materials which included documentation of successful land reform in other countries. CSRC has developed its position on land reform in Nepal in conjunction with law makers and urged them to include it in the new Constitution.

3.2.2 Policy reforms

As a result of political consensus and the strong will of the tenants and landless people, the elected government set forth some specific policies and programmes for land reform. The Interim Constitution 2007 and the Interim Three-year Plan 2008-10 has mandated the government to set forth specific policies and programmes for land reform; the following are the key policy reforms which took place during 2008.

Government annual policy and budget

CSRC and the NLRf, along with land rights leaders, met policy makers and officials at the Ministry of Land Reform and Management to request concrete plans and programmes for land reform. There are few key milestones of the coalition government's annual policy and

programs for the fiscal year 2008/9.

The common minimum programme of the coalition government commits to form a high level land commission as mandated by the Comprehensive Peace Accord, and increase access to land by tenant and landless farmers through scientific land reform and a comprehensive land policy. Likewise, the annual budget speech for the fiscal year 2008/9 presented to Parliament by the Finance Minister reveals that government will soon form a high level scientific land commission, strengthen the land registration system, publish a status report on public and government owned land, and rehabilitate former bonded labourers. The government of Nepal has allocated NPR 210 million for this land policy

Land registration fee waiver for women

Women's access to and control over land resources has been a key advocacy issue for CSRC and the entire land rights movement. In the fiscal year 2008/9 the government has agreed to increase the land registration fee waiver for women from 20% to 25%.

Additionally the government of Nepal has formally announced the policy of joint ownership of land between men and women.

Measurement of D Block in Kapilvastu

The tenants in Kapilvastu district do not have ownership of the land where they live and work, suffering from insecurity of tenure and an inadequate livelihood. The land was registered in block in the name of a powerful local person. This powerful land owner may now choose to evict the people from the land which is not rightfully his.



National Land Rights Forum (NLRf) Chairperson represents the High Level Land Reform Commission

The government of Nepal has allocated one seat to the NLRf while forming a High Level Land Commission on 10 December 2008. The NLRf has nominated Mr. Baldev Ram, Chairperson of NLRf, to represent the entire landless people at the High Level Land Commission. He is a guardian of the entire poor farmers, tillers, tenants, bonded labourers (haruwa-charuwa, ex-kamiyas and haliyas) and agricultural labourers.

Mr. Ram 55, resident of Madhupatti-6, Saptari District, is the well known name following his leadership in the Chamar Andolan movement in Siraha and Saptari districts in 1999 and subsequently the land rights movement. Mr. Ram has a long history of sustained struggle against poverty, inequality and injustice and has been recognized with dozen of prestigious awards.

CSRC and local people have raised this issue with the political parties and policy makers. Consequently, the government of Nepal has understood the situation and has taken the initiative to conduct a survey of the land and register it in the name of concerned individuals. The survey has now started in Kapilvastu district.

3.2.3 Advocacy and lobbying

CSRC has been actively engaged in lobbying and advocacy work for land reform at national and international levels. Since donors are one of the key actors who influence the Nepal government in terms of development aid and development policy, CSRC has engaged in lobbying with donors and international agencies.

CSRC has focused the advocacy efforts on land reform as a means to strengthen democracy and build a sustainable peace. The tenant and landless farmers who contributed to the People's movement 2006 and ensuring successful CA elections in 2008 are now expecting the government to fulfil its mandate and implement a structural reform of land ownership and management. CSRC has advocated that this is the right time to bring all words into action and fulfil the political promises made to the people.

The entire land rights movement advocated setting up an independent high level land commission with the mandate to deliver land reform. There was a remarkable delay in achieving this demand. The land rights movement took to the streets and carried out an indefinite sit-in protest in the capital city to draw attention and create pressure on the government and political actors. Finally, the government constituted a seven-member High Level Land Com-

mission with one representative from the NLRF.

Women celebrate the formation of the High Level Land Commission

The Government of Nepal formed a High Level Land Reform Commission on 10 December 2008 after a long nation-wide struggle by the NLRF. Immediately after the formation of the Commission, women in the District Land Rights Forum Banke, Bardiya, Dang, Mahottari, Siraha and Saptari organised dem-

Women celebrating the formation of High Level Land Commission through a public rally along with agriculture tools in Siraha



onstration rallies carrying agricultural tools to welcome the government initiation towards the long-awaited land reform. The rally is also meant to warn the Commission to ensure women's land rights.

There is no doubt that a woman's empowerment is accelerated as soon as she has access to and control over productive resources such as land. Such empowerment makes women feel secure, independent and confident, enabling



Discussion on Land Agenda among Donor Communities in Kathmandu

them to become active in other social and political arenas.

The women participating in the demonstrations made it clear that they would continue this movement until and unless the Commission take action. They have further demanded that the Commission's framework be extended to the district level. Addressing the rally, Chairperson of the Women's Land Rights Forum, Banke, Ms. Salma Behena, expressed her happiness at the formation of the High Level Land Commission and announced that ***she would plough the land by herself once she would receive land in her name.***

CSRC and other human rights defenders have urged SAARC to help find a solution to this longstanding issue. Human rights organisations and other civil society organisations in the region have established links for collective advocacy and campaigning which has created solidarity for the collective struggle in protecting and asserting women's rights, especially their rights over natural resources.

It is recognised by members of regional alliances that land is a source of identity, power, dignity and security for impoverished women throughout the region. In this respect women's land rights and agrarian reform must form a common agenda in South Asian States, civil society and public forums.

3.2.4 Alliance and networking

Strengthened horizontal networking

Improving the quality of lives for tenants and landless farmers through the process of land reform is a complex task. It cannot be achieved by a few organisations and individuals alone, it depends upon the combined will of many stakeholders, including government, state agencies and international organisations.

Throughout 2008, the land rights movement

has linked closely with other mainstream human rights areas, notably women's rights, *Dalit's* rights and the rights of indigenous nationalities. The NGO Federation of Nepal has highlighted the land rights issue as a key development intervention. Similarly, the Federation of Community Forest Users of Nepal has adopted poor people's land rights as a primary issue for their advocacy work.

The land rights movement has linked with the NHRC and UN OHCHR while CSRC has established functional relationships with NHRC and the UN OHCHR, helping to enhance the professional skills within CSRC.

CSRC and the land rights movement have established functional links through networking with government agencies at national level, especially the Ministry for Land Reform and Management, and at the local level with the District Land Revenue/Reform Offices and VDCs. These relations have borne fruit for *Haliya*, *Haruma/Charuma* and tenants and landless farmers; some VDCs in Saptari have begun to allocate a budget for tenants and landless farmers.

Land Agenda in People's SAARC

Nepal's land rights movement has expanded to the international stage where it has promoted the land rights issue as a common priority for all people and civil society in South Asia. CSRC had the opportunity to participate in the People's SAARC held in Sri Lanka in July 2008 which provided an excellent opportunity to share experiences and promote solidarity across the region.

The Executive Director of CSRC and the Treasurer of the National Land Rights Concern Group took part in the People's SAARC, presenting a working paper on Nepal's land rights movement which included the land rights agenda in South Asia, food security, economic growth, peace building and strengthening People's Organisations across South Asia. CSRC proposed the following agenda to promote women's land rights in the region:

- Conduct gender-sensitive land tenure context mapping
- Campaign for joint land entitlement between men and women
- Advocate sole land ownership to single women, and collective rights for land management by groups of women at community level

Press meet organised during the visit of Mr. Bruce H. Moore, ILC, Director in Kathmandu



- Lobby the SAARC Secretariat to establish a special mechanism for ensuring women's land rights

International networking

CSRC has been an active member of the International Land Coalition, contributing land rights related advocacy and lobbying at national and international levels. At CSRC's offer and in view of Nepal's land rights situation, ILC has decided to convene its global assembly in Nepal in April 2009 which will be hosted by CSRC. This is a good opportunity for Nepal's land rights movement to draw the attention of international stakeholders to Nepali tenants' struggle for their right to a dignified life. The objective of convening the assembly in Nepal is to support Nepal's land reform process based on international experiences.

CSRC has established a working relationship with other Asian land rights movements through Land Watch Asia, a collaborative project to document land issues across Asia. It is envisaged that this will create synergies and share useful experiences while internationalising Nepal's land rights issues and the people's movement.

CSRC has built alliances and held consultations on various aspects of land and agrarian reform with the Food and Agriculture Organisation, UN Habitat, DFID, ChurchAid Finland, ActionAid International team, LEEDS University UK, and others.

3.3 KNOWLEDGE GENERATION

3.3.1 Research and studies

Nepal Country Situation Study

CSRC conducted some important research and studies in 2008. In collaboration with Land Watch Asia, CSRC conducted a Country Study of Nepal which examined; i) the policy and legal environment on access to land and tenurial security; ii) past contributions and existing efforts of different sectors (government, private sector, donors, social movements and civil society) in addressing land issues; and iii) opportunities and strategies to effectively address existing issues and gaps and how to advance access to land and tenurial security.

The study provided in depth knowledge and assessment of Nepal's land politics and reform processes which has been disseminated widely via the Land Watch Asia network.



Land Politics and Conflict in Nepal

Land reform is a huge political issue that deals with social justice, economic growth and conflict transformation. It is a concern of many stakeholders beyond land rights movement. To this effect CSRC has engaged with academic institutions in conducting studies and promoting discourse on issues of land and agrarian reform. A study on "land politics and conflict in Nepal" was conducted jointly between CSRC, the South Asia Regional Coordination Office of NCCR North South and Kathmandu University. The research examined various aspects of land related issues in Nepal, focusing on conflict and the exclusion of

▲
ILC Director
talking with
rural women



marginalised people from access to and control over land resources and their associated power dynamics. The research combines a number of perspectives from researchers, activists, journalists and victims of land-based discrimination. The research also brings together perspectives and experiences of land rights deprived people, such as tenants, *Dalits*, *Haruva/Charuva*, *Haliya*, and former bonded labourers. It further discusses the causes of land conflict, land-based theoretical and conceptual issues, international land-related experiences, and possible ways to materialise scientific land reform in Nepal.

Impact of people-centred advocacy on the lives of tenants and landless farmers

CSRC conducted a study on the impact of people-centred advocacy on the lives of tenants and landless people. This study explored the intended and unintended impact, with learning and opportunities for the future. Please refer section 3.1.4 for details.

International experiences

CSRC has conducted study into land reform in other countries with the view to using this knowledge in helping to define the opportunities and challenges for land reform in Nepal. CSRC has disseminated this information to political parties, the government, land rights activists, community people and other stakeholders.

3.3.2 Creation and innovation

A model of communal farming

CSRC is striving to develop a viable and feasible working model for land and agrarian reform in Nepal. On the basis of successful evidence, CSRC encourages communities to engage in communal farming. CSRC has helped people living on and cultivating public land to develop the land and increase production and productivity.

32 households in Muksar VDC, Siraha, became completely landless when their land was swept away by a flood in 2005. They were destitute

and searched public for any free land to settle on. They found a plot of private barren land which had remained uncultivated for 20 years. These people were members of the local land rights movement and argued that land is a means of production and should not keep barren and so began to cultivate this land.

As soon as the news spread the landlords came to the village and demanded they leave. The landless people, both men and women, argued forcefully that keeping arable land barren is illegal and unjust as it hampers production and causes the suffering of poor people, through starvation and homelessness. They told the landlords that they will not take their private land but only want to grow crops on the barren land. Finally, the landless people were allowed to continue to cultivate the land.

3.3.3 Sharing knowledge

CSRC systematically utilises and shares knowledge which is constantly being generated; such knowledge has been used as a tool for community training and mobilisation. Knowledge is shared within CSRC and the land rights movement, with stakeholders and on the international stage. In addition to CSRC's regular publications, such as Land First, Land Rights (Nepali) and Reflections, CSRC has carried out research studies which have been published in English and Nepali for the benefit of the community and other stakeholders. Please visit www.csrcnepal.org for access to CSRC's knowledge resources.

Similarly, CSRC has disseminated knowledge and resources to international agencies within Nepal and beyond. CSRC is a member of international alliances and networks, such as the International Land Coalition, the Asian Forum for Human Rights and Development (FORUM ASIA), Land Watch Asia and ANGOC, among others. Members of those alliances/networks have benefited from the knowledge generated in Nepal. CSRC has been invited by international agencies to share its experiences and learning while working on the land rights movement. CSRC is proud to have the opportunity to share its knowledge to improve the plight of land rights deprived people internationally.

CSRC maintains a resource centre in Kathmandu and at two regional locations in the East and West of the country. All the resource centres are well equipped with resource materials. CSRC strived to strengthen its institutional knowledge management system in collaboration with its partners.

Free mind innovates

Ashok Kumar Chaudhary of Akamba VDC-8, Sunsari, received 0.95 hectare of land as tenancy rights. Ashok's family has been tilling the land since 1961. Ashok learned about tenancy rights from land rights activists in 2004. With the help of the activists, Ashok filed a writ petition at the District Land Revenue Office in May 2004. After one year, the landowner agreed to provide 0.47 hectare of land to Ashok, according to law; the land was worth of NPR 350,000.

Ashok's outlook changed once he received land and planned to utilise the land in the most productive way possible. He borrowed Rs 30,000 to invest in modern farming technology and helped to establish a farmers' cooperative. Through the cooperative, he installed a shallow tube-well for irrigation and initiated commercial vegetable farming. Ashok says that as a tenant he had to work as instructed by the landowner but since becoming independent he can innovate to increase production.

4

Organisational Development of CSRC

*A Land Home: CSRC office and National
Resource Center in Kathmandu*



►
CSRC
conducting its
Annual Social
Audit



Enhanced institutional profile and credibility

CSRC has taken a leap forward in 2008, making a breakthrough in terms of organisational development. As mentioned earlier, CSRC was able to document and disseminate organisational knowledge on various aspect of land rights movement, helping to enhance CSRC's profile and credibility amongst policy makers and other stakeholders, both nationally and internationally. There is an ever growing demand for CSRC's documents and resources from human rights communities, government agencies, political parties, development organisations and academic institutions.

Strengthened institutional benchmark

CSRC has further strengthened its institutional rule of law through reviewing and updating its financial management system, human resources development and management system and institutional monitoring and evaluation system. This provides clear benchmarks for CSRC's institutional compliance and internal accountability and transparency.

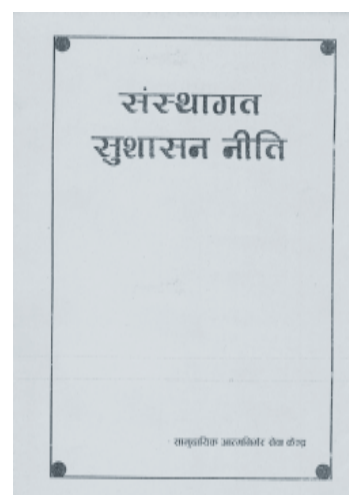
Strengthened institutional governance

CSRC believes that internal democracy, especially the practice of institutional good governance, is vital to the functioning and accountability of government agencies, political institutions, private sector and civil society organisations. CSRC has for some time taken

initiatives to develop and implement institutional good governance policies and practices. CSRC's policy outlines the principles and procedures required to i) diversify the organisational membership base; ii) Conduct general assemblies and leadership elections; iii) set indicators for transparency and accountability; iv) set targets for organisational inclusiveness; v) Adopt measures to overcome any likely conflicts of interests; and vi) clearly separate the roles and powers between the Executive Committee and the management.

The organisational good governance system has acted as a tool to promote internal democracy and effective organisational management within CSRC. It has been instrumental for CSRC in maintaining organisational transparency and accountability while balancing the roles and responsibilities among officials.

►
CSRC
Institutional
Good
Governance
Policy



Strategic Plan 2009-13

The land rights movement has evolved gradually through a process of *learning by doing*. The movement has built a considerable momentum, which has spread across the country, gaining extensive ground experience. The movement has matured in its understanding of the complex issues relating to land control and ownership, including the operational planning and implementation of campaigns to address these issues. With the rapid evolution of the land rights movement it has become increasingly apparent that a comprehensive strategic framework is required to ensure a cohesive plan of action both in the short and long-term. So, CSRC has developed a five year Strategic Plan 2009-13.

The Strategic Plan brings some key departures in terms of strategic approaches, modus operandi, resource mobilisation and organisational management. One thrust of the Strategic Plan is to engage in holistic land and agrarian reform rather than being confined to specific issues within land rights. The Strategic Plan emphasises the need to strengthen regional resource centres and strengthen collaborating partners on the ground. The Plan clarifies the role of NGOs and People's Organisations (NLRG) in terms of leading and facilitating the movement. The Strategic Plan has sought basket funding from all supporting agencies where financial and professional resources are pooled and directed at specific impact areas, enabling a more efficient system of resource delivery, including streamlining channels of accounting

and project feedback.

Organisational resources

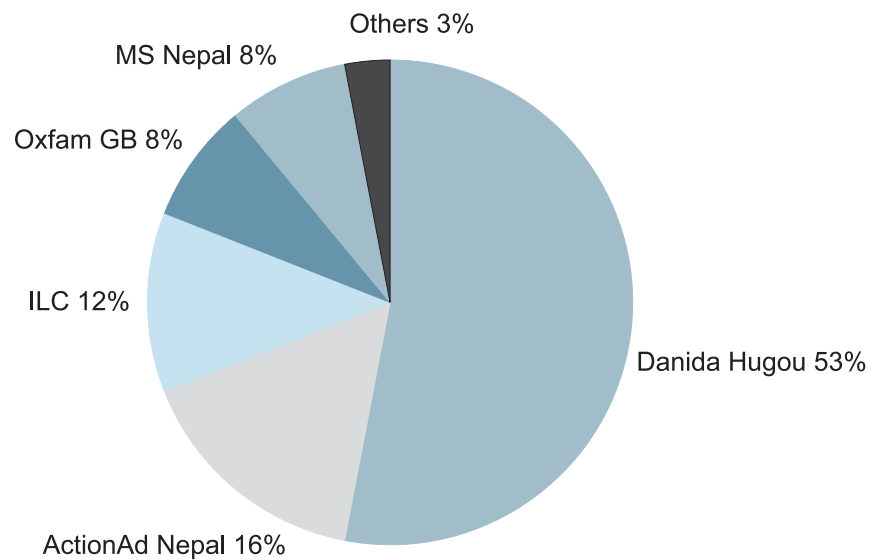
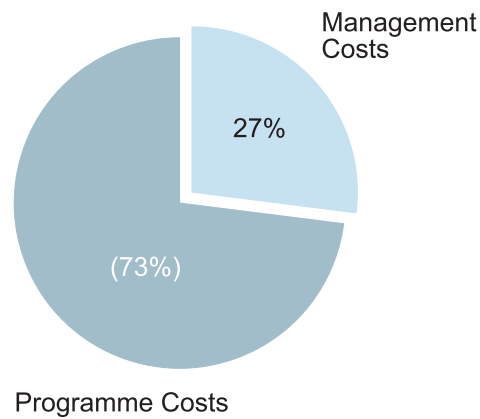
CSRC has bought land and a building in Kathmandu to provide a stable working and meeting environment for staff and NLRG members. Many tenants, landless farmers and land rights activists need to visit the capital city for various lobbying and advocacy work. The high cost of hotels was often a prohibitive factor. The new building acts as a centre for residential training and provides tenants and landless farmers with free accommodation when they need to visit Kathmandu for meetings, workshops and conferences. With all these requirements in mind, CSRC bought a building in Kathmandu with the help of a loan from the Commercial Bank. The building has greatly improved CSRC's operations and provided space for people coming to Kathmandu for various purposes.

Partnerships and financial overview

The land rights movement is a collective effort on the part of tenant and landless farmers, civil society and international organisations. The land rights movement is proud to have the instrumental support of international agencies that helped bring the movement to its present heights. Those organisations in particular are: ActionAid Nepal, DanidaHUGOU, RDIF/ESP, Care Nepal, International Land Coalition (ILC), Canadian Cooperation Office (CCO), MS Nepal, Oxfam GB Nepal, PAMS/NCCR and Asian NGO Coalition. Furthermore, the



◀
CSRC
Resource
Centre in
Kathmandu



Swiss National Centre of Competence in Research (NCCR) North South, the Department of Human and Natural Resources Study and Kathmandu University Nepal were instrumental partners for the CSRC.

CSRC's total budget for the year was NPR 23,701,606. CSRC acquired a total of NPR 23,587,845 from external partner agencies and its own internal resources. The funds received (in NPR) include: DanidaHUGOU 12,440,828, ActionAid Nepal 3,800,236, International Land Coalition 2,926,047, NCCR 542,883, MS Nepal 1,950,701, Oxfam GB Nepal 1,866,600

and NPR 60,550 was generated from other sources. The total expenditure in 2008 was NPR 17,751,701, which is 75% of the approved budget. Additionally the movement has mobilised other local resources in the form of materials contributed by the tenant and landless farmers themselves. The movement emphasised the need to generate and mobilise local resources to support the movement with the view of its long term sustainability and to provide a greater sense of ownership amongst the tenants and landless farmers. Program costs accounted for NPR 12,940,085 (73%) and management costs were NPR 4,811,616 (27%).

5

Challenges and Learning



5.1 CHALLENGES FACED

CSRC and the entire land rights movement team have faced numerous challenges over the past year. The first challenge was insufficient political will in materialising the long overdue promise of land reform. Despite making a commitment to land reform in the election manifesto, there has been very little in respect of a concrete plan of action from the key political parties.

Another major challenge has been the high stakes involved in the struggle for land rights. It is not an easy path for a poor farmer to follow when heavy bureaucracy and powerful elites block the way. There is no socio-economic justice for the poor and these people do not have a support system to involve them in the political process. The battle that poor tenants and landless farmers have been fighting takes time to yield fruit but on a day-to-day basis it is very difficult challenge powerful local landlords. Such actions bring additional costs (threat, displacement, hunger, physical violence). Sometime these factors discourage people from getting involved in the rights and justice movement. One example was in Banke district where a number of tenants were evicted by the landlords simply because they were organised and had begun to ask for their land rights.

The unstable political situation in the Terai region has been a serious concern for all, including those that have been involved in the land rights movement. The mobilisation of



armed groups, strikes and forced shutdown of transport and business activities became both a threat to life as well as a hindrance to planned work.

Some political parties have been forming sister organisations of landless and tenant farmers. This indicates that political parties are uneasy with the strong presence of the independent People's Organisations, such as NLRP. Such parallel political organisations have given sign of creating division amongst the land rights

► The land rights activists and community people conducting context mapping exercise in Kailali





Land Rights
movement
team reflecting
annual
accomplish-
ments and
learning

victims, which has been a big challenge to the land rights movement.

Threats from landlords are ever present and some land rights activists and leaders have received death threats. There has also been harassment by the police, land administration and outsiders, creating a stressful and dangerous working environment.

CSRC did its utmost to cope with these challenges. It has made its plans and budgets more flexible. CSRC has conducted a series of dialogues with political actors informing them of the mission of the land rights movement and appealing to them not to disrupt the poor people's struggle for justice and the right to a dignified life. It has recruited local staff who are well known to the local context and able to cope the prevailing challenges.

5.2 LEARNING FROM ACTIONS ON THE GROUND

CSRC has learnt that political will is essential for making the breakthrough in land reform. CSRC realises that political actors will not pursue land reform seriously until and unless they receive significant pressure from below.

Through participation in international training

and interaction with human rights organisations, CSRC has realised that it needs to view the land rights issue from a broader human rights perspective, including the right to life, right to food and right to shelter. This has helped CSRC in strengthening its rights-based approach. A key learning from this year is that understanding principles is important when effectively advocating and inspiring the people to join the movement.

From its ground experience, CSRC firmly believes that a non-violent movement ultimately wins the hearts and minds of people and decision makers. It has further convinced that the legitimacy of the land rights movement is a result of the power of a peaceful appeal for justice. CSRC and the entire land rights movement has realised that we can win our battle if we follow a peaceful way, but we will definitely lose if we choose violent mood. Violent methods may get immediate results and may even provide an outlet for frustration but it does offer a sustainable long term solution.

CSRC has also realised during 2008 that the entire movement is guided by a common philosophy and set of principles rather than solely being focused on the process.

With the ground experiences, there have been some changes taken place in CSRC's perspective and understanding. CSRC

previously believed that politics was the way for resolving all social problems. Now it clearly sees that political parties are important but that social movement is fundamental in providing the checks and balances to lead them in the right direction. People's Organisations have an enormous role to play in helping political parties fulfil their obligations, and to ensure that the political process is responsive and accountable.

CSRC has learned that many agencies and stakeholders give special emphasis to the food crisis rather than giving proper attention to the system and the obstacles to production and distribution. CSRC believes that there is the potential to produce enough food for the existing population but the issue lies in the access to and control over the means of this production. Production is plagued by an inappropriate land distribution system and land policy which benefits only a small number of stakeholders.

In some instances, CSRC has not succeeded in its plan of action. These failures have taught us that self interest, either from activists or leaders, or deviating from a peaceful framework will not win the hearts and minds of public, our

partners and stakeholders. Additionally, improper understanding of the socio-political and economic dynamics of the land issue among activists and leaders will fail to influence and pressure the political actors and decision makers.

The ground actions further taught that people receive support and feel empowered when they have the opportunity to speak their mind in public forums. The village encampments, community reviews and reflection activities have proved that grass root people can be empowered through public speaking. These activities and techniques have proved to be the right way to make people aware of their rights and the inform them of the land rights movement.

It is realised from field experiences that having working relationships with landlords and bringing them into the land rights process is effective in building momentum. Landlords are one of the key actors to be informed and educated on the objectives and principles behind land reform in order to bring them over to the cause. The involvement of landlords minimises tensions and makes for a more open, cooperative environment.

6

Way Forward



6.1 STRATEGIC FOCUS FOR THE NEXT YEAR

As the country is passing through political transition and heading towards economic and political restructuring, the drafting of a new Constitution is of paramount importance. Within that constitution it is equally paramount that the rights of poor people over productive natural resources must be enshrined. CSRC will continue to concentrate its energy and efforts into ensuring that the rights of tenants and landless farmers are included. The Constitution will provide the basis for claiming and fulfilling people's rights in the future. CSRC will maintain its functional engagement with the major political parties, CA members, relevant government authorities, NHRC, OHCHR and others.

In December 2008 the government of Nepal finally constituted the long awaited High Level Land Commission. Although it is long overdue it is still a sign of progress. All sections of society must offer assistance to the Commission to fulfil its goal and in this respect CSRC will extend every possible critical assistance and contribution to the Commission.

Changing the structure of land ownership is a political process which requires political will and courage. Without significant pressure from the people, the land reform process may flounder. To this effect CSRC wants to strengthen the land rights movement by enhancing the organisational capacity of the NLRF and improving skills and leadership qualities of its leaders. CSRC aims to expand the presence of the land rights movement from

the existing 42 districts to 50 districts by end of 2009. CSRC believes that this will build the necessary momentum required at local and national levels.

Another area for CSRC's focus for the next year will be to improve the institutional governance of both the NLRF, CSRC and alliance members. The focus will be on developing democratic practices and elements of good governance within these organisations, with benchmarks for institutional transparency and public accountability.

6.2 ORGANISATIONAL CHANGE

CSRC is a learning organisation that continually evolves its organisational policy, systems and practices. Based on a decade of involvement in land rights work, CSRC has developed its five year organisational Strategic Plan incorporating an institutional good governance policy. The institutional good governance policy requires CSRC to increase its current membership in order to maintain better democratic practices within the organisation. Similarly, the Strategic Plan requires an expansion of organisational structure, human resources and physical resources in order to carry out the planned initiatives.

CSRC will pay special attention to promoting greater inclusion in its membership and staff. CSRC plans to deploy an equal number of men and women in each district as front line land rights activists, while deploying two staff with the NLRF to strengthen their organisational capacity.

7

Appendices



APPENDIX 1:

NATIONAL CONFERENCE DECLARATION

National Land Rights Forum, Nepal
Second National Conference

1-3 March 2008

Ghorahi, Dang

Declaration

Committing 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 *Haruwa-Charuwa*, *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 *Haruwa-Charuwa*, *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 18th 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 *Haruwa-Charuwa*, *Haliya*, *Kamaiya*, *Kamlari*; victims of *Ukbada*, *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 aforementioned 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 multinational 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 2nd 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 2nd 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

APPENDIX 2:

AGREEMENT BETWEEN THE GOVERNMENT AND NLRF

Agreement paper made between the government of Nepal and National Land Rights Forum, Nepal

The National Land Rights Forum, Nepal (NLRF) that had been conducting a sit-in protest at Shahidmanch (Martyr theatre) and nationwide demonstration since November 17th has signed an agreement paper with the government of Nepal whereby both the parties have agreed on the following points:

1. The government will form a high level land reform commission within two weeks addressing all the demands put forth by NLRF (demand paper attached here within) and the commission will prepare comprehensive draft of land reform and implement accordingly. The government has also agreed to ensure the reasonable representation of land rights deprived in the high level land reform commission and form district-level land reform commissions in several problematic districts which will also have the representation from districts committee of NLRF. The following are the minimum responsibility of the commission:
 - Identify genuine tenants, land deprived and squatters and provide them agricultural land required for their subsistence livelihood.
 - Fix just land-ceiling, seize land plots that exceed the ceiling and distribute them among land deprived peasants.
 - Complete abolition of Kamlari, Balighare, Haruwa Charua, Birta, Khali, Doli, Bethbegari and Ukhada-like feudal practices and rehabilitation of the emancipated people, including the ex-Kamaiyas with land.
 - Prepare overall draft of land reform (extensive changes regarding re-distribution of land, agricultural support and land administration) and implement according to it.
 - Establish a mechanism to issue land ownership certificate in the name of both man and woman.
2. Introduce a people-oriented land act addressing all the issues related to land ownership and management and abrogate land lord-oriented Land Acts.
3. The government will direct land owners and concerned authorities not to evict anybody tilling or staying at their land until and unless all the process of land reform is complete. Should anybody not abide by this, strong legal action will be done.
4. National Land Rights Forum will withdraw its 13 day sit-in protest being held at Shahidmanch from today.

On behalf of Nepal Governments

On behalf of National Land Rights Forums

.....
 Mr. Krishna Bahadur Mahara
 Government Spokesperson and
 Minister for Information and
 Communications

.....
 Mr. Baldev Ram
 Chairman
 National Land Rights Forum

Date: 29 November, 2008

APPENDIX 3:

POLITICAL COMMITMENT

**Constitution Assembly Election 2064:
Land Reform Agendas in the Manifestos of the Major Political Parties**

Communist Party of Nepal - 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 2008, Commitment Paper of Nepal Communist Party-Maoist

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 2008, Manifesto of Nepali Congress

Available at <http://www.nepalicongress.org/files/manifesto.php>, retrieved on June 25 2008

Communist Party of Nepal – United Marxist Leninist

1. CA election provides us with an opportunity to build independent, strong and prosperous federal democratic republic of Nepal. Only by exploiting this opportunity well can we attain the objective of abolishing monarchy, establishing democratic republic, and restructuring of the State, building sustainable peace and implementing scientific land reform.
2. Political-Economic Direction: The economic, social and cultural foundations of feudalism will be eliminated together with the end of the monarchy. A new socialism-oriented, welfare-based political-economic direction will be adopted as the basis of a new democratic system. A scientific land reform will be implemented so as to bring changes in the existing relations of production. For this, priority will be given to modernise and commercialise the agriculture sector. Public, cooperative and private sectors will be developed as the basis of Nepal's economy.
3. Radical Land Reform and Commercialisation of Agriculture
Following programmes will be launched for the development and commercialisation of agriculture:
 - Keeping in mind the recommendations of the High

Level Land Reform Commission formed in the past and one to be formed in the future, effective programmes will be launched aimed at productive growth and scientific management and distribution of land.

- To make landless squatters, including former Kamaiyas, owners of the land and solve their problems vis-à-vis resettlement, education and health, an effective land policy will be adopted and implemented. Cooperatives will be encouraged to manage agricultural services.
- Agriculture will be subsidised with priority given to agriculture-based industries.
- Agricultural products will be made market competitive. Such products will be developed and classified based on biodiversity.
- Special programmes will be launched to upgrade the living standards of the people living below poverty line.

Source: Constituent Assembly Election 2008, Manifesto of Nepal Communist Party (UML). Online available at <http://www.cpnml.org/?ca>, retrieved on June 25 2008

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 2008, Manifesto of Terai Madhesh Loktantrik Party

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 2008, Manifesto of Nepal Majdur Kisan Party

APPENDIX 4:

STATEMENT OF CUMULATIVE PERFORMANCE

Cumulative Performance of the land rights movement for the period 2004-2008

S.N.	Particulars	Unit	2004	2005	2006	2007	2008	Total
1	People's Organisation							
1.1	People's organisation at community levels	Organisation	258	284	381	288	117	1328
1.2	People's organisation at district levels	Organisation	3	8	2	15	12	40
1.3	People organized into people's organisation	Person	9461	9106	14848	14718	2902	51035
		Women	2763	2561	6707	7067	1534	20632
		Dalits	5021	4202	6057	8251	1342	24873
1.4	People's participation in land rights discourse	HH	26420	22601	42157	86043	51151	228372
1.5	Tenants and landless farmers aware/sensitized	Person	130000	341000	297375	851759	355400	1975534
2	Leadership							
2.1	Activists trained and mobilised	Person	97	310	487	102	92	1088
		Women	27	133	165	39	56	420
		Dalits	24	131	180	56	32	423
2.2	Community leaders trained and mobilised	Person	213	77	377	788	648	2103
		Women	67	12	153	305	325	862
		Dalits	117	23	176	318	210	844
3	Coverage							
3.1	Total districts covered	Districts	11	11+3	14+17	31+11	42	42
3.2	Total VDC covered	VDC	118	118+9	127+72	199+58	257	257
3.3	NGOs involved in the land rights alliance	NGO	15	15+2	17+2	19+5	24+5	29
4	Achievements							
4.1	Number of petitions filed by the tenants	Petition	4916	15309	0	5267	2997	28489
4.2	Total tenancy petitions settled	Petition	2406	4052	4807	2219	939	14423
		Women	112	378	234	113	195	1032
		Dalits	82	1583	1174	548	127	3514
4.3	Total areas of land transferred to the tenants	Hectare	237	719	1397	681	269	3303
		Women	11	67	68	33	55	234
		Dalits	8	281	340	166	36	831
		Market price NPR (million)	53	197	432	211	61	954
4.4	Citizenship certificate received	Person	-	232	820	21698	0	22750
		Women	-	80	278	9487	0	9845
		Dalits	-	199	687	15238	0	16124
4.5	Retention of public land	Hectare	-	-	200	63	82	345
		Market price NPR (Million)	-	-	56	19	24	99
		Families benefited	-	-	200	76	126	402
4.6	Number of petitions filed by landless farmers	Petition	53096	0	0	0	0	53096
4.7	Total petitions settled	Petition	0	0	0	66	0	66

MEDIA AND PUBLICATION CLIPS

Rights group trails gun on land revenue offices

Land revenue offices in Maharashtra are being targeted by a group of human rights activists, who say they are being used to oppress the poor. The group, which is part of the Maharashtra Sahakar Sangh, has been demanding that the government take steps to protect the rights of the poor and to ensure that land revenue is used for their benefit.

Body for landless rights at govt's door with charter

Planning to launch a charter of demands, the Maharashtra Sahakar Sangh is demanding that the government take steps to protect the rights of the poor and to ensure that land revenue is used for their benefit.

Nod to land reforms panel

Land revenue offices in Maharashtra are being targeted by a group of human rights activists, who say they are being used to oppress the poor. The group, which is part of the Maharashtra Sahakar Sangh, has been demanding that the government take steps to protect the rights of the poor and to ensure that land revenue is used for their benefit.

कान्तिपुर



Human rights body bats for right to land

The Human Rights Commission of India (HRCI) has issued a statement demanding that the government take steps to protect the rights of the poor and to ensure that land revenue is used for their benefit.

Land reform panel in two weeks

The government has announced that a panel of experts will be set up to study the land revenue system in Maharashtra and to recommend reforms. The panel is expected to submit its report within two weeks.

Cancelled: ending 24-day-old agitation

The Maharashtra Sahakar Sangh has announced that its 24-day-long agitation will be ended if the government agrees to their demands. The group has been demanding that the government take steps to protect the rights of the poor and to ensure that land revenue is used for their benefit.

Mahara invites landless for talk

The Maharashtra Sahakar Sangh is inviting landless laborers to a meeting to discuss their demands and to plan further action. The meeting is scheduled for the next week.



MAHARASHTRA SAHAKAR SANGH