

FIG

Kathmandu, Nepal 14–16 November

REGIONAL CONFERENCE 2024

Climate Responsive Land Governance and Disaster Resilience: Safeguarding Land Rights



Presented at the FIG Regional Conference 2024,
14-16 November 2024, in Kathmandu, Nepal

Formalization of Land Rights of Landless and Informal Settlers in Nepal: A Journey towards establishing Social Justice

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The Context

Paradigm-shift in Legal and Governance System

New wave of challenges

Land and housing policies approved

next problem to tackle is to implement them – much more complicated.

Land and housing for poorest of the poor and the homeless

Providing secure land is difficult – only around 4500 land titles by NLC

1.35 million people don't have secure land tenure and are residing with landlessness and informal status on their own land

Various other tenure systems exist

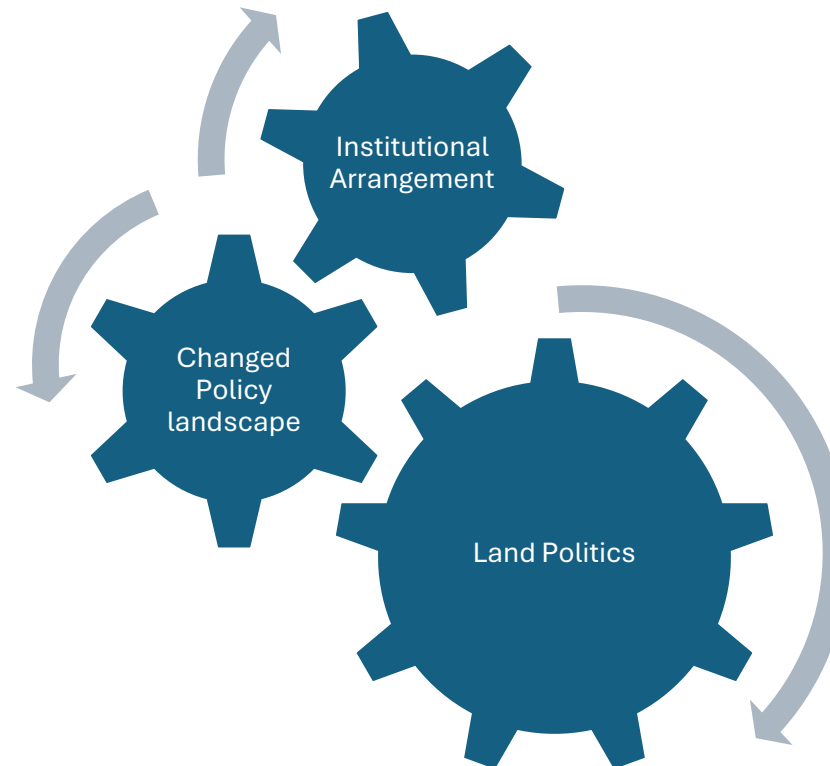
Tenancy, Guthi, Birta, Mate, Sharecropping, Haliya, Haruwa etc.)–

Inadequacy of existing legal frameworks

Land is a matter of Contentious



Interlocking inter-play



- Weak Institutions. Lacking the devolution of power (**Capacity**)
- Conflicting\inadequate policies slowing down the pace of implementation (**Awareness**)
- Afraid to loose the control over land.
- Reluctant to shift the power to the weaker section (**Unwillingness**)

Land Right Formalization and social justice

Land rights formalization efforts – Partial success to resolve the land and housing rights issues

Tenancy land separation

Land Ceiling Proposed

Kamaiya Rehabilitation

Haliya Rehabilitation

Landless and informal settlers management

Guthi and Birta Land Management



Land reform hardly benefited those who were in need of it and would make better use of it

Gini coefficient index is estimated at 0.51. (CBS, 2011).

57.5 percent of the households own less than 0.1 hectare of land. (CBS, 2024)



Land tenure of Indigenous peoples are not recognized



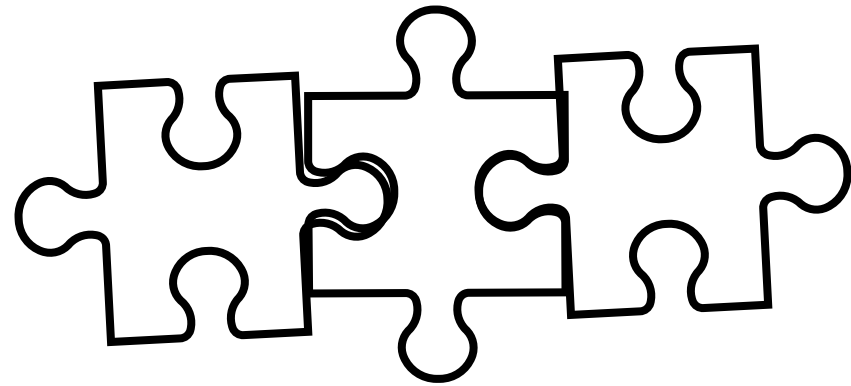
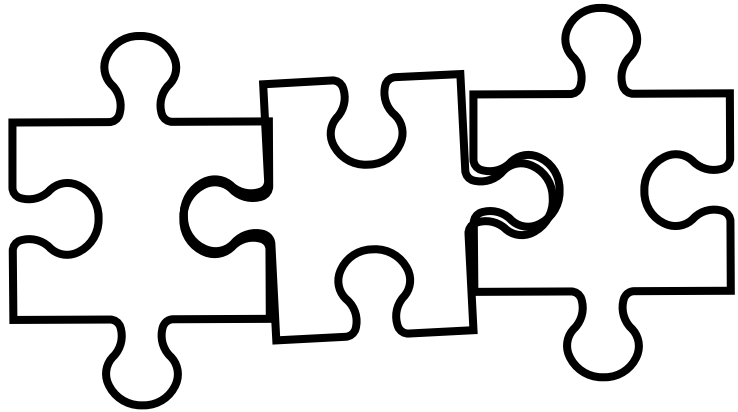
Progressive policy framework in place

3 High-level Land Reform Commissions:

Recommendation never implemented. [total 23 commissions in last 75 Years]

Landless/informal settlers : 1.35 M (NLC, 2024)
Tenant: Approx. 300,000

Despite positive intent, there is a gap in implementation

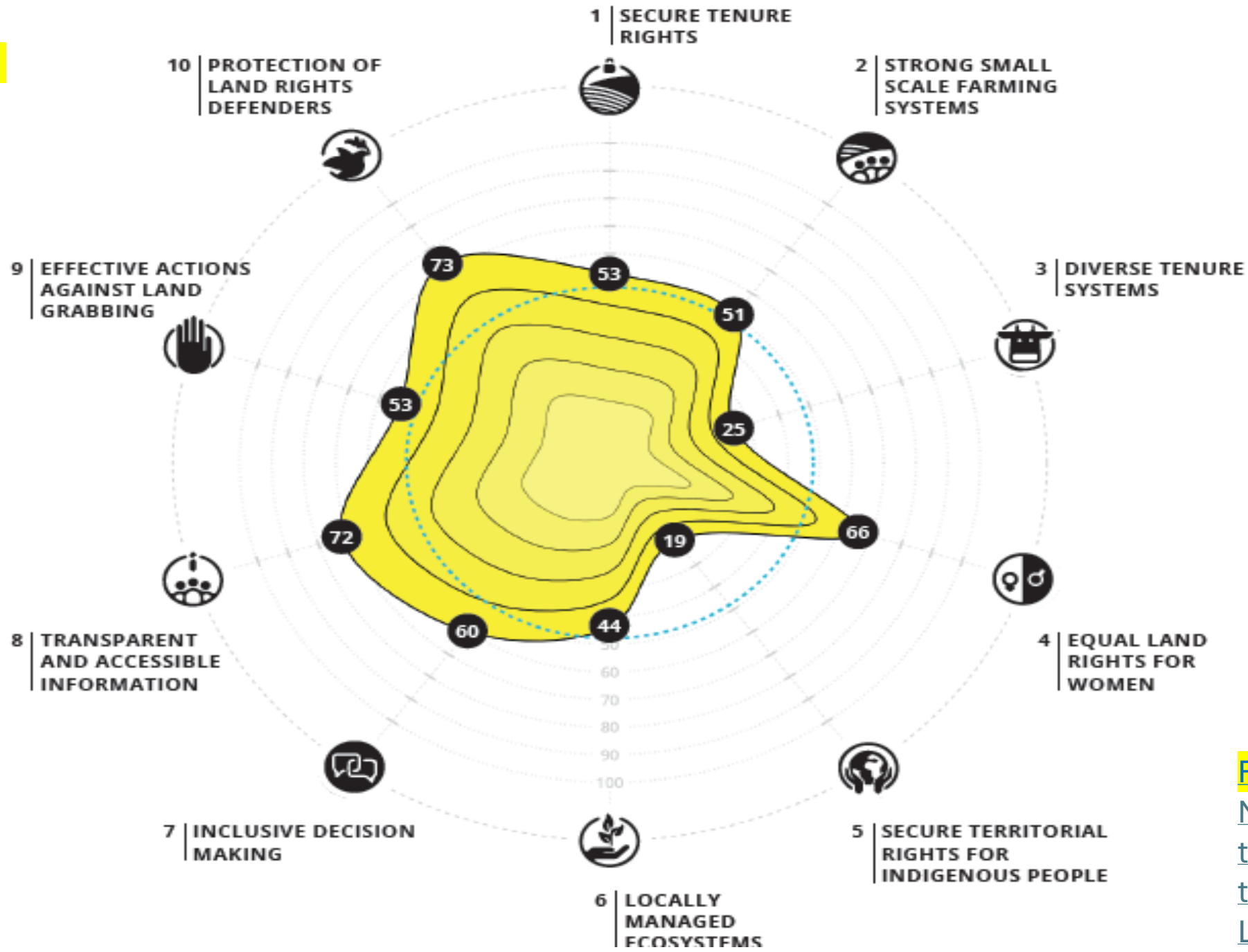


Only **23% percent women** in Nepal own land and/or housing

National Land Commission is created to solve landlessness, with a priority for Dalits. **Yet only few JLOs**

Ex-bonded labour program for land, housing has been created by **MoLMCPA**, however **limited funding and implementation** has taken place.

Land governance at a glance



For more information:
[Nepal's progress towards land rights in the SDGs - ILC Learning Hub](#)

Land engagement

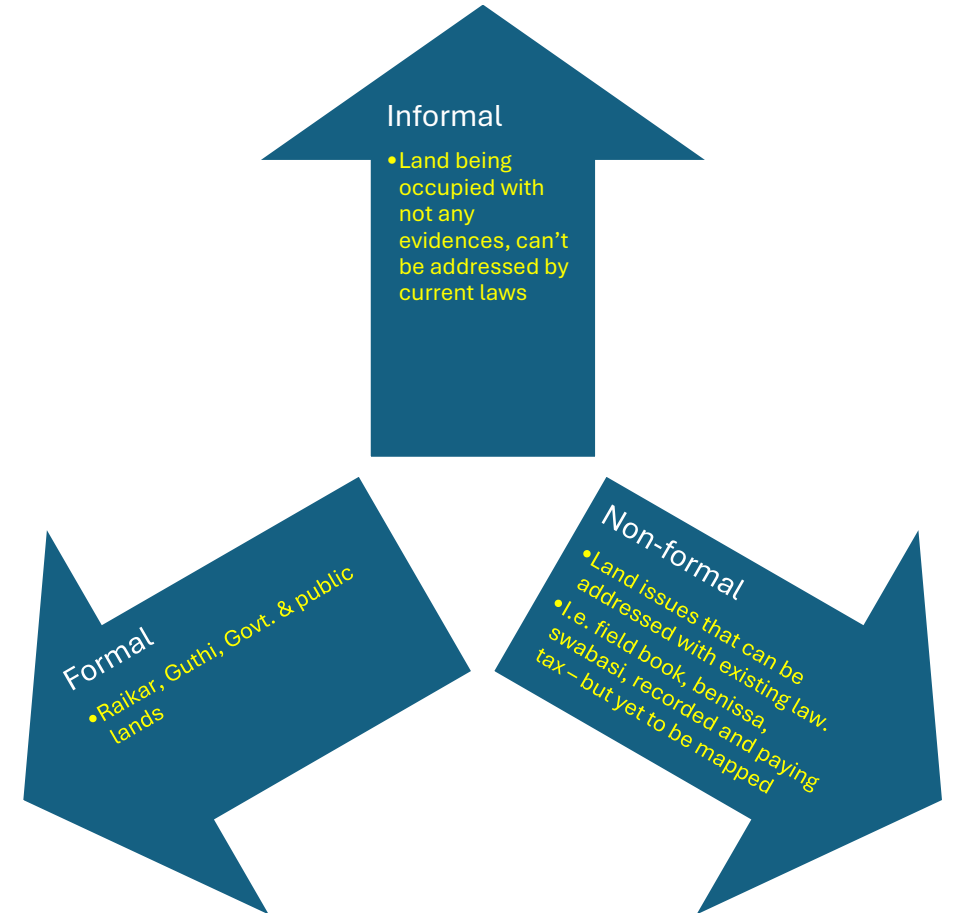
Description	Period			
	1995/96	2003/04	2010/11	2022/23
Agricultural households with land (%)	83.1	77.5	73.9	60.3
Number of Agricultural Parcels	3.8	3.1	2.9	2.8
Percentage of irrigated land area	39.6	54.3	54.4	49.4
Average land size (in Hectares)	1.1	0.8	0.7	0.4
Holding operating less than 0.5 hectares (% of total holding)	40.1	44.8	52.7	88.5
Percent of holding operating renting-in-land only	4.8	7.3	5.4	18.4

Land tenure reform

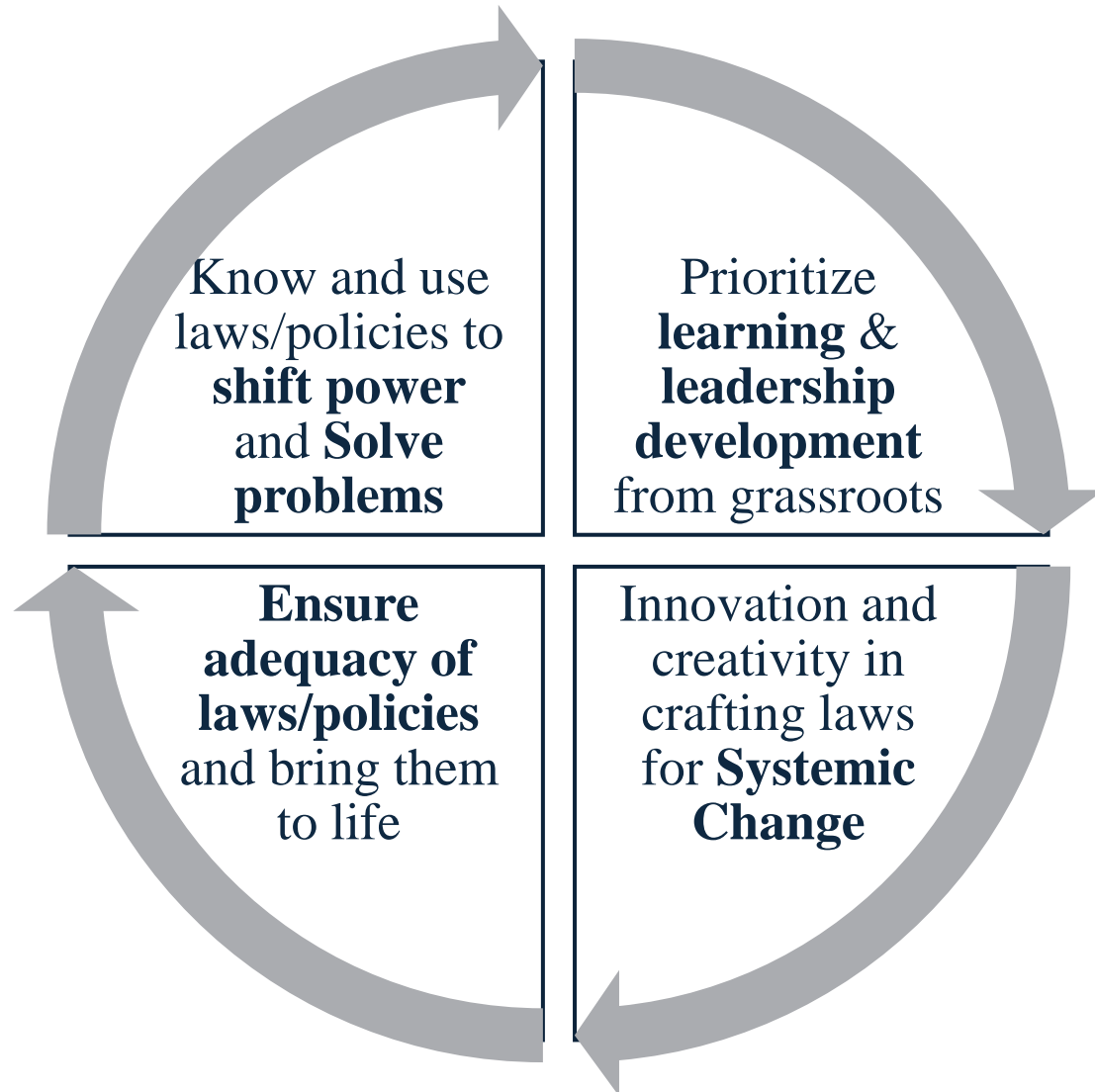
Form of Tenure	Area in Hectare	% of total land
Raikar	963,500	50
Birta	700,080	36.3
Guthi	40,000	2
Kipat	77,090	4
Rajya, Jagir, Rakam etc.	146,330	7.7
Total	1,927,000	100

Land distribution under different tenure before 1950

Source: Zaman (1973), Bhattarai (2003)



Opportunity and challenges for land rights formalization and Social Justice



Lack of Ownership of Land reform agenda

Uniformity of tenure system:
erasing the customary and indigenous practices

Is the government formalizing the rights as they exist in the ground?

Solutions



Harmonize policies
E.g. Forest Act vs. Land Act



NDRRMA developed a guideline for **reconstruction including funding support for relocation** if families live in risk prone areas / lost land.



Capacity building events led by Provincial level, training and frequent field mentoring support provided by national level. LMTC provides technical training.



Scale up of Land service support centres – to assist DLC.



A land literacy program aimed at community awareness.



Assessment of settlements to determine resettlement or relocation



Thank you very much!