

REVISITING POLICIES AND STRATEGIES ARE MUST FOR THE TENURE SECURITY OF LANDLESS AND INFORMAL SETTLERS



15 August 2023

Key stakeholders engaged in addressing land-related issues have expressed a strong consensus that a comprehensive review of the rules and guidelines prepared by the National Land Commission is urgently required. The participants of the National Dialogue organized on 15 August, 2023 in Sap Falcha, Kathmandu also highlighted a pressing need to scrutinize the existing structure of the land commission, both at the national and district levels, to ensure its effectiveness in addressing the complexities of land-related challenges. Also discussed necessitates a high level of political commitment, revised rules and guidelines, as well as adequate technical and logistical support for the success of the land commission.

Jagat Deuja, Executive Director of Community Self Reliance Centre (CSRC) shared the some of the lessons and issues raised in the learning workshop titled "Localization of land governance" under land- agrarian movement was conducted in Kawasoti, Nawalpur on 19 and 20 May 2023.

Mr. Uddab Adhikari, Coordinator of Alliance of Agriculture for Food emphasized that landless Dalit and landless squatters are not receiving as much land as they had been using for generations. According to him, it seems that the government's aim to ensure tenure security of landless Dalit and landless squatters within three years cannot be fulfilled in the stipulated time frame Similarly, Bhagawati Adhikari, Executive Director of Mahila Ekata Samaj emphasized the need of orientation and fostering coordination between NLC and Civil Society Organizations (CSOs) to ensure no one leaves behind in the process of identification, verification and recording of landless and informal settlers.

Dr. Suresh Dhakal, Former Chairperson of CSRC suggested that a monitoring team could immediately form to resolve the contentious issues which also ensure the effectiveness of Commission's work.

Media Person Shiv Ghimire highlighted that all the efforts related to ensuring tenure security is handled by the local level while the NLC is acting as a mediator only. Similarly, Sita BK pointed out that the forced eviction of the Badi community in Godawari Municipality of Dhangadhi is against the current legal provisions which creates conflict between the people and government.

Regarding these issues, Mr. Ganesh Datta Bhatta, Executive Director of Land Management and Training Centre (LMTC) stated some challenges that identified for the categorization of land in local government by classifying land use plan. Mr. Padhmanidhi Soti, Director General of land management and archive department addressed the issues that resources unification and management could accelerate their works and he emphasized the need of evidence-based practices as well.

Mr. Janakraj Joshi, Director General of Survey Department said that the issue of conflicting laws between forest, local level and stakeholders is not actual issue. To address these issues, he proposed regular meetings to identify major issues of legal provisions that need to be amended from policy level. He suggested local level to enhance their capacity through active participation and coordination with relevant stakeholders and CSOs.

Mr. Keshav Niraula, Chairperson of NLC expressed various issues related to providing land certificates to landless and informal settlers at both local level and within the NLC. He highlighted strong commitment to resolve the problem related to the conflicting provisions between Forest Act 2019 and Land Use Act 2019. He promised that NLC will overcome the challenges that are created through policy level such as allocation of adequate budget from government and favorable policies for their fully implementation.

The dialogue program was facilitated by Ms. Kalpana Karki, Campaign Coordinator of CSRC and Summarize by Mr. Rajaram Chhatkuli, Program Manager, UNHABITAT.

MAJOR ISSUES

- A conflicting provision between Forest Act and Land Use Act create legal issues that need to be promptly resolved to prevent conflicts between communities and the government.
- Lack of coordination among NLC, local governments and CSOs involved in land governance creates havoc in ensuring land rights of landless Dalit, landless squatters and informal settlers.
- The landless communities have not been receiving sufficient land, only a portion of land they have been using is provided by the government.

WAY FORWARD

- There is a need to review the land rules and guideline of NLC based on the learning of the past work.
- The conflicting provisions between the Forest Act, Land Use Act needs to be addressed promptly. Additionally, the Government and relevant stakeholders work together for this to promote tenure security of landless communities.
- Local governments must enhance their capacity through active participation of CSOs and stakeholders. And also, training and resources allocation to strengthen local government's ability to address the challenges effectively.
- Engaging media and CSOs to advocate for the rights of the landless Dalits, landless squatters and informal settlers can excel the IVR and land distribution process as well. Moreover, leveraging advocacy efforts to secure adequate land distribution for the landless communities.