

GLTN PARTNERS' LAND TOOLS REVIEW WORKSHOP

Venue: Room CR-9, UN-Habitat HQ, Nairobi
 5 and 6 September 2022
 11h00 – 15h30 EAT
 (Hybrid format: online and in-person)

LAND POLICY DEVELOPMENT IN NEPAL: EVOLUTION AND IMPLEMENTATION

Raja Ram Chhatkuli

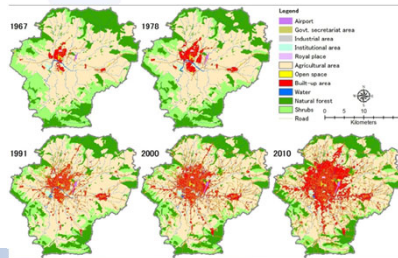
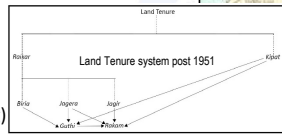
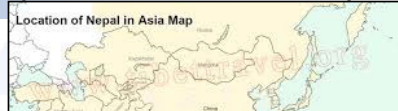
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LAND CHALLENGES IN NEPAL (COUNTRY CONTEXT)

- Historical injustice: landlessness, informal tenure, access to land
 - Landless Dalits, landless peasants, women's access to land
 - Informal land holdings
 - Un-registered tenancy
- Migration (Abandonment/ Squatting)
- Lack of judicious use and management of land
 - Haphazard conversion
 - Uncultivated/Barren land
- Traditional land administration system
 - Centralized land administration
 - Lack of systematic land information
 - Lack of common approach among stakeholders
- No standard land valuation and land market system
- Land Acquisition/ Expropriation issues for development projects
- Good land governance issues



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TRIGGERS OF LAND POLICY PROCESS

- Political and civil agitation for landrights since 1951
- Armed conflict (1996 – 2006)- demands incl Equal property rights to women, land to the tillers, home to the homeless
- Comprehensive Peace Agreement- 8 November 2006 (incl Scientific land reform, land and economic protection to landless and SED people)
- Mega Earthquake 2015
- Constitution of Nepal 2015 (Safe housing rights, Land to SED people, Land Reform, Land Use Planning, Gender Responsiveness, Good Governance, Federal Democratic set-up etc)



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LAND POLICY DEVELOPMENT IN NEPAL

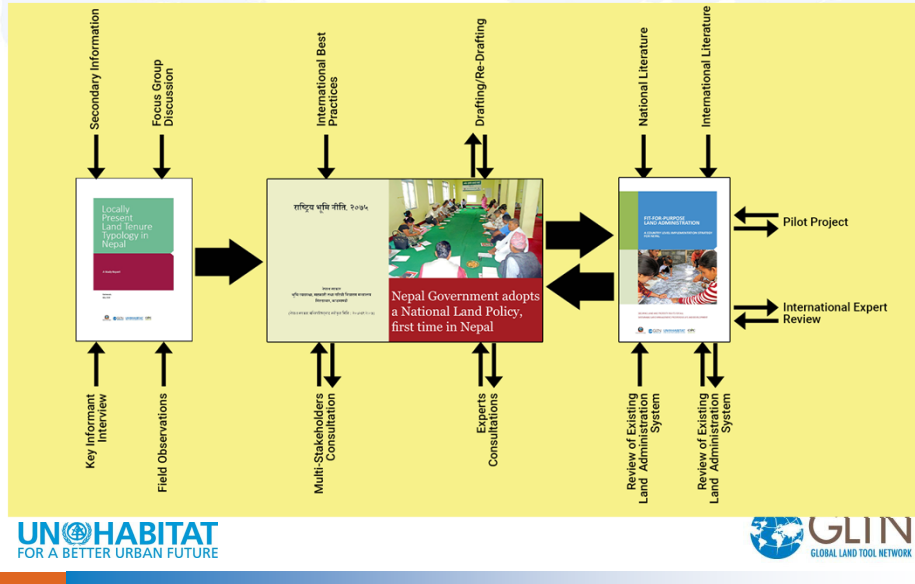
Timeline of National Land Policy adoption

Steering Committee & Working Team	Study/ Review/ Drafting/ Feedback	NLP initial Draft	Land Use Policy 2015	Engagement of GLTN/					GLTN continue
				Workshops, capacity development, consultations, dialogues in NLC development					
				GLTN planning	FFPLA/ STDM Pilot project	FFP Strat	NLC Final Draft	NLC adopt	Start official Implementation
2012	2013	2014	2015	2016	2017	2018	2019		

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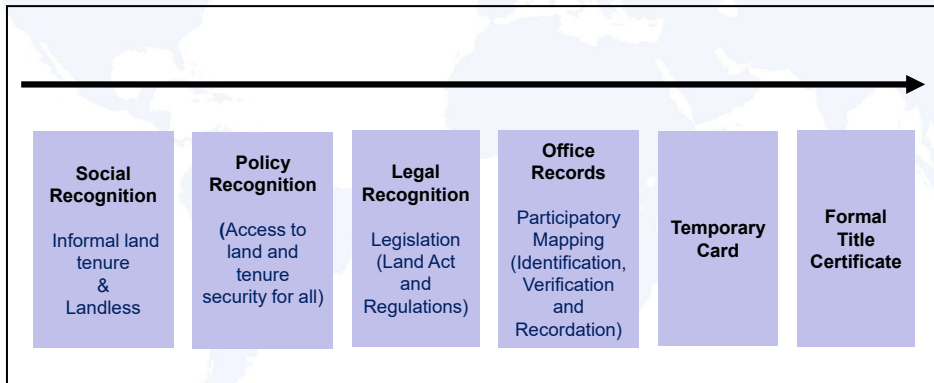
GLTN SUPPORT TO LAND POLICY DEVELOPMENT IN NEPAL

Key components of LUP process



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GUIDING PRINCIPLES- CONTINUUM OF LAND RIGHTS

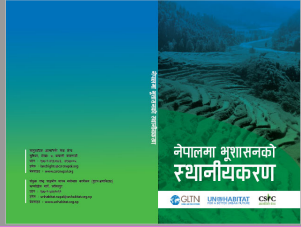


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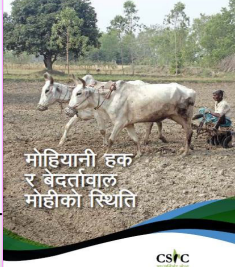
STUDY ON EXISTING TENURE TYPOLOGY AND LAND GOVERNANCE SYSTEM



नेपालमा भूरासनको स्थानीयकरण



Locally Present Land Tenure Typology in Nepal



मोहियानी हक र बेदतीवाल मोहोको स्थिति

Encroachment

Customary
(Socially accepted but delegalized)

Unauthorized Possession
(Socially and Legally unaccepted)



Informal
(Socially accepted)

Non-Formal
(Socially and legally accepted but no Title)

Formal
(Registered Title)

- 1.34M HHS operating est 10M unregistered land parcels
- 25% land under informal tenure
- Landless Dalits 18%, Landless peasants and slum dwellers 25% ,and 57% informal settlements





Land Tenure System					
	Registered (Statutory)	Religious	Customary	Non-registered	
Land tenure Type	Bankar	Dobari Text	Dobari Text	Non-formal	Socially accepted Legally recognized but unregistered
	Private			Informal	Socially accepted Legally not recognized and unregistered
	State	Dobari Text	Dobari Text	Encroachment	Socially not accepted Legally not recognized and unregistered
	Government Public			4 types	





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PILOT PROJECTS ON APPLICATION OF LAND TOOLS

- Different types of areas (FFP approach)
 - Post Earthquake rehabilitation (Dolakha)
 - Large Municipality (Bharatpur)
 - Compact settlements (Ratnanagar)
 - Emerging municipality mainly rural (Belaka, Kankai)
- Social Tenure Domain Model (STDM)
 - Participatory Mapping
 - Open Source GIS
- Fit For Purpose Land Tools
 - Application of satellite imagery
 - Comparison of survey techniques
- Participatory land readjustment
- Participatory land use planning (3 Areas)



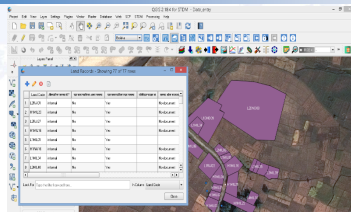


Conclusion: Application of hybrid techniques




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FFPLA FOR POST EQ REHABILITATION

- Application of **STDM**, satellite imagery and participatory enumeration for **IVR** of landless, informal tenancy holders
- Settlements planning
- Participatory and Inclusive Land Readjustment









REPORT COVER

FIT-FOR-PURPOSE LAND ADMINISTRATION IN A POST DISASTER CONTEXT
LESSONS AND APPLICATIONS FROM NEPAL

EVERYONE ENJOYS SECURE LAND RIGHTS






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FFPLA APPROACH FOR IVR LANDLESS AND INFORMAL TENURE





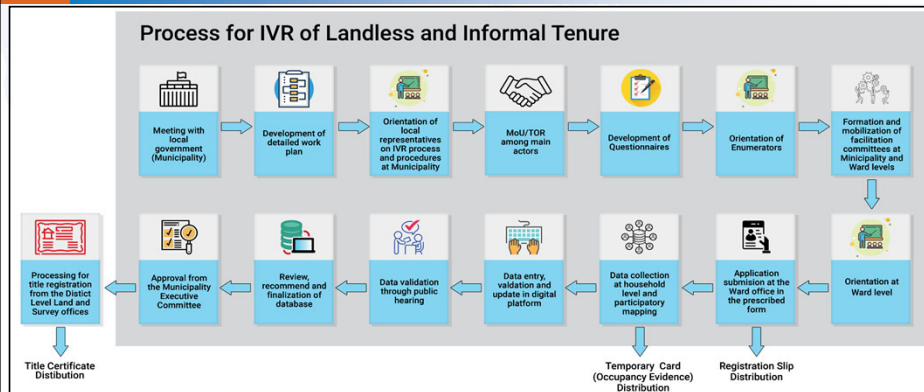




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PROCESS DEVELOPED FOR LAND TO THE LANDLESS AND REGULARIZATION OF INFORMAL TENURE



Major steps:

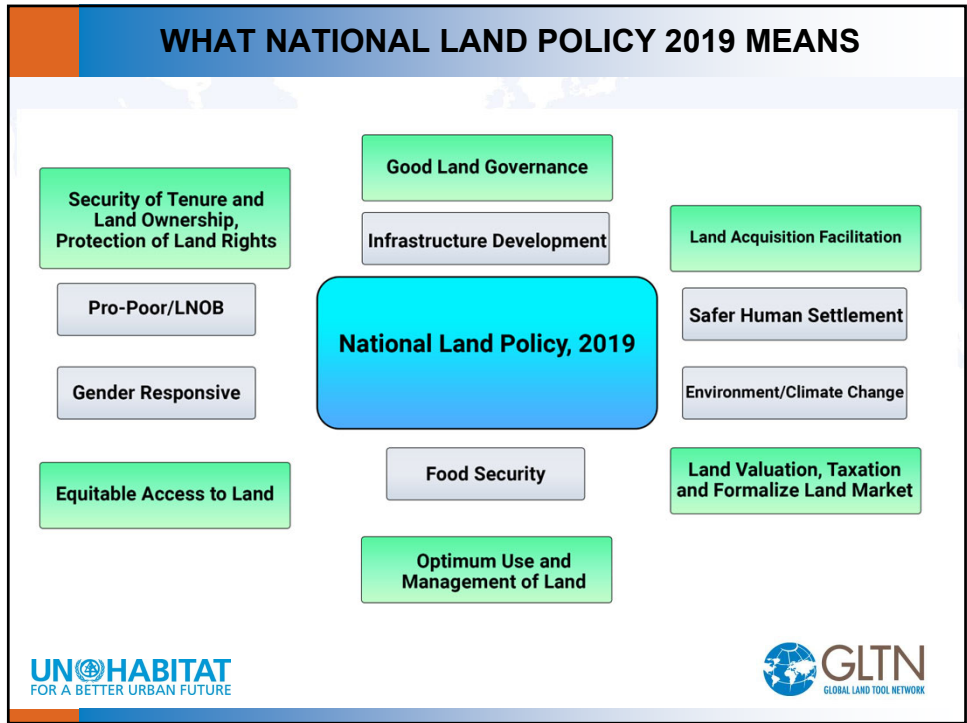
- Detailed Workplan and public notification
- Orientation and mobilization of Facilitation Committee
- Registration of Application- Registration/ Evidence Slip
- HH Survey, participatory mapping, IVR of landless/ informal tenure – Temporary Card
- Data entry, validation and approval- Title certificate

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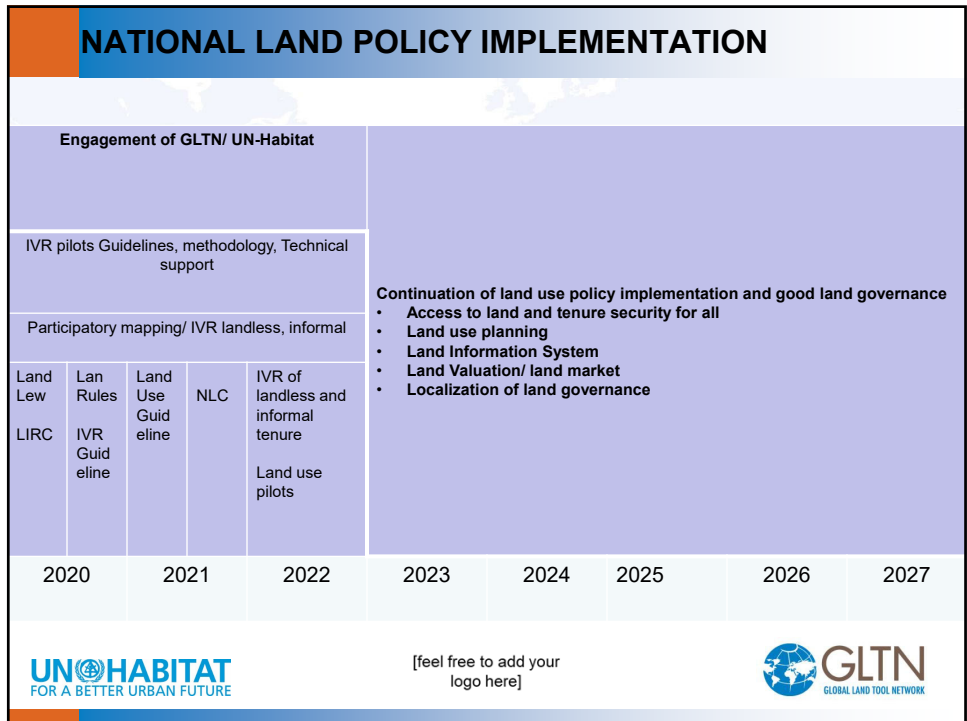
ORIENTATION, WORKSHOP, CAPACITY BUILDING

Notes: "Agriculture" means agriculture; "coop" means cooperative, and "land management" means land management and figures within circles indicate the specific institutions.

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KEY KNOWLEDGE PRODUCTS/ TECHNICAL MATERIALS OF GLTN/ UN-HABITAT NEPAL

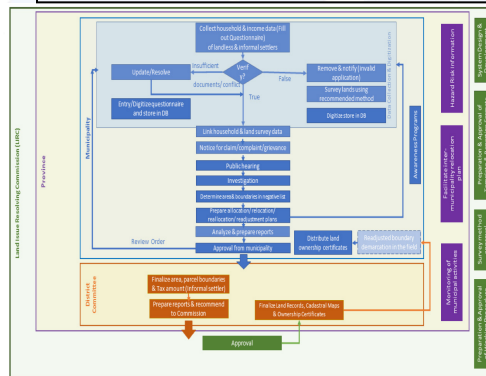
- Nepal Government Adopts a National Land Policy <https://glt.n.net/2019/04/05/special-announcement-nepal-government-adopts-a-national-land-policy/>
- Nepal Adopts a Fit For Purpose Land Administration Country Strategy <https://glt.n.net/2018/07/13/nepal-adopts-a-fit-for-purpose-land-administration-country-strategy/>
- Development of Fit For Purpose Country Strategy <https://mycoordinates.org/development-of-fit-for-purpose-land-administration-country-strategy/>
- Securing Land Rights for All through Fit-for-Purpose Land Administration Approach: The Case of Nepal <https://www.mdpi.com/2073-445X/10/7/744>
- Formulation of Participatory Land Use Plan: Resource Book (In Nepali) https://www.unhabitat.org.np/recent_publish_detail/formulation-of-participatory-land-use-plan-resource-book
- Participatory Mapping as a Smart Survey Technique to Support Land Rights for All: Experiences and Expectations (Nepal) https://www.fig.net/resources/proceedings/fig_proceedings/fig2021/papers/ts07.5/TS07.5_chhatkuli_joshi_et_a_11130.pdf
- Comparative Study of Mapping Land Parcels with Fit-for-Purpose Tools and Conventional Techniques to Support Tenure Security for All https://www.researchgate.net/publication/355104765_Comparative_Study_of_Mapping_Land_Parcels_with_Fit-for-Purpose_Tools_and_Conventional_Techniques_to_Support_Tenure_Security_for_All
- Development of Pro-poor and Gender Responsive System (ProGRES) of Land Governance in Nepal https://www.researchgate.net/publication/327974911_Development_of_Pro-poor_and_Gender_Responsive_System_ProGRES_of_Land_Governance_in_Nepal/link/5bb0fc7f45851574f7279e4/download
- https://www.unhabitat.org.np/project_detail/support-to-land-reform-initiatives-in-nepal

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KEY RESULTS

- Land Use Policy, 2015
- National Land Policy, 2019
- Land Act 8th Amendment, 2020
- Land Regulations, 18th Amendment 2020
- Land Use Act, 2019
- Land Use Regulations, 2022
- Land Issues Resolving Commission Formation Order, 2020 restructured as National Land Commission with Formation Order, 2021
- Basis and Standards for the Identification and Certification of Landless *Dalit*, Landless *Sukumbashi* and Informal tenure, 2021
- Working Procedure for the Recordation of Landless *Dalit*, Landless *Sukumbashi* and Informal tenure, 2021
- Working Procedure for Allocation of Land to the Landless *Dalit*, Landless *Sukumbashi* and Informal tenure, 2021

- Application of participatory mapping tools
- Application of hybrid technology (rectified satellite imagery in the sparsely habited, larger parcels and visible boundaries and conventional survey techniques in densely habited, unidentifiable boundaries and very few scattered parcels)
- Application of opensource tools for data capture and data analysis



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KEY OUTCOME AS OF JULY 2022

- NLC MOU with 545 municipalities
- Application of 1.2M HHs
- Data entry and evidence cards to 0.6M applicants
- Title certificates to more than 400 HHs
- Land titling process completed nearly in 33 municipalities
- NLC plan to complete land titling in 5 years

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Nepal
Engagement of National Land Commission With Municipalities

Legend
 ● MOU already done with 545 municipalities
 ● MOU yet to be done with 208 municipalities

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CONCLUSIONS

- GLTN support brought forward the stalled NLP process
- Necessary legislative, institutional and spatial framework have been devised to provide access to land to the landless and regularization of informal tenure
- Priority on FFP approach for titling- but substantial gap in LIS and integration with the exiting system
- Other area of NLP with some progress- Land Use Planning and land management (mainly legislation part) and more to go on ground implementation
- Other areas of NLP, e.g. land valuation, land market, land acquisition etc??
- Livelihood support to marginalized land holders
- Capacity at all levels, particularly local municipalities for localization and good land governance (ongoing process)
- Need for more GLTN support

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GLTN GLOBAL LAND TOOL NETWORK

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Thank you for your kind attention !!

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