

IDENTIFICATION, VERIFICATION AND RECORDING (IVR) OF INFORMAL LAND RIGHTS IN NEPAL

ILC'S DATABASE OF GOOD PRACTICES



LEARN, SHARE AND BE INSPIRED!

Contry: **NEPAL** | Principal organisation: **Community Self-Reliance Centre (CSRC)**

ABSTRACT

Community Self-Reliance Centre (CSRC) facilitated the Identification, Verification and Recording of Informal land rights (IVR) model in collaboration with municipalities, the Land Issues Resolving Commission (LIRC) and the Federal Ministry of Land Management, Cooperatives and Poverty Alleviation (MoLMCPA) in Nepal. CSRC, the National Land Rights Forum (NLRF), CARE Nepal, UN-Habitat and local government worked together to address the challenge of informal land tenure

in 319 localities. Four local governments identified 18,400 landless households and 79,344 households with informal land tenure using the IVR model. As of December 2021, CSRC has facilitated the issuing of 25,496 temporary land certificates for informal and landless families using the IVR model. CSRC and partners continue to facilitate the mapping and recording of land parcels to provide temporary land ownership certificates.

ILC COMMITMENTS



SECURE TENURE RIGHTS



EQUAL LAND RIGHTS FOR WOMEN



INCLUSIVE DECISION-MAKING

COMPETENCIES

AREAS

PEOPLE-CENTRED LAND GOVERNANCE FOR EQUITABLE AND JUST SOCIETIES

SKILLS

LAND POLICY AND MULTI-STAKEHOLDER DIALOGUE

APPLICATION OF LAWS, GUIDELINES AND STANDARDS

BACKGROUND

Land tenure rights in Nepal are contentious because of unequal distribution and access owing to the historical existence of multiple land tenure systems. The country has a history of diverse systems of land tenure, including feudal grants by the state and customary practices. Currently, two main systems of tenure exist: statutory and non-statutory. The statutory system relates to registered land rights, including private lands, state-owned lands and Guthi (religious and traditional) trust land. Customary tenure, on the other hand, often relates to informal land rights. Though socially recognised, well established and largely unchallenged in Nepal, informal land tenure rights are often unregistered in the national cadastral records.

The Nepalese land administration system (LAS) only administers registered land rights, and excludes informal land rights. About 28% of the national land area is arable, with around 75% of this formally registered. As such, about 25% of the total arable land and settlements, comprising an estimated 10 million physical land parcels, fall outside the formal cadastre. The MoLMCPA estimates that 1.3 million Nepalese families live on unregistered lands without legal spatial recognition.

THE CHALLENGE

The Nepalese LAS is managed manually, with digital technology still in only the preliminary stages. The cadastre represents only registered land rights while excluding informal land tenure, despite 26% of the population, mainly the Indigenous Dalit and Terai communities, living on unregistered lands. Insecure land rights render communities vulnerable to eviction, and the lack of land titles turns land into “dead capital” that landowners cannot mortgage, thus hampering business, entrepreneurship and income-generating activities. Further, such land cannot be traded on the formal land market, resulting in families being hesitant to develop it or improve its productivity.

Natural disasters lead to further landlessness and encroachment on community lands, escalating poverty. Insecure land tenure restricts communities in accessing compensation, government grants and benefits for reconstruction and recovery after earthquakes or floods and, in a country with a high risk of natural disaster, adding to their vulnerability.

OVERCOMING THE CHALLENGE

The Constitution of Nepal 2015 is progressive as it protects access to land as a fundamental right and mandates the three levels of government – local, provincial and federal – to ensure tenure security. The government drafted a comprehensive Land Policy in broad consultation with different stakeholders according to the Constitution. However, government agencies have little commitment and limited human, technical and financial capacities to implement land policies at the provincial and local levels.

In this context, Nepalese civil society organisations (CSOs) piloted innovative, affordable, flexible and community-led solutions to secure land tenure for all. CSRC piloted a data management model for the Identification, Verification and Recording (IVR) of landless people and informal land rights.

CSRC works with multiple stakeholders at the local level by conducting community consultations and mobilising technical experts to identify, verify and record unregistered land rights. Additionally, CSRC formed community-based facilitation committees under the leadership of a ward chairperson. The local facilitators mobilised the buy-in of community members to the IVR model.

CSRC consulted the District Coordination Committees at the local government level regarding the IVR model and their commitment to scaling up the programme. To do this, it organised field visits and informal and virtual meetings with provincial parliamentarians, which assisted it in monitoring and observing the situation. Finally, the government developed guidelines and frameworks to facilitate the scaling-up of the programme based on the lessons learned in the pilot programme. The IVR model was successfully scaled up in the Dhangadhimai municipality of Siraha and currently is under implementation in the Babahi and Dang rural municipalities.

OVERALL RESULT AND POSITIVE CHANGE IN PEOPLE-CENTRED LAND GOVERNANCE

The IVR model has created a simple, fast, affordable and participatory three-pronged land administration system that addresses spatial, legal and institutional challenges. Through this model, CSRC made a detailed inventory of informal land rights with the assistance of the state and the local communities. The spatial framework relates to participatory mapping, recording and verifying of informal land rights. It represents land occupation and uses, with a flexible but accurate representation of land tenure. The IVR model uses low-cost alternative land administration systems compared with conventional surveying techniques required for data acquisition and cadastral mapping and delineation.

The legal framework relates to a framework for land conflict resolution and recording of land rights. Whereas a conventional cadastral system is based on the law, the IVR model is a flexible framework designed to facilitate and simplify a community-led initiative based on existing administrative systems. In addition to individual tenure rights as protected by the formal LAS, the IVR model also recognises women’s land rights and the diverse tenure systems that govern customary land rights. In line with the National Land Policy and the Land Act, which provide for joint ownership, the IVR model ensures women’s participation in land and resources-related decision-making processes. Finally, the institutional framework relates to integrated institutional principles such as good land governance, accountability, accessibility and flexible information and communications technology (ICT) approaches to cadastral mapping and land rights recording.





THE GOOD PRACTICE

IN FIVE SIMPLE STEPS

1

ENGAGING STAKEHOLDERS

In CSRC's experience, top-down land policies had failed to secure land tenure for informal occupants and landless families. As such, CSRC and partners sought to include all stakeholders in land governance to recognise and protect the diverse tenure systems in Nepal. To strengthen multi-stakeholder dialogue, CSRC initiated discussions with various stakeholders regarding challenges caused by insecure land tenure, which affect local communities. First, it met with local government officials with whom it developed detailed and joint work plans outlining the responsibilities of actors. Secondly, CSRC introduced local communities and representatives to the IVR model, including the methodology for context analysis, the roles of different actors and existing policies and procedures for land registration.

2

FORMING AND MOBILISING COMMUNITY-LEVEL FACILITATION COMMITTEES

The IVR guidelines drafted by LIRC with the support of CSRC include governance structures such as community-level facilitation committees, their roles and criteria for selecting committee members. Based on the guidelines, communities elected 11-member facilitation committees at the municipal level and seven-member committees at the ward level to resolve land conflicts arising in implementing the IVR model at municipal and ward levels.

Additionally, CSRC trained its field staff on the law and the IVR model and its guidelines, assisted local governments in identifying suitable committee members and guided the general orientation of facilitation committees.

3

DEVELOPING QUESTIONNAIRES

CSRC, the MoLMCPA, UN-Habitat, land and agricultural experts and the municipalities worked together to develop and finalise questionnaires used to collect data regarding informal land rights and landless households. The questionnaires included information such as the name and gender of the household head, total area of land occupied and cultivated by the family, employment and educational status of household members, and government grants received by family members.

The questions aimed to collect spatial and demographic information on landless households and informal land rights, including the total area used or cultivated by each family, their income and access to government assistance, and their general livelihood conditions.

4

DATA COLLECTION AT THE LOCAL LEVEL AND SATELLITE MAPPING

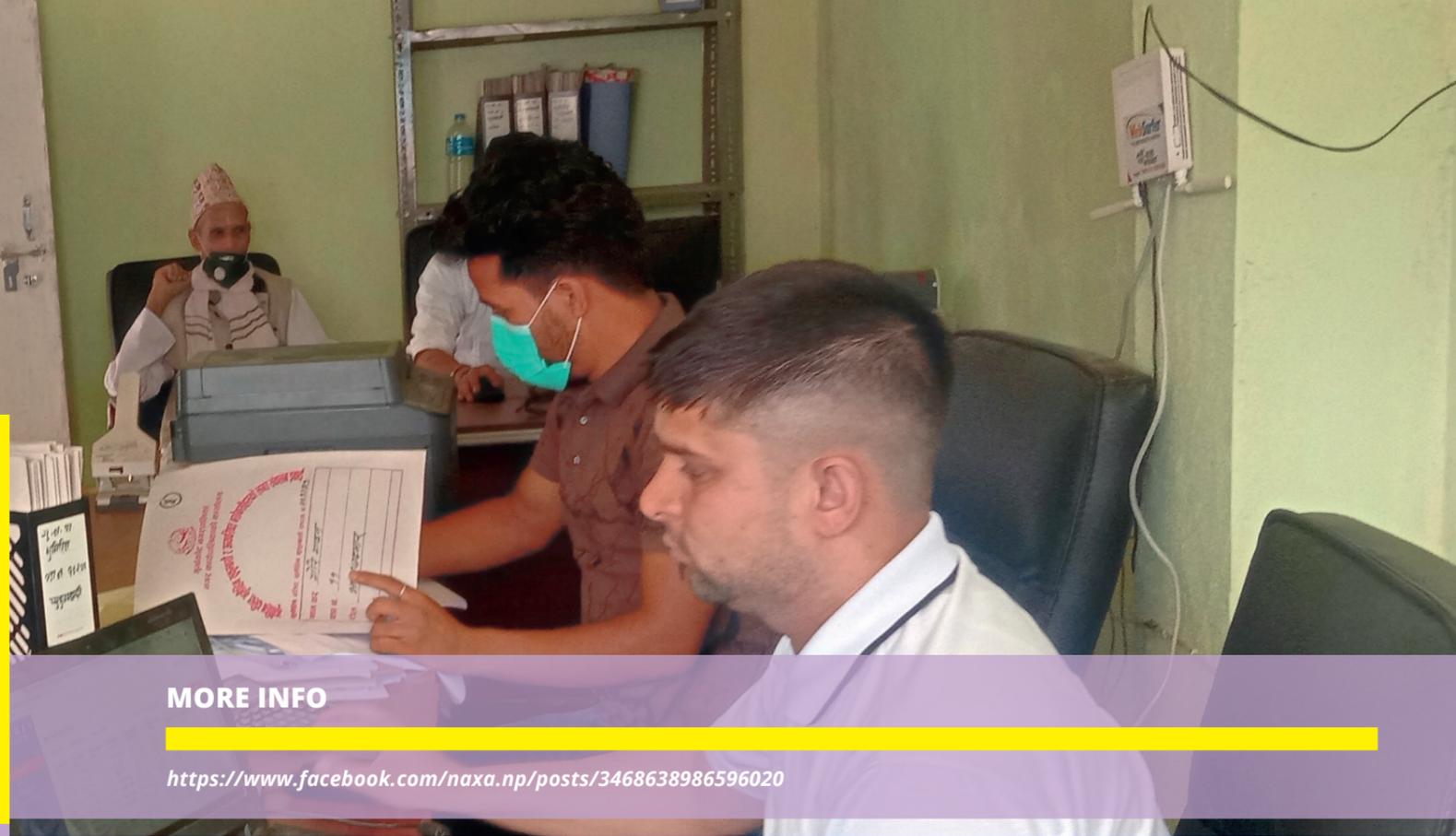
In collecting community-level data, CSRC worked with community collectors and enumerators to engage with community members and jointly map land with members of the ward facilitation committees. It conducted an orientation programme for local enumerators on various data collection tools and processes, including GPS and satellite mapping technologies. Enumerators also received training on the verification of demographic and spatial data. Similarly, CSRC and its partners trained the ward committee representatives, settlement development committees and CSOs on the purpose and processes of the model and their roles in data collection and implementation processes.

5

REVIEWING MEETINGS AND SCALING UP

CSRC and its partners held review meetings quarterly, engaging all actors engaged in the process to discuss progress and challenges in implementation and to make required procedural adjustments. The public meetings included local representatives such as mayors and their deputies, government officials, community members, CSRC and CSO partners. During the review meetings, the data collectors presented challenges faced by community members, the status of land mapping, information on resource mobilisation and areas in which the IVR process could be improved. The data collected by enumerators now informs the Land Issues Resolving Information System (LIRIS portal) used by local governments to store data relating to environment and land resources in Nepal.

To scale up the IVR programme in other regions, CSRC organised a learning workshop for representatives of local governments. The local authorities shared information about the IVR model and strategies to overcome the challenges experienced at the community level. CSRC signed joint memoranda of understanding with the local governments and the MoLMCPA to scale up the IVR programme.



KEY FACTORS OF SUCCESS

FOR REPLICABILITY AND ADAPTABILITY PURPOSES

MORE INFO

<https://www.facebook.com/naxa.np/posts/3468638986596020>

▶ **Selection of the correct impact group:**

The IVR model protects the rights of the most vulnerable and marginalised communities facing historical injustices, such as the landless, indigenous peoples, peasants, informal settlers, women, people with disabilities and ethnic minorities.

▶ **Strengthening multi-stakeholder participation in land governance:**

The IVR model adopts inclusive processes, ensuring that all stakeholders contribute to the design and implementation of the model and the process of developing laws and plans at the local level. CSRC ensured that the IVR model was consensus-driven by consulting provincial and federal governments, district coordination committees, land rights networks, farmers' groups and development partners. The committees included mayors, rural municipal chairpersons, village executives, chief administrative officers and representatives of political parties and CSOs at the municipal and rural levels, including women working on land and housing issues.

Its community outreach efforts ensured the participation of women, mainly because they remained in the community as men migrated in search of economic opportunities.

▶ **Increased transparency and accountability:**

All decisions regarding the IVR model were taken in public hearings and were based on guidelines developed by LIRC, mandating community engagement before approval by the local executive. Further, engaging government and non-governmental stakeholders, including affected communities, promoted transparency in consensus-based decision-making. Additionally, access to information empowers communities to demand accountability from the local government.

LESSONS LEARNED

CSRC faced some challenges, such as a lack of political will among political parties, intra-household conflicts, political instability and the dissolution of LIRC when there was a change of government. In some instances, marginalised communities do not have proof of citizenship, which presented challenges to local governments and the enumerators in collecting data. CSRC overcame these challenges by strengthening multi-stakeholder dialogue, cooperation and coordination, critical engagement with government officials and political parties and community consultation.

Before scaling up, innovative tools, processes and procedures should be tested to identify challenges and bottlenecks and should be adjusted accordingly based on lessons learned. CSRC and its partners piloted the IVR model in three localities but have since scaled it up to 13 localities. Additionally, collaborating with local governments and the MoLMCPA in designing the IVR programme has benefited members of marginalised communities by securing their socio-economic rights while ensuring that its impacts are sustainable through policy intervention and systems change. As a result, local governments are now leading on implementation of the IVR programme in 319 localities.

UNITED FOR LAND RIGHTS

INTERNATIONAL LAND COALITION SECRETARIAT c/o IFAD

Via Paolo di Dono 44 , 00142-Rome, Italy tel. +39 06 5459 2445

fax +39 06 5459 3445 info@landcoalition.org | www.landcoalition.org