

Land and Agrarian Rights Movement in Nepal

Reflections

2009

Community Self Reliance Centre (CSRC)


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- Centre for Society Development and Research (CSDR), Banke
- Community Development and Environment Conservation Forum, Sindhupalchok
- Janachetana Dalit Sangam, Saptari
- Kisan Adhikarka Lagi Sahayogi Samuha (KASS), Sindhupalchok
- National Land Rights Forum-Nepal, Kathmandu
- National Land Rights Forum District Chapters – Jhapa, Morang, Sunsari, Saptari, Siraha, Udaypur, Dhanusha, Mahottari, Sarlahi, Sindhuli, Bara, Parsa, Makwanpur, Sindhupalchok, Rasuwa, Nawalparasi, Rupandehi, Kapilvastu, Parbat, Baglung, Surkhet, Dailekh, Dang, Banke, Bardiya, Kailali, Kanchanpur, Dadeldhura and Baitadi
- Rural Development Society, Sindhupalchok
- Socitey Welfare Action Nepal, (SWAN) Dang

International Partner Organisations

- ActionAid Nepal
- Canadian Cooperation Office (CCO)
- Care Nepal
- DanidaHUGOU
- International Land Coalition (ILC)
- MS Nepal
- Oxfam GB Nepal
- UNMC/UNDP

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Acknowledgement

Community Self-Reliance Centre (CSRC) is grateful to all the land poor people of Nepal, especially the landless tillers, tenants, *Harunwas/Charunwas*, *ex-baliyas* and *ex-kamaiyas* for their patience, enthusiasm and tireless contribution to the land and agrarian rights movement. Without their diligent participation, the land and agrarian rights movement would not have arrived at this stage. CSRC would like to express its deepest gratitude to these people for their precious time, hard work and leadership in continuing this vibrant movement throughout the country, with the aim of claiming legitimate rights over farming land, shelter, livelihood and self-dignity.

CSRC also extends its sincere appreciation to the National Land Rights Forum (NLRF) and its district chapters, national collaborating NGO partners. Their commitment and support have been instrumental in making the land and agrarian rights movement recognised at the national level. CSRC is equally indebted to the hundreds of land rights activists for their diligent effort and commitment to this movement. Their role has been a foundation for the movement work at both the local and national levels, without which, the land and agrarian rights movement would not have reached this stage.

On behalf of the entire land and agrarian rights movement, CSRC takes this opportunity to express its gratefulness to the National Alliance for Land and Agrarian Reform Strategic Partners, namely, ActionAid Nepal, Care Nepal, CCO/CIDA, DanidaHUGOU, MS Nepal, Oxfam GB, UNMC/UNDP and ILC for their generous support to the structural cause of protecting and promoting human rights of the land poor people. The land and agrarian rights movement has been benefiting significantly from their contribution in terms of financial assistance, professional support and solidarity, thereby making a difference in the lives of tenants and landless farmers. This has further encouraged CSRC and its collaborating partners to systematise and professionalise the struggle for protecting and promoting basic human rights of the land poor people.

CSRC immensely values the support and cooperation rendered by the media, political parties and members of the Constituent Assembly to the land and agrarian rights movement. Similarly, CSRC would like to acknowledge the valuable inputs and cooperation received from different government agencies, especially the Ministry of Land Reform and Management and District Land Reform/Revenue Offices.

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Jagat Basnet
Executive Director
February 2010

Dr. Roshan Chitrakar
Chairperson
February 2010

Acronyms

CA	Constituent Assembly
CBS	Central Bureau of Statistics
CCO	Canadian Cooperation Office
CIDA	Canada International Development Agency
CIRDAP	Centre for Integrated Rural Development in Asia Pacific
CPN (UML)	Communist Party of Nepal (United Marxist and Leninist)
CSRC	Community Self Reliance Centre
DDC	District Development Committee
DEO	District Education Office
DFID	Department for International Development
EC	European Commission
ESCR	Economic, Social and Cultural Rights
FECOFUN	Federation of Community Forest Users in Nepal
FM	Frequency Modulation
FY	Fiscal Year
GB	Great Britain
HH	Household
HUGOU	Human Rights and Good Governance Programme
IFAD	International Fund for Agrarian Development
ILC	International Land Coalition
ILO	International Labour Organisation
INGO	International Non Government Organisation
IT	Information Technology
NC	Nepali Congress
NLRF	National Land Rights Forum
NPR	Nepalese Rupees
NRERRAC	Natural Resources, Economic Rights and Revenue Allocation Committee
SAARC	South Asian Association for Regional Cooperation
SIDA	Swiss International Development Assistance
StOP	Strategic and Operational Plan
ToR	Terms of Reference
UCPNM	United Communist Party of Nepal (Maoist)
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNMC	United Nations Millennium Campaign
VDC	Village Development Committee

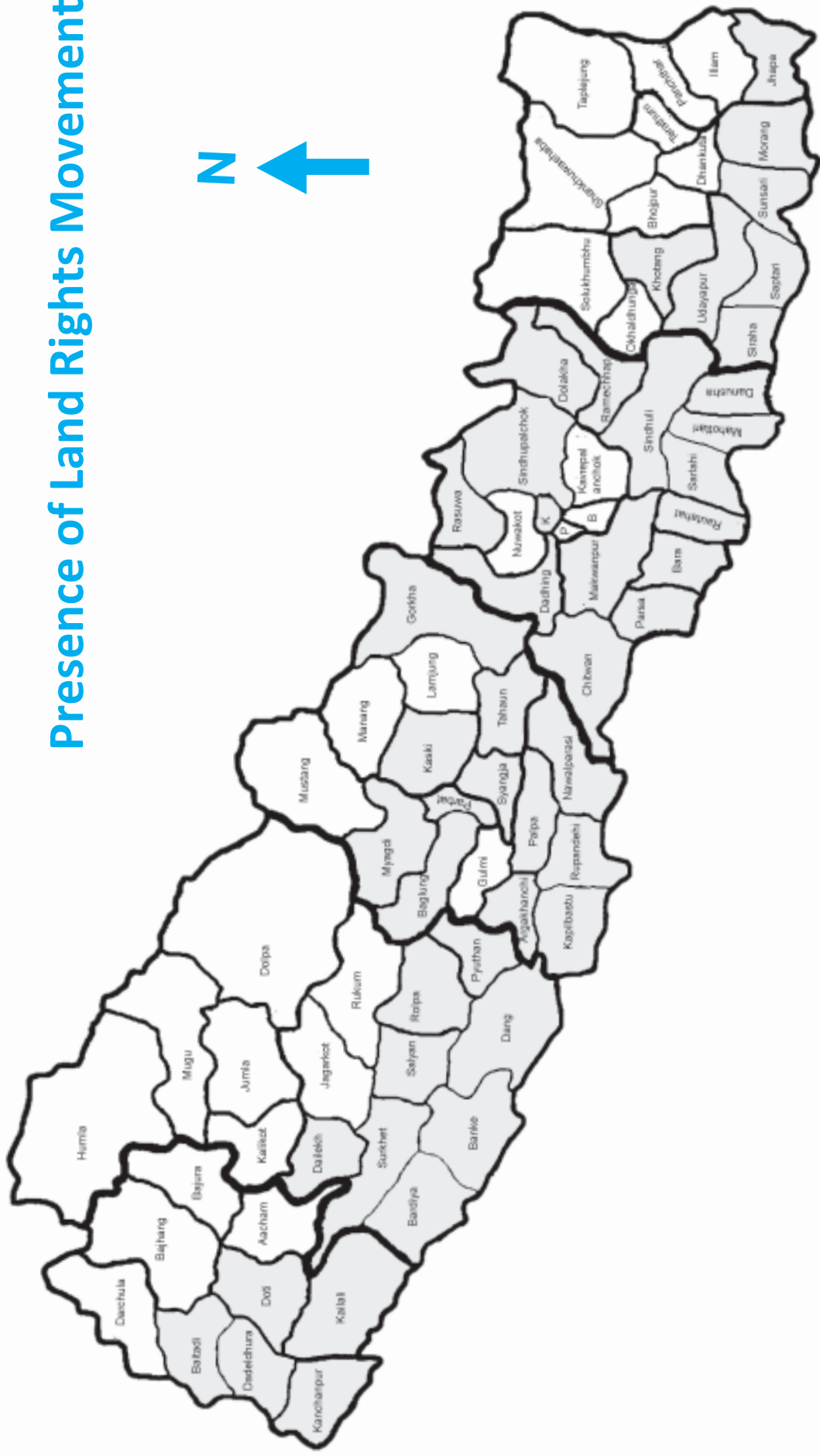
Glossary

Haruwa	system of hiring people for agrarian work with little wages
Charuwa	system of hiring people for grazing cattle for landlords with exploitative wages
Haliya	system of hiring people for ploughing landlord's land with nominal wages
Koot	fixed amount of major grain payable to the landlord by the tenants/tillers as a rental
Ukhada	payment in cash to local landlord by tillers
Kattha	a unit of land measurement used in Tarai comprising slightly over 300 square meters in surface
Bandha	strikes or shutdowns
Kamaiya	bonded labour system widely practiced in the Western Tarai of Nepal
Kamlari	girl child domestic helpers employed by the landlords from the poor <i>Tharu</i> families in the five <i>Tarai</i> districts of the Mid- and Far-Western Development Regions of Nepal who were themselves <i>Kamaiyas</i> in the past

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Executive Summary

This *Reflections* is an annual report of 2009 which contains a synopsis of achievements, views on programme and lessons learned collectively by CSRC, its national collaborating partner organisations, and the land poor people, during the period of January to December, 2009. This report reflects upon and documents the activities carried out, progress made, challenges encountered and the learning gained during this period. CSRC has continuously been working for enabling and organising land poor tillers since 1995, and it realises the need of reviewing its organisational strategy in pursuing land and agrarian rights movement in the changing socio-political context of Nepal. Accordingly, CSRC, with the contribution from its national and international partner organisations, has developed a Strategic and Operational Plan (StOP) 2009-2013 with the aim of setting goals and outlining specific outputs, and designing strategic approaches and organisational structure required to achieve them.

The land and agrarian rights movement has accomplished a few notable achievements during the report year in terms of strengthening organised efforts of the tillers and actions on the ground. NLRf has been registered as a legal entity under the National Directive Act 1961 with a full recognition of trade unions. It has been expanded to a total of 325 new primary organisations, where 6594 people, including 3562 women and 1723 Dalits have taken part. Similarly, one full-time work and one office secretary have been placed in each of the 25 NLRf district chapters. During this period, NLRf and the primary organisations in the villages have been able to create reasonable pressure on the parliamentarians to include the issue of land reform in the new Constitution. They have established linkage with the CA members and are constantly following up on whether the parliamentarians are sticking to their commitments on land reform while drafting the new Constitution. Another noteworthy fact is that, during this period, CSRC has trained a total of 153 resource persons, who have been designing and facilitating trainings on management of the People's Organisations and other relevant subjects. During this period, CSRC has also expanded land and agrarian rights movement activities into the interior parts of rural communities.

Another significant achievement has been that, a total of 440 tiller families received 305 hect-

ares of land worth NPR. 73 million land under the tenancy rights during the report period. Among them, 88 women and 59 Dalits received 61 and 40 hectares of land respectively. By agreeing to address the issue of unregistered tenants, Trust land, and other issues like *Ukbada*, *Haliya*, and *Harunwa*, the government has indicated its intention of initiating a concrete action vis-à-vis these issues. This was achieved by organising a series of meetings, delegations from and 'sit ins' in different districts, and conducting policy dialogues from the community to the national levels. Because of all these efforts, The Ministry of Land Reform and Management has forwarded a proposal to the Cabinet to address the issues of *Birta* and *Ukbada*, and to extend time for filing tenancy rights.

With the mounting pressure from the tillers, the government formed a High Level Land Reform Commission, with which CSRC has been working together in advocating, lobbying and providing assistance at all levels to ensure that its recommendations are in line with the demands of the tenants. In the meantime, the tillers and the land rights deprived people have taken ownership of the movement and are taking the lead. They approached various VDCs/DDCs and have generated and mobilised NPR 716,888 for local level activities during 2009. This has created a sense of ownership and accomplishment amongst the tillers.

In April 2009, the Nepal government and CSRC jointly hosted international conference on "Securing Rights to Land for Peace and Food Security" which was organised in collaboration with the International Land Coalition (ILC), where the Prime Minister, the Finance Minister, the Land Reform and Management Minister and other senior government officials reinforced their commitment for land reform. This was a historic event, where important and constructive inputs were received from various international experts.

The Nepali people have today got a historic opportunity to reshape their destiny through a new Constitution drafted by their representatives. Therefore, CSRC and the entire land and agrarian rights movement team paid special attention to providing inputs to the Constitution drafting process during the whole year.

CSRC feels proud to mention that the land rights movement leaders, to whom CSRC has been providing technical and professional inputs, are currently the members of the CA who have not only been lobbying for guaranteeing the land rights of the poor tillers in the new Constitution, but also pursuing the issue both in the CA as well as within their respective political parties.

CSRC and the entire land and agrarian rights movement team have gained some insights and learned some lessons while designing and implementing the movement in the past 12 months. CSRC has learned that the capabilities of frontline leaders make a difference in organising events, mobilising the people, and creating a feeling of ownership amongst the local people. This was realised when CSRC organised encampments where many local activists took part along with the community people. Since the activists and community people understood issues and developed the plan of action together, it was effective in implementing and assessing the results. CSRC has further learned while expanding the working constituency, that basic preparation in terms of orientation to the land rights deprived community, finding out potential leadership, analysis of local context, and internalisation of the situation in a participatory manner, are perquisites for the movement to pick up its momentum. We also realised that critical awareness among the tillers about the political economy of land rights makes a difference in the quality of movement.

Despite these achievements, CSRC and the land and agrarian rights movement were not free from challenges during the period. The team encountered a lot of hindrances at both the local and national levels. The increase of armed outfits in the Tarai districts posed serious challenges to the team, and there were instances of attempts to abduct community leaders and activists, and demands for extortion. Likewise, the frequent *bandhas*, strikes and fragile political situation were not favourable to the movement. There are growing political conflicts in the working districts that are leading to racial and ethnic disputes, because of which organising and mobilising the activists and the community people have been extremely difficult. Similarly, the movement team received many threats from known and unknown sources, and some elements even accused it of instigating people with the support of foreign funds.

Another major challenge faced was the forceful eviction of the settlers by the landowners and the administration. This sometimes created de-motivation amongst the tillers, causing negative effects on other aspects of the movement.

In the same way, there were growing disputes, debates and conflicts between the tillers and the community forest users groups in various districts. However, the movement has made attempts to resolve them through dialogues and according to the spirit of social justice.

CSRC's total budget for the year 2009 period was NPR 43,589,500. The total expenditure for the period was NPR 21,932,194, which is 50.32% of the approved budget. Of the total expenditure, programme costs accounted for NPR 13,862,842 (63.21%), management costs were NPR 4,662,685 (21.26%), and capital costs stood at NPR 3,406,657 (15.53%). Additionally, the movement mobilised NPR 716,888 from the local resources in the form of cash and other materials, which was contributed by the tenants and the landless farmers themselves. The movement emphasised the need to generate and mobilise local resources to support the movement's sustainability and to provide a greater sense of ownership amongst the tenants and the landless farmers.

The new High Level Commission on Scientific Land Reform will soon submit its recommendations to the government for scientific land reform, and the new Constitution will be promulgated by May 2010. CSRC will continuously and systematically be engaged in lobbying and advocacy for embedding land rights in the Constitution and in implementing the Commission's recommendations. As land reform is a complex political issue, CSRC will have further engagements with the political parties and the government to find common ground that is acceptable for the land poor people. Further strengthening NLRF would be one of the priorities for CSRC in 2010.

CSRC has realised over the period that it has not been able to have constructive engagement with the landowners and the non-state actors of land reform, which is crucial in the given socio-economic and political context of Nepal. Therefore, in the coming year, CSRC would explore ways and means to have functional linkage and critical engagement with these institutions and individuals. Likewise, activities such as widening popular education amongst the children and adults, launching economic empowerment campaigns through strengthening primary cooperatives, and undertaking livelihood promotion activities would be additional focus areas in 2010. CSRC also aims to focus on piloting a 'land reform from below' practice in at least five districts, which entails using land in an effective way, having ownership of the local people, injecting agrarian inputs and making market arrangements, among others. ●



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Introduction

REFLECTIONS 2009

►
Landless
farmer staging
sit-in front of
district land
revenue office,
sindhupalchok



1.1 PURPOSE AND PROCESS OF THE REPORT

This *Reflections 2009* is a synopsis of achievements and lessons learned collectively by CSRC, its national collaborating partner organisations, and the land deprived people, during the period from January to December 2009. This Reflection documents the activities carried out, progress made, challenges encountered, and the learning gained during the period. The report has been published for sharing these issues with the general public, supporting organisations, and the concerned stakeholders. This report consists of series of in-depth reflections and reviews carried out from the community to the national level during the year. It has been given its final shape after careful scrutiny of all the qualitative and quantitative information so as to ensure the authenticity and accuracy of the information.

1.2 ORGANISATION OF THE REPORT

Reflections 2009 has been divided into seven sections including an introduction. The introduction describes the purpose of this report and the processes followed in its preparation. The second section examines the operational context of land and agrarian rights movement in 2009 including the socio-political situation of the country. The third section highlights the organisational development of CSRC during 2009. The fourth section sheds light on the ground reflections and record of actions and results. The fifth section describes the learning gained and challenges faced over the last year. The sixth section gives the account of income and expenditures during the year and the final section projects the way forward.





2

Context Overview

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2.1 POLITICAL COMPLEXITIES AND DILEMMA

After a long struggle, the Government of Nepal formed a High Level Land Reform Commission in December 2008 under the Chairpersonship of Mr. Haribol Gajurel. However, the Commission officially took-off only on 27th of March 2009 after 3 months of its official announcement. The Commission had just started its work and submitted its plan to the Prime Minister, when the then government collapsed with the abrupt resignation of the Prime Minister, Mr. Pushpa Kamal Dahal. The sudden collapse of and the subsequent change in the government created a hindrance to the working environment of the Commission, and it could not complete its task within the stipulated time. In the mean time, a new government came into being in May 2009, which re-shuffled the Commission in October 2009 under the leadership of Mr. Ghanendra Basnet. The new Commission has just recently begun its work. Besides this High Level Land Reform Commission, the government has also formed a Landless Commission with similar ToR. The new government has also made public commitment for scientific land reform through the government's policies, annual budget and various programmes.

There was a long and heated debate on the issue of compensation in the Constitutional Committee on Natural Resource, Economic Rights and Revenue Allocation. Although the Committee has proposed no compensation

over land ceiling, the Committee on Fundamental Rights and State Directive Principles has endorsed this proposal with a written objection.

2.2 TILLER'S SENTIMENTS AND PERCEPTIONS

Following the agreement with government of Nepal after the 'sit-in' programme at the open theatre of Kathmandu in November 2008, the government formed a High Level Land Reform Commission. The landless and tillers were optimistic that their age-old land rights issue would be resolved. There was genuine reason behind such optimism, because one of the members of the Commission represented the land rights movement and the National Land Rights Forum (NLRF). Further, another reason for the tiller's high hopes was that a central committee member of the UCPN(M), a party that has been advocating for poor tiller's land rights issue, was chosen as the Chair of the High Level Land Commission.

However, the landless tillers were not too happy about the scope of the Commission because they had demanded a Commission with the authority to implement the land reform. The Commission formed could only furnish suggestions to the government, whereas the tillers had wanted a Commission which had power and authority to pursue land reform initiative. The tillers became disappointed and had little hope from the Commission that it would provide pro people suggestions to the government.

►
A rally
organised in
Surkhet
demanding
land rights to
be guaranteed
in the new
Constitution





The existing political situation of the time also did not help the Commission. It could not come up with concrete results during its six months' tenure, and the new Commission has only just begun its work. As a result, the frustration and anger amongst the tillers has been again increasing. They had expected some concrete actions on land and agrarian reform from the Maoist-led government, because the Maoists had, during their insurgency (1996-2006), given hope and promises to the poor tillers. Likewise, the tillers also had hopes from the mainstream parliamentary parties that they would not repeat the past failures and be ready for structural reform, including land reform. But now, there is a general perception that none of the political parties have the political will to go for the structural change. This inactiveness and lack of political will of the political parties has disappointed the tillers, who are slowly being pushed into launching another agitation once again.

2.3 LAND ACTORS ACTIONS, PRIORITIES AND POLITICS

The land owner, on their part, continued to evict the tillers from their land. During this one year period, a total of 6,525 families of landless tillers were

evicted from their land. At the same time, as soon as the Maoists left the government, the UCPNM affiliated farmers' organisations started seizing the private and public lands in Dhanusha, Nawalparasi, Kapilbastu, Banke, Bardiya, Kailali, Kavre, Tanahu districts.

▲
*Demonstration
Organised by
Ukhada victims in
Rupandehi*

*Consultation
meeting with High
Level Land reform
Commission*
▼





▲
National
activist
gathering in
Nawalparasi

The issue of land reform, it seems, is still not in the priority list of the major political parties. They are busy in sharing state powers, while their local wings are not sensitive and cooperative enough to the poor tillers. Contrary to their political slogans, the political parties do not seem eager to bring a meaningful breakthrough in the land and agrarian reform. For example, the parties keep fighting to get powerful and resourceful portfolios in the Council of Ministers, but none of the major parties made any demands for the Ministry of Land Reform and Management, and as a result this portfolio has gone to a small party, which has very little influence in the government, parliament and the general political discourse. This is an indication of how little priority is given to land and agrarian reform by the major political parties, despite of the innumerable promises they have been giving to the tillers.

Another point to be noted here in this regards is that there is a strong opposition from the Tarai/Madhes-based parties for land reform. The Tarai-based parties are saying that land reform should be pursued by the local government in a federal state, and not by the central government. Some political parties are even saying that this is not the right time to go for land reform as all concentration should be given to the writing of the new Constitution. They argue that if we indulge into land reform, the

Constitution writing process would be derailed and there would be major political repercussions.

However, it is the duty of the political actors to respect Interim Constitution and the Comprehensive Peace Accord. It is also evident that the people want peace and meaningful structural changes in social, economic and political fronts. Land reform is a fundamental initiative in reshaping the economic structure and eventually social and political power relations in the Nepali society. This fact should not be undermined by the political actors.

2.4 PRIORITIES AND INITIATIVES OF THE INTERNATIONAL DEVELOPMENT AGENCIES

Turning now to the role played by the International Development Agencies in this regard, six strategic partners of CSRC, namely, ActionAid Nepal, Care Nepal, CCO/CIDA, DanidaHUGOU, MS Nepal and Oxfam GB, have committed to support the land and agrarian rights movement in Nepal. These partners are not new to CSRC as they have been supporting Nepal's development process for several years, and have provided support to the land rights work. Apart from this International

Land Coalition (ILC) has continued its support to CSRC.

The Department of International Development (DFID), on its part, launched a book titled “Land Reform in Nepal” after a comprehensive study conducted in the Eastern and the Central regions along with the members of High Level Land Reform Commission. DFID has further shown interest in supporting and piloting a land reform model in some VDCs with the collaboration of government of Nepal and the civil society. Similarly, the United Nations Millennium Campaign (UNMC) wanted to support the land and agrarian rights movement and has extended a small support to CSRC in 2009. However, many other bilateral donor agencies and INGOs are dealing with the land issue as a politically sensitive matter and seem reluctant to engage themselves in this work.

2.5 PRIORITIES OF GOVERNMENT AGENCIES

There are inconsistencies in the words and action among the political leaders and the ministers. The present Finance Minister, in his first speech, said that he is more in favour of creat-

ing jobs rather than distributing land to the tiller. The preceding government had made some encouraging efforts in bringing those overdue commitments into practice by setting up the High Level Land Reform Commission with the allocation of a budget of NPR 10 million and another NPR 15 million for ex-Kamaiyas and Haliyas.

As for the current government, although it has made commitments for land reform, the allocated budget for this work is not enough. The government has failed to give priority to land and agrarian reform. It seems to be satisfied only in trying to improve the present land administration system, rather than giving emphasis on land reform and changing the land management system.



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▲
Danida
chairperson
visit of community
in Banke



◀
Strategic
partner
representatives
with the Prime
Minister

Government Policy and Programme in FY 2009/10

- The High Level Scientific Land Reform Commission will be made functional with a political consensus. There will be programmes for land management and distribution, increasing productivity, and commercialisation of the land based on the recommendations given by the previous and the present Commissions. A budget of NPR 1.49 billion has been allocated for land reform and land management.
- A systematic record of the public lands has been prepared, which will be implemented effectively.
- Land registration arrangement will be made based on the classification of land such as residential, agrarian, industry, forest and public use. The land used for agrarian will not be allowed to use for other purposes. A law will be introduced to confiscate agrarian land which is left barren. There will be continuation of land use mapping at VDC level. Model land use project will be implemented in selected locations.
- Additional thirty Land Revenue Offices (total 68) will be computerised in the coming fiscal year and land certificates will be handled through computer system.
- All the identified *ex-kamaiyas* will be rehabilitated during the coming fiscal year. Necessary budget has been allocated to support *ex-kamaiyas* for entrepreneurship development, skill development, model vegetable farming and exchange of land.
- A law will be introduced to allow the *Haliyas* tenancy rights over the land they have been tilling or living in. Freed *Kamlaries* will be provided free education or technical vocation training depending upon their interest and age. Arrangement will be also made to eliminate exploitations over *Haruwas/Charuwas* and enable them to live reasonable lives.
- The landless settlers will be mainstreamed in the economic development process. Landless settlers will be provided programmes for secured shelter and income generation based on the recommendation of the High Level Landless Commission.





3

Organisational Development of CSRC

REFLECTIONS 2009

3.1 STRATEGIC PLAN 2009-2013

Land reform is a political as well as a structural issue. Without collective efforts and political consensus, it would not be possible to go for genuine land reform in Nepal. Since land reform is a long-pending promise of political actors and an earnest hope for millions of poor people, it needs political will, cooperation from all walks of the society, and a state mechanism for materialising pro-tiller land reform that would establish the rights of the tillers in the productive resources. As CSRC has been working in enabling and organising land poor tillers and assisting government and political parties through research studies and policy advice since 1995, it was realised that it needed to review its organisational strategy in pursuing land rights work in the changed socio-political context of Nepal. Thus, a Strategic and Operational Plan (StOP) 2009-2013 was developed by CSRC with the aim of setting goals and outlining specific outputs, designing strategic approaches, and developing organisational structure required to achieve those goals. Several of CSRC's national and international partner organisations and supporters contributed to the development of StOP.

The StOP has been designed and developed to achieve CSRC's vision "A Nepali society where everyone enjoys a secure, free and dignified life". It is a tool to contribute in accomplishing CSRC's mission of "empowering land-poor women and men and enable them to claim and exercise their basic rights, including their right to land resources." This StOP will be the basic guide for CSRC in the coming days to plan and implement land and agrarian rights movement activities and monitor/evaluate its outcome and impact in a coherent and consistent way. It is hoped that this will help CSRC to become even more result oriented.



The StOP has already helped to sharpen CSRC's focus area in the land rights work, such as setting broader goals and strategic objectives; identifying working approaches and methodologies; establishing outcome/impact indicators and result standards, and mapping of organisational competency, among others.

The StOP aims to be an instrument in securing equitable access to land for poor women and men for ensuring their freedom and right to a dignified life. It provides conceptual perspective, managerial framework and operational guidelines to promote the security of tenure of the land-poor women and men through pro-poor land reform in a meaningful participation of their networks and organizations. The StOP has set following result areas:

- Rights holders (land-poor women and men) organised, strengthened and mobilised to claim and exercise their rights;
- Clarity and consensus about land reform established, and land reform policy and frameworks suitable to the needs and realities of Nepal developed and implemented;
- Critical engagement established with non-state stakeholders (such as IMF, World Bank, Asian Development Bank and multinational companies) involved in land and agrarian issues;
- Learning generated from ground level actions and practices, and disseminated the knowledge at all levels; and
- New land policies introduced guaranteeing women and men equal rights to own land.

3.2 PARTNERSHIPS

Until 2008, CSRC had been receiving support from different international partner organisations separately for specific projects. In due time, it was realised that since all of those international partner organisations were providing support for the same cause and mission, it would create synergy in terms of efficiency and effectiveness on the land rights work at the community and national level, if all the stakeholders worked together in an integrated manner. With this realisation, CSRC explored possibilities with international partner organisations to support the land rights work collectively. The consultations turned out to establish a basket fund for the land rights work where all existing international partner organisations would put their inputs (financial and technical) according to the spirit of StOP



◀
Meeting
between
CSRC and
strategic
partners

2009-2013. A total of six international partner organizations, namely, ActioAid Nepal, DanidaHUGOU, MS Nepal, Canadian Cooperation Office, Care Nepal and Oxfam GB joined hands in this venture.

These organisations have formed a 'National Alliance for Land and Agrarian Reform' to support the land rights work, and have considered CSRC as one of their key strategic partners for the next few years to come. This was a landmark achievement for CSRC, and an opportunity to systematise and streamline land rights work in the form of sustained social movement across the country. This mechanism has enabled CSRC to operate all over the country, from the community to the national policy level, instead of being confined to specific districts and limited to policy level works funded by particular international partner organisation. This has also helped CSRC in avoiding potential overlapping of activities and promoting transparency to all in terms of planning of activities, budgeting, and reporting. CSRC developed a joint annual work plan and a budget for the year 2009 in line with the StOP and has produced a single report that is circulated to all the supporting agencies.

3.3 INSTITUTIONAL REFORM AND PROFILE

An institutional baseline document has been developed by CSRC that has set specific targets and indicators to measure the achievements of the StOP. CSRC has revisited its existing strategic working approaches and has revised

organisational management structure in line with the StOP. Consequently, it has set up and strengthened four resource centres led by resource organisations in the Eastern and Mid/Far Western regions. Each resource centre has been entrusted with responsibility to provide technical backup to the land and agrarian rights movement on the ground and implementation of planned activities.

As part of its reform, CSRC has revised its organisational policies and systems, such as the human resource policy, the financial policy, the monitoring and evaluation system, its working modality and guidelines, and the accountability benchmarks, to meet the requirement of changed strategy and organisational arrangements. In the process, CSRC has developed resource materials to be used by the resource organisations, activists and tiller leaders. Likewise, CSRC has been putting conscious efforts in making the land and agrarian rights movement sustainable through generating and mobilising local resources and working through the People's Organisations at the local levels.

It has to be mentioned here that during the report period, CSRC has further been strengthened with modern IT facilities, vehicles, equipments and pool of experts. It has developed a comprehensive policy guideline on the management of resource centres, and a quarterly system of reviewing, reflecting, and updating organisational management, financial management, among others, has been developed. Likewise, financial management systems and policy orientations have been conducted in all resource centres, which have helped in running the resource centres effectively.

A rigorous exercise was conducted with resource organisations and other collaborating partners to reinforce strategic approaches and to identify key results to be produced at the end of the year. On the basis of this result based framework, a partnership agreement was entered between CSRC and the collaborating organisations. This has resulted in having consistency in planning and implementation across the collaborating organisations and has helped in conducting systematic and efficient monitoring and evaluation of the programme.

In 2009, CSRC gave special priority to document and disseminate learning from the ground, the process of the land rights movement, and the outcomes and impact generated from the work to wider audiences. For that purpose, it published 'Land First' in English and 'Land Rights' in Nepali on a half yearly and quarterly basis respectively. Further, it also published number of advocacy related educational materials, programme operational guidelines and institutional governance guidelines, along with an impact study report in the same period.

Because of all this, it was felt that during this period, CSRC has been able to strengthen its organisational capacity and profile both at national and international levels. It has been recognised by the UN Millennium Development Campaign and was approached to work together on the land rights issue. Likewise, CSRC was elected a member in the global council International Land Coalition (ILC). During this period, CSRC presented Nepal's land rights issues and experiences in international forums, such as the Asian Human Rights Conference and the International Forum on Economic, Social and Cultural Rights in Thailand, ILC Working Group Meeting in Indonesia, and the International Activism Training in Denmark, among others. This has not only enhanced CSRC's international profile, institutional capacity and influence on the land rights issue, but it also has gained tremendous learning from all these interactions.

3.4 INSTITUTIONAL TRANSPARENCY AND ACCOUNTABILITY

CSRC is a public social organisation. It receives funds and other assistance from international development partners and facilitates in mobilising local resources within the community. CSRC strongly believes in being as transparent and accountable as possible to the rights

holders, government, international development partners and other stakeholders. It also believes that public scrutiny on CSRC's philosophy, operational strategy, plans and implementation, conducts and behaviours, and financial resources mobilisation gives valuable feedbacks and inputs, with which CSRC can reshape the organisation to be even more accountable, design the programmes such that they become even more worthwhile to the people, and promote higher degree of integrity and efficiency in mobilising resources. For that purpose, CSRC has adopted the practice of social audit as an important tool.

CSRC conducts social audit once a year at all levels (community to national) where representatives from the government, political parties, funding agencies, media, general public, and most importantly the rights holders group, come together and make a thorough review of CSRC's actions and provide critical comments over its results at national and local levels. The results are looked from the perspective of CSRC's contribution in making difference on the lives of community people, providing inputs to the national policies, improving systems and mechanisms, and devising innovative alternatives of the problems people are facing. CSRC has institutionalised the social audit within the land rights movement. All of its collaborating partners conduct social audit every six months at the community and district levels in a similar manner. CSRC gives special attention to carefully listen to, and respect all the comments, suggestions, criticisms and appreciations on its organisational and programmatic matters. At the end, CSRC responds to the comments and feedbacks received during the occasion and makes commitment to adopt or apply those within its mandate and institutional capacity. The same commitment is again reviewed in the next social audit.

In this light, CSRC organised a social audit on 30 August, 2009 in Kathmandu. CSRC had already informed all the participants about the content and the process of the event and had also provided them the basic organisational information such as the plans, budgets, and an overview of past performances. On the occasion, the Acting Chairperson and Executive Director of CSRC presented the organisational overview in 2009, which was followed by a plenary session for open questions and comments. The rights holders groups shared their feelings regarding their improved status, profile and dignity after acquiring land rights and being part of the land rights movement. They



◀ National social audit of CSRC beign held in Kathmandu

also shared the challenges they have been facing, such as the misbehaviours from the land-owners, eviction from tilling land, and life threats to community leaders and activists. Some partners and stakeholders provided feedbacks to CSRC in regards to regularising financial reporting. Others came up with suggestions such as – improve financial management standards up to international level, develop comprehensive information disclosure system, explore ways to link Nepal's land and agrarian rights movement with the international peasants organisations, try to enhance organisational profile rather than individual profile, give reasonable workload to the staff, reach further deep into the poorest segment of the society, be careful with the quality while expanding working constituency, work on demystifying the illusion on land rights amongst the land-owners and other stakeholders, further clarifying the role between CSRC and NLRF, and so on. In response, the CSRC officials acknowledged all the suggestions and presented an action plan to implement them.

On the occasion, NGO Federation Nepal chairperson acknowledged CSRC's work that it had established land rights movement in Nepal and that was moving forward by uniting the marginalised communities. The Chairperson of FECOFUN remarked that CSRC's work had been useful to FECOFUN as well and suggested that CSRC should establish a new unit for policy monitoring and research based work. On behalf of the international partners, the Programme Coordinator of DanidaHUGOU expressed his satisfaction that the land rights movement involved and was working for the poorest of the poor and the

marginalised people. Likewise, the Joint Secretary from the Ministry of Land Reform and Management suggested CSRC to articulate in the best possible way to integrate the provision made in ILO 169 vis-à-vis land rights of the indigenous and tribal people. The Member Secretary from Social Welfare Council expressed happiness over CSRC's initiative in conducting social audit. He was of the opinion that CSRC's practice on social audit paved a milestone in making it a transparent and accountable organisation and that it would have influence on other NGOs to follow this practice. The Vice-chair of the Constituent Assembly talked about the importance of land reform for the poor and the excluded people, and appreciated CSRC for its encouraging work in organising poor tillers and advocating for the pro-poor land reform.

3.5 INTERNATIONAL LINKAGES

Over the period, CSRC has strengthened its international linkages and collaborations. This has provided CSRC an extended platform to advocate Nepal's land rights issues and influence the government and non-government actors in favour of poor tillers. CSRC had an opportunity to host a fact-finding mission from Fardham School of Law, USA on the land rights situation of Nepal. The fact-finding report is soon going to be submitted to the UN agencies and government of Nepal. Likewise, CSRC has been linked with the Rights and Democracy Canada and UN Special Rappouter on Food, who are going to conduct a study on the land rights situation in Asia in 2010. Also, in



▲
Fact-finding
team
interacting
with
community
People

April 2009, CSRC hosted a global conference on Land Rights for Food Security and Peace organised and Assembly of International Land Coalition in Kathmandu, which created a space for CSRC to build linkages with the UN, donor agencies and the other inter-governmental bodies such as IFAD, World Bank, and the EC.

The membership as an ILC Council member has given a platform to CSRC to connect with other agencies and networks like Kenya Land Alliance, Uganda Land Alliance, Land Net and other international institutions. With this extended network, CSRC has been invited to various regional level forums like CIRDAP and SAARC, which are very important platforms for CSRC to raise and advocate the land issues. Further, CSRC got an opportunity to share the impact of tenancy rights in COP 9 UNCCD sessions in Argentina and got insight on effects of desertification and improvement of land productivity.

3.6 EXPANSION OF WORKING CONSTITUENCIES

CSRC has expanded the land and agrarian rights movement activities in 34 districts. A base line study of the current context has been prepared in the new districts. It is expected that this will help NLRP and CSRC to measure the progress of the interventions objectively in the future.

From MS Review Report

Institutional arrangements: CSRC is also working with Resource Centres (RC) and Resource Organisation (RO). Resource Centres are basically managed by CSRC and Resource Organisations are collaborating with one of the existing facilitating organisations of land rights movement. This year CSRC established four resource organisations and 4 resource centres. CSRC will be the national resource organisation to coordinate the whole programme for the policy discussion; linkages; formulation; research and knowledge management.

Capacity of CSRC: The Review Team (RT) found that the organisation had a number of strengths:

- 1) Core project management capacities (visioning, programming and planning)
- 2) Strong local organising capabilities, leadership - represented in 42 districts
- 3) Clear framework for operation
Strength in mobilising beneficiaries to peaceful actions in order to demand rights and raise awareness of media
- 4) Strong networking linkages to government institutions, donors, ILC and others

On the other hand the RT noted in the field that CSRC should take a lead on making the *Ukbada* issue a broader fight than what it is at present in Kapilvastu.

CSRC expressed that their major weakness at present is their capacity in regards to monitoring. A capacity assessment was carried out by an Organisational Development consultancy company through Danida.

According to a baseline² "*Cumulative Performance of the land rights movement for the period 2004-2008*" carried out by CSRC, it can be concluded that CSRC has been successful over the past four years. The number of tenants who have received documents has increased in the areas where CSRC works. Likewise the total size of land transferred to tenants has gone up. In the same period there is a decrease in the public land transferred, which is probably a limitation on the availability of public land in the area where CSRC is working. This suggests that CSRC needs to expand their geographical coverage, which is also an objective in their new strategy plan. Another priority in their plan is policy amendments, rather than merely paralegal assistance.

¹ A capacity assessment was carried out by an OD consultancy company through Danida

² Please see to annex 2



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4

Reflecting the Ground

REFLECTIONS 2009

4.1 MAJOR ACCOMPLISHMENTS

CSRC made following accomplishments during 2009 from its simultaneous engagement with actions on the ground as well as policy advocacy at the national level:

- The tillers and land rights deprived people have taken ownership of the movement and have come forward to take the leading role. They generated and mobilised NPR 716,888 for local level activities during the reporting period. Moreover, they approached several VDCs and DDCs, and received various contributions from them. These locally generated resources have worked as seed money for the movement on the ground, and, at the same time, have created a sense of ownership and accomplishment amongst the tillers.
- The NLRF has been registered under the National Directives Act and has got a legal identity. It has expanded to 325 primary organisations and 6594 leaders, including 3562 women and 1723 Dalits working for these organisations. Also, NLRF has been equipped with the advocacy and campaign skills and democratic practice of running the organisation during the year.
- NLRF and the primary organisations in the villages have been able to create a reasonable pressure to the parliamentarians to include land issue in the new Constitution. They have established linkages with the CA members and are constantly following up on whether the parliamentarians are sticking to the commitments on land reform while drafting the new Constitution.
- The government of Nepal and CSRC jointly hosted an international conference on “Securing Rights to Land for Peace and Food Security” which was organised in collaboration with the ILC, and where the Prime Minister, the Finance Minister, the Land Reform and Management Minister and other senior government officials made their commitments to land reform. This was a historic event, and valuable inputs from international experiences regarding land reform were shared.
- A new initiative called the StOP was introduced, which has set a result frame-
- work for the next five years. CSRC has entered into a strategic partnership with six international development agencies in line with the framework of StOP. It is hoped that the StOP and the strategic partnership will overcome potential overlapping among the funding agencies, and create a synergy in enhancing efficiency and maximising impact of the work.
- A total of 440 tillers families received 305 hectares of land worth NPR 73 million under the tenancy rights. Among them, 88 women and 59 Dalits received 61 and 40 hectares of land respectively.
- The Land Reform Minister has agreed to address the issue of unregistered tenants, Trust land and other issues like *Ukbada*, *Haliya*, and *Haruva*. The initiative is an indication to start a concrete action from the government. This was achieved by organising series of meetings, delegations from and ‘sit -ins’ in districts, and policy dialogues from community to national level.
- The Ministry of Land Reform and Management has forwarded a proposal to the cabinet to resolve the issue of *Birta* and *Ukbada*, and to extend time for filing tenancy rights.
- The High Level Land Reform Commission (previous and present) has worked closely with CSRC, with CSRC providing them assistance at both the national and community levels.
- Several District Development Committees and Village Development Committees decided to allocate budget for the land rights work through NLRF district chapters. The resources have been used for undertaking economic activities by the land poor tillers. This has encouraged the poor people to get organised and to be involved in the land rights movement.
- The relationship with the government and the political parties at national, district and community levels has been strengthened, and that has, in turn, created a space for dialogue for policy change.
- The government has increased the land registration fees waiver to women from 20 percent to 25 percent, which has resulted in 26 percent of the land transactions going to women’s names.

4.2 CSRC'S UNDERSTANDING ON THE IMPORTANCE OF LAND AND AGRARIAN REFORM

Land ownership remains the main source of wealth and social status, as well as the source of economic and political power in Nepal. However, people who toil the land are the ones who are discriminated against and marginalised from enjoying the basic needs and human rights. Out of the 4.2 million families in Nepal, some 1.3 million of them, constituting over 25 per cent of country's total population are landless or land poor (CBS 2001) and fall under the absolute poverty line. These people, majority of whom are Dalits, ethnic groups and women, with most of them being illiterate, are solely dependent on farming for sustenance. Some 0.2 million families, of the total 4.2 million, do not have a single piece of land, even to install a shelter. Generally, the landless people live in the space provided by landowners. The poor people are systematically pushed to the periphery of society and, hence, are deprived of the entire development and political processes, and are reduced to powerless objects. To have power, one has to have access to resources, favourable policy conditions, and effective organisations of the powerless.

During participatory poverty assessment with the communities in 1995, many people expressed that landlessness was the central cause behind widespread poverty in the villages,

where many poor people did not have their own land and were tilling the landowners' land. If they would get land ownership, their shelter would be secured. CSRC, realising that poverty is a consequence of unequal power relations and inequitable distribution of productive resources, felt the need to take up the issue of land rights with the aim of awakening the tillers to come forward not only to claim their rights, but also to make land reform a pressing issue in the political debate in the country. CSRC further realised that the issue of land reform is deeply linked with the political process, and that people-centred advocacy and social movements are essential to pressurise the government and the political actors to make land secure and accessible to the tillers.

CSRC believes that poverty is a manifestation of denial of access to and control over productive resources, especially land, by the land poor people. In other words, there exists acute poverty amongst the poor tillers due to violation of their human rights, especially land rights, as it is the fundamental means of production and shelter for them. CSRC sees potentialities to eradicate poverty through having surplus production amongst the land poor tillers. Over the last 15 years, CSRC has been able to enable the land poor people to claim their ten-





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A woman
demanding
not to evict
them from
the
settlement

ancy rights. As a result, 15,264 tenant families have received 3,953 hectares of land worth NPR 1,126 million, which has secured their shelter and helped them in securing food for a longer period. In 2008, CSRC carried out an impact study of those families who had received some land. The findings revealed that it had contributed to increase their surplus production and had taken them out of abject poverty. The study also showed that land tenancy rights have enabled them to claim their civil, political, economic, social and cultural rights. The following are some of the key findings of the study:

- Increased agrarian production ranging from 7 to 95 percent on the piece of land they received as tenancy rights
- Increased employment for 1 to 3 members in the family
- Increased household food security by 14 percent
- Increased sense of security
- Diversified agrarian workers into other off-farm activities, as all family members didn't have to work full time in the small piece of land and they became free to choose other occupations
- Increased children's school enrolment by 31.5 percent

- Made some 86 percent of the respondents feel that their social status and dignity had been enhanced and that there was a positive change in the social power relations
- Reduced family and social conflicts

International experiences show that a genuine land and agrarian reform is the prerequisite for breaking the vicious circle of impoverishment of poor tillers. Such land reform should be followed by land redistribution, land development and agrarian inputs, and devolution of land administration at the local level. Informed by these lessons learned, CSRC has been facilitating land and agrarian rights movement with the participation of nearly two million tillers across the country.

4.3 A RECORD OF ACTIONS AND RESULTS

4.3.1 Organisation, Mobilisation and Strengthening of the Rights Holders

According to its annual plan, CSRC focused on strengthening and mobilising NLRFs to en-

able it on taking lead of the land and agrarian rights movement. Mobilising local resources for economic empowerment and enhancing critical understanding amongst the community people through popular education was another key focus of CSRC.

NLRF Strengthening

During this period, NLRF has been further strengthened. It was registered as a legal entity under the National Directive Act 1961. On its part, NLRF convened several district assemblies in the district chapters and elected new leadership. Each of these assemblies was followed by mass demonstrations and chanting of slogans in favour of land rights. NLRF was further matured in 2009 in terms of practicing local democracy, enhancing advocacy, lobbying for land rights, and designing and launching social movements. NLRF leadership has also gained knowledge and skills in managing organisations, planning and monitoring, and designing participatory processes. A total of 325 new primary organisations have been formed where 6594 people, including 3562 women and 1723 Dalits, have been part of it. Usually, one person from one household is represented in these primary organisations.

A total of 25 district chapters have been implementing the planned land rights movement activities. A total of three full-time workers have been placed at NLRF secretariat and one full-time worker and one office secretary has been placed in each of the district chapters. Apart from working together with CSRC, NLRF



© NLRF

also developed its own work plan for the year 2009 and has been implementing them, with regularised meetings held in every three months.

Several big training events were organised different part of the country, where the community leaders and land rights activists took part. The main objective of the trainings was to analyse the current status of the People's Organisations as well as their strengths and weaknesses. Several rounds of discussions were held among the participants to discover ways and processes which could improve the strengths and mobility of the organisations in the future. The trainings helped in enhancing knowledge and skills of the members in run-

▲
Peoples
Organisation
management
training
Organised by
NLRF



◀
Front line
leaders
gathering in
Dang

ning the local organisations. A total of 153 resource persons have been trained over the period and have begun to design and facilitate trainings in the People's Organisations.

Campaign Against Eviction

As the tillers are becoming organised and are claiming their land rights, certain sections of the society and some landowners have begun to take this development as a threat. Commitment for land reform from the political parties, as well as the provision in the Interim Constitution 2007, have made the landowners feel threatened, as a reaction to which, they have been evicting tillers from the tilling land.

In response to the eviction, the tillers organised mass demonstrations in Sunsari, Kanchanpur,

Kailali and Banke districts. They launched long marches in the villages to educate both the tillers and the landowners against the eviction. For example, an eight-day long bicycle march and mass meetings were conducted in Banke district against the forceful evictions.

Similar initiatives were undertaken in Sirha district as well. A total of 66 families, whose shelter was destroyed by the District Forest Office, went to the Appellate Court, Saptari for petition. Finally, the court gave a verdict in the favour of the victims, which protected them from being evicted. Similarly, when the Sagarnath Forest Project in Sarlahi issued a notice to evict the tillers from the land, they organised demonstrations and held negotiations with the project officials, until they were protected from being evicted.

*Tenant
farmers
discussing
Land rights
issues in
Bardiya*
▼

NLRF Local Chapters Taking Lead

“NLRF is not an agency that can ensure land rights. Rather, it is an organisation that can help land rights deprived people in asserting their land rights. The destination of realising these rights is still far away, and it requires enormous amount of struggle and patience. We strongly believe that our struggle now will eventually provide us our land rights. We have been part of our organisation that has increased our power and confidence that we can achieve anything that we desire”, (a member of the Land Rights Forum in Dipnagar, Kanchanpur). A total of 30 Dalit families, who had been living in public land for years, had a constant fear of being evicted as they did not have political connection and economic cushion. After taking part in the land rights movement activities, they formed a Land Rights Forum in November 2007. This has given them a platform to discuss their common problems. They meet once

a month and collect NPR. 5 for the movement fund. So far, they have collected NPR. 23,000, including Rs. 18,000 provided by CSRC.

Ms. Bisna Lohar, a member of Land Rights Forum has been elected the Chairperson of the Basanti Community Forest Users Committee. She has a firm determination for undertaking socio-economic reforms by mobilising the Forum, and has been part of a series of movement activities. She says, “We have understood our rights and we will continue our struggle systematically. We should launch a campaign asking the government to either give us land or take out our citizenship card.”

Likewise, 33 families that have been living in a public land in Tilki, Kailali have been organised into a local Land Rights Forum. Women are very active in this organisation. They have constructed their own office building by mobilising resources locally. They also run a Child Development Centre in the building. They have acquired common boring facility from the District Irrigation Office. They have also paved gravel road to their village. Apart from that, the women have established a primary cooperative society in their community and have taken 5 Kattha of land as lease from the Community Forest Users Committee and have begun fishery. They have also begun to celebrate local festivals and feasts together.

Similarly, the local Land Rights Forum in Baitadi district has systematically approached the VDC council demanding allocation of budget for the activities prioritised by them. As a result, Durgabhawani, Dehimandu, Bishalpur, Shivanath and Udeydev VDCs have allocated some budget for the local Land Rights Forum. These VDCs are the pioneers in responding to development and other concerns of the Dalit communities and Land Rights Forum.





◀
Bicycle rally
against
eviction in
Banke

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Conflict, agitation, and negotiation in the case of eviction

The land deprived people and squatters had been occupying barren land in a community forest in Rajaji Chure, Siraha district for decades. Out of the blue, a team of police personnel led by the Chief of the District Forest Office, set fire to 84 huts belonging to the squatters and evicted them from the land they were living in. These land deprived people staged a 'sit-in' protest claiming that the government evicted them from the land in an inhuman way and without any warning and providing any other options. In the process of evicting the squatters, the policy brutally beat women, children and the elderly. Hundreds were badly injured and some were left in a critical condition, including a 12 year old boy, Sanjeev Tamanag, who lost his fingers during the eviction process.

The land deprived people did their level best to protect their settlement from being evicted. A local community leader Shankar Sada says, "We are citizens of Nepal and have every right to live in our country. It is the duty of the government to provide us our shelter and protect our rights to a secured livelihood."

There was a conflict between the local community and the Sagarnath Forest Development Project in Sarlahi and Mahottari district when the latter threatened to evict the locals from their natural habitat. The settlers got organised and put pressure on the project not to evict them from their homes. As a result, a total of 7500 people were protected from being evicted. This has enhanced tremendous amount of self confidence amongst the tillers and has made them realise the importance of being

organised.

Similarly, the forest department in Taregana, Siraha district had evicted 66 families. The land rights team filed a writ petition to the Appellate Court in Saptari, which gave an interim verdict to the forest department not to evict the people. Later in another incident, a forest project in the same district had issued public notice to evict the poor people from their settlements. The tillers organised demonstrations and held negotiations with the concerned stakeholders in this regard. Finally, they were protected from being evicted.

In the same way, Special Economic Zone Pipra, Bara had attempted to evict 32 families. After the organised efforts of the settlers, the eviction plan has been postponed.

An interaction was held in Sunsari amongst the land rights victim people, landowners and the government officials in June 2009. The evicted farmers expressed their views and problems in front of the government officials and other stakeholders and urged them to protect their lives. The victims also urged the political parties to take actions against their party members who have evicted poor people from their land. The political leaders present in the event expressed their opinion that it was truly an injustice to evict poor farmers from the land as the poor were entitled to have land rights. They encouraged the evicted and the likely-to-be evicted framers to come up with strong voices against the eviction and they would render necessary cooperation.

appealing to the landowners not to evict the tillers without settling tenancy and other land related dispute amicably. They have also been drawing attention of the local administration to protect tillers from being evicted forcefully.

Encampments to Educate People and Capacitate Activists

Critical awareness amongst the general tillers on their right to land resources is vital in building local ownership and pressuring for the land and agrarian reform work. CSRC organised 85 encampments at community level in the districts, in which a total of 8,249 people, including 153 front line activists and 1183 community leaders took part. The encampments were instrumental for the activists and community leaders in organising and mobilising ordinary tillers in the struggle of land and agrarian rights. These encampments provided additional strength for organising mass demonstrations and critical dialogues with the stakeholders in favour of land reform. This process has contributed in enhancing their knowledge and capacity in deepening and widening land and agrarian rights movement.

Emancipation of Haruwas/Charuwas Campaign

Haruwas/Charuwas are the people living in semi-bondage lives and are found in large numbers in the Eastern Nepal, particularly in Siraha and Saptari districts. These people are landless, living either in public land or a small piece of land provided by the landowner, and serving

the very landowner often under exploitative terms and conditions. They have been part of land and agrarian rights movement for the last few years. Some of them have even received tenancy rights, but there is still a large number of *Haruwas/Charuwas* living in semi-bondage conditions. A group of *Haruwas/Charuwas* from Siraha and Saptari districts went to Kathmandu in June 2009 and met the ministers and political leaders and asked them to address their problems. They met the Prime Minister, the Minister of Land Reform and Management, and also the National Human Rights Commission officials. The Prime Minister expressed his commitment that government would make budget provision and bring appropriate policies to address their problems.

As a result, the finance minister mentioned in his budget speech for the fiscal year 2066/67 that the “government would take appropriate steps to end exploitations of the *Haruwas/Charuwas* and enable them to live reasonable lives”. This is a positive indication from the government. The government has assigned Mr. Ram Prit Paswan, former vice-chair of National Assembly to coordinate this matter between the government and the *Haruwas/Charuwas*.

The *Haruwas/Charuwas* have been continuously conducting campaigns, including staging sit-ins in the district administration offices, to draw attention of the political parties and the government. Over 2,000 land rights deprived people, including *Haruwas/Charuwas* from

►
Haruwa/charuwas
organising sit-in
at district
administration
office in Saptari
demanding
emancipation
of haruwa/
charuwa



Siraha, Saptari and Udaypur districts have jointly sent letters to the Prime Minister demanding their rights over land. They have also submitted a memorandum of understanding to the CA members, asking them not to forget guaranteeing their land rights in the new Constitution.

Campaign on Popular Education

A four-day intensive training on popular education and land rights was organised in five districts. The trainings were effective in running 180 land learning centres in those districts where the community people could discuss the local land issues and reflect upon their actions.

Likewise, a total of nine land rights trainings have been conducted which has trained 629 front line leaders. These trained people have been facilitating popular education sessions in the community. Further, a total of 153 land rights activists and 246 facilitators have been mobilised and they have been facilitating dialogue and discourse about land rights in the communities, including deliberating all rights of the local people, context mapping, developing VDC level land rights movement plan and imparting orientations to other tillers.

Delegation meets the Minister



NLRF district chapter from Rasuwa led a delegation to meet the Minister for Land Reform and Management in July 2009. The delegation comprised of political leaders, journalists, CA members and civil society leaders. The team had series of in-depth discussions with the Minister about the land-based problems faced by the poor farmers in Rasuwa, and handed over a five-point memorandum. The Minister expressed his commitment that he would take a proposal to the Cabinet to resolve the issue. The team also met the Prime Minister and informed him about the situation in Rasuwa. Following are the key points/demands mentioned in the memorandum:

Land Certificate brings Contentment

Mr. Asarfi Chamar, 50, resident of Bogadi VDC- 3, is thrilled to have finally got the land ownership certificate after the court verdict in his favour. He had to struggle hard for getting back his land snatched by the local landowner. Mr. Chamar and his family had been tilling the land for generations. He now lives with a 38-member family. They do collective farming and have a separate kitchen. One of his family members has got education up to high school. He had filed the tenancy rights case in 1993. His case was settled only after 15 years when he got land ownership certificate of Ukhada land of 0.39 hectare. He was excited when he got the permanent entitlement over the land. Later, Mr. Chamar purchased another 0.17 hectare of land from the landowner. Yet, the 0.56 hectare land is not sufficient to feed his family throughout the year and thus he has to go for daily wages in other villages and sometime even to India. However, he is very happy that he owns a piece of land, however small, and that has enhanced his dignity and identification in the village. After getting the certificate, he started to take part in the movement activities. He is of the opinion that every tenant should get land entitlement which is instrumental for securing food and shelter. He advises other people that without struggle they cannot get land rights and thus they need to become active in the land rights movement.

- Convert the Guthi land into private land tilling for 861 families in Laharepauwa, Dhaibung and Bhorle VDCs of Rasuwa district and issue joint land ownership in the name of both husband and wife.
- The land of 500 families of Haku VDC, Rasuwa is registered in the name of Syambhu Ghyang Guthi. Abolish the Guthi system and transfer the land to the concerned individuals.
- Provide land to the 400 families of landless people living in 18 VDCs of the district without any delay.
- Form a High Level Land Commission in the district having appropriate representation of the poor tillers and begin its task for protecting and fulfilling the rights of the tillers immediately.
- Provide immediate relief assistance to the flood victims and make arrangements of safe shelters for them.

◀ Delegation from Rasuwa holding meeting with the Minister for Land Reform and Management

4.3.2 Land reform policy advocacy

The process of drafting the new Constitution and working of High Level Land Reform Commission were two very important events

►
Conference
about Land
Rights in
constitution
with CA
Members in
Bardiya

in 2009. It was very crucial to get engaged in that process to ensure that the land rights of the tillers are embedded in the new Constitution. Likewise, the recommendation of the Commission has direct relevance on the lives of the millions of the poor tillers. Thus, CSRC focused on these two missions as its priorities, and also was engaged in some other international advocacy and lobbying works.

Constitution Making Process

The Nepali people have got a historic opportunity to reshape their destiny through a new Constitution drafted by their representatives. For this purpose, the CA was set up in 2008 which is due to promulgate a new Constitution in May 2010. Therefore, CSRC and the entire land and agrarian rights movement team paid special attention to providing inputs to the Constitution drafting process throughout the year. CSRC feels proud to mention that land rights movement leaders are the members of the CA, and they have been lobbying for guaranteeing the land rights of the poor tillers in the new Constitution and pursuing the land rights discourse at the CA and within their respective political parties. CSRC, on its part, has constantly been providing technical and professional inputs to them. Further, a People's Parliament, which is an alliance of individuals working in the field of natural resource management, has also been set up at the civil society level. Parliamentarians and human rights organisations participate regularly in the



programmes aorganised by this alliance. The alliance has been facilitating debates and building opinions on the importance of guaranteeing the poor people's rights over natural resources, including land, to change the unjust socio-political and economic structure of the country. Several CA members representing different political parties have been convinced on the principle of 'housing land for all and tilling land for tillers'. Many of them have been convinced not to provide compensation to those landowners who grab land unlawfully. The alliance has been advocating the following:

- Land rights should be ensured under the Directive Principles section of the Constitution rather than under the fundamental rights section
- Foreign companies should not be given rights to hold land
- Equal rights should be guaranteed between men and women
- A constitutional commission on land and

CA Members
in
demonstration
rallies at
Lahan, Siraha
for the
constitution
hold rights of
poor people





Haruwas
(plougher)
sharing their
problems to the
Prime Minister

agrarian should be provisioned

- The Constitution should provide legal space for land administering and land management by the local government
- No compensation be given to over land ceiling

CSRC has been part of various civil society alliances/networks who have been working in supporting the Constitution making process. CSRC has drafted policy papers, made presentations to the civil society and CA members, and has provided them more information and facts emphasising the importance of embedding the land reform agenda in the Constitution. In this regard, CSRC organised exposure visits for some CA members and political party leaders, and also collected international experiences on how their constitution protects the land rights of the tillers. Besides, CSRC has been closely working with the experts assigned to the CA Committee on natural resources to provide support and lobby for inclusion of land rights in their official documents.

In addition to this, CSRC has been airing radio programmes and writing articles in national newspapers and notable journals to flag facts and rationale of land reform, build public opinion, and to create adequate pressure on the concerned actors. Likewise, the tillers in the districts and communities have been tirelessly campaigning in favour of land rights. They have been approaching the CA members and the political parties, and have been expressing their views in this regard. They have also been invit-

ing CA members and political parties in front of the masses and asking for their commitments for including pro-tiller land reform in the new Constitution.

Land Rights March 2009

Land Rights Movement team organised a Land Rights March in the midst of the heated debate that was being held in the Natural Resources, Economic Rights and Revenue Allocations Committee (NRERRAC) of the CA, where increasingly loud voices could be heard that said that land reform should not take place at the national level, and instead should be handled by the local governments of the federal Nepal. The Land Rights Movement team realised that the issue of scientific land reform should be brought to the attention of CA members and other relevant stakeholders as a matter of importance. The aim of the campaign was to educate the CA members about the land induced pain and grief of the land poor people, to have constitutional arrangement for protecting land rights, to create pres-

Discussion with CA
Members & political
leaders at
Kathmandu



Prescription to the Constituent Assembly: Land Reform Policies to be Embedded in the New Constitution

1. Guiding Principle

Feudal and absentee landlordism system shall be abolished, and agrarian land to the tillers along with land for shelter for all the citizens of Nepal shall be provided.

2. Fundamental Rights

a. Right to property

All citizens shall, subject to the existing laws, have the right to acquire, own, sell and otherwise dispose of, property. However, land being a source of natural resource and production, ownership of land shall be in the hands of the ones who till in it. In the course of land reform, state shall not compensate for the land beyond the agreed ceiling.

b. Right against exploitation

Forced labour in the form of *Haliya*, *Haruwa/Charuwa*, *Kamlari*, serfdom and servants shall be strongly prohibited and punishable.

c. Right to food security and shelter

Every citizen shall have the right to food security. Secured shelter for every Nepali citizen shall be guaranteed.

d. Duty of the citizen

No citizen shall keep arable land barren, or give it on contract or lease. Everyone shall increase land productivity either by one's own labour or by providing fair wages to hired labourers.

3. Responsibilities, Directive Principles and Policies of the State

a. Responsibilities of the State

1. Bringing an end to feudal land ownership practices by implementing redistributive land reform.
2. Rehabilitating tenants, squatters, tillers, Haruwas/Charuwas, Kamaiyas, and agro-labourers by providing them with land and economic and social security.
3. Making provision of equal access and joint ownership of land and houses to women and men; daughters and sons.

b. Directive Principles

1. The state shall have the objective of bringing forth positive changes in the livelihood of the poor through land reform, guaranteeing equal access of the deprived to natural resources for lasting social justice, all the while making sure that control of natural resources is not centralised in the hands of a few individuals and groups.
2. The state shall have the objective of promoting rural industrialisation, creating employment opportunities and achieving economic growth by utilising natural resources to its fullest.
3. Farmers and tillers shall have the right of equal

participation in the state restructuring process on the basis of inclusive principles.

4. Cultivable land shall be under the rights of the tillers cultivating in the land.

c. Policies of the State

1. The state shall make the provision of providing land to the land deprived, tillers, and agro labourers individually or in groups. The parliament shall make necessary policies and implement them keeping in mind effective rural development, provisions of land ceiling, and agrarian support.
2. The state shall guarantee the participation of tenants, squatters, tillers, Haruwas/Charuwas, Kamaiyas, agro-labourers and other marginalised groups in all forms of policy making processes. The state shall make the provision of providing necessary support for relevant agro-based technologies, research, financial support, productivity, market and other support as necessary.
3. Keeping in mind the necessity of environment conservation, social justice and agrarian reform, the parliament shall make provisions to determine the area for cultivation and renting of public land, and rules and regulations related to it.
4. The state shall encourage the land owners to invest in agrarian reform for rural industrialisation, employment opportunities, and to increase productivity.
5. The state shall encourage everyone in pursuing rural development and integrated land reform model side by side.
6. The state shall encourage the non-governmental organisations, community based organisations, and the civil society to provide support in the areas of integrated land reform and economic development of the state.
7. The state shall control uncultivated and barren land and distribute it among the groups who will be benefitted by it as per the integrated land reform policy.
8. There shall be no provision of land being privately owned by multinational companies or foreign companies.
9. Policies and programmes shall be enforced to handover ownership of land rights to the tillers within two years of the promulgation of this Constitution. Land certificates shall jointly be owned by women and men. Land utilisation policy shall be formulated and implemented. People forced to live in slums and squatter settlements shall be guaranteed secured shelters. All forms of land-based exploitations shall be brought to an end. Cultivable land shall be under the disposal of local government, general land shall be under the disposal of federal government, and reserve land shall be under the jurisdiction of the central government. The local government shall collect land revenues and that shall be utilised for land and agrarian development.

sure to speed up the constitution drafting process, and to make the general people aware about the progress of the new Constitution. Throughout March, the participants urged the political parties and the CA members to ensure that the provision for land rights be embedded in the new Constitution. Participants of the march also appealed to the public not to cast any vote for the candidates who did not favour land reform/rights.

Engagement with CA Committees

Since CSRC has given its priority to include the land rights issue in the coming Constitution on behalf of land poor people, it has been organising a series of interactions, mass demonstrations, and various programmes from the community to the national level together with the CA members, leaders of political parties, leaders of civil society organisations, and other concerned experts and. On behalf of land poor people, CSRC presented a paper in the NRERRAC, and organised campaigns on land rights and the Constitution, where several CA members, leaders of political parties, members of the civil society, journalists, and the members of NLRF were involved. From the very beginning, even in the election period, NLRF organised several interaction programmes with their respective candidates and the political and civil society leaders. Recently, the CA committee on NRERRA has included the land reform agendas such as compensation over land ceiling, and implementation of housing land for all and tilling land for tillers, in its report pro-

posed to the CA.

Watch Dog on Land Reform Commission

After a long struggle, there was an agreement between the NLRF and the Minister of Information and Communications on 29 November, 2008, which included the government's commitment to set up a High Level Land Reform Commission, along with many other important matters. Consequently, the government formed a Commission in December 2008 as per its commitment, and included the NLRF chairperson as one of its members. CSRC, together with NLRF central body, the district chapters, and the tillers, organised several follow ups and launched campaigns to pressurise the Commission to take off. The tillers organised demonstrations and mass gatherings in Baitadi, Dadeldhura, Kailali, Kanchanpur, Bardiya, Banke, Dang, Rupandehi, Sarlahi, Mahottari, Siraha, Saptari, and Sunsari districts. The key messages that came from those gatherings were that the Commission needed to speed up its work in the favour of poor tillers. At the same time, tillers from several districts sent letters to the Commission through posts and faxes demanding speedy functioning of the Commission. Tenants and land poor people from all working districts submitted their suggestions to the Commission.

The previous High Level Land Reform Commission had developed a three-month campaign plan for information collection of 4.5



Interaction between NLRF leaders and High Level Land Commission Members

million landless people and their concerns regarding land rights. For that purpose, the Commission invited several government and non-government organisations for consultations and inputs, in which CSRC and NLRF also participated. CSRC and NLRF put forward suggestions that reaching 4.5 million families in three months would not be feasible. It was also suggested to begin writing reports based on available information simultaneously. Some of the participants of these consultations also suggested that the checklist prepared for information collection should include gender perspective explicitly, which lacked in the draft checklist. CSRC supported the Commission, right from the beginning, to conduct several rounds of consultations in the community, district and national levels.

In the mean time, the Commission was re-shuffled in October 2009 and new members came on board. Again, one of the leaders of NLRF was appointed as a member to the new Commission. The new Commission has developed a comprehensive plan for six months for information collection, receiving feedbacks, reviewing and analysing the facts, and drafting a report. CSRC has been providing inputs and other necessary support to the Commission as and when required.

International Conference on “Securing Rights to Land for Peace and Food Security”

A four-day international conference was held in Kathmandu from 21 to 24 April, 2009, which was organised jointly by the Nepal Government, Ministry of Land Reform and Man-

agement, and the International Land Coalition (ILC). CSRC played the key role in facilitating and preparing for the conference. The conference was organised alongside the Global Assembly of ILC. The purpose of holding the conference in Nepal was to provide solidarity and support to Nepal's land reform process. A total of 240 delegates from 43 countries and five continents attended the conference. The then-Prime Minister of Nepal, Mr. Puspa Kamal Dahal, inaugurated the conference and reiterated his commitment for the land reform in Nepal saying “..... we believe that without fair and equitable distribution of land and other productive natural resources to the large number of marginalised populace, lasting peace and prosperity of Nepal would be a mere day-dream”. Similarly, the Minister for Land Reform and Management Mr. Mahendra Paswan, Finance Minister Dr. Baburam Bhattarai, Chairperson of High Level Land Reform Commission Mr. Haribol Gajurel and the Secretary of Ministry of Land Reform and Management Dr. Keshav Kandel put forward their respective views regarding land reform in Nepal. The conference was also an opportunity to learn about and deepen the understanding on land reform, food security, and peace building process in different parts of the world.

The conference was followed by parallel sessions on i) land, water and forest rights; ii) land rights and climate change; iii) women's access to land; and iv) new commercial pressures on land. International donor organisations, such as the European Union, IFAD, SIDA, Ministry of Foreign Affairs, and the Netherlands shared their institutional policies regarding the land is-

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International delegates and the Prime Minister attending the International conference





sue. The international participants had an opportunity to meet community people and observe field activities being undertaken by the land rights movement in Dang, Banke, Kathmandu, Lalitpur, Bhaktapur and Kavre districts. They were impressed by the way of doing things on the ground and people's passion on and commitment to peaceful struggle for improving their quality of lives. The conference concluded with a 10-point Kathmandu Declaration (See Annex 1 for details). Similarly, during the same time, the ILC elected a 14-member new coalition council, where CSRC was elected as a council member.

4.3.3 Critical Engagement with Non-state Stakeholders

CSRC has realised that it also needs to engage with the non-state actors to bring about pro-poor policies regarding land use and land rights.

The influence of the donors on the national policies and programmes in Nepal is very strong and obvious. Some of the donors have been promoting market-led land and agrarian reform in Nepal. This model neither benefits the land poor, nor does it help in promoting social justice to these people. Thus, CSRC organised a series of policy consultations with the donors and other relevant actors on the issue of land reform and the role of the non-state actors. These consultations also gave opportunity to the land-poor people to express their

Land Reform is a key for Peace and Transformation: Prime Minister Mr. Pushpa Kamal Dahal

Land reform has special relevance to Nepal as we are in the process of state restructuring including land reform. We also have constituted a high level Land Reform Commission. The very objective of land reform in Nepal is to create a just society and improve the living standard of peasants that constitute almost 80% of the population. This will entail designing and implementing scientific land reform so that landless poor, marginal peasants and farmers will have access to and control over land, water and other agrarian inputs so as to enhance the productivity of inputs and income of the peasants. We believe that without fair and equitable distribution of land and other productive natural resources to the large number of marginalised populace lasting peace and prosperity of Nepal would be a mere day-dream.

The government has freed bonded labourers some years back but the permanent solution of the livelihood and shelter of the freed labourers still remains unaccomplished. Although the peasant's movement in Nepal is century-old, it only gained momentum during the decade long political movement that started in the mid-1990s. Realising this fact, and considering the major issue of the decade long political movement, the present government has constituted a High Level Land Reform Commission. We believe that no lasting peace would be possible in Nepal without resolving the land reform issue in favour of the landless and marginalised peasants.

We are very eager to learn from the experiences and knowledge of Land Reform and Peace process from other countries as well. There are some unique conditions and characteristics of Nepal. Those circumstances demand that we search for our own model of land reform and securing peace and transformation of the society so as to build a new Nepal.

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Community
built
irrigation
system



views and draw attention of the international actors towards their concerns.

In order to provide empirical evidence of the ground reality being faced by the Nepali land poor people, CSRC published a number of articles on the major national dailies and journals. The articles argued for the policies and modus of operandi of programmes that provide justice to land poor people and increase the agrarian production and productivity.

CSRC has taken to the international platform Nepal's reality of land-induced exploitations,

discriminations, and denial of basic right to life of the land poor people through evidences. The increasing trend of land grabbing by corporate sectors was one of the burning issues that was flagged to the concerned actors of the national and international levels. CSRC will continue its efforts to have critical engagements with the non-state actors, and to establish linkage between the land poor people and these actors even in 2010.

4.3.4 Learning Generation and Managing Knowledge

Land Reform Framework from Below

Given the political complexities, land reform is not likely to become successful from the up-down approach. The international experiences reveal that land reform from below works effectively and also sustains. Bearing in mind this fact, CSRC has been facilitating land reform through a bottom-up approach. In 2009, CSRC facilitated the tillers in analysing local contexts – status of their own land, public land, other unused land, quality of soil, irrigation facility, production and market, and so on. Well informed on the quality of land and their rights, the community people have been holding dialogues with the VDCs, political parties and government officials and asking for their support in collective farming and cultivating in the unused or barren land.

It is hoped that such practices will help in developing a local land reform framework, which



could eventually become the basis for determining the national land reform model. Currently, this model of land reform from the below is being piloted in the selected villages of Sindhupalchowk, Mahottari, Saptari, Banke and Kailali districts.

The community people in Ramche VDC of Sindhupalchowk district have conducted a comprehensive exercise of the local context of land ownership and use. Similar exercises have been conducted in selected communities of Sunsari, Mahottari and Dang districts. The context analysis and discussions cover i) identification of landless people, land ceiling, public land; ii) mapping of land use pattern and development initiatives – land consolidation, planning, selection of crop as per soil quality, use land technicians and agrarian inputs; and iii) use of barren and unused public land by the landless people.

Ranjana Tamang from Ramche VDC, Sindhupalchowk says that mapping of land use pattern gave her insight about the unused status of land, showed her the possibility of collective farming together with neighbours for better yield with relatively less investment, and taught her how to develop common understanding with the neighbours. The neighbours collectively began vegetable farming, horticulture farming, herbs farming and goat raising. She further says that this process has helped

her and her neighbours to understand the idea of equal wages for equal work.

Another small farmer, Uddhav Dhakal, says that until recently he owned little land and a few cattles, which was not sufficient to feed his family. His neighbours were also in a similar situation. They began to discuss on this issue in their local organisation. In the mean time, they underwent a REFLECT training that gave them insights as to how they could get better production from the very land if they used scientific farming methods. With that insight, they began vegetable farming instead of other crops, which gave them better income. Now, Uddhav Dhakal has been able to generate multi-fold income from the land compared to the past, which has significantly improved the situation of food security for his family.

Community Led Piloting of Pro People Land Reform

One of the significant achievements of 2009 was that the tillers in Gangaparaspur VDC, Dang began community land reform on their own. This is a VDC where a large number of Dalits and landless people live, and where there exists a plenty of public land, barren land, absenteeism and land-based exploitations. An orientation programme was conducted to the community leaders, where they discussed vari-

Vegetable farming and the changes it brought

Krishna Wada, living in Vavet – 1 municipality in Baitadi district is 34 years old. He has a family of six members and works as a house constructor. Because of low wages that he gets, it is very hard for him to make his ends meet and feed his children, let alone provide them with sound education. In the name of property, all he owns is a mere 0.05 hectares of uncultivable land, which is not enough to feed his family throughout the year. Due to his poor economic conditions, he started working as a *Haliya* of his village, at the age of 17.

Life for him was nothing but a continuous struggle until the day that he met Mahes Od, president of National Land Rights Forum (NLRFF) - District Committee Baitadi and it was through him, that Krishna came to learn about the *Haliya* Rights Movement in Baitadi. Soon he became a member of the Forum and started taking part in different trainings, workshops and land rights movement frequently organized within and outside the district. Frequent participation in these trainings and workshops gave him a sound exposure and he

decided on starting vegetable farming. So, taking 0.05 hectares of cultivable land on lease from Nari Singh Bhatt he started his farming. The Forum too supported and helped him on this, providing him with different seeds worth NPR. 5000/-. Because of good cultivation, on April 2009, he further leased 0.2 hectares of land from another landlord Rajendra Chand at NPR. 6000/- per year. At the end of 2009 he earned NPR. 21,000/- by selling 100 kilograms of tomatoes grown from 450 tomato plants. Currently, he has sown 150 kilograms of potato, 500 plants of onion and 50 grams of spinach seed. He has estimated that he will earn 40,000/- from the productions with Rs. 25,000/- as net profit.

Now he no longer works as a *Haliya*. His passion is his vegetable farms. When asked about his current occupation, he says he is very satisfied with it and that he plans on continuing with this occupation that has given him a sense of independence and economic stability. Today, his family eats fresh vegetables, his children are well nourished and his livelihood has drastically changed – all for the better.

After a long struggle, Mr. Raidas got victory

Mr. Keshav Raidas, a resident of Gulariya Municipality-4, Bardiya district had been tilling the local landowner's land for a long time. He would go for wage labour during his leisure time. He has been a member of local Land Rights Forum since 2006. He has taken part in series of land rights movement activities in the past and during 2009 as well. Gradually he came to know and realise the fact that he had been denied from his tenancy rights and was suffering from other forms of injustice. While serving the landowner, he had to give free labour and was forced to compromise with his self-dignity, while being a tenant of 0.27 hectare of land for years.

Once Mr. Raidas began to realise that other fellow neighbours had also been denied from their land rights, he consulted with Land Rights Forum and other tenants regarding the way of protecting his tenancy rights. With the support from the Land Rights Forum, he decided not to give produce of half of the land to the landowner, as he was entitled to the land as per the tenancy law of the country. This was a strong challenge to the landowner, who went to approach political parties and called a public meeting in the village to get support in his favour. In the meeting, Mr. Raidas told all his stories to the public. The public also listened to the view of the landowner. At the end, the public asked the landowner to provide tenancy rights to Mr. Raidas. They also endorsed Mr. Raidas's act of not giving produce of half of the land. This gave a sense of accomplishment and justice to the community. Now, Mr. Raidas looks happy and dignified in his community. He says, "I do not bow to the landowner as in the past and I have been emancipated from a situation of bondage. I have given up providing free labour to the landowner". The land has increased Mr. Raidas family's food security from three to six months. Now, Mr. Raidas has become an advocate for land rights. He proudly says, "I have been doing my level best to make other people understand the land rights."

ous issues and came up with a plan for land reform in each ward of the VDC. They conducted several rounds of dialogues and consultations with the other actors in the VDC. So far, they have identified 31.96 hectares of public land, of which 26.52 hectares have been occupied by the local landowners. They now have a plan to take such public land under their possession and go for agrarian activities.

Exposure Visit to Vietnam

A high level team visited Vietnam from 23 to 27 February, 2009 in order to learn from its experiences of land reform. The team included Mr. Haribol Gajurel, Chair, High Level Land Reform Commission, Ms. Purna Subedi, Vice Chair, Constituent Assembly, Ms. Nainakala Thapa, Chair, Women's Commission, Mr. Keshab Badal, CPN UML, Mr. Laxman Ghimire, Nepali Congress, Mr. Jitendra Dev, Madhesi Jana Ashikar Forum, and Mr. Bhesh Bahadur Karki, Ministry of Land Reform. Upon their return from Vietnam, the team organized an experience sharing meeting at Yalamaya Kendra, Kathmandu, on 4 April, 2009. One of the key lessons shared was that land distribution should be supported by other inputs for increasing production. Likewise, as in Vietnam, a massive literacy campaign should be launched targeting all the school-going children. It was clear from the experience of Vietnam that land rights movement and literacy are interlinked. Similarly, the government should make strong and assuring commitments to the people and there should be frequent interactions and sharing between the government and the community regarding land and agrarian reform. This would strengthen better understanding and trust between the government and the people. The land and agrarian reform were

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Nepal team
interacting with
Government
officials in
Vietnam
regarding Land
Reform



moving ahead together, which had contributed in increasing production and productivity of the land.

Research and Study

CSRC has also been conducting evidence-based advocacy in favour of the tillers and the land poor. It conducts research and studies on contemporary issues related to land rights in order to strengthen policy advocacy and its lobbying work, and provide theoretical and rational inputs to the land rights movement on the ground. In this light, CSRC conducted a study entitled “State of Land Relations in Nepal”, which examined the forms and patterns of land holdings, ownership, and power relations in contemporary Nepal.

The research covered 16 Village Development Committees (VDCs) from 16 districts, representing three ecological zones and five development regions. The aim of the study was to provide a fresh dataset to the policy makers and the rights activists with regards to the existing land holding pattern and land relations with some socio-demographic characteristic features of the study population. The study covered 25,199 households (HH) and a population of 143,125. The HH coverage of Tarai/Inner Tarai and Hill/Mountain were 18,473 HH (73.3%) and 6726 HH (26.6%) respectively. Population distribution was 105,302 (73.6%) for Tarai/Inner Tarai and 37,823 (26.4%) for Hill/Mountain.

Following were the key findings of the study:

- Approximately, two-thirds of the total HH (66.1%) had ownership of the land where their houses were built, and one-third of them did not have full ownership of the land where they had built their houses.
- Among the Tarai dwellers, 56.3 percent had migrated to the present place of residence within the last 30 years, while 85.7 percent of the HH in Hill/Mountain had been living in the present place for more than 61 years, compared to only 29.2 percent in Tarai. The reasons for moving to a new place were a quest for a better life, and sufficient livelihood opportunities, among others.
- The ownership of registered land is the only secured land ownership in Nepal's context. Only two-third of the holdings (66%) was registered land in the study area. In terms of ownership pattern, 22.7 percent of the families were found to be

landless, among them Tarai dalits accounted for 50.1 percent followed by Hill dalits with 40.2 percent. 6.2 percent of the HH reported that they had rented out their land for cultivation, but 20.6 percent of the HH reported of renting in land for cultivation under different tenure arrangements.

- Some 22.7 percent of the households did not have their own land, implying that they were landless in terms of having their own registered land. 23.3 percent of responding households reported that they had been living in public land and as squatters.
- Majority of the tenants (58.4%) had been cultivating the land under the recognised tenure arrangement for less than 10 years, however, 15.5 percent of them had been cultivating for 11-20 years, 7 percent for 21-30 years, and, 19.1 percent for more than 30 years. This clearly showed that the issue of dual ownership and tenancy rights issue had not yet been resolved.
- Almost 14.5 percent of the responding households maintained that they did sharecropping. This fact indicated the presence of absentee landowners, i.e., owners who do not cultivate the land, but employ certain households under sharecropping arrangements, so that the sharecroppers do not hold rights to claim tenancy rights over the lands.
- There were 28 households who were living as *Harawa/Haliya*, and a few of them were on debt bondage. These households were forced to enter into this exploitative system, as that remained the only option of the livelihood for some of them, particularly the Dalit families.
- Almost 73 percent of the households had no ownership certificates of the land they were cultivating or occupying, and, many households had been cultivating others' land under different tenure arrangements.
- Out of the total surveyed HH, 16.2 percent of the households had some lands in women's name. Tarai Brahmins and Hill Brahmins had the highest proportion of women having land registered in their names, with 29.5 and 27.2 percent respectively. 65.9 percent of the land registered in the men's name was inherited as parental property. Another 29.6 percent responded that the land was bought with their own income. 3 percent of the respondents reported to have land registered jointly in names of both the males

and females.

- Only 25 percent of the total households could survive with their own production, and the remaining 75 percent of them were food deficit households. Almost 20 percent of the households did not have any kind of land to produce their own food. 23 percent could survive only up to 3 months with their own production, 20 percent up to 6 months, and 12 percent up to 9 months in a year. They managed their food supply primarily by working as agrarian and daily wage labourers, taking loans and undertaking petty business.

The above facts illustrate the existing land holding and ownership patterns, including women's ownership over land resources, and different forms of land relations in practice in 16 different VDCs of Nepal. It also exhibits the level of food sufficiency and labour arrangements for the agrarian activities. It gives a fresh look at the labour migration pattern. The pattern of land ownership and land holdings, forms and pattern of tenure arrangements, low level of food sufficiency, etc., suggest that there is a need for urgent interventions for correcting the unequal land relations, insecure tenants' rights, and low productivity. It is necessary, as there is no other short-cut way, to increase the productivity of land to secure the food security of the majority of the agrarian depending households.

The study has also provided a basis for discussing some of the pertinent issues related to land and agrarian reforms in Nepal. It is hoped that this information will help shaping up many relevant issues for discussing and debating. Some of the issues include redistributive land reform, ensuring tenants' rights and the rights of the cultivators along with commercialisation of agrarian land, and, at the same time, preventing commercial pressure on agrarian land. Preventing further fragmentation of agrarian land should be dealt with high priority for which devising a legal and socially acceptable mechanism of inheritance of land as parental property needs to be worked out at the policy level.

Movement Fund Generation and Mobilisation

A total of 327 primary organisations of NLRG generated a fund of NRs. 716,888 for the land rights movement locally. Even the individual tillers contributed to the fund according to their capacities for the cause of land and agrarian rights movement. They also approached sev-

eral VDCs and DDCs and received contributions. The tillers, who couldn't contribute cash, gave grains and labour contribution for the movement. This has created a sense of ownership and accomplishments amongst the tillers.

Applying knowledge/skills

A radio programme on land rights has begun to air from Nepal FM every Friday since January 2009. This is a partnership between CSRC and the Nepal FM. The programme has contributed in promoting discourse on land rights issues and has linked the ground-level movements with the policy issues and vice-versa. Land rights activists, tillers and land poor people, academicians, and political actors have taken part in the radio debates on various aspects of land reform and rights vis-à-vis land politics, land policy, practical aspects of the reform, and so on.

Context mapping is an important exercise to understand the specific situation of the particular community. Before conducting a campaign or a discourse, a context mapping is done to generate evidences to support the case. Such mapping has been documented in the form of a book, and has been published in Saptari, Siraha, Mahottari and Banke districts. Similarly, other documents like 'Land Reform in Madhesh' and study reports of village block system have also been published. These materials have been important resources for the land rights movement.

A team of professors and students from Fordham Law School, New York City conducted a fact-finding study on land rights situation of Nepal in collaboration with CSRC. The team visited Dadeldhura, Kailali, Dang, Nawalparasi and Rupandehi districts. The process followed and methodologies used for the study has enhanced knowledge and skills within CSRC pertaining to designing and conducting such kind of studies. Further, the study findings have been very useful in advocating land rights for the poor people in Nepal, and will be shared with the UN and the Nepal government soon.

CSRC also received additional knowledge and skills on conflict transformation in 2009 from various sources. The knowledge and skills gained by CSRC have been transferred to the land rights activists and NLRG leaders through regular trainings, encampments, and other capacity building initiatives. As a result, the NLRG primary organisations have begun to resolve

disputes between the landowners and landless people by themselves. For instance, NLRP Pipaldanda has so far been able to settle 84 disputes the 3.4 hectares of public land with the negotiation with local community.

4.3.5 Women's Rights to Own Land

Access to and control over productive resources, especially land, is a crucial element for women's empowerment. That is why CSRC

Empowerment after a long struggle

Babuwa Phaanta located in Padnaha – 3 Bardiya is a beautiful place. One can see how the 55 households living there, of which 24 are squatters and 31 freed bonded labourers are living harmoniously. The land that they occupy has been divided for fish farming and community farming, where 0.06 hectares has been divided for fish farming and 1.34 hectares for community farming. Apart from this, the families also harvest different vegetables according to season in the 0.025 hectares of land provided by District Land Revenue Office for each family.

This community which is independent now however has had to go through a lot of struggle before reaching this stage. The land that they are currently occupying previously belonged to Karliya Janshakti Community Forest. After the government declared bonded labourers' free on the 17th of July 2000 without making provisions of proper settlement for them, they were forced to live in the banks of river and by the roadsides. Unfortunately, they were evicted from there too. Having no other option they decided on submitting an application to the community forest asking permission to occupy the land. During this process, Kallan Khan, a member of the community forest advised them to occupy the land immediately, all the while moving forward with the application process.

The fact that the squatters and freed bonded labourers were occupying community forest land was not acceptable to the feudalistic landlords. Constant threats started pouring in, wage rates were decreased and false allegations about different thefts were accused. This however did not deter the rights deprived, and so the feudal went to the extent of accusing them as forest encroachers. An observation team was also sent to observe the forest areas and see to it if any encroachments were being made. However, not a single tree had been cut, which proved that the allegations were all false. Finally, after numerous efforts the District Land Revenue Office distributed land credentials to the rights deprived providing each family with 0.025 hectares of land on the 12th of April 2007.

Today the lives of the right deprived has changed and so has the attitude of other aristocrats towards them. Even the community forest is more positive towards them, providing them with wood for the construction of community building. The Village Development Committee too invites them to all their meetings and discussions. Last year, the V.D.C supported them with NRs. 5000/-. On one of their recent meetings organized on the 25th of January it has been decided that an agricultural co-operative will be established. They hope the co-operative will help them become more independent in the future.



Public rally in Sarlahi, which later joined the mass meeting



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has been placing women's right to land as an important agenda in the land and agrarian rights movement. Against this backdrop, CSRC intensified the discussion on the issue of women's rights on land in the Constitution making process, by lobbying and advocating with the politicians and the government to come up with special measures to increase women's access to and control over land. Similarly, CSRC launched women's land rights campaigns in the

community level to educate ordinary women and men and duty bearers to understand the rationale, legal and constitutional aspects of women's land rights, and discussed ways to break the bottleneck at local and national levels.

Womens Right's over Land

With the government's decision to form a High Level Land Commission, the land rights de-

Interaction on Land Rights of women organised by CSRC and National womens Rights Forum



prived women in various districts, including Siraha, Saptari, Dang, Banke, Bardiya and Mahottari carried out a procession holding *ploughs* and *yokes*, to draw the government's attention to the issue of equal land rights for

women. The rallies carried out in the various districts had one common purpose, to guarantee equal rights for women over land. The chairperson of the Dalit Preservation Abhiyan Forum in Sirha, Ms. Rikma B.K., expressed her

I have received my rights, now I will fight for others

Sanchamaya Tamang, 48, is a farmer who hails from Nawalpur, Sindhupalchok. She has a family of 12. Her father-in-law, an old man, worked as a tiller. As per his tenancy rights, he had received a mere 0.06 hectares of unfertile land. Apart from this, the family had no other land to call their own, and the area that they had was not sufficient enough to sustain the family.

In order to sustain their living, her family worked as tillers, tilling the land of local landlords Lal Bahadur Shrestha and Dal Bahadur Lama. According to Sanchamaya, her family has been tilling their land since decades. When she came to learn about how tillers in other VDC.s were receiving tenancy rights, she too, started taking part in the land rights movement since 2001. Apart from her family, other 95 households in her village too were tilling the land of local landlords, however, except 4 other households, others were too scared to get involved in the land rights movement.

Similar sense of fear had gripped her family members too, and nobody was willing to file for their tenancy rights. Thus, Sanchamaya herself filed for the family's tenancy rights in 2002 in the District Land Reform Office, after transferring the authority in her name. After continu-

ous struggle and numerous visits at the district land reform office she finally received 6 ropani and 13 annas of land under her ownership. As per the law, the land would have been registered in her father-in-laws name, but the old man realising her long struggle, remarked that she deserved the land because she had fought for it. Therefore, after paying appropriate registration fees, half of the land was transferred under her ownership. The other land, from the other landlord is registered under her husband's name.

She says, because of her involvement in the movement her trust in the people's organisation and the strong need for it and its unity has deepened. Says Sanchamaya, 'Getting involved in the movement's activities does not tire me or make me sad. I know we are raising a very justifiable issue.' Today, she is the president of District Land Rights Forum and she also regularly takes part in the popular education training organised in her village. Even the VDC invites her to every discussion that takes place in her village. 'My family members say now that I have received my rights, there is no need for me to take part in the movement. But my ethics do not allow me to do so. The villagers trust me and there are still a lot of rights deprived like me, for whom I have to continue fighting. I am addicted to this movement and can never think of leaving it behind. How will the movement survive if people who receive their rights start leaving it? I too was helped by others, now it is my turn.'

'Because the land now is mine, I can cultivate it as per my interest. Previously, I had to cultivate whatever the landlord asked for and even the production was less. Now my love for this land has grown even more, because it is mine and so is all the harvest.'

'Being involved in the movement has helped me, my family and even the society. I am even thinking about buying the other half of the landlord's land. Had I not been involved in the movement would I receive 10 ropanis of land? Would my family allow me to move around freely like this? We are human, and we ourselves need to understand everything.'



Shyam Kumari's changed lifestyle

Shyam Kumari Sada living in Dhangadi 33, Siraha is fighting a joint battle – battling against poverty and battling to secure the rights of land rights deprived. Because she works as a cattle herder for Rimlal Lama she has received 0.015 hectares of land from the latter.

She recalls how she was scared to raise her voice before getting involved in the people's organisation. 'Once my one year old son was very sick and my husband was not at home. I could not go to graze the cattle. My master immediately came and threatened me. I had to leave my sick son at my mother's home in order to go and graze the cattle. That moment I felt that even a dog has more dignity than me which led me into joining the peoples organisation'. 'Because of the unity found in our organisation my master can no longer shout at me like before. He even addresses me with a little more respect.'

'On the 28th of June 2008, I along with other rights deprived, organised a 'sit in' in front of the District Administration Office, tying a black ribbon in our eyes. The Chief District Officer previously was ignoring us. However, when we shared our position with him he became positive towards us and even promised to help us. Previously I thought CDOs were very important people, but today I can voice my opinion with ease'.

Her statement above clearly illustrates the change in her attitude. Today she has admitted her son in grade 1 and she plans on educating her daughter as well. 'The movement has generated my interest to study. Today I can easily make out most of the letters. Only some letters are difficult to understand. My master does not like my involvement in movement.

happiness over the formation of a High Level Land Reform Commission and added that the government should issue land certificates in the names of both husband and wife. She called for all the land rights deprived people to have equal access over land.

In a patriarchal country like Nepal, it is fundamental that women have access to land for their empowerment, which will not only bring security, independence and confidence in them, but also enable women to become active in different social and political arenas. During the report period, CSRC has been able to train 129 women's rights defenders, including 56 women, 52 Dalits and 28 persons from the Indigenous Groups, on issues related to women's right over land.

CSRC also organised a series of policy discussions with intellectuals, parliamentarians, political leaders and civil society actors regarding the provision in the new Constitution that would protect the equal land rights of women. CSRC strongly advocated with the policy makers that women also be considered as farmers. Women's rights over property and land have been well recognised by the participants. Hopefully, it will be reflected in the national plans and policies. As a token response to the problem, the government has shown a positive gesture by increasing tax exemption on women's land transactions to 25 percent from earlier 20 percent.

A district level gathering on this issue was organised in Baitadi, where 24 women and 25 men participated. The participants included representatives from the District Revenue Office, Dasharathchand Municipality, political parties and other social organisations. The discussion was focused on exploring ways and means to increase women's access to land rights through constitutional, legal and other institutional reforms. The event was particularly aimed at raising women's land rights issues in the new Constitution. The participants came up with views and recommendations such as: there should be equal rights for sons and daughters over inherent property; citizenship and land certificates be issued in mothers' names; there should be meaningful participation of women in every policy dialogue and discussion; there should be joint ownership over land between men and women; and, a Women's Commission with a constitutional status should be formed that works for protecting the needs and interests of single women.

Shiva Kumar Paswan

My name is Shiva Kumar Paswan. I live in Madhupatti VDC Ward No. 7. I passed my School Leaving Certificate (S.L.C.) in 1997. Back then, I did not have a single piece of land. Because of my economic conditions, I could not continue with my studies and so I left for Kathmandu to work as a mason. During my stay in Kathmandu, I came to know about the 'Sino' movement taking place in my village. Hearing about the movement I returned back to my village and soon I did not feel like leaving my hometown.

In 2001, Janchetana Dalit Sangam was actively involved in various social campaigns in my village. Initially, I worked as a forest activist however, since 2004 till date I have been involved in the land rights movement.

In 2004, a huge conflict had erupted because the dalits from Dibirhar, Madhupatti wanted to conduct a worship ceremony in a religious temple. The conflict brought forth violence and everybody including media personnel, activists, human rights activist was severely beaten up, including me. We heard rumors that plans were being to kill us. For more than a week, we took turns while sleeping, fearing for our lives. The incident is an important one in my life, because it made me more determined and dedicated towards the movement.

After being involved in the land rights movement, I have formed different

peoples' organisation on Madhupatti, Haripur, Tikuliya, Pansera and Daulatpur. I have facilitated different movements. While working to form a peoples' organisation in Tikuliya during the year 2006 I would not even have time to have 3 meals a day. You can assume my dedication and love towards the movement from this. I have also facilitated in submitting applications to the revenue office to register block land.

People have threatened to kill me during the time that I helped in receiving land certificates for 11 Sada families of Madhupatti. My parents fear for my life and constantly ask me to leave the movement and work in Kathmandu. However, I will not quit the movement.

Under my facilitation, 200 landless dalit families have built their houses in public land. All of these families cannot afford to pay NPR 40/50 thousand to buy a small piece of land, and I am happy that I have been successful in helping them secure their shelter.

I believe that the movement should be raised by the rights deprived themselves. When I see my other friends not realising the importance of this issue it makes me sad. One of the major challenges in the movement right now is not being able to identify people who join this movement only for their own selfish causes. The movement lacks a proper code of conduct and responsible activists who do not feel a sense of ownership and duty towards the community.



Changes brought by cooperative in Ghartidaanda

A total of 32 families (of which 22 are Tharu and 10 Dalit) live in Ghorahi Municipality – 4 Ghartidaanda. Among them, 22 families previously worked as bonded labourers (Kamaiya). The area they occupy is a mere 0.08 hectares of land. Because they do not have any land of their own, they sustain their living working as labourers and share croppers. All the families are united with the district land rights forum since 2007. They are actively involved in every land rights movement that takes place in their district.

Because they lacked a proper institution that could provide them with loan in times of need, they decided on forming a cooperative as per the discussion carried out in the forum. Hence, in 2009, Namuna Women Cooperative was started. The cooperative has 26 female members. The cooperative was donated a sum of ten thousand rupees from the movement's side. Decisions are taken as per the meetings and discussions held in the cooperative.

Name of the person conducting the business	Total amount taken for business	Income	Real Profit
Mina Chaudhary	1500	3200	1634
Budhani Chaudhary	1500	5700	4134
Tulasa Chaudhary	1500	3500	1934
Pushpa Chaudhary	1500	9600	8034
Moti Chaudhary	1000	8700	7655
Sunita Chaudhary	1500	9000	7434
Nij Chaudhary	1500	9600	8055
Sita Chaudhary	1100	6900	5767
Sunkesari Chaudhary	1100	8700	7552

After taking loan from the cooperative, 12 members have directly benefitted from it. They now no longer need to beg to the landlords. Taking loan directly from the cooperative is easy too. The families of the women accept their leadership. Managing daily household costs too has become easier. The women have developed their capacity to speak in front of other people,

to voice their opinion and to claim for their rights. Daily discussions are conducted on formal and informal issues ranging from sharing their happiness and sorrow to talking about their rights.

Change in livelihood brought forth by land rights

Satan Chaudhary of Ekamba, Sunsari, since his father's generation has been tilling 0.67 and 0.19 hectares of land belonging to the local landlords Dil Bahadur Ban and Jhabindra Prasad Sharma respectively. Although, he along with his father had tilled both those land since decades they were unaware about their tenancy rights. When land rights movement started in Sunsari, Satan Chaudhary too got organised and actively involved in the movement. The movement made him aware about his tenancy rights. Thus, after transferring tenancy ownership from his father's name to his, he filed for his tenancy rights in April 2004. As a result the Land Reform Office too provided 50% of the land as per his tenancy rights. He received 0.05 hectares of land and money worth 0.015 hectares of land. From the money that he received, he further bought 0.25 hectares of land.

Previously, he had to submit majority of the production to his landowner and so it was hard to sustain his living. However, now the production is not only enough for a whole year, but he even sells productions worth NPR 15,000. Today, the life of Satan Chaudhary and his family has changed. His children are more healthy, neat and clean and his house has lighted up with electricity. Satan says, 'Land rights movement has changed my life. Now, I am my own master. I have my own field where I can cultivate and I live a free and dignified life.'





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5

Learning and Challenges

REFLECTIONS 2009

5.1 LEARNING

CSRC and the entire land and agrarian rights movement team have gained valuable insights and learned some lessons while designing and implementing the movement during the year. Some of the lessons learned are as follows:

Local initiative creates ownership and pride among the people: CSRC has realised that community people have better ownership and sense of pride if events such as encampments and trainings are organised at the community level. Such events allow the community people to actively take part in and to benefit from them. In the process, the community as a whole feels a high level of satisfaction and gains self-respect, which in turn helps in sustaining the work.

Capacity of local leaders is the backbone of the movement: CSRC learned that the capabilities of frontline leaders are crucially important in organising, mobilising and creating ownership over the process. This was realised, for example, when CSRC organised encampment programmes where many local activists took part along with the community people. Since the activists and community people discussed the issues and developed the plan of action together, in implementing movement activities and assessing the results became easier and effective.

Social preparation and critical awareness are essential: CSRC has further learned while

expanding working constituencies, that basic preparation of the community in terms of orientation to the land rights deprived community, finding out potential leadership, analysis of local context, and internalisation of the situation in participatory manner are perquisites for the movement to take off effectively. Critical awareness among the tillers on the political economy of land rights makes a significant difference in the quality of movement on the ground.

Systematic engagement can resolve problems: CSRC has realised that systematic engagement with land actors and organised resistance at the community level can resolve numerous land related disputes/issues. In the past one year period, the local Land Rights Forums have launched critical dialogues with the landowners and saved many tiller families from being evicted from the land. They have also made the landowners understand and realise the need of land tenancy rights to the poor people. Thus, effective local actions bring notable changes in terms of balancing powers and yielding socio-economic benefits.

Traditional style of capacity building approach and methodology does not work for the movement: It was also realised that the front line workers/activists are the real catalysts for the change, and their capacity is imperative for the success of the movement. The capacity building process needs to be organised

►
Orientation of
community
leaders being
organised in
Sunshari



differently than the traditional style of class room-based trainings. CSRC conducted mass encampments where hundreds of potential activists took part, who later mobilised the whole community. The activists themselves developed innovative means to facilitate local level campaigns and that further enhanced their confidence and skills to tackle the matter and to carry out related professional tasks.

Need to be careful and aware about the likely hindrance from anti land rights elements: It was also learned that the activists, People's Organisations, and the supporting organisations need to have a critical understanding about the different dimensions of social movements. It is very likely that some anti-land-rights-movement elements may create other issues to turn the drive of the movement to other directions. There were instance of some landlords trying to create disputes on small issues of land ownership and divide the movement leadership. Hence, the leadership of the movement needs to be firm, consistent and determined towards the collectively set direction and strategic moves.

Articulate results for motivation and accountability: It was further realised that the effective context analysis and result mapping gives a sense of motivation and obligation among the local people. In some cases, the movement team was very articulate, while in some other cases, the team performed below the expectation. It was realised that all this happened due to the ineffective use of different parameters. Those who had developed accountability mapping parameters based on the local context were very articulate and confident about their mission, work, and the results. This was a matter of accountability as well. The effectiveness of the movement and the level of motivation were found to be high where tangible changes had taken place.

People's Organisations and the movement sustain if they are linked with production: It was markedly seen that the People's Organisations, which were involved in economic initiatives along with the movement activities, were much more encouraged and enthusiastic compared to others. It was realised that collaboration between the rights claiming movements and livelihood campaigns compliment each other and create a basis for sustainability.

5.2 CHALLENGES

CSRC and the land and agrarian rights movement were not free from challenges during the past year. A glimpse of key challenges faced during the year is as follows:

Meetings flooded with expectations and social unrest: The team encountered a lot of hindrances at both the local and national levels. Rising expectations of the land rights deprived people from the activists and the supporting organisations have been very challenging for the entire team. At the same time, the increase of armed outfits in the Tarai districts also posed serious challenges to the team, some of which included attempts to abduct community leaders and activists, and demand for extortions. Likewise, the frequent *bandhs*, strikes and the fragile political situation were other major challenges faced by the movement.



Political conflict and will power: In many of the working districts, there are growing political conflicts that are leading to racial and ethnic disputes, which have sometimes made it extremely difficult to organise and mobilise the activists and the community people. The political leadership at local and national levels do not seem eager enough for bringing about land reform. On several occasions, the land and agrarian rights movement team received threats from known and unknown sources, and some sections even made accusations of instigating the local people with the help foreign funds. However, the movement team has been doing its level best to mitigate such disputes through constant engagement and dialogues.

Forceful eviction: One of the key challenges faced was the forceful eviction of the settlers by the landowners and the administration. This

►
Community
people reflect on
their achievements
brought
forth by
economic
activities in
Dang



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sometimes created de-motivation amongst the tillers, and often it would take a substantial amount of time in resolving this matter. In the same way, there were increasing number of disputes, debates and conflicts between the tillers and the community forest users groups in various districts.

Capacity building of disadvantaged people: It is obvious that the movement should be led by the land rights victims. However, it was not always very easy to develop their capacity for taking the lead of the movement given their socio-economic conditions. Many of them had never imagined that they would be a social leader one day in their village. Building leadership of these people begins from making them prepared psychologically, mentally and with skills and knowledge. It is a challenging task and requires a lot of time and patience.

Politicisation: Politicisation of land rights movement was another challenge at the local levels. Since the land rights deprived people have been organised quite visibly, they have gained social recognition and power over the period. Political parties, directly or indirectly, want to capitalise these organisations and the ground movement in their favour. But when the land rights movement clarifies that it is impartial and does not belong to any particular political party the political parties seem to be either indifferent to the land rights issue or show relatively low priority to the matter.

Frustration and anxiety: Growing frustration amongst the land rights deprived people on the matter of land reform is another issue of concern. They have been struggling and paying huge costs for a long time. They have been hearing broken promises from political parties and leaders since 1990 and even before. Several Commissions were constituted and policies announced for land reform, but none of them became meaningful for the land rights deprived people. This discouraging history often pushes the people to the backseat of the struggle. However, the land rights movement has done its level best to boost up their enthusiasm and motivation for their land rights.

CSRC devised practical tactics and strategies suitable to the specific context to mitigate these challenges. These tactics and strategies vary from one place to another due to the complex nature of challenges and behaviours of the responsible actors. In general, some of the key measures followed were: keeping a low profile and articulating with tangible results; and abiding by the set of values, principles and code of conduct so that behaviours of the CSRC staff and the entire land and agrarian rights movement team are consistent and compatible to the local society there. Equally important were being transparent and participatory with the local community, keeping in touch with the influential actors at the local level, and revising and updating plan and budgets according to the local scenario.



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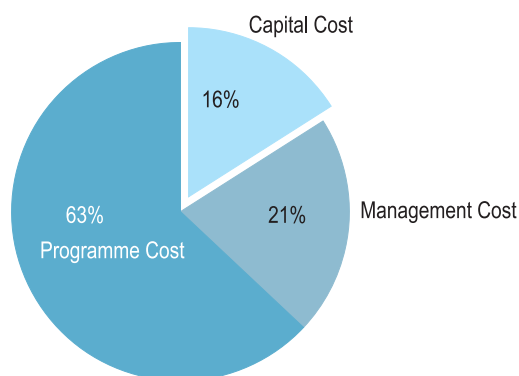
6

Income and Expenditures

REFLECTIONS 2009

6.1 FINANCIAL PERFORMANCE

CSRC's total budget for the year 2009 was NPR 43,589,500. The total expenditure during the period remained at NPR 21,932,194, which is 50.32 percent of the approved budget for the same period. Of the total expenditure, programme costs accounted for NPR 13,862,842 (63.21%), management costs were NPR 4,662,685 (21.26%) and capital costs stood at NPR 3,406,657 (15.53%). Additionally, the movement mobilised NPR 716,888 of local resources in the forms of cash and other materials, which was contributed by the tenants 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 the landless farmers.



The year 2009 remained a landmark year for CSRC in the sense that six major international development partners joined hands together to support CSRC and the land rights movement. They generously made commitment to fund the movement activities in line with the StOP. As a result of this new strategy, the total budget for 2009 increased in comparison with the budget of 2008. The figure given in the inset exhibits the portfolio of financial contribution from the different international partner organisations. In addition to financial assistance, the international partners have also rendered enormous amount of technical and professional support to CSRC and the land rights movement.

Please refer to Annex 3 for the details of the breakdown of income and expenditure of CSRC.



7

Way Forward

REFLECTIONS 2009

7.1 FOCUS FOR THE YEAR 2010

The year 2010 is going to be historic for Nepal, because of the fact that a new Constitution will be promulgated this year, and it is believed that the issue of land rights will genuinely be embedded in it. Similarly, the High Level Commission on Scientific Land Reform will submit its recommendations to the government for scientific land reform. CSRC's priority for 2010 will be to support the government and the political parties in implementing the Commission's recommendations. Since the new Constitution will be drafted by May 2010, CSRC will continuously and systematically be engaged in lobbying and advocacy for having land rights issue in the Constitution.

As land reform is a complex political issue, it needs a strong political will and consensus from all sides. Thus, CSRC will have systematic engagement with the political parties and the government to find a common ground that is acceptable for the land poor people. In this regard, capacity building of NLRF is essential. Hence, CSRC's emphasis will be to further strengthen NLRF in terms of organisational management, advocacy and lobbying, campaigning, building public opinion and gaining popular support for land reform. The NLRF will be strengthened in 50 districts throughout the country by the end of 2010.

CSRC has realised over the period that it has not been able to have constructive engagement with landowners and non-state actors of land reform, which is crucial in the given socio-economic

and political context of Nepal. Therefore, CSRC will explore ways and means to have functional linkage and critical engagement with these institutions and individuals. Such engagement would create a platform to share each other's perspectives, draw common principles, and agree upon the target and shape of the desired land and agrarian reform.

Education is the source of generating knowledge and wisdom. CSRC's priority for 2010 will be to scale up and deepen the popular education amongst the poor people. Popular education centres will be strengthened and systematised. CSRC will also be focused on mainstreaming women's land rights issue in the land rights movement, policy discourse, and the work of the High Level Land Commission.

Over 20 thousand families have received some land as a result of the land rights movement over the period. The issue now is how to utilize the land in the most productive way that would yield tangible benefits to the tillers. So, CSRC will launch economic empowerment campaigns through strengthening primary co-operatives and undertaking livelihood promotion activities. In the same line, CSRC, with the aim of demonstrating a viable land reform model as a reference to the government and the political actors, will focus on piloting a land reform from below practice in at least five districts. This will entail using land in an effective way, having ownership of the local people, injecting agrarian inputs and making market arrangements, among others.

ANNEX 1

NATIONAL CONFERENCE DECLARATION

Kathmandu Declaration

1. We, over 180 members and partners of the International Land Coalition, representatives from civil society organizations, social and peasant movements, international agencies, and governments, from 43 countries in Asia, Africa, Europe and the Americas, have gathered in Kathmandu this 21-23 April 2009 under the theme of "Securing Rights to Land for Peace and Food Security". We share a collective commitment to working together to ensure secure land and resource rights for poor women and men to enable them to live with dignity, and to transform their own lives, institutions and communities. This Conference in Nepal, a country which is undergoing profound political changes in a post-conflict period, has provided us with the appropriate venue and platform to rethink old assumptions, and to chart out new paths.
2. We believe that providing secure access to land and natural resources for poor producers is a vital step to finding lasting peaceful solutions to addressing rural poverty, persistent hunger, and resource conflicts. It is unacceptable that nearly one billion people in the world today are undernourished. Gaining secure access to land and natural resources is central to their enjoyment of full citizenship and wider human rights, especially the right to food. Land issues shape social, economic and political relations, and are a concern for everyone. We welcome the increasing donor recognition of the centrality of land tenure security to poverty reduction.
3. Climate change is increasing unpredictability and risk to the livelihoods of land and natural resource dependent people. At the same time, the ways in which land is accessed, used and owned are rapidly changing around the globe, creating new challenges to reducing hunger and poverty, particularly amongst women, the landless, agrarian tenants and workers, the 300 million indigenous peoples, and the 1.5 billion smallholders growing food on less than two hectares. Land is becoming an increasingly globalised commodity, fuelled by rising demand for food and agro fuels, for minerals, for tourism, and for ecosystem services including carbon sequestration. Resource-poor land users are facing increased competition for land with other land users, national elites and global investors. We call for urgent action to ensure transparency and disclosure in large-scale land transactions by governments and corporations. There should be full consultation of all stakeholders, particularly local land-users, in such transactions.
4. The need for land and agrarian reforms remain as relevant as ever. Huge inequalities in access to land breed conflict, political instability, social alienation and exclusion, and are a barrier to national economic development. Land and agrarian reforms must, therefore, address new challenges embedded in more complex global realities, including processes of concentration of land ownership, pressures on agrarian from urbanization and industry, and liberalization of global trade and markets. It must consider issues of equity, productivity and sustainable resource use.
5. State-led efforts in agrarian reform have also raised questions about the role and the capacity of the state to be a reformer and activist. While the state should continue to play a central role in all forms of reform processes, social movements, producer organizations and civil society organizations should take a complementary role in formulating and implementing policy and in ensuring accountability in its implementation.
6. Rural women play a key role as farmers and guarantors of household and national food security, therefore the multiple roles and responsibilities that they carry must be reflected in actual land rights. Land under the control of women also promotes the dignity of women in the family and soci-

ety. We commit to working towards the full recognition and integration of women into all aspects of securing land rights, and in promoting the implementation of mechanisms that specifically grant tenure

7. Indigenous communities and ethnic minorities are among the millions of the world's poor people dependent on forests, rangelands and other common-pool resources for their food and livelihoods. They also suffer most from discrimination, exclusion, intimidation and violence. The rights of poor forest dwellers and users, especially indigenous peoples, must be recognized. We are encouraged by the increasing trend towards strengthening common property, community forest rights, and recognition of indigenous territories as recognized by ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples. Strengthening local tenure rights and collective rights over common pool resources improves sustainable management of natural resources, improves local livelihoods, and reduces resource conflicts.
8. The Prime Minister of Nepal declared that a new Nepal cannot be built without land reform. There can be no lasting peace and prosperity without fair and equitable distribution of land and other productive natural resources in favour of marginalized people. We take specific note of efforts underway to set in place an enabling political and constitutional environment favouring people-led, bottom-up land re-

form program for social justice, inclusion, peace and food security. By placing land reform as an integral part of the state restructuring process, the government of Nepal has expressed its intention to securing access and ownership of land and other economic assets for large sections of landless, tenants, women and marginalized peasants as indispensable for social justice, democracy and lasting peace.

9. We appreciate the commitments of the government of Nepal, and extend our efforts to support their transformation into reality by continuing the processes of dialogue and partnership among government, international organizations, social movements and other civil society organizations in Nepal.
10. We, the participants at this Conference, extend our appreciation and gratitude to the Government of Nepal, especially the Prime Minister, the Ministry of Finance, the Ministry of Land Reform and Management, and to the Community Self Reliance Centre (CSRC) for their hospitality and hard work in organizing this Conference.

Kathmandu, Nepal, 23 April 2009

The International Conference, "Securing Rights to Land for Peace and Food Security" was organized on the occasion of the Fourth ILC Global Assembly and took place in Kathmandu, Nepal from 21-23 April 2009. The Conference was jointly sponsored by ILC and the Government of Nepal, and hosted by the Community Self-Reliance Centre (CSRC).

APPENDIX 2

FINANCIAL PERFORMANCE STATEMENT

Financial performance of the land rights movement for the period 1 January to 31 December 2009

A	SOURCES OF FUND	Commitment	Disbursement
1	ActionAid Nepal	3,551,961	3,551,961
2	Canadian Cooperation Office	3,928,000	3,888,000
3	Care Nepal	4,400,500	4,400,500
4	DanidaHUGOU	22,780,000	22,780,000
5	MS Nepal	3,200,000	3,200,000
6	Oxfam GB	900,000	900,000
7	UNMC	720,000	348,975
8	International Land Coalition (ILC)	2,095,000	1,860,095
9	Bank Interest, Membership Fees and Sale of Publications		122,067
10	Income from Resource Centers		737,740
11	Income from project/Consultancy Services		940,898
12	Income from Air Ticket Commission		83,531
	TOTAL, SOURCES OF FUND (A)	41,575,461	42,813,767
B	APPLICATION OF FUNDS	Budget	Expenditure
a	PROGRAMME COSTS		
Output 1	Rights holders (land-poor women and men) organised, strengthened and mobilised to claim and exercise their rights	16,789,500	6,710,345
1.1	Building, strengthening and expanding National and District Land Rights Forums as people's organisations	1,082,000	535,882
1.2	Forming and strengthening District Land Rights Forums	4,992,500	1,787,517
1.3	Capacity building of NLRF and DLRF staff and activists in the areas of advocacy, paralegal skills, and networking/alliance building	1,800,000	988,801
1.4	Mainstreaming the action-reflection-action model of popular education in land rights movement	1,155,000	2,503
1.5	Activist support	3,960,000	2,400,000
1.6	Context mapping	300,000	22,119
1.7	Policy advocacy-to link local movements with policy process	375,000	225,681
1.8	Public campaigns, demonstrations, rallies and submission of memorandum	1,400,000	339,672
1.9	Support to the process of claiming land rights	225,000	89,444

Output 3	Critical engagement established with non-state stakeholders involved in land and agricultural issues	700,000	39,000
3.1	Study on land policy of non-state actors	700,000	39,000
Output 4	Learning generated from ground level actions and practices, and disseminated the knowledge at all levels	9,008,000	5,167,117
4.1	Establishment of resource centres at national/sub-national levels	1,000,000	307,698
4.2	Mobilisation of alliances (Resource Organisations) engaged in land rights movement	2,868,000	2,143,410
4.3	Study on land tenure and land relations in Nepal, and debates, discussions and reflections at various levels based on the findings	1,600,000	1,047,540
4.4	Social audit and participatory review and reflection	550,000	430,592
4.5	Publications and dissemination of advocacy materials, periodic reports, journals and bulletins	800,000	660,455
4.6	CSRC institutional strengthening including strengthening of financial tools and systems	500,000	258,934
4.7	Capacity building of CSRC board, staff and resource organisations	300,000	7,000
4.8	Participatory monitoring and evaluation	970,000	234,073
4.9	Network and alliance building	420,000	77,415
Output 5	Develop new policies and implement them to guarantee the rights of women and men in land	425,000	27,500
5.1	Campaigns on promoting women's access to land	425,000	27,500
	TOTAL, PROGRAM COSTS (a)	33,337,500	13,862,842
b	MANAGEMENT COSTS (b.1+b.2)	6,752,000	4,662,685
b.1	Staff Costs	4,902,000	3,504,059
1	Staff Salary	3,585,000	2,721,235
2	Staff Benefits	717,000	438,212
3	Travel Cost	600,000	344,612
b.2	Office Running Costs	1,850,000	1,158,626
1	Office Building/Space related Costs	500,000	436,000
2	Utilities and communication	350,000	128,521
3	Office transportation	250,000	71,868
4	Repair and maintenance	150,000	64,752
5	Other office expenses	350,000	252,857
6	Audit fee	100,000	60,000
7	Interest on loan	150,000	144,628
c	CAPITAL COSTS	3,500,000	3,406,657
1	Computer related equipments	200,000	146,484
2	Communications-related equipments	50,000	52,805
3	Furniture and furnishing	150,000	83,776
4	Vehicle	3,100,000	3,123,592
	TOTAL, APPLICATION OF FUNDS (a+b+c) = B	43,589,500	21,932,184
	FUND BALANCE (A-B) = (C)		20,881,583

APPENDIX 3

STATEMENT OF CUMULATIVE PERFORMANCE

Cumulative Performance of the land rights movement for the period 2004-2009

S.N.	Particulars	Unit	2004	2005	2006	2007	2008	2009	Total
1	People's Organisation								
1.1	People's Organisation at community levels	Organisation	258	284	381	288	117	325	1,653
1.2	People's Organisation at district levels	Organisation	3	8	2	15	6	0	34
1.3	People organised into people's organisations	Person/HH	9,461	9,106	14,848	14,718	2,902	6,594	57,629
		Women	2,763	2,561	6,707	7,067	1,534	3,562	24,194
		Dalits	5,021	4,202	6,057	8,251	1,342	1,723	26,596
1.4	People's participation in land rights discourse	HH	26,420	22,601	42,157	86,043	51,151	64,948	293,320
1.5	Tenants and landless farmers aware/sensitised	Person	130,000	341,000	297,375	851,759	355,400	168,582	2,144,116
2	Leadership								
2.1	Activists trained and mobilised	Person	97	310	487	102	92	153	1,241
		Women	27	133	165	39	56	78	498
		Dalits	24	131	180	56	32	71	494
2.2	Community leaders trained and mobilised	Person	213	77	377	788	648	1,183	3,286
		Women	67	12	153	305	325	468	1,330
		Dalits	117	23	176	318	210	479	1,323
3	Civil Society Alliance								
3.1	Total districts covered	Districts	11	11+3	14+17	31+11	42	0	42
3.2	Total VDC covered	VDC	118	118+9	127+72	199+58	257	257+58	315
4	Achievements								
4.1	Petitions filed by the tenants	Petition	4,916	15,309	0	5,267	2,997	3,216	31,705
4.2	Petitions settlement	Petition	2,406	4,052	4,807	2,219	939	440	14,863
		Women	112	378	234	113	195	88	1,120
		Dalits	82	1,583	1,174	548	127	59	3,573
4.3	Aeas of land transferred to the tenants	Hectare	237	719	1,397	681	269	305	3,608
		Women	11	67	68	33	55	61	295
		Dalits	8	281	340	166	36	40	871
		Market price NPR (mil)	53	197	432	211	61	73	1,027
4.4	Retention of public land	Hectare			200	63	82	0	345
		Market price NPR (Mil)			56	19	24	0	99
		Families benefitted			200	76	126	0	402
4.5	Petitions filed by landless people	Petition	53,096	0	0	0	0	7,356	60,452
4.6	Total petitions settled	Petition	0	0	0	66	0	0	66

APPENDIX 4

KEY ANNUAL EVENTS

Key events conducted for the period 1 January to 31 December 2009

Month	Key Events
January	<ul style="list-style-type: none"> Operationalised five year Strategic and Operational Plan Entered into partnership with Nepal FM to broadcast land rights related discourse Attended in the Asian Human Rights Defender's Forum meeting in Thailand Held consultation with Land Commission about its scope of work and people's expectations Organisational Development Centre conducted CSRC's organisation review
February	<ul style="list-style-type: none"> Officials from High Level Land Reform Commission, and Women's Commission visited Vietnam to learn their experience of land reform Begun National level research on 'Land Tenure and Land Ownership in Nepal' in 16 districts with 25,199 households Organised People's Organisation strengthenig training to community leaders Published context analysis report and Ukhada and village block study report
March	<ul style="list-style-type: none"> High Level Land Reform Commission began its work Convened district assembly of National Land Rights Forum Surkhet followed by a mass demonstration with the participation of more than 700 people Held interaction on women's right to land and domestic violence
April	<ul style="list-style-type: none"> Revised and updated organisational systems and policies Developed operational and partnerhsip polices and guidelines Held international conference on "Securing Rights to Land for Peace and Food Security" jointly hosted by International Land Coalition and the Government of Nepal
May	<ul style="list-style-type: none"> International Law and Justice's fact finding mission (International Law and Justice at Fordham Law School, New York City) visited Nepal and conducted field study 10 day bicycle rally of land rights deprived people in Banke to protest against the eviction of tillers from their land with the participation of over 5000 people A massive rally organised in Kapilvastu to create pressure on the High Level Land Reform Commission
June	<ul style="list-style-type: none"> Organised rallies and gathering in Rupendehi, Kailali and Kanchanpur to pressurise the High Level Land Reform Commission Regional level Haliya gathering held in Dadeldhura and ended with a 12 point declaration demanding re-settlement of Haliyas, rights to food, shelter and clothing, fixing fair wages, among others Held dialogue between land rights deprived people and local level political party representatives in Dang, Sunsari and discussed about forceful eviction and its implication Tenants submitted a Letter of Memorandum to the District Administration Office Rasuwa demanding to convert Guthi land into Raikar, and issuing joint ownership of land certificates, among others Sit-ins held at the District Administration Office in Siraha and Sapatri by over 2000 Haruwas/Charuwas demanding ½ hectare of cultivable land; guaranteeing the rights to education for their children and alleviating all forms of debt bondage CSRC took part in Asia Regional meeting of International Land Coalition in Indonesia
July	<ul style="list-style-type: none"> Attended in the social activism training in Denmark Developed and published advocacy resource materials Held national review of land rights movement Organised popular training education to land rights activists
August	<ul style="list-style-type: none"> Organised rights-based and social movement training for activists Held 14th General Assembly of CSRC and social audit Village camps held in seven People's Organisations in Kailali and six in Kanchanpur where 1,100 and 445 participants attended in Kailali and Kanchanpur respectively NLRF submitted a suggestion report to the High Level Land Reform Commission Published book "land reform in Vietnam"
September	<ul style="list-style-type: none"> Team of CA members (including Vice-Chair of CA), political leaders, media representatives and academicians visited CSRC working area in three groups High Level Rand Reform Commission organised an interaction on land reform model Organised torch rally in Banke to draw attention of the government to implement previously submitted letters of memorandum Organised capacity development training to frontline leaders in Makwanpur Held interaction and lobbying with the local government agencies and political parties to solve the problem of flood victims in Jhapa Held policy dialogue with CA members, political party leaders and experts on "land reform and new Constitution"

October	<ul style="list-style-type: none"> • Held campaign on "Free the Hungry Billion" • Held campaign on "Stand Up and Take Action" on the occasion of World Poverty Day in 17 districts • Organised district level conference and rally in Surkhet to pressurise the government for not provide compensation to land that exceeds ceiling • National Land Rights Forum Sindhupalchowk organised a press conference and submitted a 18-point demand letter to the District Land Revenue Office • Over 900 land rights deprived people took part in a padlock and sit-in protest in front of the VDC office demanding implementation of previous agreements • Chairperson of Danida visited rights deprived communities and Peoples Organisation in Gahanapur-6 Banke
November	<ul style="list-style-type: none"> • A four day case study writing training organised for land rights activists • A gathering of community land reform practitioners held in Ramche, Sindhupalchowk • Organised leadership training for NLRF district chapter leaders
December	<ul style="list-style-type: none"> • Heads of four strategic partners visited CSRC working area in Sindhupalchowk • Held week-long sit-in in Sindhupalchowk demanding convert <i>Guthi</i> land into private land and protect land rights of unregistered tenants • Held meeting with newly formed High Level Commission for Scientific Land Reform • Convened national Conference of activists

APPENDIX 5

MEDIA AND PUBLICATION CLIPS

MEDIA AND COVERAGE



PUBLICATION IN 2009

