

LAND INTERVENTIONS IN NEPAL WITHIN THE POST EARTHQUAKE RECOVERY



© UN-Habitat/Danilo Antonio

Nepal is a landlocked mountainous country in South Asia, located between India and China. It has a population of approximately 28 million people. Much of the country is highly dependent on agriculture though the sector's contribution to the national economy is minimal at only a third of the national economy. Several attempts have been made at land reform in the past but much needs to

be done in terms of equalizing the highly skewed land holding, reducing landlessness levels and improving tenure security. Despite numerous efforts at land reform, patriarchal social norms and a feudal socio-economic and cultural structure, including the caste system, continue to exclude women and other vulnerable groups from equity and justice in land governance. Nepal is also one of the most earthquake-prone countries in the world.

KEY CHALLENGES

Due to its topography and geological character, Nepal is highly susceptible to natural disasters like earthquakes, landslides, flooding, etc. The country has a long feudal land tenure system history. Despite the promise of the land reform programme - started in 1964 - the situation regarding land tenure, management and administration has not improved substantially and land is still a source of conflict. Nepal experienced a lengthy period of armed conflict starting in 1996 that was followed by a peace process resulting in a new Constitution promulgated in 2015 that provided for state restructuring into a federal democratic republic. The positive provisions of the constitution need to be strengthened; for instance, at the policy level, the inconsistencies and gaps in the legal framework on rights to land and natural resources for women and other vulnerable groups need to be addressed. Also, a suitable institutional and technical framework for good land governance in accordance with the federal restructuring needs to be established.

Nepal has a large number of land disputes – they make up the biggest category of cases dealt with in Nepal's legal system. The number of land cases is attributed to the lack of accurate and reliable land records, high rates of migration during the conflict period, natural disasters and economic reasons. Competition for access and use of land and other natural resources is another source of conflict. The cadastre and land registration system is based on a manual record system which is vulnerable to loss, destruction, distortion and misinformation. Digitization and computer-based services have been initiated using cadastral maps and records which are incomplete and outdated. Unregistered tenancy and the informal tenure of land holdings by poor peasants and farmers in rural areas and shack-dwellers in the urban areas are missing from official land records.



Community consultations in Dolakha district. Photo @ HURADEC

GLTN INTERVENTIONS

GLTN, in close collaboration with Kadaster, UN-Habitat and other national and local partners, is supporting Nepal in two areas: 1) the implementation of national land reforms, including the development of a national land policy; 2) improvement of earthquake recovery and resilience and tenure security of affected communities in at least three areas in Dolakha district, using fit-for-purpose solutions. The land policy interventions will benefit the entire 28 million people of the country, in particular the 51.6 per cent landless or near landless rural agricultural households and urban shack-dwellers who access less than 0.5 hectares of land. The post-earthquake land intervention will directly benefit some 500 affected families in Jilu, Phulappa and Bulungkhani communities.

Building on past engagements in the region, particularly the “Regional Land Tenure Initiative in Asia Pacific”, GLTN partners are supporting the government in the development of a national land policy and Fit-For-Purpose land administration strategy in close collaboration with CSRC and government authorities. The land policy is envisaged to be influenced by GLTN’s core values and the continuum of land rights approach and key international frameworks. These national interventions will help expedite the earthquake recovery process, improve land governance and tenure security for the majority of the country’s population and contribute more broadly to the implementation of key land-related provisions in the new constitution.

In an effort to improve earthquake recovery and resilience, tenure security and access to government grants by affected communities, GLTN partners particularly Kadaster and HURADEC, in collaboration with community members and government



A community member learning how to use satellite imagery and draw the boundary of her land in Dolakha district.
Photo @ UN Habitat/Shristee Singh

authorities at the local level, are implementing select pro-poor, gender responsive and fit-for-purpose land tools and approaches. The project sites include: 1. A farming community with relatively insecure tenure; 2. Two adjacent communities that require on-site settlement planning, adjustment and development; and 3. A community that requires resettlement to a new site. The project interventions on these areas will be built upon the “fit-for-purpose” land administration principles and approaches. So far, GLTN partners have identified and started the use and application of various tools such as Participatory Enumeration, Social Tenure Domain Model (STDM), Gender Evaluation Criteria (GEC), Tenure Responsive Land-Use Planning and Participatory and Inclusive Land Re-adjustment (PILaR) through a highly participatory process. GLTN interventions also include providing technical support to the District Survey Office. Other innovative land tools are expected to emerge in the course of the implementation.

Implementing Partners: Community Self Reliance Centre (CSRC), Human Rights Awareness and Development Center (HURADEC), Kadaster (Netherlands), UN-Habitat Regional/Country Office.

In close collaboration with: Ministry of Land Reform and Management (MOLRM), National Reconstruction Authority (NRA), local municipalities in Dholaka district, and the target communities.

NEXT STEPS

Although the GLTN interventions have just started in Nepal, they have already solicited interest and support from various stakeholders, including government authorities. The interventions will continue to facilitate dialogue and multi-stakeholder consultation on the development of the national land policy and the fit-for-purpose land administration strategy. Draft documents will be available in the coming months.

Likewise, the implementation of pro-poor, gender responsive and fit-for-purpose land tools and approaches in three villages of Dolakha district will continue and are expected to support the improvement of earthquake recovery and resilience, tenure security and access to government grants of affected communities. These community based interventions are also informing and supporting the national land reform process.



© UN-Habitat/Danilo Antonio

For more information please contact us:

United Nations Human Settlements Programme (UN-Habitat)
Urban Legislation, Land and Governance Branch
Land and GLTN Unit
P.O. Box 30030, Nairobi 00100, Kenya
Tel: +254 20 76 23120; Fax: +254 20 762 4266
Website: www.unhabitat.org

Global Land Tool Network (GLTN) Secretariat
Facilitated by UN-Habitat
P.O. Box 30030, Nairobi 00100, Kenya
Tel: +254 20 762 5199; Fax: +254 20 762 4256
E-mail: gltn@unhabitat.org
Website: www.gltn.net

February 2018