

GENDER RESPONSIVE Land Policies in the Offing



September 2016, Kathmandu

The main political parties of Nepal, following a series of dialogues, developed a common framework to address contentious land issues. The collectively-developed shared understanding is believed to be constructive in the formulation and implementation of inclusive land policies. The dialogues were part of inter-agency project **Empowering Women for Women (W4W): Access to Land for Sustainable Peace in Nepal**, which was developed in partnership with the Ministry of Land Reform, the Ministry of Peace and Reconstruction, and the Ministry of Women Children and Social Welfare. The joint initiative, designed to support the resolution of land issues by enabling women to play an active role as a change agent, was jointly executed by UNDP's Social Cohesion and Democratic Participation Programme (SCDP) together with the International Organization for Migration (IOM) and the United Nations Human Settlement Programme (UN-Habitat).

The High-Level Scientific Land Reform Commission formed by the government, confirms that women are the leading economic actors in agriculture sector. They are responsible for the production of 61 percent of Nepal's agro-products. However, only 20 percent of Nepali women own 5 percent of land and 11 percent of them who own land

have control over their property. In view of thousands of cases of disappearances, physical injuries and deaths during the decade long conflict, the number of women-headed households in farming has significantly increased. It further complicates women's ownership over the land property.

In response to the gender-sensitive directives by the Supreme Court, Nepal has introduced mechanisms to enhance women's access to land and property. Women land owners are now receiving between 25 to 50 percent exemptions from the land registry tax, and in the case of single women, a further 10 percent tax exemption is granted as it helps enable them to access land properties.

The joint initiative, W4W, not only brought political parties, civil society representatives, and government officials onto one platform, but it also resulted in building trust among key actors regarding land issues. It helped group members to constructively reflect on women's rights enshrined in the Constitution of Nepal (2015) and relevant legislation. The gender-responsive land policies are expected to further enhance gender equality and women's access to land, as well as contribute to peacebuilding efforts as envisaged by W4W.



Tools to dealing with land issues

Nepalgunj: A workshop on **Conflict Sensitive and Gender Responsive Land Dialogue** in Nepalgunj offered an opportunity to the participants to discuss conflict sensitivity tools in resolving land-related issues in the region. The participants from four districts—Banke, Bardiya, Dang and Surkhet—attended the workshop. They were trained to undertake conflict analysis through context analysis and stakeholder mapping exercise. It highlighted steps to be taken for a favourable dialogue environment.

Platform needed for women

Bharatpur: The **Conflict Sensitive and Gender Responsive Land Dialogue** concluded in Chitwan emphasized a need for a forum for women to interact on enhancing their access to land. It was organized by SCDP in Bharatpur and was attended by 27 participants from six districts – Bara, Parsa, Rautahat, Danusha, Bharatpur and Nawalparasi. The participants included senior women politicians, including two former state ministers, Members of Parliament from these districts, central committee members of major political parties, the former chairperson of the National Women Commission and noted civil society leaders.

Sharing success stories excites all

Bharatpur: During an SCDP event held in Bharatpur about sharing success stories and best practices, one participant shared that the Women's Cooperative in Kaski amended its loan and grant policy, making joint land ownership a mandatory provision in order for the members to receive loans and grants. The participants from Bara and Nawalparasi shared that they supported 120 couples in obtaining joint land registration after attending the dialogues. The participants from the eastern region kicked off a campaign to provide identity cards to farmers, particularly for women farmers. This event offered an opportunity for them to share the best practices to enhance women's access to land. Sixty participants, including 36 women, from 16 districts actively attended and shared their experiences. It also served as a platform to review land dialogues, capacity building initiative and develop strategic recommendations for the policymakers.

Best practices shared

Nepalgunj: Two events separately organized by the SCDP's Dhangadhi and Nepalgunj field offices, provided a forum to identify policy gaps in relation to gender-responsive land issues and sensitize the

members of the Multi-Stakeholders Land Dialogue Forum (MSLDF). A land expert presented international best practices on addressing land issues and briefed participants about the existing national legal practices. In the far-western region, the event was held in Dhangadhi in June, which was attended by 30 participants, including 17 female and senior government officials. The event in Nepalgunj in June 2016 brought together 29 participants, including 50 percent of women from Surkhet, Dang, Bardiya and Banke of mid-western region. They actively participated and pledged to promote joint land ownership registration in their communities.

Women participants very vocal

Bharatpur: The women participants, particularly from the Madheshi community, were very vocal at an event organized by the SCDP in Bharatpur. The land dialogue also formed a regional Multi-Stakeholders Land Dialogue Forum (MSLDF). The participants were from Bara, Parsa, Bharatpur and Nawalparasi districts. The February event in Biratnagar highlighted women's access to land ownership as critical issues to promote women's empowerment. The participants, 63 percent women, were from Morang, Sunsari, Dhankuta, Siraha and Saptari. Further, the Nepalgunj regional event held in July helped in sensitizing political parties, senior bureaucrats, and other stakeholders on the dynamics of land issues.

Land dialogues receive encouraging responses

Kathmandu: The dialogue on land issues facilitated by the SCDP received encouraging responses from women participants. 82 percent of participants at the event were women from the central region – Chitwan, Nawalparasi, Bara, Parsa, Rautahat and Dhanusha. The dialogue was mainly focused on international best practices on land reform practices. The participants, particularly the members of the Multi-Stakeholder Dialogue Forum (MSLDF), agreed to appeal to government authorities to have a prominently-displayed Citizen Charter in each office explaining the government's policy, provisions and process regarding joint ownership land registration. Nineteen out of 29 participants were women from the eastern region and they represented Dhankuta, Siraha, Saptari, Sunsari, Morang and Jhapa. "After I learnt the provisions and process of joint land ownership certificate in a previous event, I helped 12 couples to obtain their joint land certificates," one of participants said. Participation of women in the dialogues held in the western, mid-western and far-western region was also promising.



Social Cohesion and Democratic Participation Programme (SCDP)

Tara House, Sanepa Chowk, Lalitpur
P.O. Box No. 107, Kathmandu, Nepal
Phone No. 01-5528018, 5523200
Email: registry.np@undp.org
URL: <http://www.np.undp.org>

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KEY ISSUES IDENTIFIED

June 2016, Kathmandu

The policymakers, representatives from the National Reconstruction Authority (NRA), politicians and development agencies jointly identified key land issues that emerged after the earthquakes in Nepal in 2015. An event organized by SCDP, served as a forum to inform policymakers about the emerging land issues in post-disaster context and its consequences to women. In order to start the discussion, two presentations were made by the Joint Secretary of the NRA and a development worker on behalf of the Government of Nepal and civil society respectively. Two men and women earthquake survivors from the earthquake-hit districts shared their experience. At the end, a set of recommendations was developed to address those issues in a gender responsive manner.

SIGNIFICANCE OF SOCIAL COHESION STRESSED

April 2016, Kathmandu

Participants at an SCDP workshop in April identified key gender gaps in current land-related policies and itemized the measures to monitor implementation of joint land ownership entitlement ensuring women participation is reflected by monitoring mechanisms. The interaction on **Land Policy Dialogue: Gender Responsive and Conflict Sensitive Approaches** sensitized policymakers on the implication of gender-responsive land governance for social cohesion and assisted them in exploring gender gaps in existing land policies. It was attended by 34 participants, of which half were women.

"CITIZENSHIP KEY BARRIER" FOR WOMEN

March 2016, Kathmandu

Land experts set the tone of the interaction with their presentations on 'Land Issues: Gender Perspective in the Changed Context of Nepal' and 'International Best Practices on Addressing Land Issues in Gender Responsive Manner'. During the floor discussion, participants pointed out that current citizenship provisions are the key barrier for women's access to land and in the promotion of land ownership by women. The event was organized to mark the International Women's Day 2016, which was well-attended by parliamentarians, political leaders, the former chairperson of the Land Reform Commission, civil society leaders, and other stakeholders. Over half of the participants were women. They analyzed land issues from a gender dimension and explored ways forward.

"Dialogue provides appetizer"

Pokhara: During the SCDP workshop, **Conflict Sensitive and Gender Responsive Land Dialogue**, held in Pokhara, one participant noted: "The dialogue provided an appetizer to raise public awareness of women's access to land in an organized way." Another participant noted: "It was the first time that I saw land issues being intensively discussed. I believe it is our responsibility to share the knowledge upon our return to the district." The event brought together members of an informal forum for dialogue on land-related issues, leaders of the women's wings affiliated with major political parties, members of land rights forums, women development officers, land revenue officers, rights activists and chairpersons of the Landless Squatters' Committees from five districts –Kaski, Gorkha, Syangja, Lamjung and Baglung.

Strengthening capacity in the region

Biratnagar: During a training organized by SCDP in Biratnagar, land ownership statistics in Nepal were presented by a representative of UN-Habitat, and the key challenges facing women to increase their access to land were discussed. The dialogue was organized to strengthen capacity of the members of the Land Dialogue Forums in the region. The two-day training was joined by participants from Siraha, Saptari, Sunsari, Morang, Jhapa, Dhankuta and Panchthar. They represented Local Peace Committees, political parties, Land Rights Forum, NGOs and women activists working to combat violence against women. It was focused on tools of conflict sensitivity, dialogue and land. Further, monitoring of land reform policies from a gender perspective and its applicability were also intensively discussed.

Cultural barriers to land access

Bharatpur: The logistic, institutional and cultural barriers that make the land registration inconvenient for women were discussed at a dialogue organized by SCDP in Bharatpur. The dialogue convened government service providers and members of the Regional Multi-Stakeholder Land Dialogue Forum, and analyzed institutional and cultural barriers as well as itemized logistic hassles that hinder women's access to land. They came to the conclusion that these barriers should be taken into account while formulating the policies at the central level.

Conflict sensitivity and land issues

Dhangadhi: A workshop on **Conflict Sensitive and Gender Responsive Land Dialogue** intensively analyzed the tools appropriate for a conflict-sensitive approach to gender-responsive actions and activities. It was attended by land right activists, women advocates, human rights defenders, representatives from the Land Survey Office, District Forest Office, Land Right Forums, and NGOs working on rehabilitation of *Haliyas* and *Kamaiyas*, and landless communities from Kailali, Kancharpur, Dadheldhura and Baitadi.



SHARED UNDERSTANDING comes through dialogue

September 2016, Kathmandu

Land issues have been widely recognized as one of the key causes of the decade-long conflict in Nepal. The Comprehensive Peace Accord (2006) also emphasized the need for land reform in sustainable peacebuilding. The newly-promulgated Constitution of Nepal guarantees political, civil, economic, social and cultural rights for women. It prohibits gender-based discrimination and its laws regulate inheritance rights, which are inclusive to women and vulnerable groups. In addition, laws guarantee women's equal access to natural resources, including land. In this context, gender-responsive land policies are important as the majority of people rely on land for their livelihood. Nevertheless, no effective interventions have taken place as expected.

The shared understanding developed by the political parties covers key issues pertaining to land reform from gender perspective. It includes women's access to land, scientific land use, protection of arable and agricultural land, landlessness, Guthi (trust) land management, collective rights, and land administration reform among others. The W4W project, in partnership with the government agencies, political parties, experts, activists, and people representing the marginalized communities, played a commendable role to navigate the key actors around the key land issues which helped them develop the shared understanding.

As for the process of developing the shared understanding, the W4W project first prepared the gist from all the dialogues held at districts, regions and in Kathmandu; and analyzed the shared agenda discussed during deliberations. Based on the agreed agenda, the shared understanding was drafted by an external expert and reviewed by the W4W project. Finally, members of the Land Dialogue Forum (LDF) endorsed it. Furthermore, a series of dialogues facilitated the political parties to prepare their position papers in order to further elucidate their land related policies. It was observed that the entire process of coming together in dialogues changed the perception of the key actors and policymakers with regards to the contentious land issues.

Dialogue brings to light Dalits' grievances

Nepalgunj: The SCDP Nepalgunj office convened a series of dialogues to highlight different aspects of land issues pertaining to women. While a November 2015 event focused on issues related to landlessness in Banke, the December dialogue emphasized policy provisions with regards to land. The January 2016 dialogue brought to light the grievances of Dalit community's livelihood.



LAND ISSUE IS COMPLEX AND NEEDS COMPLEX APPROACH

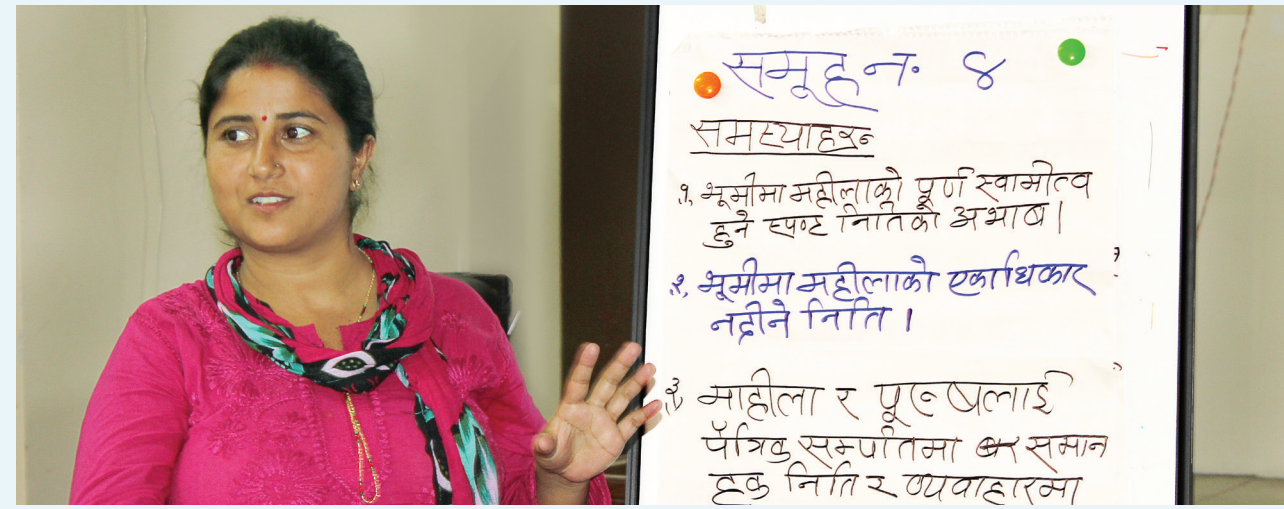
October 2015, Kathmandu

Addressing an event in Kathmandu, Sophie Kemkhadze, Deputy Country Director of UNDP Nepal, highlighted that land is a bigger gender issue and it is also a core concern for the conflict in Nepal. Referring to the Comprehensive Peace Agreement (2006), she said, "We will work to identify the innovate approaches to contribute to address it". "It is a complex issue and needs complex approach," Kemkhadze added.

Consultation on land issues concludes

Pokhara: The SCDP Pokhara office organized land dialogues, including consultation events in the region. The purpose of consultation in Lamjung district was to explore land issues and to map out stakeholders for the formation of Multi-Stakeholder Land Dialogue Forum (MSLDF). The issue of landlessness was identified as one of the key land concerns.

The MSLDF formed in the region consists of 29 members from Baglung, Lamjung, Syangja and Kaski districts with 55 percent men, 45 percent women and it has 34 percent members from the Dalit community. The office also concluded a follow up dialogue in Pokhara in order to discuss about squatters (*Sukumbasi*) issues from a gender perspective. Further, an event organized in Baglung helped bring all the stakeholders together to explore a set of realistic recommendations to respond to pending problems. It offered an opportunity to raise the voice of the voiceless communities, including women from the marginalized fishermen's community.



"Reform and restitution should go together"

February 2016, Kathmandu: While 60 percent of Nepalis rely on agriculture for their livelihood, a significant area of land remains barren. The increased rate of land abandonment is making it more complex. The issue was discussed at an event titled, **Post-Conflict Land Management in the Emerging Political Context**. The participants suggested that land reform and restitution should go together. The event was attended by politicians, parliamentarians, government officials, civil society members, academics and activists.

Fragmentation hinders agro-industrialization

June 2016, Lalitpur: The issue of land fragmentation was raised during a discussion among political leaders. They were of the view that increasing fragmentation of arable land led to low production of crops. According to them, the traditional practice of land parcel division within the family, the changed lifestyle and migration among others, are contributing to land fragmentation, which hinders agricultural industrialization in Nepal.

Land issues from Madhesh perspective

September 2014, Kathmandu: The participants of the workshop, **Addressing Land Issues from Madhesi Perspective**, noted that in the past, discussions on land were loaded with emotional and passionate responses, but with increasing awareness such exchanges are characterized by specific content. This event offered a platform to exchange views by politicians with diverse political ideologies, Members of Parliament from Madhes-based parties as well as representatives of civil society organizations. The program was aimed at sharing the findings of regional level dialogues among the Madhes-based party leaders.

Land from Dalit Lens

November 2015, Kathmandu: In order to capture Dalits' perspectives on land issues and generate a set of recommendations to the policymakers, an event was organized by SCDP in Kathmandu. It was coordinated by the Dalit NGO Federation with an aim to uncover challenges from the perspective of the Dalit community. The event helped itemize the issues of land concerns related to the vulnerable community and ways forward to address those concerns.

Dialogues help to minimize misconception

November 2015, Kathmandu: The former chairperson of the Land Reform Commission Ghanendra Basnet at a programme organized by the SCDP stated that dialogues helped minimize misconception and contribute to implementation of the recommendations made by the land reform commissions. Haribol Gajurel, who led the

Land Reform Commission in the past, acknowledged the effort and emphasized that such dialogues undoubtedly support building consensus among all. All the participants found the dialogue informative, thought-provoking and requested to continue. Sixteen politicians representing 12 parties attended the event. The participants exchanged views on the issues related to land fragmentation; haphazard urbanization; local land disputes; rehabilitation of landless people; land ownership of disadvantage communities; and perspectives of indigenous, Madhesi and Dalit communities.

Forty-five percent people landless: experts



July 2016, Nepalgunj: According to the experts engaged in the land reform initiatives, the earthquake 2015 rendered more than 45 percent people in the earthquake-hit areas landless. The experts shared that Dalit, indigenous people and women are more vulnerable during natural disaster. There are economic, social and cultural issues that contribute to make them more vulnerable. Further, Dalits severely suffered during the disasters. While there have been some positive achievements; emancipation of *Kamaiya* for instance, some "freed *Kamaiyas*" are yet to be settled. Similarly, tax exemption in land registration for women is a progressive step, which has increased their access to land. However, there is a long way to go for the Dalit women to enjoy their rights to land.

"Tax exemption helps women"

Kanchanpur: One participant of an event organized by SCDP Dhangadhi office said, "Twenty-five percent of tax exemption on land registration has helped women for land ownership, but effective control over the property remains a challenge." The event was focused on analysis of land issues from gender perspective. It also shed light on grievances of *Kamaiyas*, *Haliyas* and landless people from the gender dimension. Further, the office in February 2016 convened an event in Dhangadhi to facilitate formation of the Multi-Stakeholders Land Dialogue Forum in the region.



List of political parties who contributed to the land dialogue process

Name (in alphabetical order)	Affiliation
Ms. Amrita Thapa	CPN (Maoists Centre)
Hon. Bajinaath Chaudhari	CPN UML
Mr. Bhanu Sigdel	Nepali Congress
Hon. Bikram Khanal	Nepali Congress
Mr. Binay Dhwoj Chand	Nepali Congress
Mr. Ghanendra Basnet	CPN UML
Mr. Ganesh Shah	CPN (United)
Hon. Gopal Dahit	Tharuhat Terai Party
Hon. Haribol Gajurel	CPN (Maoists Centre)
Hon. Jangi Lal Ray	Terai-Madhesh Loktantrik Party
Mr. Jitendra Sonal	Terai-Madhesh Loktantrik Party
Hon. Krishna Dhital	CPN (Maoists Centre)
Hon. Keshav Badal	CPN UML
Hon. Kiran Yadav	Nepali Congress
Mr. Manish Suman	Sadbhawana Party
Hon. Mohammad Lal Babu Raut	Federal Socialist Forum Nepal
Mr. Minraj Tharu	Tharuhat Terai Party
Hon. Nagendra Kumal	Nepali Congress
Mr. Nahendra Khadka	CPN (Maoists Centre)
Mr. Pawan Kumar Jha	Madhesi Janadhikar Forum (Loktantrik)
Ms. Radha Bhattarai	CPN (United)
Mr. Rakam Chemjong	Federal Socialist Forum Nepal
Ms. Shanta Chaudhari	CPN UML
Mr. Sagun Lawoti	Rastriya Prajatantra Party Nepal
Hon. Sita Nepali	CPN (Maoists Centre)
Mr. Thakur Gaire	CPN UML
Mr. Thakur Singh Tharu	Rastriya Prajatantra Party
Hon. Yogendra Chaudhari	Madhesi Janadhikar Forum (Loktantrik)



"IT IS RIGHT TIME to keep moving forward"

August 2016, Kathmandu

"In the context of the post-disaster reconstruction and promulgation of the Constitution of Nepal 2015, this environment is conducive to moving a step forward to garner political commitment to the land reform," concluded by the participants of an event organized by SCDP.

Thirty-four participants (nine of whom were women), including young politicians, parliamentarians, government officials, civil society representatives and journalists came to this conclusion at the SCDP workshop. The workshop, **Addressing Land Issues in Nepal: Challenges and Opportunities**, was a part of a series of dialogues held across the country in order to facilitate land dialogues. "There was a time when we struggled a lot to bring politicians together to discuss on land issues," said Amrita Thapa, former chairperson of the Parliamentary Committee on Natural Resources. "Now we have developed a shared agenda through a series of dialogues. It is the right time to keep moving forward," she added.

The workshop also offered opportunity for the representatives of the Multi-Stakeholder Land Dialogue Forum to share initiatives they have taken at the regional level to address land issues in a gender-responsive manner. Similarly, journalists felt that the workshop broadened their perspectives on land issues, which will make their reportage more accurate and constructive. "Land issues are interlinked with around 90 percent of Nepali citizens, but regrettably, it has not yet been recognized as separate beat reporting by the media houses," said one of the journalist participants.