

**FIG YSN, FIG & UN HABITAT-GLTN JOINT TECHNICAL SESSION:
NEPAL BUILDING BACK BETTER**

Tuesday, 3 May 2016

‘Post 2015 Earthquake’ Land Issues of Nepal

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



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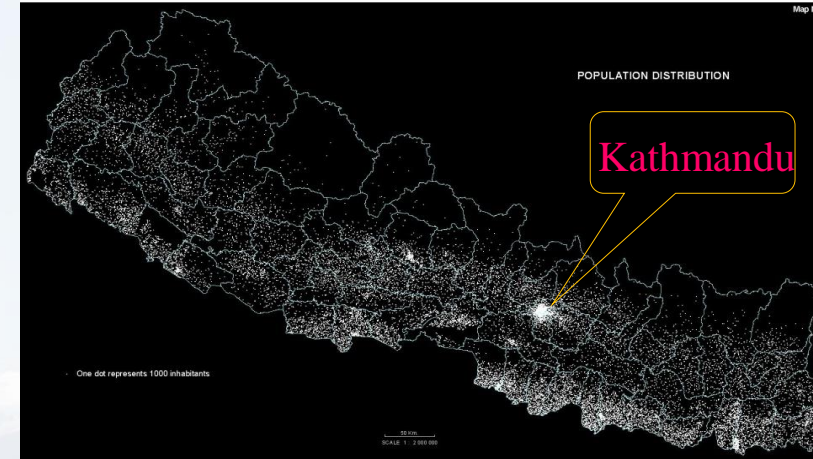
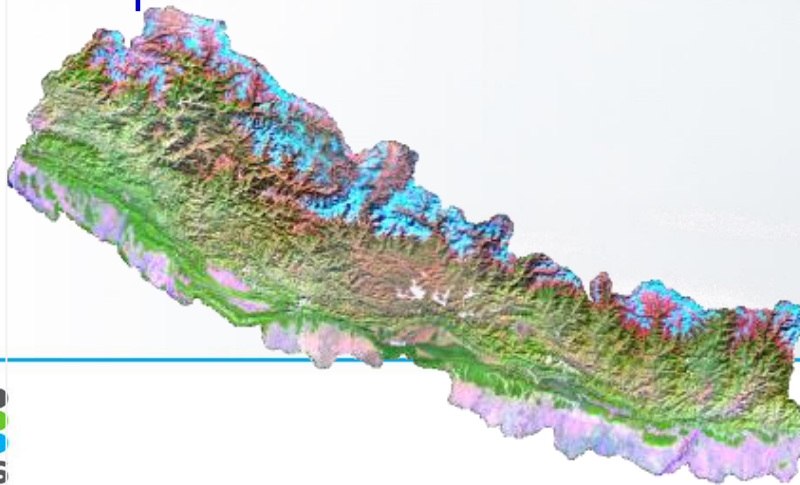
Presentation Outline

- 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 8848 m in the north from MSL)



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The Country Context ...

- The Country of Mt. Everest
- Birth Place of Lord Buddha
- The country of Adventures



Mt. Everest



Lumbini



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The Country Context ...

Incredible Touristic Destinations



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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)
- Consultations on how to implement the pro-poor land tools like GLTN approach including STDM, and VGGT 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 begun 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?



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Thank you so much for your kind attention



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