

## Opportunities for Broader Engagement and Intervention

- Collaborate with international efforts to implement global frameworks and initiatives such as VGGTs, SDGs, GLTN, Dashboard etc. that can go for actions to monitor and advance progress at the country level implementation of Land related policies and plans to strengthen PCLG providing space for dialogue, opportunities for capacity development, and learning exchange between the state, private sector and civil society.
- A lot of cross-cutting issues like Landscape Restoration; resettlement and relocation; protection and development of agricultural land; climate smart-landscape governance, land market development; sustainable land use planning, internal land grabbing; gender responsive land governance; inclusive land administration, context mapping of land and natural resources, landlessness and co-operative farming are getting on the surface. There is opportunity for timely intervention from development partners in these areas.
- This is the high time to formulate policies and laws in Nepal and right time to accelerate land and resource related dialogues and debates from national to local level to facilitate the inclusion and implementation of land related policies and acts by identifying constraints and play catalytic role in making consensus related land issues amplifying the linkages between grass-roots (micro) and the national (macro) realities.
- Newly elected governments at all level lack sufficient human resource and technical expertise to tackle with the burgeoning

governance issues of land and resources at community level. In this context, there is high possibility to enter into multi-stakeholder partnership with governments, IGOs and CSOs to capacitate and transform land administration and governance.

- There is huge opportunity to take a lead and facilitate the dialogue process to generate common understanding among the like mandated stakeholders regarding land tenure, acquisition and ownership issues.
- Civil society has remained at the forefront of each paradigmatic changes in every historical juncture together with people and political parties but their contribution has not been crystal clear due to lack of innovative approaches of interventions and advanced monitoring system. This is the appropriate time to introduce world-class tools and techniques to shed lights on their own works and make their contribution easily visible. This will enhance the credibility of civil society as a key change agent in PCLG
- Land is considered as a source of political, social, and economic power, cultural pride and human dignity, so powerful people prefer to hoard land more and more. In this situation, in a country where democracy is confined only in paper, marginalized people, rural communities, Indigenous Peoples, small holders, landless, Dalits, economically poor people women and men remain on the high risk of land rights violation. Therefore, raise land based issues vibrant at the local level to be well considered for national socio-economic and political agenda to ensure land and resource rights of communities are well recognized and protected.
- ILC has recently launched its Dashboard initiative to monitor land governance and promote people centered land and data. This is best opportunity to collaborate on People Centered Land Monitoring, particularly in the framework of The Dashboard.

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Tenancy Land Separation Campaign in Bardiya District



Land Policy Dialogue with CPN-UML, in Kathmandu



Couple showing Joint Land Ownership Certificate



Multi-Stakeholder Platform Meeting at MOALMCP, Singhadurbar, Kathmandu



Policy Dialogue on LAnd & Housing Rights of Dalits, Kathmandu



Land Right Activist with the Chairperson of National Assembly.

Photographs: CSRC

NES

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## The Land Context of Nepal

Nepal had paradigm-shift in its governance and legal frameworks recently. Federal system of governance with 3 level of governments envisioned by the New Constitution is now being institutionalized gradually. Land governance and its management responsibilities are distributed among 3 levels of governments. Elected government bodies at local, provincial and federal level are taking momentum towards formulating land related policies and acts to realize constitutional provisions.

New Constitution has many progressive provisions like property right (Art. 25), food security and food sovereignty (Art. 36). right to decent housing and no eviction from their residence (Art. 37 (1, 2); and Land and housing rights of Dalits (Art. 40 (5, 6). Similarly, every farmer will have access to land for agricultural purpose according to Article 42 (4). In addition to constitutional provisions, the devastating earthquake of April and May 2015 opened new avenues of challenges and opportunities in the area of land tenure security, land use, land management and land governance.

Land is inextricably intertwined with socio-economic, cultural and political aspects in Nepalese society largely dominated by the subsistence agriculture. According to national population census 2011, out of 5,427,302 households, 76 percent households involve in agriculture. Despite 74 percent agricultural households own land, food produced from majority of their own farm does not suffice their household consumption. 2 percent of the households ((108546 HH) do not own land. 53 percent of the households are operating on less than 0.5 hectare and 43 percent of the households own 0.5-2 hectare

of land, while 4 percent of the agricultural households operate on 2 hectares and above. While looking from the gender perspective, 19.71 percent female own land or house or both at national Level while 26.77 and 18.02 percent in urban and rural areas respectively.

Land in Nepal has been disproportionately distributed. Small farmers (53%) operate only 18 percent of the total agricultural land while 22 percent of the land is operated by large farmers (4%). Gini coefficient index is estimated at 0.51. About 95 percent of the agricultural households own land and 10 percent rent out some of their land, 32 percent rent in land for agricultural purpose and 5 percent do not own any land but operate land owned by others on contractual basis. Average land holding is 0.7 hectare .

Tenure rights are in transition in Nepal. All forms of people to land relations are not even documented and recognized by current land administration in Nepal. Therefore, many of the indigenous peoples, local communities, small holders, bonded labor (i.e. Kamaiyas, Haliyas, Haruwas, Charuwas), tenant farmers and rural women with unregistered and unrecognized tenure practices are at risk of being evicted from their lands without free prior informed consent.

Secure tenure for all can be an ingredient for peace and stability hence must be promoted and protected. Insecure tenures affect access to housing, infrastructure, water, sanitation and other basic services jeopardizing social peace and harmony. Tenure security is vital to achieving political stability and social, economic and environmental security, ensuring social justice, sustainable and equitable development across the county.

Data related to actual landless people is not well recorded. According to Land less Problem Solving Commission more than 800 thousand people has

filed application for registration as landless. In addition, more than 300 thousand people are registered Tenant farmers who have not yet got land ownership certificate.

Monitoring of land governance issue remains paramount for fighting inequality, poverty and to facilitate policy reforms and programming at country level.

## NES Nepal Engagement and Intervention

ILC's national members' current engagement in land and resource related issues in Nepal are: Ensuring tenure security through Tenancy Land Separation, women's land rights through Joint Land Ownership, policy research, context mapping of land and natural resources, promoting and strengthening people's organizations, formalizing Multi Stakeholder to promote people centered land governance and Implementing the Dashboard to monitor land governance in Nepal.

## Formalizing Multi-Stakeholder Platform

Lack of access to sufficient land by great majority of the agricultural households in rural Nepal, due, mainly, to skewed land ownership that has direct bearing on food insecurity, under-use and over-exploitation of productive land, increasing landlessness, encroachment of government land, and haphazard settlements has put the land reform at risk. A participatory and integrated approach is needed to reconcile these diverse perspectives and interests at stake and increase land productivity, strengthen people centered land governance and socio-economic development.

Therefore, the Multi-Stakeholder Platform (MSP) in Nepal is designed to provide a space for dialogue as the basis for exploring and reconciling stakeholder perspectives and priorities in the land issues; where stakeholders collaborate to support their objectives, identify common risks and opportunities, and support shared decision making and collective actions for identified solutions.

To make concrete recommendation and contribution on how to advance country-level implementation of people-centered land governance and jointly influence policy decision, formulation and implementation of land related policies, plan, projects and legal framework and to establish better communication and coordination among all stakeholder and bring the synergy at the program implementation level MSP is being formalized in Nepal.

Government along with CSOs, IGOs, UN Agencies, the World bank, IPs Organization, Bilateral Agencies, Academic institutions and Private sectors also joined MSP: The Good Land Governance Working Group with keen interest. Ministry of Land Management will be leading the MSP and CSRC, as a host of ILC NES will also host the secretariat of MSP.

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