‘Post 2015 Earthquake’ Land Issues of Nepal

Ganesh Prasad Bhatta
Deputy Director General
Survey Department, Government of Nepal
Presentation Outline

• The country context
• Recap: Effects Nepal 2015 Earthquake
• Major Land Issues
• Ongoing Efforts to address land issues
• Challenges
• Way Forward
The Country Context

- Landlocked Himalayan Country in South Asia
- Federal Democratic Republic Country
- Area: 147,181 Km²
- Population: 26.6 million

- Multi-lingual, multi-ethnic, and secular country with diverse culture
- Uneven geographical terrain (ranging from 60 m in the south to 8,848 m in the north from MSL)
• The Country of Mt. Everest
• Birth Place of Lord Buddha
• The country of Adventures
The Country Context …

Incredible Touristic Destinations

Platinum Partners:

Diamond Partner
Recap: Effects of Nepal 2015 Earthquake

• **Effects have been presented (by Dr. Bhandari) just before**
  – Loss of human lives = around 9,000 (including missing)
  – Affected population = around 8 million
  – Loss of infrastructure and properties

• **Land is the matter of concerns**
  – Shelter for the affected population (temporary, transitional and permanent)
  – Relocation of the population residing the vulnerable areas
    • Nearly 500 villages have to be relocated
  – Land acquisition for the resettlement
    • Type of land (private or state or trust) and suitability of relocation
  – Rehabilitation of livelihood options
  – Land title is the basic document for government’s compensation package
Major Land Issues

- **Tenure Security**
  - Non-formal settlements (owned since ages but yet to get title)
  - Informal settlement
  - Unregistered tenancy
  - Land used for shelter
    - Whose land?
    - Who is using for the shelter?
    - Unregistered tenancy

- **Land Acquisition for Resettlement**
  - To identify suitable land for resettlement
    - Type of land: private, state (forest/public), trust
    - Suitability of land: risk free in terms of future vulnerability (land slide, flood, erosion, wild fire, among others), Geological stability, etc
Major Land Issues …

• Compensation package
  – For non-formal / informal settlers? Basically, how to address the ‘no-title’ issue?

• Land Use Planning
  – No land use planning yet

• Adjudication of properties

• Reviving the lost documents

• Transfer of ownership, especially inheritance

• Shift of land mass: the geodetic control network has been affected
Government Initiatives (on land issues)

- Formation of Nepal Reconstruction Authority to coordinate all the efforts of Building Back Better / Recovery, Reconstruction and Rehabilitation
  - On the ground of Post Disaster Needs Assessment (PDNA)
  - Developed Post Disaster Recovery Framework (PDRF)
- Enactment of directives for land acquisition and registration
  - Fast Track methods for expediting concerned activities
- Geological studies to check the vulnerability of existing settlements and identification of suitability for resettlements
- Amendment of Land Use Policy
  - To incorporate the issues of disaster vulnerability and risk sensitive land use planning
Government Initiatives (on land issues) ...

- Process of land acquisition for resettlements or construction of permanent shelters
- Co-hosted the international workshop in order to seek the international best practices ([www.workshopnepal2015.com.np](http://www.workshopnepal2015.com.np))
- Consultations on how to implement the pro-poor land tools like GLTN approach including STDM, and VGVT to address the pertaining land issues (working closely with UN-HABITAT and FAO)
- Regular Consultations with the stakeholders/ CBOs/ NGOs/ Civil society to identify the land issues that arise in the course of implementing rehabilitation activities
Challenges

• Identification of vulnerable households and protection of their rights
  – Defining family units (joint and nuclear families)
  – Scoping informal settlers, who are the most vulnerable and large in numbers’
  – Reform in existing legal provisions
    • To address the issues of informal settlers
    • To implement pro-poor land tools like STDM
    • To bring tenants / landless / rental households within the scope of compensation

• Protection of indigenous rights while carrying out the resettlements
  – Concerns of original population
    • Fear of encroachment by new population / conflict?
  – Concerns of relocated population
    • What happens to original place / How to ensure the access at new location?
Challenges ...

- Regularizing land based livelihood activities
  - Access to agricultural activities, especially from the newly settled area to their farm lands
  - Supportive environment for livestock farming
  - Access to labor market?

- Protection of state land encroachment in the name of temporary shelter or any other reason

- Proper valuation of property
  - Valuation of lost property for compensation
  - Valuation of private property for acquisition
Challenges …

• As reported by some NGOs, land grabbing has already began to acquire potential areas of resettlements so that they can bargain with the Government for higher compensation

• Complications due to continued land fragmentation/small holding, especially in urban areas
  – Infrastructure development in the course of building back better

• Experience, expertise and resources to address the issue of such a large scale
Expert Advice? / Best Practices you know?

- What is your opinion on the initiatives taken by the Government of Nepal to deal with land issues?
- What is your experience on
  - Compensating the population from informal/non-formal settlements and unregistered tenancy
  - Controlling land grabbing
  - What are the effects of relocating from the original place
    - Their emotional attachment with the original place
    - Difficulties in the mixing-up with the new society
- How would you advice on the issue off expertise, knowledge management and other relevant issues
- Any special advice on the challenges that I just spoke?
Thank you so much for your kind attention