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Understanding the Land Issues and Agrarian Reform in Post Conflict Nepal

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ADDRESSING NEPAL'S LAND AND AGRARIAN CRISIS: AN INTRODUCTION

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INTRODUCTION

It has always been stressful trying to survive as a landless, land poor, small farmer and/or agricultural labourer in Nepal. In the 1960s and 1970s many of those migrating from the hills to the plains (as it 'opened up' after the elimination of malaria) were hoping to escape debt and the ever-present disaster of land loss through landslides and erosion, not to mention the inexorable diminution of farm and plot sizes through inheritance (Blaikie, Cameron & Seddon, 1980; Conlin & Falk, 1979; Conway & Shrestha, 1981). Over the last two decades however, perceptions of 'stress' have intensified amongst both farmers and those working in the larger agricultural sector in the Tarai-Madhesh as well as in the hills and mountains (Blaikie, Cameron & Seddon 2002; Seddon 2011). Climate stress is an

ever present threat as farmers experience increasingly unpredictable precipitation or temperature extremes (Practical Action, 2009). At the same time, the terms of trade for agriculture are increasingly unfavourable, with farmers having to bear high input costs, a phenomenon matched by an increasingly high cost of living, driven up to some extent by remittances from abroad and from the towns and changing consumption patterns (Pant, 2011; Sugden et al., 2014). In the context of agrarian stress, the land is increasingly unable to meet families' minimum needs, and migration has emerged a key component of household livelihoods, with the associated labour shortages adding a new layer of stress to already fragile agrarian economy (Adhikari and Hobley, 2011; Sugden et al., 2016; Sunam, 2015).

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It is important however to recognize that these pressures on agriculture are by no means restricted to Nepal. In the Nepal case however, agrarian stress rooted in the climatic and macro-economic context is aggravated by inadequate access to the primary means of production – *land*. This phenomenon is linked not only to population growth and Nepal's rugged terrain with its finite resources, but also to the historical power structures of Nepal, which has long determined the pattern of control over land resources. There are three issues of relevance.

The first relates to access to private farmland which, is registered in name of individual or firm/company, includes 26.9% cultivated and uncultivated land (about 4.1 million hectare). Farmers with smaller and more marginal plots inevitably have lower outputs, and limited capacity to generate cash through crop sales or food for the whole year. They are less likely to invest in tubewell irrigation or other inputs which can increase resilience to climatic shocks (given the high upfront costs), and in the event of a crop or market failure, they are less likely to have sufficient stocks of food to bear the loss (Sugden et al., 2014). Plot sizes continue to decline with division amongst sons, and fragmenting of holdings between multiple plots further affects productivity (Paudel et al., 2013). There is also the very real and surprisingly widespread issue of lack of land ownership certificates, often on land on which families have farmed for generations. One estimate suggests that as many as 3-4 per cent of households, do not have the official title to their land, the certificate without which security of

tenure is problematic (Seddon, 2017). This is an issue not only among squatters and settlers (sukumbasi) in the Tarai-Madhesh but much more widely across the whole country, yet affects hundreds of thousands not only rural but also urban dwellers. Such people are extremely vulnerable. Furthermore, there are a vast number of tenant farmers who cultivate the land of others, yet without tenure security or land ownership, have few incentives to invest on the land, a phenomenon which is aggravated by crippling rent payments (Sugden and Gurung, 2012). Studies have shown that in some Tarai villages, as many as 3 quarters of farmers are tenants (Sugden, 2016).

A second issue relates to public land which is understood as areas that have been used publicly from time immemorial besides being used by individuals such as pathways, water sources (ditches, fountains), banks of water bodies, wells, ponds and their banks, passages for livestock, grazing lands, cremation grounds, cemeteries, places for public rest (buildings, inns), temples, places for religious worship, monuments, courtyards, platforms, drains, temples, resting places (under trees) (Alden-Wily, 2008). Public land has a high potential for livelihood improvement of poor and land-poor peoples in Nepal, despite higher risks associated with insecure tenure. However, these access to these lands are increasingly curtailed through stricter management regimes in community forests, or through outright enclosure, such as the creation of protected areas or private or state acquisition of land for urban development.

Land inequality and land reform in Nepal

Inequality in access to land in Nepal – both communal or private – was entrenched during the Rana regime between the mid-19th and mid-20th century, although even under previous state formations such as the early Gorkhali state or the Sen Kingdom there was a two-way relationship between control over the agricultural means of production and political power. As in British India under the *zamindari* system, functionaries in the state tax collection hierarchy were able to acquire large personal holdings, either as payment for their services by the state, or through confiscating the land of farmers unable to meet tax obligations (Regmi, 1976). Under the Ranas, land was also obtained through the acquisition of 'land grants' from the rulers who were seeking to win the loyalty of a local nobility (Regmi, 1976). These acquired holdings were often forest or 'wild' land (including land which would have been considered common property) cultivated by indigenous communities such as the Tharu, who subsequently became tenants or laborers for the new overlords. Landed elites also acquired extensive land holdings belonging to indebted peasants (Sugden, 2013). The Rana period also saw the undermining of indigenous forms of land tenure – most notably the *kipat* system of lineage based land rights which prevailed in the hills of eastern Nepal (Caplan, 1970; Gaenzle, 2000).

After the overthrow of the Rana regime in the 1950s, there was a wave of Land Reforms under the short lived

multi-party government, and again under the authoritarian monarchical Panchayat system which replaced it (Alden-Wily et al., 2008; Regmi, 1976). The most important ruling was the 1964 Land Related Act (Regmi, 1976), which is reviewed in Maharjan's contribution to this issue. The Act introduced ceilings on landholdings, regulated rents, and sought to redistribute surplus land (Adhikari, 2006). Despite the stated objectives, it has been widely documented how there was in reality, limited political commitment to change. Ceilings were weakly enforced, little land was redistributed, and thus the impact on agrarian relations was reportedly limited (Alden-Wily et al., 2008). Regmi (1976), in a much cited statistic, suggested that the 50,000 hectares of land by 1972 estimated to have been acquired by the government represented only 3% of the cultivable area. Aside from a weak implementing apparatus, landlords were able to retain their estates by using their political connections or deception (Adhikari, 2006; Adhikari, 2011; Alden-Wily et al., 2008 & Deuja, 2008). In fact, the legal reinforcement of private property rights during the reforms actually benefitted landlords (Alden-Wily et al., 2008).

Alden-Wily et al (2008) note that the number of land holdings nearly doubled between 1961 and 2001 due to fragmentation within families, and the average size of holdings dropped from 1.09 ha to 0.8 ha. In this context, it was unsurprising that by the 1970s, there was still a significant class of households with either no land, or holdings insufficient to meet their minimum subsistence, while others had no official title to the

land they farmed. There was virtually no improvement in the distribution of holdings in the three decades leading up to the 2001 Nepal Sample Census of Agriculture, which showed that 47% of all sampled holdings were less than 0.5ha, a size considered too small for a household to meet their subsistence needs, while a further 10% of rural households were entirely landless (Alden-Wily et al., 2008). This latter group included households with land for a house, but no agricultural holdings, as well as those who did not even own a plot for their house and resided on public land with no security against eviction – the *sukumbasi*.

Since the new millennium, and despite the tendency for larger landowners to sell or rent out their land, inequality in land ownership appears to be increasing still further. By the time of the 2010/11 National Sample Census of Agriculture, the proportion of households with less than 0.5ha had increased from 47% to 55%, with 15% of farmers renting part of their land (Central Bureau of Statistics, 2011a), usually through exploitative sharecropping arrangements. While data on total landlessness was not included in the 2011 census, the 2010/11 Nepal Living Standards Measurement Survey noted that a significant 26.1% of agricultural households owned no land at all (Central Bureau of Statistics, 2011b).

This further increase in land poverty is likely to have multiple causes, including as we have indicated, population growth and continued fragmentation of holdings. Another factor is the continued loss of holdings to absentee landlords making speculative investments in holdings in the

countryside (Nepali et al., 2011; 2014b). These investors often purchase land of indebted farmers coping under the stresses of economic and environmental change (Sugden and Gurung, 2012), as well as buying land on the urban fringes for property development (Nepali et al., 2014b). In contrast, there is also evidence to suggest that larger landowners are increasingly becoming more involved in urban and other non-farming rural activities, which in some cases result in their land being sold or rented out, making some new land available. One of the reasons for this development is that new opportunities are opening up outside farming for those with capital to invest. Putting this land into productive use with livelihood potential is a key priority, particularly given the ever-present challenge of land being set aside for speculative purposes or 'plotting' for residential use.

Another issue relates to the increased exclusion from communal lands. Communal lands have long been a key component of household livelihoods. Indigenous lands, which belong to specific clans, were abolished in the 1960s. Nevertheless, there are still considerable areas of land used for grazing, fishing and even agricultural activities surrounding villages, which are used by communities rather than individual producers.

However, even public land cannot be considered a safety valve for the landless poor. The implementation of community forestry in Nepal since the late 1970s offered to regulate the management of public forest lands close to communities, to ensure improved

sustainability. Nevertheless, the economic benefits of community forestry for the most marginalized farmers are sometimes questionable (Neupane, 2003; Agarwal, 2001). For example, the level of participation in community forestry user groups, or the capacity to influence decision-making, is shaped by a complex intersection of caste, class and gender (Nepali et al. 2014; Nightingale, 2002). Rules by groups, which restrict the collection of certain forest products, can harm the livelihoods of marginalized groups whose voice is not heard in meetings, and can increase their work burden by forcing them to travel further for harvesting (Nightingale, 2002).

Some of the most significant causes of exclusion from public land however, emerge from outright enclosure, such as the creation of national parks from the 1970s onwards. These have enclosed what were once important sites for grazing and forest produce harvesting, particularly in the Tarai (McLean and Straede, 2003). Similarly, public lands and water bodies are increasingly being appropriated by the state or encroached upon, particularly in peri-urban locales, excluding previous users (Adhikari, 2004). Even floodplain land, which supports thousands of landless and Dalit households in the Tarai may be under threat with upstream hydropower development (Sugden et al., Forthcoming). Ensuring the equitable management of public land is particularly important in the medium term, as it

bypasses the politically thorny issues related to the redistribution of private land, which is the clear long-term solution to Nepal's land crisis

Post-2006 land reform agenda

After 2006, land issues have once again been strongly reflected or discussed in several political and policy documents such as Comprehensive Peace Agreement 2006, Interim Constitution 2007 and Newly Promulgated Constitution of Nepal in 2015. Specifically, Article 3.7 of CPA noted that it would implement a 'scientific land reform' programme. The Interim Constitution 2007 also aimed 'to end feudal and semi-feudal land ownership', and ensure land right of landless, land poor and marginalized groups. The constitution of Nepal promulgated in 2015 (article 25) ensured right of property as a fundamental right of people which also recognizes land as a property in spirit of public interest¹.

Since the end of the Maoist insurgency, much of the land confiscated from 'feudal and semi-feudal landlords' during the insurgency has been handed back, a rightward shift in political discourse has meant that land reform has slipped down the political agenda. Even while it was still considered a priority issue in the aftermath of the conflict, there was considerable debate regarding the most appropriate

¹ Constitution of Nepal, 2015, Art. 25 Right to property: (1) Every citizen shall, subject to laws, have the right to acquire, enjoy own, sell, have professional gains, and otherwise utilize, or dispose of property (2) The State shall not, except in the public interest, acquire, requisition, or create any encumbrance on the property of any person.

approach to land reform, particularly when land reform can be categorized as either an economic (efficiency and prosperity) or socio-political issue (social equity and justice etc). There are also of course quite different approaches of land reform available, such as redistributive, reformist and transformative (socialist). Regardless of which approach might be most appropriate in the case of Nepal as the basis for a progressive and effective transformation of agriculture and social justice, the agenda of land reform and land management more broadly has been overshadowed in Nepal over the last 5 years, by the debate over federalism and state restructuring.

In contrast to the largely unsuccessful policy response – whether from government or non-government sources – the Nepali land rights movement is active from a political to civil society level in lobbying for equitable access to land and addressing historical social injustice. From a civil society perspective, landless and land poor people at the grassroots need to be – and are being – empowered to claim land rights and pressurize the mainstream political parties as well as policy makers for pro-poor policy formulation and its effective implementation.

There is however, a missing link between the political and technical considerations of land reform – and far more consideration and analysis are needed regarding the different ways of managing public and private land in the context of a long term land reform vision. This includes solutions to involve communities and marginalized groups in the process of transformation and land management (Alden-Wily, 2009).

Another missing link is between the political need for more equitable forms of land management and land reform, and the larger state policies for developing the agricultural sector. For example, while land reform may be critical from a social justice perspective, what does exclusion from land mean when it comes to developing policies to sustainably increase agricultural productivity, expand the irrigated area, and increase agricultural exports? There are also questions regarding the other policy shifts required in the agrarian sector to supplement any effort to address the land question.

INTRODUCTION TO SPECIAL ISSUE

Against this backdrop, this special issue of *New Angle: Nepal Journal of Social Science and Public Policy*, attempts to investigate a diverse range of land issues from a theoretical/conceptual, policy and practical perspective. It is directed towards identifying pragmatic solutions with informed understanding on land issues, while also looking at the broader context of agrarian development in Nepal – and the implications of failing to engage with structural distribution of land.

Cameron, Pandey and Wagle's contribution to this issue considers the structure and dynamics of agriculture in Nepal in the second decade of the 21st century, with particular reference to the Western Tarai-Madhesh, and in the light both of agricultural policy – the 20 year Agriculture Perspective Plan (APP), formulated and developed during the second half of the 1990s and the more recent Agricultural Development Strategy

(ADS) – and political practice – during the 1996-2006 Maoist insurgency and after the Comprehensive Peace Agreement of 2006.

The APP was very much the work of the American economist John Mellor, who had experience of the 'Green Revolution' in the Punjab and brought with him a vision of agricultural growth in Nepal which would have a multiplier effect across the wider agrarian economy, generating employment and economic growth. At its basis was a combination of state intervention and market forces to eliminate input supply constraints to facilitate agricultural intensification. It failed however, to identify the specific features of the Nepali agrarian political economy and more specifically to address the deeply entrenched inequalities in the distribution of land and resources, which were such a driving force behind the widespread support of rural workers and peasants for the Maoist insurgency. It failed to address the declining size of land holdings due to population growth, and the persistence of tenancy; it did not recognize that although the Tarai was the region with the greatest agricultural growth potential, it was also the region with the most severe land inequalities, dominated by a landowning class suspicious to both market forces and policy change.

It also, like the World Bank in its analysis of Nepal at the Turn of the 21st Century (World Bank, 2000), failed to identify the significance the growing exodus from the rural areas of Nepal to the towns and abroad in response both to the lack of employment and income generating opportunities in the agricultural sector

and to the opportunities emerging outside agriculture and outside Nepal – an exodus that was accelerated and exacerbated by the insecurity created by the conflict between the Maoists and the State. The Agricultural Development Strategy, which was designed some ten years later, while showing a greater awareness of the specificities of Nepali agriculture and the change unleashed by foreign migration, also failed to realistically engage with the structural inequalities in the distribution of land and assets, just at the time that land poverty was intensifying.

Cameron, Pandey and Wagle's paper compares the results of two Nepal Living Standards Surveys (1995-96 and 2010-11) with particular reference to the Western Tarai-Madhesh and concludes that a number of significant changes took place in this region during the 15 year period between the two surveys, and adds some qualitative information on the basis of other studies undertaken in the region. Although it is of course not possible to draw definitive conclusions regarding one region from what are national sample surveys, this is one of the few attempts to provide an empirical basis for an assessment of the major features of agrarian change in the last 20 years (for an interesting attempt to provide a comparison of the agrarian economy in the same region between the mid-1970s and mid-1990s, see Blaikie, Cameron & Seddon 2002; Seddon 2011; 2017 forthcoming).

Firstly, with regards to human assets – and a key feature of rural economy and society in this period from the mid-1990s to 2010-11 – this paper also shows that there was a significant decrease in agricultural

self-employment and a corresponding increase in non-agricultural self-employment, which seems to be mainly the result of an increase in migration. This does not, however, look like the classic differentiation of the peasantry and emergence of agrarian capitalists and proletarians (considered to be the typical model for the development of capitalism in agriculture). It seems to be more like the consolidation of subsistence production combined with the emergence in specific localities and under specific conditions of petty commodity production, as identified by Blaikie, Cameron & Seddon in the mid-1990s (2002).

There was also a substantial increase in the proportion of households where the registered head of the household was a woman, which the authors suggest (surprisingly tentatively) 'may have a connection with migration' (which is 90 per cent male migration). Finally, there was increase in self-declared literacy, presumably a consequence of more children attending school, and also something the authors suggest 'may be associated with increased migration'.

As regards access to what the authors call 'natural assets' (mainly agricultural land but also water for irrigation and forest resources), it appears that, while the average land holding remains, on average, one hectare between the two survey points, there is an increase in the numerical preponderance of smaller farms, which the authors suggest was 'probably driven by sub-division through inheritance' as there was no development of a land market. What they do not mention, however, is security of access to

agricultural land. A significant proportion – possibly one in 30 – of rural households have no official land certificate, hence no title to land, and hence no security of tenure. In the Tarai, the figure is probably closer to 1 in 15 households. Households with insecure tenure and/or with limited access to agricultural land, and/or with very small plots are less likely to invest heavily in agriculture and less able to provide for their own needs.

The authors indicate that there was a marked increase in the area irrigated, mainly by shallow tube wells, and in the use of pump sets, but considerably less than anticipated in the APP. Other farm inputs, including fertilizer use and the use of mechanical and motorized farm equipment, were significantly less than anticipated in the APP. The impact of this investment was limited, and growth in agricultural production over the period concerned was close to that of population growth. There was significantly greater access to 'facilities', including markets; and increased use of 'agricultural centres' and cooperatives.

The surveys indicate a move away from farm income (whether from self-employment or from agricultural wage labour) and an increasing reliance on remittances (amounting to at least a doubling of the share) from off-farm employment. Average nominal household and per capita income both increased substantially; and even after correcting for inflation, real incomes more than doubled between the two surveys – a compound average rate of around 3 per cent per annum. While some of this may be the result of the increased use of irrigation, it seems more likely that

remittances from employment outside agriculture – much of it abroad – explain this overall improvement in income levels.

There is, however, evidence of an overall reduction in the percentage of households claiming to own land, which suggests that this attachment to the land is diminishing, particularly among those groups that benefit the most from remittances, and among some of the less privileged groups. Significantly, it is among these less privileged groups that more than 30 per cent of households still claim to have inadequate access to food, despite an overall improvement in terms of food consumption across all social groups.

While Cameron et al's paper engages with the larger trajectory of agrarian development in Nepal, the other four papers in this issue deal with specific policy questions relating to land management and the role of the state in agriculture. Nepali's paper engages in more detail with the land reform policy in Nepal, engaging with the much-debated issue of equity versus efficiency. Efficiency describes a situation in which the largest aggregate amount of some output can be obtained from a set amount of input. Equity by contrast, entails equality of opportunities but not equality of outcome. In case of the land reform debate, there has long been a debate over the trade-off between equity (fairness in re/distribution) and efficiency (production in economic sense of farms). In the long run, both it is asserted, need to complement each other. The paper highlights that fair and equal access to land is critical from an efficiency as well as equity perspective.

The paper goes on to note that civil society led land monitoring can play an important role in ensuring the convergence of equity and efficiency issues during the land reform process. Community based monitoring and governance includes democratic, decentralized and transparent decision making over land use, land reform and land policy and flexible tenure systems appropriate for different social groups and the livelihoods on which they depend.

Community based land monitoring with inclusion of diverse members of society as well as state actors can generate evidence and data on land ownership for the implementation of land reform policy, can develop mutual understandings between land users, and resolve tensions between the state and civil society. This is all the more important in the context of critical challenges in Nepal posed by top down land governance. What is required, Nepali argues, is an effective interaction between the state and civil society led movements to secure land rights from below. For example, there have been an increased tendency for land acquisition by the state or private companies. Community based land monitoring can be used to re-assert the rights of users and situate their needs within larger land use management plans. This is critical as such dispossession has severe impacts on small holders and producers especially in terms of food security, social tensions and indigenous practices. It also causes rapid changes in land use patterns, thereby altering local food production systems, with negative effects on local-level food security and resource conflicts – issues of importance from the perspective of both efficiency as well as equity.

Subsequent papers by Sapkota, and Acharya's, Manandhar's and Nepali, engage with the often overlooked issue of public land management, including the conflicting goals of social movements and the bureaucracy to mediate the use rights for public lands. Public land generally is understood to refer to lands which are used by communities including amongst others, ponds, water bodies, river banks, grazing land, market places and religious sites. Most legal documents pertaining to land, such as the Interim Constitution 2007, Constitution of Nepal, the *Lands Act* of 1964, the Land Use Policy of 2012, the Agriculture Development Strategy (ADS) policy, and the Draft National Land Policy focus mostly on tenures and tenancy of agricultural land. These legal documents focus less concerned about public land management, community land tenure security, and the allocation of public resources for the support of local peoples' livelihoods (especially the livelihoods of poor, marginalized and Indigenous Peoples). Despite various legal provisions that address these issues, these legal frameworks indicate ambiguity and inconsistency concerning matters such as jurisdiction and enactment/initiation of implementation. Moreover, there are no explicit interventions in these legal instruments that secure community land rights.

Sapkota's paper reviews the Public Land Management program was implemented from the 1990s onwards, and was driven by principles of legitimacy, accountability, fairness and participation. However, Sapkota notes how this has emerged from a state-centric epistemology and less on

the pro-poor discourse of movement and struggle. The program, including the revised Public Land Management 2006 guidelines (PLMG), failed to offer clarity regarding who would benefit from the land and for which purposes. Based upon fieldwork in the western Tarai-Madhesh, the paper notes how public land management initiatives fail to guarantee the security of common property rights for the poorest communities or indigenous land and resource harvesting rights. Challenges included elite capture, politicization and poor database management. There were also conflicts between members and non-members of the public land management groups, struggles which aligned with local power relations and inequalities. In many context, the program had disenfranchised earlier users such as the Dalit community, while the engagement of women was often limited.

The burgeoning land rights movements in the post conflict period often have agendas which contradict that of the state and NGO supported land management initiatives. It therefore argues that 'public land management' and the 'public land movement' are two mutually contested phenomena. Sapkota engages with the issue of indigenous land rights through its attention to movements such as the *Majhi Musahar Bote Kalyan Sewa Samiti* which conflict directly with the discourse of the Public Land Management program. It was focused explicitly at protecting the rights of some of Nepal's most marginalized indigenous groups such as the Bote, Majhi and Musahar, who are often landless themselves and depend on public land for fishing and other harvesting activities.

In the context of the Nawalpur region, in spite of the Public Land Management program, these groups were prevented from accessing natural resources as per their traditional livelihoods from public lands.

Acharya's, Manandhar's and Nepali's paper also engages with public land management dilemmas, although engages with the issue of competing claims between user groups and the state apparatus. Using a case study of Public Land Management groups from the Western Tarai-Madhesh, it shows how agro-forestry and other uses of public land were making a valuable contribution to livelihoods, while contributing to environmental sustainability by restoring otherwise degraded lands. In contrast to Sapkota's study, the groups have shown positive traits in terms of the participation of marginalized groups. While the groups reviewed in this paper appear to offer tangible economic benefits for marginalized and land poor communities, conflict over resources remains a challenge. Unlike Sapkota's paper however (whereby the PLM program actually conflicts with movements led by marginalized groups), the primary axes of conflict is between the PLM groups and the local government bodies such as the VDC. The latter have overlapping claims to manage certain public resources such as fish ponds, while also maintaining the right to extract tax or levies from the groups.

In this case, like in Sapkota's paper, the core issue relates to overlapping rights and claims to common pool resources, a critical issue in countries such as Nepal, where land remains scarce. A core issue for PLM groups therefore is that of ensuring

tenure security, protected by a sound legal framework. It is also critical that groups do not themselves worsen exclusion, whereby a small group of individuals, at the expense of the larger community, encloses public land for its own use. There is therefore a need for an appropriate balance to be struck in how rights to public land are allocated, between both user groups on the one hand, and the local state on the other, with the latter managing resources which should technically be available to all community members.

Maharjan's paper makes engages with the contested dilemma over indigenous people's land rights, adding further insights to an issue also covered in the debate over public land management in the above contributions. Maharjan highlights the different political discourses which underline claims for land rights, particular in the aftermath of the second People's Movement. The land rights movement has shifted in this context from one based only upon economic efficiency and equality (advocating for redistributive land reform) to a broader conceptualization of inclusion which includes concepts of indigeneity and rights to land and associated natural resources on the basis of ethnicity.

Amongst indigenous people's activists, the claims for land rights can be set against the long history of subjugation by the state, which has affected indigenous groups who disproportionately depend on land and forests, as well as processes on a cultural level such as sanskritisation. The focus of these movements has been on the right of self-determination in order to own, control and access ancestral/traditional/customary land. The movement needs to

be set against the context of past policies such as the Forest Nationalization Act (1957) and the Range Land Nationalization Act (1974) which curtailed the traditional and customary rights of people who had been dependent on these lands from generations. Indigenous peoples in Nepal have been disproportionately disenfranchised by the creation of national parks, not to mention the abolition of indigenous land rights such as *kipat*. These historical injustices have had a far reaching cultural and economic impact on indigenous communities. At the same time, indigenous people with land based livelihoods and a history of disenfranchisement, often suffer to the greatest extent from Nepal's deeply inequitable agrarian structure including feudal landlordism, tenure insecurity and skewed distributions of holdings. Recent developments in the land reform policy context have meanwhile, failed to adequately address the concerns and claims of indigenous groups, in spite of some positive shifts in fields such as linguistic rights or social development schemes for marginalized groups.

In the context of the drafting of the National Land Policy, this paper analyses the multiple contestations over land with the emergence of indigenous groups as stakeholders. While the National Land Policy pays lip service to indigenous people's rights, it has been silent over key demands raised by indigenous people's organizations related to ownership, self-determination and right of free prior and informed consent. Maharjan highlights the importance of customary land tenure and management regimes in a local context.

However, the paper notes that the National Land Policy seeks to manage this through the existing *raikar* land classification system, as it seeks to minimize legal pluralism. The policy also treats indigenous peoples as a homogeneous group, which ignores the fact that there are many types of land dependent people with varying degrees and types of land dependency, not to mention counter claims by non-indigenous groups.

The paper attempts to come up with a policy solution that is rational and farsighted enough to address the multiple intra-group claims and is sensitive to their diverse needs (beyond the one size fits for all). The paper identified major criteria, which should form a basis through which indigenous land claims can be addressed and land rights legalized. These include ensuring that certain groups are (i) disproportionately dependent on the land in question, (ii) a homogenous community, to ensure the customary land rights can be rolled out without affecting other groups; (iii) still following traditional land based practices.

While the above three papers have focused explicitly on land rights, one is reminded of the issues raised in Cameron et als paper regarding the larger agrarian development strategy of Nepal. Providing land rights to groups or individuals is important, yet the capacity for users to generate income and strengthen their livelihoods is dependent upon effective state extension services, and issue addressed in the final paper of this issue by Devkota, Thapa and Dhungana. Effective extension services, along with tenure security, are arguably the cornerstones of long term agricultural

development in countries such as Nepal. The paper shows that agricultural extension has changed significantly in Nepal over recent decades.

In the context of economic liberalization, the role of the state in extension has declined, and aside from a greater decentralization of efforts, there is now participation of a much wider range of stakeholders. Agricultural extension is now the domain of both the district agricultural office, the National Agricultural Research Council, a wide network of NGOs, and the private sector. This has however, created new challenges for farmers. The increased role of the private sector such as agri-input dealers in particular is significant. With a lack of centralized coordination, inputs provided to farmers are not necessarily those which are tried and tested in agricultural research initiatives. At the same time, there are often weak channels of communication between private sector providers, NGOs, and government agricultural extension services, as well as between the different bodies of the state

involved in extension. Added to this is a disconnect between the technologies which are promoted, and their suitability for the groups to which many extension initiatives are targeted – namely small and marginal land holders. A ‘one size fits all’ approach to technology dissemination is thus at odds with the persisting land inequality present in Nepal, an issue which is central to this special issue. This paper calls for a more coordinated engagement with the multiple stakeholders engaged in extension and a greater sensitivity to the needs of different farmers.

To conclude, while many of the issues outlined in the above papers have been less significant in the political landscape over the last few years – the impact they have on livelihoods remain critical. Given the persisting importance of agriculture to Nepal’s economy and rural livelihoods – it is inevitable that they will resurface in the near future, with even greater urgency. It is hoped that the above papers in this special issue will make a valuable contribution to these debates in the years ahead.

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