



Summary Report

FIT-FOR-PURPOSE LAND ADMINISTRATION

A COUNTRY LEVEL
IMPLEMENTATION STRATEGY
FOR NEPAL

SECURING LAND AND PROPERTY RIGHTS FOR ALL

SUSTAINABLE LAND MANAGEMENT,
PROSPEROUS LIFE AND DEVELOPMENT

SUMMARY REPORT

FIT-FOR-PURPOSE LAND ADMINISTRATION

A Country Level Implementation Strategy for Nepal

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May 2018

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Government of Nepal
Ministry of Agriculture, Land Management and Co-operatives

Foreword

Sustainable land management, prosperous life and development of all is the vision of the new land policy of the Government of Nepal which is currently under intensive discussions. With the view that “nobody is left behind” poverty alleviation is the focus of all development initiatives in Nepal. While our land administration and land management interventions need to address security of tenure, protection of land ownership and security of land and property rights for all, equally important is to address the need for a swift in transition of the existing land administration system into federal restructuring, ensuring optimum use of land and land based resources to achieve sustainable development goals.

In this aspect, we are pleased to work with UN-Habitat and Community Self Reliance Centre (CSRC) with the support of Global land Tool Network to come out with this intensive studies highlighting on the concept of Fit-For-Purpose Land Administration. We are hopeful that this publication will be a valuable

asset in this regard. I thank the CSRC team for the valuable study and Joint Secretary Mr Janak Raj Joshi (MOALMC), Mr Uma Shankar Panday (Kathmandu University), Mr Raja Ram Chhatkuli and Mr Danilo Antonio (UN-Habitat) and Prof Stig Enemark for their critical review.

The Ministry will consider, as per requirements, the findings, conclusions and recommendations provided in this report to implement land policy and in its persuasion for good land governance in the country.

Thank you

A handwritten signature in black ink, appearing to read 'Gopi Nath Mainali'.

Mr. Gopi Nath Mainali
Secretary

31 May 2018
Kathmandu, Nepal

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1. Introduction

The (then) Ministry of Land Reform and Management has been working for a few years on developing a draft National Land Policy. This policy aims to address the various land administration and land reform issues that have remained unresolved and under discussion for quite a long time in Nepal. The key issues discussed in the policy relate to: equitable access to land for the poor and marginalized people, landlessness and informality, land ownership and rights issues, different types of land tenure management, fast and efficient land dispute resolution and service delivery, land use planning and management, consistent and uniform land valuation, progressive land taxes, and vibrant and functional land markets. The recent events such as the mega earthquake of 2015 and post disaster reconstruction and rehabilitation, the promulgation of a new

Constitution, and post conflict peace and social rebuilding have ignited the need for developing a strategy for implementation of the National Land Policy in the changed context.

The current Nepalese land administration system (LAS) only deals with the formal or statutory land tenure system. This includes only registered land in the national cadastre. In Nepal, almost 28% of the total land area is arable land and only around 75 % of this is formally registered and tenure is secured. The LAS doesn't deal with non-statutory or informal land tenure. It is estimated that around 25% of the total arable land and settlements are outside the formal cadaster, which is accounting for approximately 10 million physical parcels on the ground including land occupied parcels which legally

belong to either government, public or person/institution. This means that a significant amount of the Nepalese population is living in informality without any spatial recognition and without security of tenure.

There are mainly three types of non-statutory land tenure in the society:

- (i) The land on which rights of the settlers are recognized but not registered is known as Non-formal. The right is socially unchallenged and established. This land can be registered under the existing legal framework;
- (ii) The land on which rights of the settlers are neither legally recognized nor registered in the official cadastre is termed as In-formal. The settlers have been occupying the land for quite a long time (often more than 40 years). Their possessions are normally accepted and not challenged by the society. The land cannot be registered under the existing legal framework;
- (iii) Illegal holding of settlers over private or public land is called Illegal possession or encroachment. The land originally belongs to some other private or legal person, institution, Government or public/community which is being captured and settled by the other group of people.

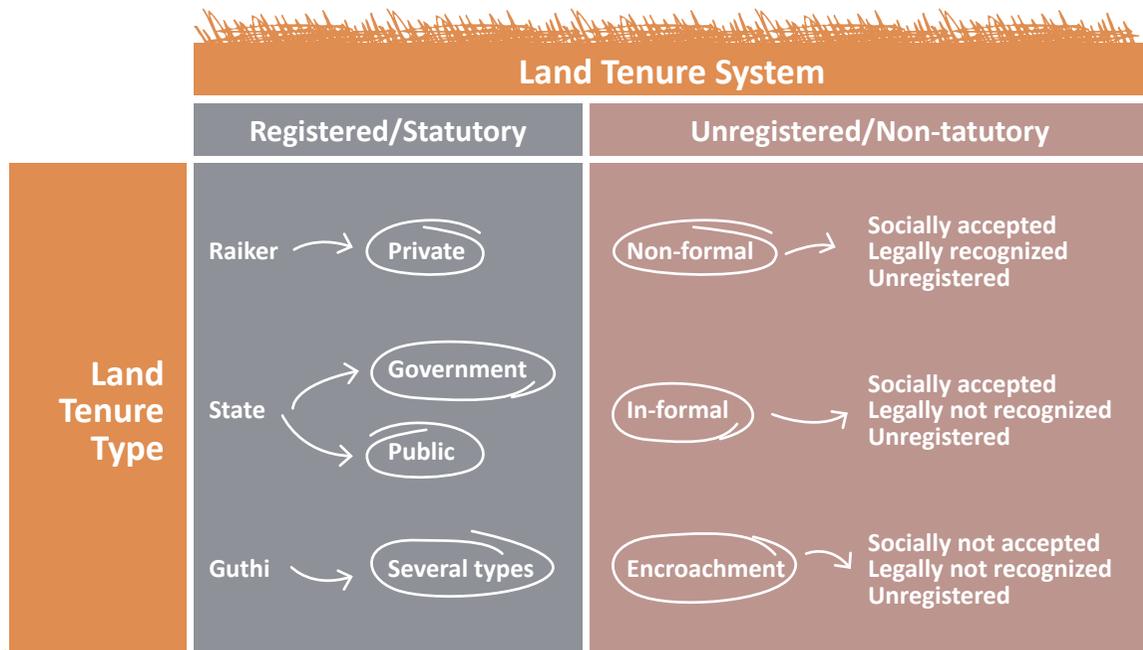


FIGURE 1: Various land tenure systems present in Nepal (Joshi et al., 2017)

Current Land tenure system in Nepal is summarized in Figure 1.

income generation activities or employment for uplifting their economic condition. This also means that the government cannot impose any kind of property tax or levy registration fees on any land transactions. Because of unsecured tenure, the settlers hesitate to invest on the land to improve its productivity, and without investment, production cannot be increased. All these consequences show that the land under informal tenure is causing huge loss of economy and the valuable land asset is dumped as “dead capital”.

Unrecognized land tenure may further restrict the settlers for getting any compensation and government grants and benefits in case of any disasters such as earthquake and floods. This kind of situation further leads to landlessness, poverty, and often encroachment of public and private land.

Therefore, an appropriate strategy is necessary for implementing the latest provisions made in the draft National Land

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