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Securing Land Rights of the Landless and Urban Poor from Policy to Practice: The Case of Kankai Municipality, Nepal

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- Happy faces of elder women, youths, landless and informal tenure holders after possession of Land Ownership Certificates
- Not the case for generations:
 - Fear of Eviction
 - No incentives for municipal and own investments for shelter and land tenure improvements



Country Context

- Mountainous country with 28% of cultivable land
- Conventional land administration based on improved deed registration system
- Highly fragmented 32 million registered land parcels
- Skewed land ownership structure with nearly half the rural HHs near-landless operating less than 0.5 Ha land
- Some 25% cultivable land, 1.3 million HHs with estimated 10 million parcels under informal tenure, 20% estimated landless *Sukumbasi*
- History of agitations for access to land and secure tenure



Policy, Legal and Regulatory Framework

- National Land Policy, 2019
- Land Act 8th Amendment, 2020
- Land Regulations, 18th Amendment, 2020
- Land Issues Resolving Commission, 2020/
National Land Commission Formation
Order, 2021
- Standards, SOP, Guidelines, Directives
etc.

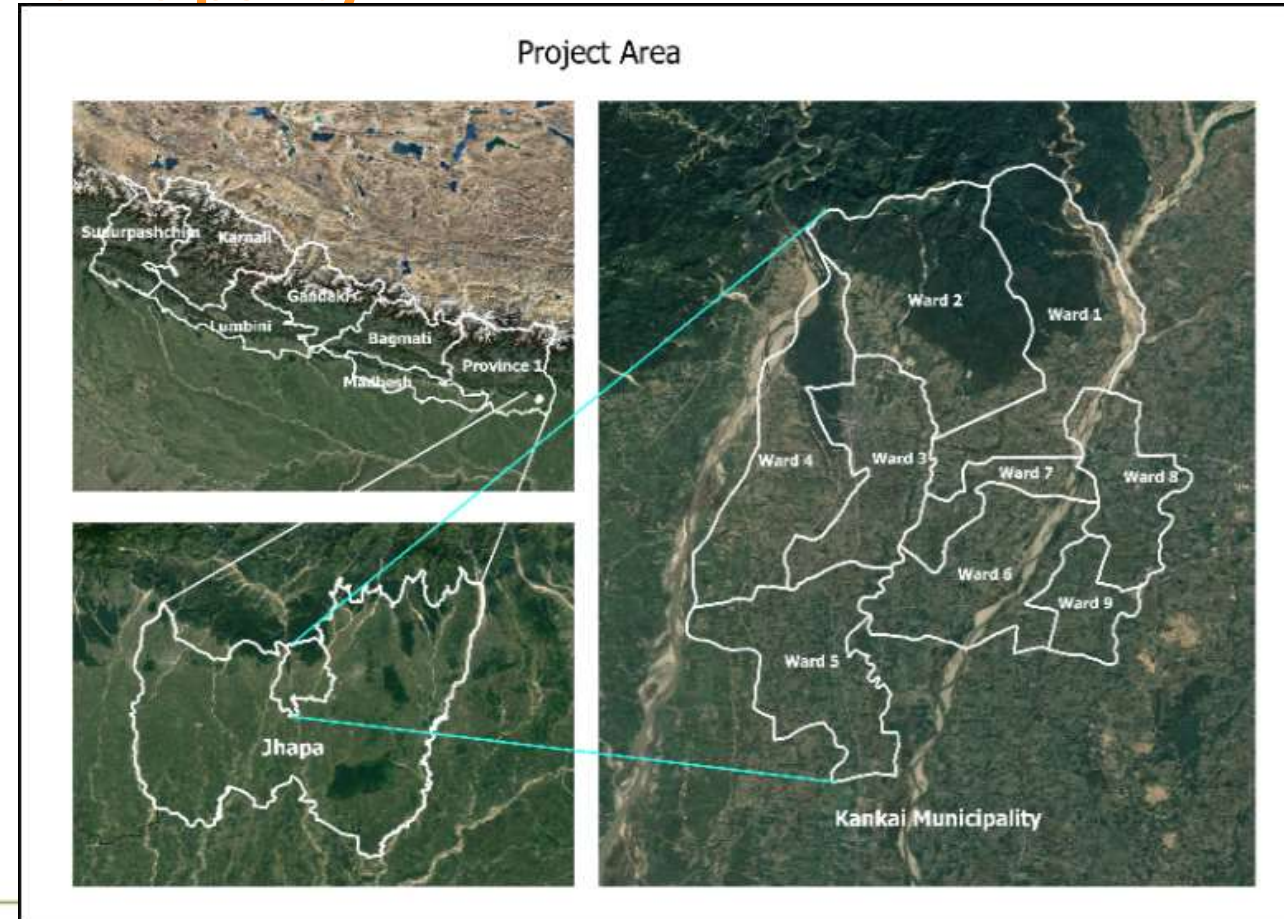


- Security of tenure for all
- LNOB - provides for access to land to landless poor (landless *Dalit and Sukumbasi*)
- Improved women's access to land through joint land ownership

From Policy Practice: Case of Kankai Municipality

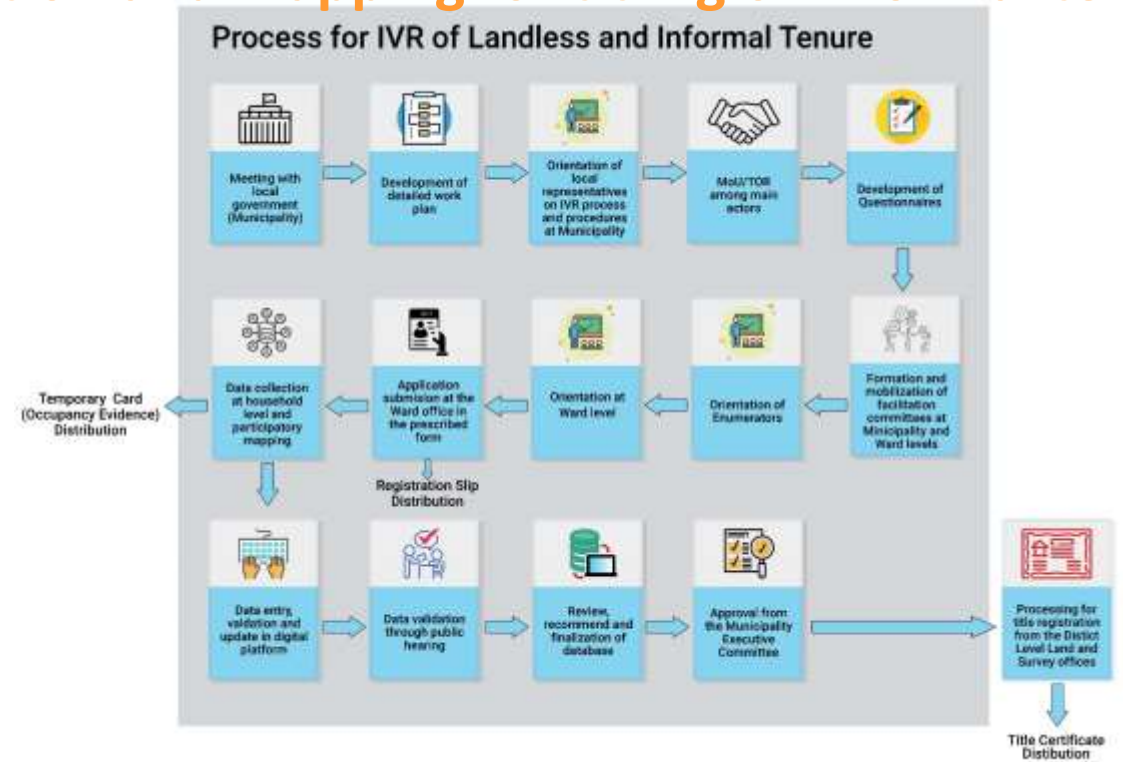
Kankai Municipality (Background)

- Fast urbanizing municipality of Jhapa district, in Koshi Province an area of 79.1 sq.km
- Population around 51,000
- Fertile plains of Terai region, mostly inhabited by migrants from the hills districts
- In the absence of necessary proof of ownership, such cultivated land remained under informality



Working procedure for participatory enumeration and mapping for titling of informal tenure

Step	Key Activities
Preparation, signing of MOU with local government level and Notification	Establishment of Facilitation Committee, Services Centre, and Resource management
Record collection of landless <i>Sukumbasi</i> and informal settlers	Training and fielding of enumerators and record collection through trained enumerators
Data entry, verification, and authorization from Ward Committee	Data listing, ward-wise report, temporary certificate (<i>Nissa</i>) distribution
Identification of land and recordation	Survey planning, survey / mapping
Authentication from the local government level and submission to District Committee	Verification, planning, recommendation
Verification and decision from District Committee and reporting to National Land Commission	Verification with respect to regulations, confirmation of land, and area for allocation and regularization fees in case of informal settlers
Preparation of Land Ownership Certificate	Finalization of map, fee collection as appropriate, land record, and land ownership certificate
Distribution of Land Ownership Certificate	Authorization to local government level, distribution



- Landless *Dalit* and landless *Sukumbasi* receive land ownership free of cost
- Informal settlers having some land elsewhere pay marginal revenue based on their economic status and the type or economic value of land in installment

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Results in Kankai Municipality as of April 2023

- Enumeration of 7091 HHs
- Verified 6559 HHs
- Survey of 8778 land parcels, 1035 Ha
- 27 Land Ownership Certificate (LOC) distributed
- More than 200 LOC ready, rest in the process

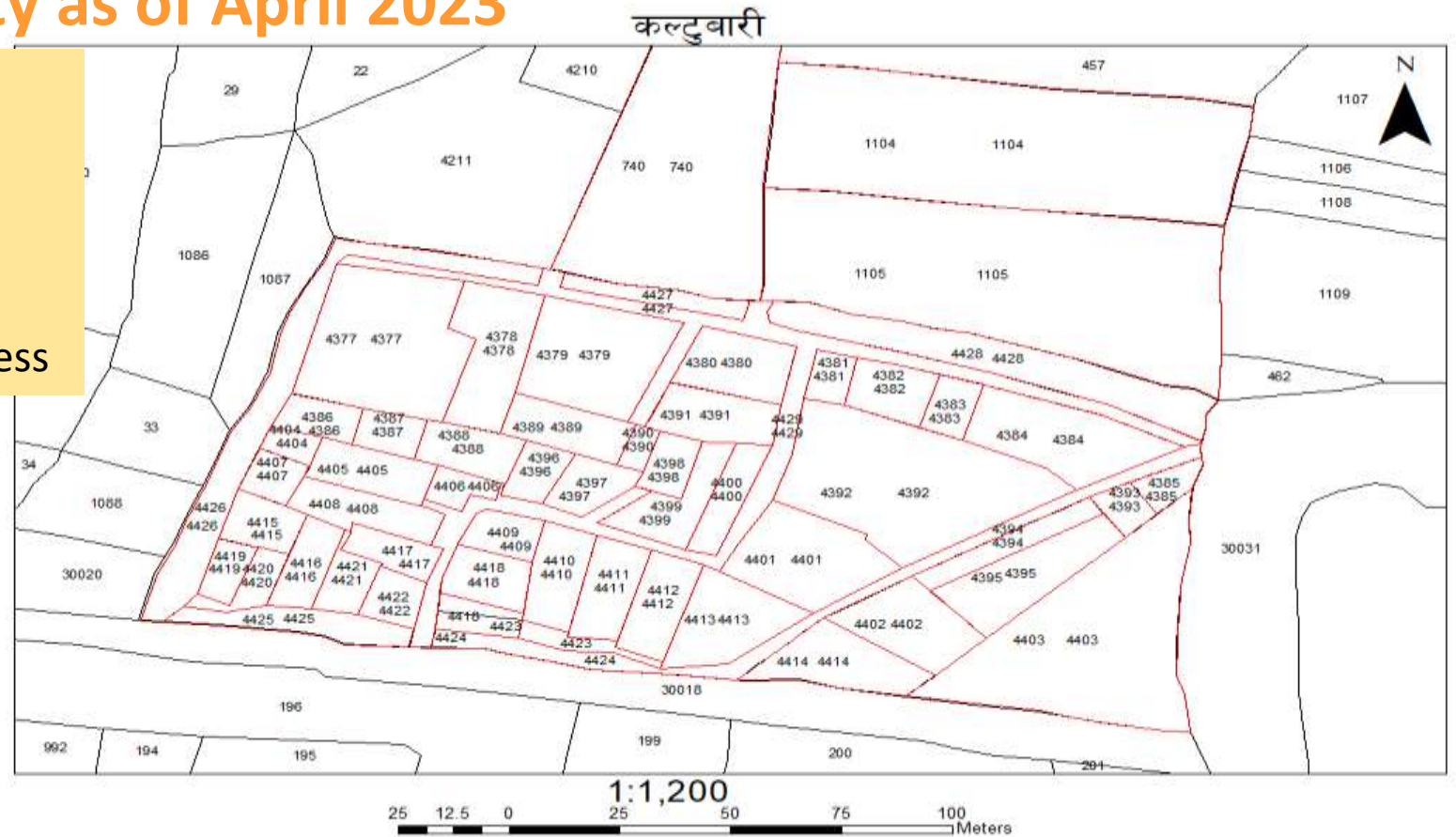


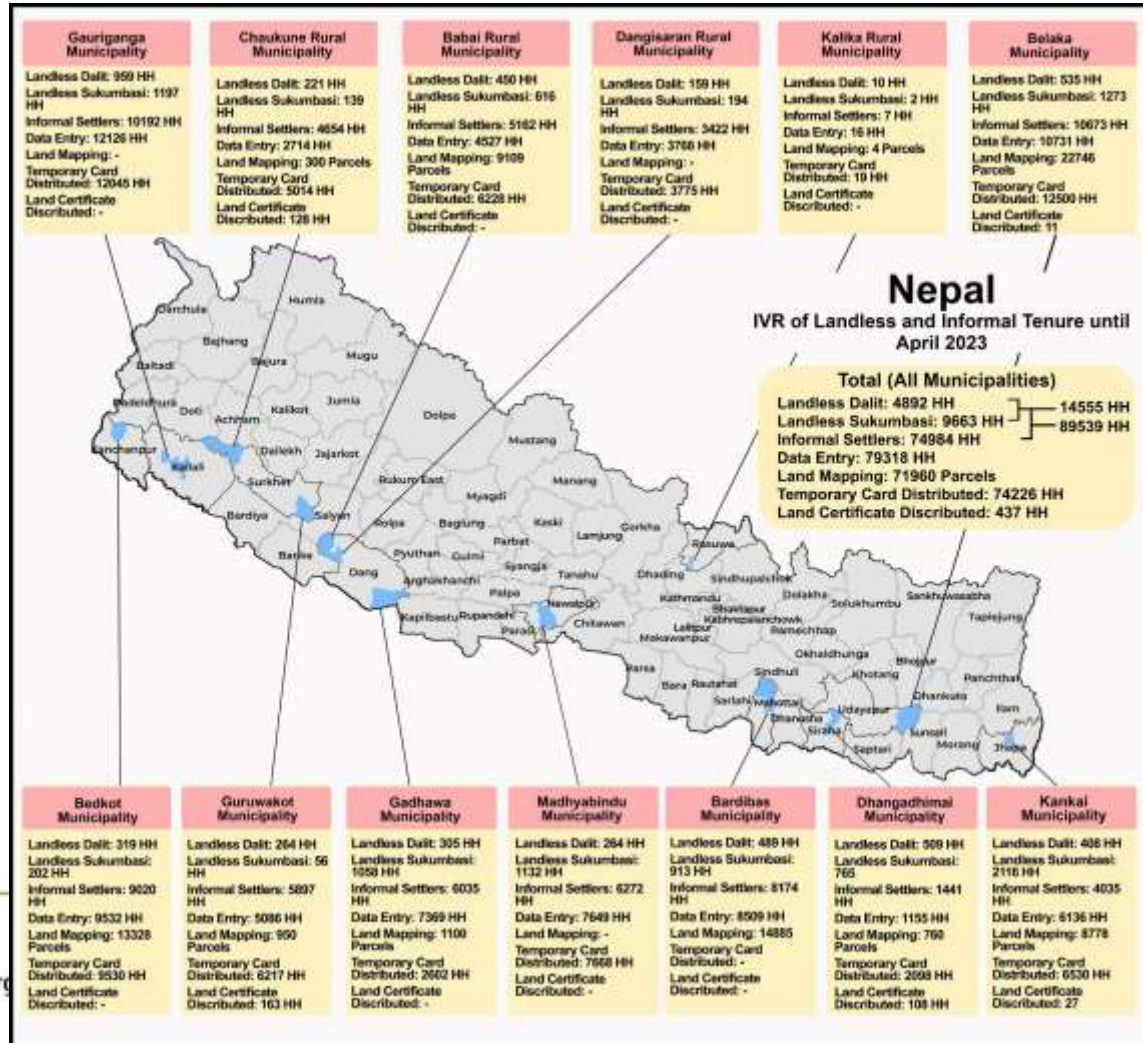


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Outcome of the process: Similar process rolled out in different Municipalities



In the 13 Municipalities, the team engaged:

- Landless and Informal tenure HH enumerated: **89,539**
- Land Survey completed: **71,960** parcels
- Temporary Card *Nissa* distributed: **74,226** HHS
- Land Ownership Certificate distributed: **437** HHS

Country wide:

- National Land Commission MOU with **695** out of 753 Municipalities
- Request Submission, Participatory Enumeration and IVR process continuing in **109** Municipalities
- No. of landless and informal settlers enumerated and data entered in NALCIS System
- Survey of land parcels completed **19,384** Hectares
- Temporary Card *Nissa* distribution continuing in **373** Municipalities
- Land Ownership Certificate distribution **2,041** HHS

Lessons learnt: Key Challenges

- Absentee tenure-holders during enumeration/survey
- Unclear/ fuzzy boundaries
- Demarcation of registered and unregistered parcels/
Problems due to overlapping of the use of *Ailani* (government land) and own land boundaries
- Informal transaction of informal tenure land
- Coordination with Land Survey and Land Registry authorities
- Inhibition of surveyors and land professionals to adopt new tools
- Integration with existing maps, land records and cadastral maps and existing land information system
- Ceiling of land size allocated for regularization vs area and size of land under informal tenure
- Coordination, verification and validation at multiple tiers

Lessons learnt: What Woked well

- Partnership and national ownership (Government Ministry, NLC, Local government)
- Participation of and good rapport with the community
- Ownership of responsibility and accountability by the local representatives and facilitation committees
- Solving of issues on site through public consultations community and ward-wise
- Use of technology as convenient to the surveyors and as fit for the situation
- Political will, and technical and administrative support to successfully undertake the work

Conclusions

- Nepal has established policy, legislation and regulatory framework for allocating land to the landless and regularization of informal tenure
- Institutional and technical framework for participatory enumeration and mapping for the Identification, Verification and Recordation of landless and informal tenure has been piloted, tested and incorporated in practice leading to land titling
- The process is rolled out to other municipalities in Nepal
- The process developed may be a reference for other countries in developing suitable tools for regularization of informal tenure based on inclusive, participatory and fit-for-purpose approaches

THANK YOU

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