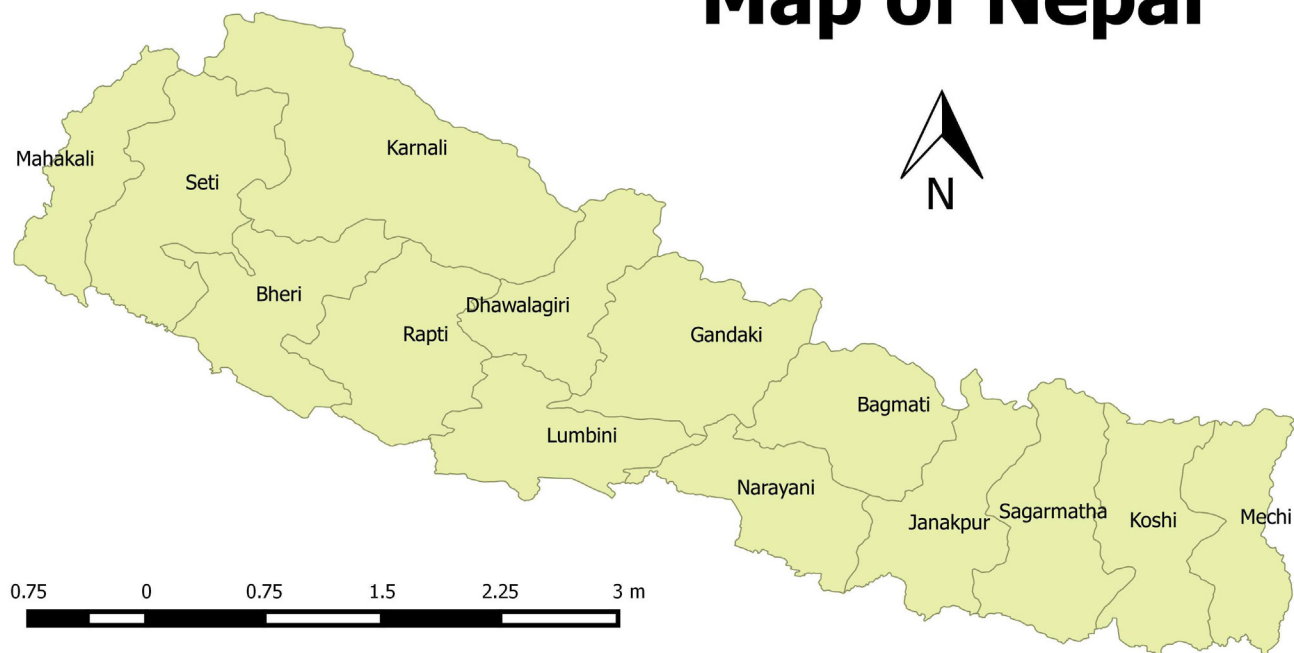


Faces of land grabbers in Nepal

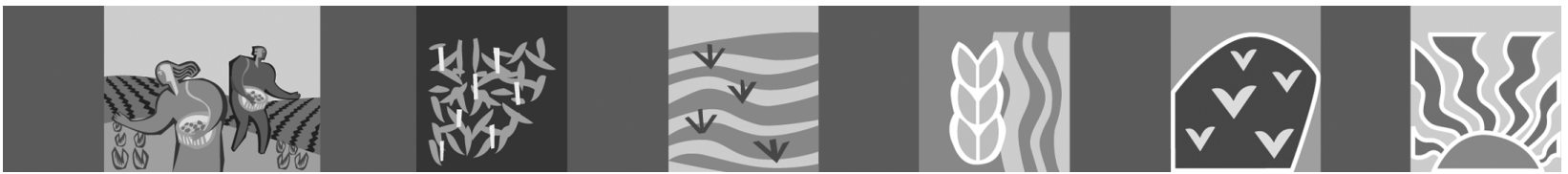
Map of Nepal



Map of Nepal
Geospatial data source: GADM

Compared with other countries, foreign land investments in Nepal are not yet as prominent. However, this does not presuppose that the forcible seizing of lands does not exist in the country. In Nepal, land grabbing takes on various guises and is carried out by many different players. Regardless of the forms and means in which it is carried out, its rulings are typically against tillers' rights and the food security of the family and the community. Moreover, 'structural land grabbing' that systematically prevents Nepalese women's ownership and rights over land is a serious violation of women's economic rights.

Condensed from *Forms and Patterns of Land Grabbing in Nepal* by Community Self-Reliance Centre (CSRC). For more details of the case, contact: jagatb@csrcnepal.org.



Early forms of land grabbing

Prior to 1951, the State granted certain individuals, such as priests, religious teachers, soldiers, and members of the nobility and the royal family, land ownership rights. These land grants, known as Birta, made it possible for the ruling classes to maintain large areas as waste or forest lands, without having to contribute to the state and food production as Birta grants were tax exempt. Similarly, the Jagir system distributed tax-exempt lands to government employees and functionaries as emoluments. The Jagir was formally abolished in 1952, and the Birta in 1959. Both Birta and Jagir led to the concentration of land ownership rights in the hands of a privileged few, resulting in the present-day skewed distribution of land ownership, and economic, social, and political inequalities.

Despite the many years since the abolition of such landlordism, the government still manages to monopolize land administration and distribution. In the past 15 years, the government has distributed government and public lands to more than a hundred institutions, with some organizations getting use-rights of up to 1,373 *ropanis* or 69.85 hectares (ha) each.¹ Recently the Commission for Investigation of Abuse of Authority (CIAA) issued a letter to the Chief Secretary and the Ministry of Land Reform warning against the continued granting of land rights due to political pressure and influence.

Land grabbing players

There is no singular form of land grabbing in Nepal. For discussion purposes, the forms can be divided into seven broad categories according

¹ A *ropani* is a unit of land measurement used in hill districts, comprising an area of 508.74m².

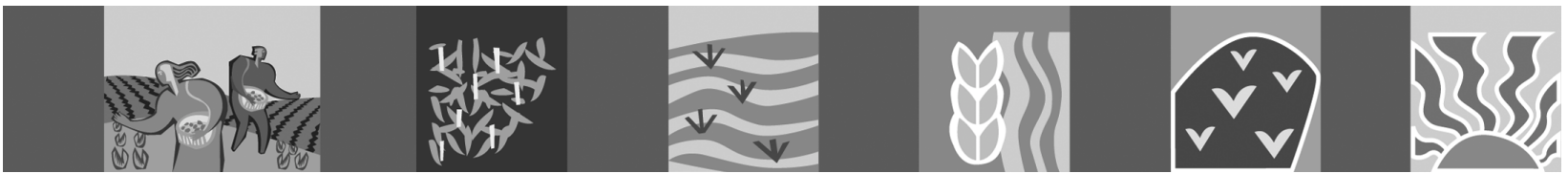
“In some instances, educational institutions acquired land through private donations. Unfortunately, much of the land has remained fallow and underused, contributing nothing towards food production.”

to the actors and impacts they have on people’s lives and livelihoods.

- 1. Land grabbing promoted and protected by the government.** This includes the state landlordism that granted Birta and Jagir lands in the past; Guthi², land occupied by security forces, government institutions such as Radio Nepal, and the Cotton Development Board; and lands acquired for national parks and conservation areas.

Field information suggests that, in many cases, no prior informed consent was sought, and that people were not aware of the future implications of being displaced from their traditional homeland. The tenancy rights of those affected were not recognized and benefits were not equitably shared by local communities. Traditional access to resources and the cultural rights of the people have also been denied in some of the national parks. In general, public dissemination of information to maintain the transparency of the activities and utilization of occupied lands is wanting.

² Lands donated for the promotion of public, educational, or charitable work

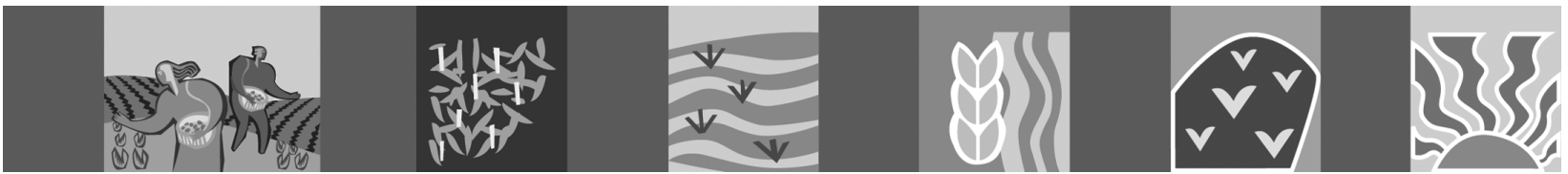


“Various instances have been reported in which religious organizations would buy lands initially for religious purposes, and then resell them at a higher price to commercial organizations.”

- 2. Land acquired by industries.** The entry of industries and real estate developers has threatened the traditional occupation of the people. Even if these entities bought the land from the owners, the latter were not properly informed about the impacts on their livelihood and on the environment. No cases of participatory Environmental Impact Assessments were reported. Despite the negative impacts of certain industries, particularly cement factories, it has been observed that the government has not monitored such industries to see if these and business houses have met the criteria set by the State. Land use planning, particularly separating agricultural land from residential and industrial sites, has not been carried out. There are also reports of false promises of local employment made by the industries
- 3. Land acquired by educational establishments.** Universities, colleges, and schools have also acquired lands from the state. In some instances, they acquired the land through private donations when the land area had gone above the prescribed ceiling for land acquisition. Unfortunately, much of the land has remained fallow and underused, contributing nothing towards food production.

Likewise, Community Forestry User Groups (CFUG) and programs like the Leasehold Forestry Program (LFP) have undermined the customary tenure rights of the locals, simply because the latter do not have ‘legal’ ownership rights over the land they had been living in and cultivating for generations. In such cases, landless tenants who hold only traditional tenure over the land they have been using do not have security or support from the government, while the CFUG and LFP usually have government support.

- 4. Land acquired by political parties.** Some of the lands that the Maoists had seized during the years of the civil war have not yet been returned to the owners. In recent years, some ethnic organizations have also occupied land in the eastern part of the country. The State appears to be weak in protecting the property of its citizens, and political parties lack a clear vision for a land reform policy. If an entity or individual holds land that is above the prescribed ceiling, the government should take the necessary legal action, and political parties and organizations should pressure the government to act according to the law of the land.
- 5. Land acquired by ‘trusts’ and ‘foundations.’** Several hectares of land have been distributed by the State to foundations and trusts, which are, upon closer inspection, politically aligned and hence the land is acquired to enhance a leader or political party’s influence. Field observations revealed that much of these lands have remained fallow, uncultivated, underutilized, or not used according to stated objectives. Such land granting has undermined the people’s access to public resources, which could have been used to contribute to their



livelihood. Local communities were of the opinion that they have not benefited from such ‘trusts’ and ‘foundations.’

6. **Land acquired by the private sector.** Multinational companies and the local elite have, in different guises, occupied lands, undermining their agricultural productivity and thus negatively impacting the food security of the community.
7. **Land acquired in the name of social or religious institutions.** Various instances have been reported in which religious organizations would buy lands initially for religious purposes, and then resell them at a higher price to commercial organizations. One example is Patanjali Yoga Peeth (PYP), founded by Indian yoga guru Swami Ramdev, which bought land to build an *ayurveda* teaching hospital, yoga center, old-age and children’s homes, herbs research center, and yoga school in Kavre. Villagers sold their lands to PYP in the hope that it would develop their community. However, PYP resold the lands at a higher price to various individuals. Now, a housing company has bought all of the lands to build 800 apartments for commercial purposes (Guragain, 2010.)

Impacts of Land Grabbing

The impact of land grabbing is manifold, covering economic, social, cultural, political, and ecological repercussions.

Changes in the landscape. Most often, the changes brought about by land grabbing are for the worse. The major cause of such changes is the land ‘plotting’ business that has flourished in the areas adjacent to big cities and emerging towns, such as in the periphery of the Kathmandu Valley,

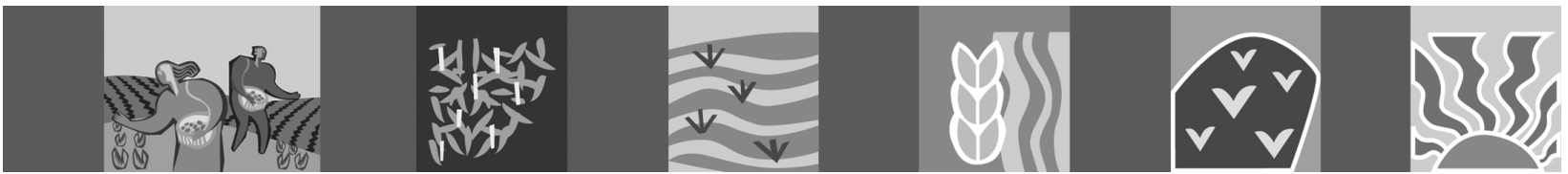
“Once they lose their land, women gradually lose their decision-making power on the use of productive resources.”

in Itahari, and along the East-West highway. Land dealers buy the terraced, barren, hilly, often forested land at a cheaper price, and then they alter the landscape to make it flatter. In such cases, this often also destroys the environmental condition of the surroundings.

Decline in food security. It can be estimated that large areas of land have been converted from agricultural to non-agricultural. This has resulted in a decline in production, and corresponding negative impacts on food security. Many households in the semi-urban areas who were interviewed for this study reported that they were food sufficient one generation ago, but now buy their food from the market. There are many reasons for this. However, commercial pressure on land is identified as one of the major ones.

Denial, decline, and disappearance of traditional tenure. This is quite evident in areas where marginalized indigenous people have been living for generations. For example, the Chepang people in Chitwan, Makwanpur, Dhading, and Gorkha have been denied their traditional rights to their land because community forests, livelihood forestry programs, and industries like cement factories have claimed their land.

Eviction or displacement and forced migration of people from their traditional habitat. This is one of the worst impacts of land grabbing. People have been displaced from their ancestral land in order to create conservation areas, parks, and



“In some cases, certain types of land acquisition, which can also be defined as land grabbing, cannot be avoided. Therefore, the focus should be on reducing their negative impacts on the affected occupants of the land, such as the poor and marginalized farmers.”

wild life reserves. In such cases, they are not only displaced from their ancestral land but also lose their livelihood, as in the experience of the Bote-Majhi of Narayani.

Alienation of women from productive resources.

Once they lose their land, women gradually lose their decision-making power on the use of productive resources. Even if a household is compensated for the land it lost, the men are the ones who hold and decide where to invest the money, whereas women used to decide how and when to use the grains and vegetables they produced in their farms.

Concentration of power in the hands of the few.

Social scientists warn that, if wealth is accumulated in a few hands and the masses become ‘poor,’ democracy cannot be sustained. In the long run, land grabbing will threaten democracy.

Conflicts. Field observations and subsequent reports demonstrate that land-centered conflicts are increasing because of land grabbing both at the institutional and individual levels.

Corruption. Unscrupulous land grabbing always involves some degree of corruption.

Unnatural hike in the prices of land. Land plotting and speculation of price increases have worsened the situation in the urban and semi-urban areas.

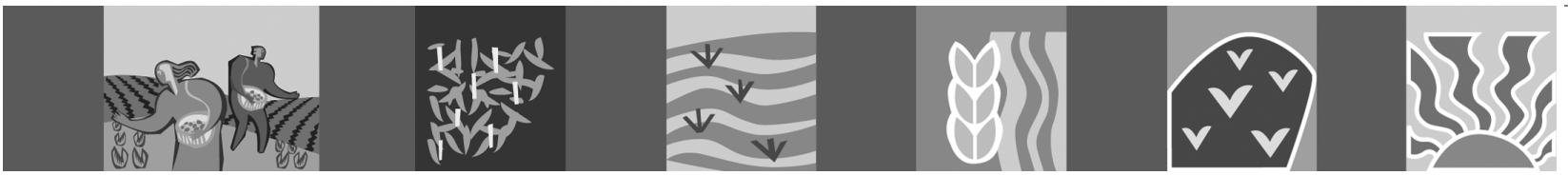
Health hazards. Industries, such as the cement factory in Dang and the industrial corridor in the Morang-Sunsari, pose threats to the health of the community.

Recommendations

Decentralized land administration and community-led land and agrarian reform programs, with adequate support from all sectors, may solve many of the problems of land grabbing. So far, land grabbing issues have not gained the attention of planners and policy makers. Clear evidence of this are the reports of two high-level land commissions that did not spell out anything on the issue. It is apparently not recognized that any investment or reform in land and agricultural sectors that does not help the poor or reduce hunger and malnutrition will not be sustainable. On the contrary, it will only further strengthen unequal power relations.

The process of land grabbing should be assessed on the basis of the impacts it would have on the ecology and environment (including climate change), food security, tenants’ rights, and women’s rights. A participatory impact assessment involving the different stakeholders would help in designing rights campaigns against land grabbing.

Coordinated efforts to discourage, regulate, and prohibit the ever-accelerating land grabbing in the country is urgent. Such campaigns should combine the efforts of government, donors,



civil society organizations, rights-based people's organizations, and peasants.

Redressing mechanisms and strategies should also be varied and context specific. Responses to land grabbing, despite its inherently negative connotations, cannot be singular and uniform. In some cases, certain types of land acquisition, which can also be defined as land grabbing, cannot be avoided. Therefore, the focus should be on reducing their negative impacts on the affected occupants of the land, such as the poor and marginalized farmers.

In the course of this study, it was observed that the long-term impacts of land grabbing have not been considered, and engagement of locals has been overlooked. None of the cases observed had a clear policy or principle for engagement of the people and their interests at the local level. If the government intends to have a clear policy on what kind of foreign investments it will allow, it should be mandatory that such investments increase productivity and equitably share the benefits among the tenants and agricultural laborers of the area they are investing in. ■

References:

Carter Center (2012). *Land Commitments in Nepal's Peace Process: An Update on Implementation*. June 20, 2012. USA: The Carter Center.

Community Self Reliance Centre (CSRC) and Nepal Coalition for Food Security in Nepal (NCFAW). (2012). *Converting agricultural land to non-agriculture uses*. Kathmandu: CSRC.

Guragain, M. (2010, August 3). Patanjali Yoga Peeth land sold out. In *Republica*. Retrieved from http://archives.myrepublica.com/portal/index.php?action=news_details&news_id=21817.

Kali Gandaki Environmental Management Unit (KGEMU) (2001). *Impoverishment Risks Monitoring and Management in Kali Gandaki: A Hydroelectric Project*. Social Synthesis Report. Nepal: KGEMU.

Ministry of Land Reform and Management. (2011). *Annual Report 2067-68 BS*. Kathmandu, Nepal: Ministry of Land Reform and Management.

Setopati (2013). *A report on land ceiling and land occupied by the industries*. Rudramani Sharma (Kantipur Daily,).

West Seti Hydro Ltd (WSHL) and Asian Development Bank (ADB) (2007). *Environmental Assessment Report*. Nepal: WSHL.

Zaman, M. A. (1973). *Evaluation of Land Reform in Nepal*. Kathmandu, Nepal: Ministry of Land Reform.

For the complete list of references, please contact the author of this case as indicated at the beginning of the article.