

# PROJECT INFORMATION SHEET

## Catalytic Support on Land Issues



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<b>Donor</b>	The UN Peacebuilding Fund, a global UN multi-donor trust fund supported by over 50 international donors. These funds are managed through the UN Peace Fund for Nepal.
<b>Implementing Agencies</b>	International Organization for Migration (IOM) United Nations Human Settlement Program (UN Habitat) United Nations Development Programme (UNDP)
<b>Lead Partner Institutions</b>	Ministry of Peace and Reconstruction (MoPR) Ministry of Land Reform and Management (MoLRM) Local Peace Committees District Land Use Implementation Committees District Land Survey, Revenue and Land Reform Offices
<b>Geographic Coverage</b>	Central, Nawalparasi, Surkhet and Morang
<b>Target Groups</b>	National and District level political leaders, MoPR, MoLRM, Local Peace Committees, District, Village Development Committees and Municipality level Land Use Implementation Committees; members of affected communities
<b>Duration</b>	15/03/2013 - 14/03/2015
<b>Overall Objective</b>	Contention over land reform and land management issues reduced at the national and district levels
<b>Specific Objective</b>	Nepal's leaders are prepared to develop a national transition plan for implementation of land reform and property return

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## Context

A decade-long conflict in Nepal ended in November 2006 with the signing of a Comprehensive Peace Agreement (CPA) between the Maoists and the Government of Nepal. Despite the political and democratic progress since the end of the conflict, Nepal continues to face multiple land issues. Land issues have existed for centuries and are deeply entrenched in the Nepalese society and linked to the structures of feudal land ownership and informal land tenure. Land issues are recognized as one of the root causes of the 10-year conflict. If left unaddressed, these issues could have adverse effects on the peace consolidation, political stabilization and socio-economic development of Nepal.

Land and land disputes remain a significant challenge for the country. Pervasive poverty, poor land records and land management systems, lack of awareness regarding land rights, insufficient institutional capacity, dual ownership and a lack of political commitment to resolve the problem are contributing to the issues related to landlessness. The spread of land seizure during the conflict period further complicated the complex land issues of the country. Exploitation of the landless tillers by land owners, a feudal system of land tenure, and a lack of political commitment and stability are the major factors which have contributed to

a disruption of social cohesion within the Nepalese society. Similarly, the lack of automation of necessary land related data and a robust land information system, and knowledge on who has what rights to land and property in the districts, as well as the lack of institutional capacities has exacerbated the problem of land rights and access in Nepal. The weak institutional capacities in the districts, inability of existing mechanisms to deal with land disputes in a systematic and transparent manner and complex legal framework with more than 60 laws and policies on land, land rights and land use which are often repetitive and contradictory add to the already complex issues surrounding land reform in Nepal.

The issues related to the land regulatory framework, administration, distribution and unresolved disputes must be gradually resolved in order to move Nepal's transition towards peace. This includes the need for land reform, which is also reflected in the Comprehensive Peace Agreement (CPA) and subsequent political agreements. The Interim Constitution aims to end the 'feudal landownership' system and places redistributive land reform as a priority in the government agenda. The Government of Nepal is in the process of preparing a land reform implementation plan based on the recommendations provided by the latest

two high level land reform commissions. However, progress is still lacking in this area due to the political sensitivities associated with certain aspects of the issues involved. At the same time, any attempt to move Nepal's peace process forward without addressing land issues in a comprehensive manner is likely to fail as these issues have been a major cause and driver of conflict. This indicates the need to begin discussing land issues simultaneously at the national and local level in order to also take into account expectations and views of the affected communities, in particular of vulnerable groups and women. This project aims to unpack land issues in small steps that are not particularly contentious and ultimately lead to a holistic and meaningful future land reform.

Recognizing the importance of addressing land issues in Nepal for sustainable peace and in accordance with the priorities mentioned in the interim constitution and the CPA, IOM, UNDP and UN Habitat have come together with their technical expertise to address the highly sensitive land issues with impartiality and neutrality. The neutrality of the organizations founded in their respective mandates makes them the suitable actors in this matter.

# Planned Intervention

## [1] Support consensus-building among Nepal's leaders to embark on land reform

The project will carry out a study to document the terminology and shared agenda regarding land issues that will contribute to the foundation of a draft national implementation plan for land reform. A series of scoping meetings with the key stakeholders to determine the current position and interests on land issues and a series of events that incorporate structured dialogue methodologies to generate a shared understanding, vocabulary and agenda around key land reform issues will be conducted as a part of the study. The project will convene workshops and seminars on comparative experiences and international best practices from South and South East Asia to enhance the stakeholders' understanding of land issues and foster conflict sensitivity. The public events and activities conducted by the project will ensure the inclusion of the affected population and enable people to learn more about the transition process towards a future land reform and existing land issues. All the activities will be conducted in close coordination with the Ministry of Peace and Reconstruction (MoPR), the Ministry of Land Reform and Management (MoLRM) and Local Peace Committees (LPCs) in the districts building upon the work of the Conflict Prevention Program that UNDP is implementing at the local level.

## [2] Central, District, Village Development Committee and Municipality Level Land Use Implementation Committees collect and analyze land-related data and prepare Land Use Plans in their prioritized areas in three districts

The project will, together with the MoLRM and other relevant ministries, develop tools and methodologies for the collection of gender-disaggregated land data in the districts. Lessons learnt from past land reform initiatives will also be considered in the process. The District and Village Development Committees and Municipality level Land Use Imple-

mentation Committees will be trained on the developed tools and methodologies. Besides, capacity of key staff of the National Land Use Project will also be enhanced at the central level. The developed tools and methodologies will then be tested in developing an existing and proposed Land Use Plan of prioritized areas of the three selected pilot districts. The purpose of the testing will be to assess the adequacy of the developed tools and methodologies and to identify areas for further improvement. The project will contribute towards the development of national, district and local level land use plans.

## [3] Prepare a draft unified land regulatory framework

The project will collect and review existing laws and recommendations on the creation of land use laws, executive orders and court judgments in relation to land and land rights. The project will assess legal scholarship in Nepal, identify and document applicable customary law rules, in particular regarding women's right to access land and also hold consultations with relevant stakeholders including women throughout the process. International best practices on land acts, as well as field research to identify types of land rights in practice, including the identification of gaps towards gender equality will be taken into consideration while drafting the Land Act. The project will work in close coordination with the MoLRM to draft a Land Act that contains applicable legal rules and regimes to land and land rights in Nepal.

## [4] Assess and enhance land information systems in the three selected districts

The project will carry out an assessment and evaluation of the existing land information systems in the three selected districts. Together with the MoLRM and District Survey and Land Revenue Offices of the three districts, the project will develop an implementation plan for the roll out of the pilot Solutions for Open Land Administration (SOLA) software. A set of

options on how to improve, organize the collection and storage of land information in Nepal together with the determination of the roles of the different actors and institutions and the estimated financial costs will be developed. On completion of the assessment, evaluation and development of the implementation plan, the project will pilot the SOLA project in each District Survey and Land Revenue Office in the three districts to the degree possible. Lessons learnt during the roll out of SOLA in the districts will be documented for national roll out. The MoLRM will facilitate access for the project to assess the existing SOLA system being piloted in the offices inside Kathmandu Valley.

## [5] Improve capacity to resolve land issues in three target districts

In order to effectively and transparently address land issues in the three districts, the project will conduct a detailed capacity assessment of local government bodies, namely the District Land Revenue Offices, District Land Reform Offices, District Survey Offices and Local Peace Committees. Based on the findings of the assessment, capacity building modules will be developed in close coordination with the MoLRM, MoPR, District Land Revenue Offices, District Survey Offices, District Land Use Implementation Committees and Local Peace Committees for capacity enhancement of the institutions. Other relevant institutions in the districts that can help determine the scope and content of capacity assessment include Women Development Offices, District Administration Offices as well as civil society. The project will conduct programs such as trainings and workshops in relation to capacity enhancement of the institutions followed and verified by client satisfaction surveys and the development and dissemination of replication guidelines, which will further help to improve the capacity development programs in a sustainable way.

