

**United Nations Peace Fund for Nepal**

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**Project Status Update**

***For the period of [July- September 2014]***

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| **1. Project Information** |
|  **Project Title:** | **Project Numbers:** |
| Catalytic Support on Land Issues | ***UNPFN / PBF:*** | PBF/NPL/A-1 |
| ***MPTF Office:***  |

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| **Name of PUNO(s):** | **PBF Result *(if applicable)*:** |
| International Organization for Migration (IOM)United Nations Development Program (UNDP) United Nations Human Settlement Program (UN-Habitat) | Result 2: Conflicts resolved peacefully and in a manner that supports the coexistence of all relevant actors/groups that were involved in conflicts that undermine peace building efforts. |
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| **Primary Project Contact Person:** | **UNPFN Funding Round Strategic Outcome(s):** |
| Name and Designation: Mr. Maurizio Busatti, Chief of MissionAgency and Address: IOM, 768/12 Thirbam Sadak, Baluwatar – 5. Kathmandu. NepalTelephone: +977-1-4426250Email: mbusatti@iom.int | Strategic Outcome 4: Nepal’s leaders are prepared to develop a national transition plan for implementation of land reform and property return |
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| **UNPFN Cluster:** |
| E: Rights and Reconciliation |
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| **National Partners(s):** | **NPTF Cluster:** |
| Ministry of Land Reform and Management (MoLRM)Ministry of Peace and Reconstruction (MoPR)  | 4: CA/Peacebuilding Initiatives on National and Local Levels |
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| **Total UNPFN Funding:** | US$ 1,224, 662 | **Project Start Date:** | 15/ 03/ 2013 |
| **Original End Date:** | 14/ 03/ 2015 |
| **Funds spent to-date by the project (US$):** | IOM : 162,743UNDP: 56,013UN Habitat: 150,985  | **Revised End Date *(if applicable)*:** | *No cost extension request has been submitted* |
| **Funds spent as percentage of budget:** | IOM: 37% UNDP: 19%UN Habitat: 31%Total: 30%  | **Total Project Duration:** | 24 Months |

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| **2. Project Executive Summary** |
| The main outcome of the project is for the Government leadership in Nepal to have the knowledge and support to develop a national transition plan for implementation of land reform and property return, thereby strengthening Nepal’s overall peace process. It is generally recognized that land issues were one of the root causes for the 10-year conflict between the Government of Nepal and the Maoists. Despite the political and democratic progress since the end of the conflict, Nepal continues to face multiple land issues. If left unaddressed, these issues could have adverse effects on the peace consolidation, political stabilization and socio-economic development in the country. Some land issues have existed for centuries and are deeply entrenched in the Nepalese society; they are linked to discrimination and structures of feudal land ownership and informal land tenure. Other land issues arose out of the conflict compounded by large-scale displacement and land seizure. The complexity of these multi- layered land issues and their great political sensitivity have led to an impasse and inability to address them, further aggravated by weak land management institutions at both national and local level and a confused legal framework. Resolving these issues is critical for sustainable peace, social cohesion and long term development in Nepal. The overall aim and expected peace-building impact of this project, is the creation of an environment conducive for the development and implementation of a land policy, with provisions of land reform and land use, and the peaceful resolution of land and property conflicts. The project aims to achieve this by small catalytic steps that will help to create dialogue between the different parties, clarify and assess the legal situation regarding land and property as a precondition for land reform, as well as facilitate the preparation of land use plans by building institutional capacity. The direct beneficiaries of this project are the Ministry of Land Reform and Management, the Ministry of Peace and Reconstruction, the Local Peace Committees, the District Survey Offices, District Land Reform Offices and District Land Revenue Offices, Municipality and Village-level Development Committees as well as the Land Use Implementation Committees.  |

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| **3. Overview of project results, achievements and challenges during this quarter** |
| **Project Outcome(s)** | **Progress delivered and/or challenges during this quarter** |
| 1. Nepal’s leaders have agreed on a set of principles to embark on national land reform | During this quarter, the project has been able to successfully consolidate a dialogue platform dedicated to land issues that includes the regular participation of 2nd tier leaders (land focal points) from the main political parties. Over this past three months, the project organized four dialogue sessions on two major thematic areas: ‘Global Experience of Addressing Land Issues’ and ‘Land Issues in Nepal from the Perspectives of Tarai/ Madhes’. The participants included three former chairpersons of three Land Reform Commissions, central committee members of various major political parties, Constitution Assembly (CA) members and members of the Agriculture and Water Resource Committee of the Parliament. Altogether, there was representation of twelve major political parties and Tarai/Madhes-based political parties. From the GESI dimension, out of 50 participants, 10 were female, 15 were indigenous (Hill and Tarai Janajati) and 10 were from the Madhes region. These dialogues and consultations have contributed to reducing misconceptions on land reform among stakeholders, particularly among Madhes leaders, building a positive attitude towards the concept of land reform and consolidating their commitment to participate in the land dialogue platform. Similarly, participation of political leaders from indigenous people’s groups has helped to voice their concerns about land reform. For example, they raised an issue of the Tharu community, an indigenous group of Tarai. They suggested ILO convention 169 should be an important element of future land reform, and also suggested to include provisions to provide compensation to *Kamaiya* (bounded labours). Women participants, including some who previously held senior positions in government, have also participated actively in discussions in the land platform. The project also hosted rounds of bilateral meetings and discussions with political leaders and experts for the preparation of the dialogues and to analyse the status of land issues nationally with reference to the work and context of the Constituent Assembly. In addition, the project developed a list of politically neutral vocabulary which is in the process of finalization through consultation with the main stakeholders of land issues. UNDP developed two papers on ‘Global Experience of Addressing Land Issues’ and ‘Land Issues in Nepal from the Perspectives of Tarai/ Madhes’. The papers were presented during the dialogue sessions and were also shared with all the political party leaders that have been part of the land dialogue processes. Challenges: * Unavailability of some key leaders due to fluctuation in mainstream politics, such as the unstable timings of the Constituent Assembly/parliament sessions, shifting deadlines of Political, Constitutional Dialogue and Consensus Committee of the CA etc.
* Complex land issues are not widely understood among the senior and mid-level leadership of the political parties, and thus the land focal points risk working in isolation from their party structures.
* Ensuring that the land platform remains tightly connected to parliamentary debates on land and related issues.

Responses: * In order to tackle the challenge of unavailability of key leaders, UNDP has increased the number of participants from the political parties. Instead of one focal person or representative from a party more than two members from a party are participating in the dialogue sessions. In addition, the programme has sought to schedule activities when parliament is not in session (evenings, weekends etc.).
* In order to promote a greater understanding of land issues within the leadership tiers of political parties, the project is supporting intra-party orientation workshops on land issues.
* The project is doing outreach to the newly created parliamentary sub-committee on land, and will seek to link the land dialogue platform with this new entity.
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| 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  | Following the analysis of national level data, a national land use plan is being drafted. A series of consultative meetings at different levels (central, districts and VDC level) were conducted. In total, 2,236 persons including 794 women have participated in the consultations so far. So far, eight different periodic reports on different themes e.g. socio-economic and spatial-temporal data collection, land use mapping, gap analysis, capacity development, SWOT analysis and usage of low cost technology in land use planning have been prepared out of the consultations and finalized. These reports are the foundation of national, district as well as Village Development Committee (VDC) level land use planning that is being developed by the project. These consultative meetings in the districts are enhancing local ownership and contributing towards sustainable land use planning. These consultations are helping women develop an interest in Land Use Planning and voice their concerns regarding irrigation, drinking or potable water, fodder and firewood and the project is giving due consideration to their concerns while devising land use planning. The project staff, together with implementing partners visited the districts of Surkhet and Nawalparasi, including flood affected areas in the districts, to solicit feedback from the local community and relevant stakeholders regarding land use planning and its implementation. Following the field visit, data regarding flood hazards in the districts were collected through multiple sources and are being analysed from a land use planning perspective.Enhancing the capacity of local stakeholders is a key component of the project. Thus, the project, in coordination with the regional office of UN Habitat, has initiated the process of hiring of an international expert on Land Use Planning. The consultant will be working on a capacity development strategy, drafting training modules in relation to land use planning and land management, and facilitating trainings and workshops for enhancing the capacity of the relevant stakeholders regarding the same.  |
| 3. Draft unified land regulatory framework adopted | The project facilitated a series of consultations with government officials in Kathmandu regarding the amendment and revision of the existing major land acts, more specifically the Land Revenue Act 2034 BS, Land Related Act 2021 and Land Survey and Measurement Act 2019. In total, 65 (5 female and 60 male) representatives from the Ministry of Land Reform and Management (MoLRM), Department of Land Reform and Management (DoLRM), Department of Survey (DoS), Guthi (Trust) Corporation and District Land Offices of Far Western, Mid-Western, Western, Central and Eastern regions participated in the consultations. The Department of Survey is soon planning to submit the draft amended Land Survey and Measurement Act to the Ministry whereas the DoLRM is awaiting comments from different units of the department on the draft revised/ amended Land Related Act and Land Revenue Act. These acts were drafted more than forty years ago and include some provisions that are no more applicable in the current context. More specifically, these acts include gaps, contradictions and overlaps that affect service delivery of the land offices and ultimately, service seekers or general public. The project facilitated consultations regarding necessary amendments and revision of the major land acts, identifying gaps, contradictions, overlaps and gender inequality. The project is hopeful that these amendments in the existing policy will contribute towards the larger goal of effective, efficient, fair and inclusive service delivery by the land offices. Following the consultation with government staff from the departments and Ministries, the project agencies held discussions with, among others, the District Land Rights Forum in the districts of Nawalparasi and Morang. In total, 73 (28 female and 45 male) provided their inputs on the contradictions, gaps and gender inequalities in the legal framework and provided feedback regarding necessary amendments and revision in the existing three major acts. The feedbacks received during the consultations have been incorporated into the drafts being discussed by government.The district of Surkhet was largely affected by flooding and a landslide during the reporting period. The natural disaster claimed many lives including those of landless farmers and squatters. The Land Rights Forum of Surkhet was involved in providing relief to the victims of the natural disaster and hence the consultation program which was planned with them for this quarter was postponed. The pending consultation is re-scheduled for the last quarter of this year.  In parallel to the consultation in the district, the project is also planning to hold more consultations at the central level with political parties and committees in the legislative assembly which deal with issues of natural resources and land on the draft revised/ amended land acts to enhance political ownership of these. The outcomes of the project are innately linked with each other and as such any progress made at the technical level, in for example outcome 2 or outcome 3, is complimented by discussions and dialogues at the political level, amongst the political parties.  |
| 4. Land information systems in three districts assessed and enhanced | As the Ministry started migrating data into Solutions for Open Land Administration (SOLA) in Sindhupalchowk district, it found that the land records of two years were yet to be digitized and SOLA was missing certain needed attributes for data entry. It took more than a year to resolve this technical problem. Therefore, the Ministry, as envisioned during the project start up, could not complete the internal instalment and pilot testing, following which the project was supposed to assess the system and draft a roll out plan for the three districts. The project convened several bilateral meetings with the Department of Survey to follow up on SOLA and its pilot testing in Sindhupalchowk district. Upon resolution of the technical problem, the Ministry is now expected to complete its pilot testing asap. The project, therefore, will be implementing the activities in relation to SOLA in the last quarter of 2014.  |
| 5: Improved capacity to resolve land issues in the three target districts  | The project, in coordination with the Ministry, conducted a capacity assessment of the land offices of the three districts and developed a report with a set of concrete recommendations to the Ministry to address the loopholes and gaps identified in the existing systems and procedures. During the assessment in the district land offices, the project emphasized the interviewing of women service seekers to solicit their views regarding service delivery of these offices. The project has begun implementing some of the recommendations which are incorporated in the form of the capacity enhancement component. The project has initiated the process of developing training modules on conflict sensitivity, gender sensitivity and gender equality, dispute resolution and mediation for land officers to enhance their capacity for effective resolution of land related disputes. The concerns and feedback provided by women service seekers are taken into consideration and will be incorporated while developing these training modules to ensure fair and inclusive service for all including women and other vulnerable groups. The high turnover of government staff in the land offices was raised as a matter of concern during their capacity assessment. Further, there is no system in place to orient a new staff members regarding the mandates, policy, procedures and processes of land offices in relation to land administration and land management issues. Therefore, the project, in coordination with the Land Management Training Centre, has started developing an orientation package to help familiarize all new comers with the mandates, policy, procedures and processes of the district land offices.  |
| **Project Management: key activities and/or challenges during this quarter** |
|  Transfer of Joint Secretaries (JS) from the MoLRM and Ministry of Peace and Reconstruction (MoPR), who were also the members of Project Management Committee (PMC) for the project, led to the postponement of the Project Management Committee meeting. The pending meeting will soon be conducted upon appointment of a new JS in the concerned Ministry. The project is awaiting response from the Ministries regarding appointment of a new focal person for the project. Due to external factors such as the formation of a new government after the November 2013 election of the second Constituent Assembly (CA) and putting the new CA into function, and slow progress of MoLRM regarding pilot testing of SOLA in Sindhupalchowk, which were beyond the control of the project, there were delays in the project activities. The project has submitted a request for a No Cost Extension (NCE) for six months to complete and wrap up the delayed activities by end of September 2015. In order to avoid further delays and to improve the project implementation rate in the next quarter, the project has contracted consultants for development of training modules to enhance capacity of local land institutions and a local company to conduct comparative assessment of SOLA, conduct trainings and develop an implementation plan for SOLA roll out in the districts. This expenditure is already committed in the project budget and will be reflected in the next financial report. In addition, the dialogue work with political and civil society leaders will continue to accelerate in the coming quarter and beyond, and the number and scope of activities will increase markedly. In relation to land use planning, UN Habitat has committed funds to the implementing partners in this quarter that will be disbursed in the next quarter. The project staff presented the ‘Catalytic Support on Land Issues’ project’s activities, achievements and lessons learnt at a ‘Land, Property and Conflict’ course, organised jointly by IOM, World Bank and USAID, that was held in September 2014 at United States Institute of Peace, Washington DC. A workshop on Land Use Planning Tools was facilitated jointly by UN Habitat and GIZ in Germany, where a representative from MOLRM shared his experience on participatory land use planning in Nepal that is being implemented by the Catalytic Support on Land Issues project. A blog was created to continuously communicate with its partners, donors and stakeholders regarding the Catalytic Support on Land Issues project and can be accessed via the link <http://transitionandrecoverynepal.com/>. The blog will be updated on a monthly basis and will include information on the project.   |

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| **4. Progress against key indicators in the UNPFN Results Framework** |

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| ***PBF Level*** |
| ***UNPBF PMP Result(s) (if applicable):*** | Result 2:

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|  Conflicts resolved peacefully and in a manner that supports the coexistence of all relevant actors/groups that were involved in conflicts that undermine peace building efforts  |

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| ***UNPBF PMP Result Indicator(s) (if applicable):*** | **Baseline** | **Target** | **Current / Final Status** |
| Mechanisms in place to peacefully address disputes grounded in competition for access to land and use of limited resources.  |

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| No formal mechanisms for relevant land offices and LPCs have been introduced at the district level  |

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|  Principles document, Land use planning and implementation guidelines, replication guidelines on resolution of land issues, Unified Legal Framework in place to peacefully address land issues  |

 | Ongoing |
| ***UNPFN Level*** |
| ***UNPFN Strategic Outcome:***  | Nepal’s leaders are prepared to develop a national transition plan for implementation of land reform and property return.  |
| ***Project Peace-Building Impact:*** |

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| Contention over land reform and land management issues reduced at the national and district levels  |

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| **Impact Indicator(s)** | **Baseline** | **Target** | **Current / Final Status** |
| Confidence of political leaders that the commitments to land reform outlined in the Comprehensive Peace Agreement (CPA) implemented peacefully through a participatory, fair and inclusive process national level | Draft of the Land reform implementation plan exists, prepared on the basis of recommendations provided by high level scientific land reform commissions | National Implementation plan for land reform and property return adopted.  |  Ongoing |
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| Mechanisms that can eventually facilitate reform and the resolution of issues on land and property established in three districts  |

 | District committees to facilitate land and property restitution exists | Mechanisms established and capacity of GoN staff in three districts enhanced |  The project has initiated discussion and dialogue with the major political parties on land reform and property issues. So far, these dialogues have been successful in minimizing misconceptions that the political parties had around land reform issues. Also, the parties have agreed and prioritized issues for holding dialogue in the coming days. Some of the areas include land utilization, traditional land holding, Trust (Guthi), land fragmentation and the broader philosophy of land reform. In parallel, the project is conducting different thematic studies to create foundation for more structured and focused discussion on land issues and finding a common ground between the political parties to contribute towards future land reform. Also, the project has initiated the process of developing training modules to enhance capacity of the land offices in the three districts for effective resolution on land and property cases. Upon completion of the development of training modules, the project will facilitate trainings in the districts.  |
| ***Project Level*** |
| **OUTCOME 1:**  | Nepal’s leaders have agreed on a set of principles to embark on national land reform  |
| **Outcome Indicator(s)** | **Baseline** | **Target** | **Current / Final Status** |
| Consensus among principal political leaders and key stakeholders on the basis for moving ahead to develop a national plan for land reform.  | No current agreed and final national implementation plan for the implementation of land reform as set out in CPA clause 3.7 and no roadmap.  |  National statement of principles on land reform that include basic agreement on principles, challenges, vocabulary, agenda, priorities and core principles.  |  A consolidated dialogue platform dedicated to land issues that includes regular participation of 2nd-tier leaders (land focal points) from the main political parties has been successfully established. This creates a stable foundation for sustained dialogue among political parties and other groups that allow for substantive advance in the coming months on land reform and related issues. A series of dialogues, bilateral meetings and discussions were conducted with key stakeholders of land issues that have contributed to positive changes in attitude and behaviour of the leaders who work on the issue. For example, earlier leaders from Madhes based parties had extremely negative attitude towards the term ‘land reform’; now, they seem open to dialogue on land reform and also have expressed the need for it in their region. Similarly, these activities have created a desire for in-depth knowledge on land- related topics among the leaders. Participation by leaders in this on-going series of dialogues led to a request for additional land related background information which is indicative of a heightened interest regarding land related issues. So far, the project has been able to generate a deep interest in a sustained dialogue on land issues among the key political party leaders. This has led these leaders to become champions of land issues within their parties, thus creating wider constituencies in the political parties for discussion on land issues, and prepared the ground to find a political consensus for a national land policy.The study and resource materials provided by the project during this reporting period facilitated active and meaningful participation of land stakeholders in the dialogues. Many of them said that it has helped to minimize misconceptions regarding land reform.  |
| **OUTCOME 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.  |
| **Outcome Indicator(s)** | **Baseline** | **Target** | **Current / Final Status** |
| a. Land Use Planning and Implementation Committees functional  | a. Systematic Land Use Planning and Implementation Committees do not exist  | a. Different level Land Use Implementation Committees are functional  | In close coordination with the National Land Use Project (NLUP) and the Ministry, regular consultative meetings were initiated at the project districts and VDCs to activate DLLUICs and VLLUICs (Village Level Land Use Implementation Committees). Consultative meetings with district level land use implementation committees (DLLUIC) were held in the districts explaining the roles and functions of the DLLIUC. DLLIUCs in the project districts are activated, and land use planning is being undertaken, as per the framework of the Land Use Policy 2012.The project is conducting periodic meetings and consultations with the DLLUICs and VLLUICs regarding the participatory land use plans being drafted. |
| b. Land use practices systematized based on land use planning piloted  | b. No systematic land use planning  | b. Land use planning is systematic  | Following analysis of national level data, a national land use plan is being drafted. With completion of thematic reports for district and Village Development Committee (VDC) level land use plans, the district and VDCs level land use plan is being drafted.  |
| c. Replication plan established  | c. No replication plan  | c. Replication plan exists  | Following the development of land use planning and implementation guidelines, replication plan will be developed by the project in 2015.  |
| d. Access of women and vulnerable groups in land use planning  | d. Women and vulnerable groups do not participate  | d. Women and vulnerable groups participate in participatory Land Use Planning processes  | The project is promoting participatory land use planning in the districts and making an effort to enhance access of women and other vulnerable groups in land use planning. The project has conducted a series of consultations in the districts where 2,236 persons including 794 women have participated. Women, in the districts, have shown interest in land use planning and have voiced their concerns regarding irrigation, drinking water, fodder and firewood facilitates. Their concerns are being taken into account while drafting VDC, district and national level land use planning.  |
| **OUTCOME 3:** |  Draft unified land regulatory framework adopted  |
| **Outcome Indicator(s)** | **Baseline** | **Target** | **Current / Final Status** |
| Transparent draft legal framework for land forms the basis for political discussions on land and land reform  | Multiple overlapping and sometimes contradicting land regulations exist  | A draft unified land act is presented by the MoLRM to the Government  | Drawing on wide consultations with the stakeholders representing government agencies, civil societies, gender and land experts, the draft unified land regulatory framework takes into consideration, among others, firstly, gender equality; secondly, overlaps, contradictions and gaps that are present in the existing major land acts; thirdly, provisions for alternative land related dispute resolution to deal with the backlog of land cases in courts and digitization and modernization of traditional land records of Nepal. The draft of unified land regulatory framework was prepared and submitted to MoLRM for their consideration.So far, 5 consultations have been held regarding the amendment and revision of the three major land acts with the government and local communities.  |
| **OUTCOME 4:** | Land information systems in three districts assessed and enhanced  |
| **Outcome Indicator(s)** | **Baseline** | **Target** | **Current / Final Status** |
| Developed and enhanced implementation plan for SOLA adopted by Government  | SOLA MIS system is currently being piloted by MoLRM in one district  | Government adopts implementation plan to roll out SOLA nationally  | The Ministry is expected to complete pilot testing of SOLA by the end of this quarter. Following pilot testing, this project will soon begin assessment of SOLA for drafting implementation guidelines to roll out SOLA in the three project districts.  |
| **OUTCOME 5:** |

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| Improved capacity to resolve land issues in the three target districts  |
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| **Outcome Indicator(s)** | **Baseline** | **Target** | **Current/ Final Status**  |
| # of district officials confident to deal with land issues regarding key challenges related to women and land issues  | No assessment of the district officials’ confidence to deal with land issues  | Over 50% of trained district land officers confident to address land issues  | The report on “Capacity Assessment of Land Offices of Three Project Districts” is finalised. The project, in coordination with the Land Management Training Centre, is in the process of developing an orientation package for new staff members at the land offices. Additionally, the project has initiated development of training modules on conflict sensitivity, gender equality and sensitivity, dispute resolution and mediation, among others. Upon completion of development of modules, the project will facilitate trainings enhancing confidence of land officers to deal with land issues in a fair and equitable manner.  |