



**CARTER CENTER: LAND COMMITMENTS IN NEPAL’S PEACE PROCESS ONLY
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June 22, 2010

FOR IMMEDIATE RELEASE

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Kathmandu... In a report released today, The Carter Center has found that the Maoists and successive governments have each only partially fulfilled land commitments as outlined in the November 2006 Comprehensive Peace Agreement (CPA) and subsequent agreements. In those accords, the Maoists committed to return land seized during the conflict and the then-Seven Party Alliance government committed to formulate policies for scientific land reform.¹

“Although both sides have made progress towards these goals, the commitments remain unfulfilled,” said Dr. David Pottie, associate director of the Carter Center’s Democracy Program. “The Carter Center believes that land return and land reform efforts should proceed together to address fairly grievances on both sides and achieve lasting peace.”

The report is based on the most recent findings of Carter Center observers throughout the country, who have observed the post-election peace and constitutional drafting process since June 2009. The Center collected information in 11 districts – six Tarai and five Hill and Mountain – through interviews with government officials, political parties, civil society, landowners, tenants, and local residents.

According to the Center’s findings, the Maoists appear to have returned the majority of land that they seized during the conflict in the Hills and Mountains as well as in some parts of the Tarai. However, in the Far and Mid Western Tarai, it appears that the Maoists still have not returned most of the land that was seized during the conflict period.

When land return has taken place, it has occurred on an *ad hoc* basis with no formal process, and usually has involved direct negotiations between individual landowners and the Maoist party. Maoist policy regarding whether to return or retain land appears to be frequently, but not always, determined by district and local level Maoist representatives.

¹ Clauses 5.1.8 and 3.7 of the CPA

Official records regarding conflict-era land seizures are highly inaccurate, making it nearly impossible to determine exactly how much land was seized or how much has been returned in a given district. Many landowners have never reported their land as seized and are reluctant to engage legal or administrative channels to have it returned, believing these channels to be unable or unwilling to address such cases.

Since the end of the conflict, there have been new land seizures carried out by the Maoists and by other groups such as the CPN(M) led by Matrika Yadav. There have also been many symbolic land seizures that have been reported in the media, but where no land has been captured. Symbolic seizures, which consist of planting a party flag and issuing a press release, have been carried out by a large range of groups to raise the profile of a group or draw attention to a cause.

According to the Center's findings, land reform commitments have also not been fully implemented. Two Land Reform Commissions have been formed since 2006 – one under the former Maoist-led government and another under the current UML-led government. A new land use plan has recently been proposed by the UML-led government, a positive step, but to date, policies for scientific land reform as called for in the CPA have not been formulated or implemented.

The Center offers the following recommendations to the government and to the Maoists to advance outstanding commitments related to land return and land reform:

Recommendations on land return:

- Create an official, credible, and impartial record of seized land nationwide;
- The UCPN(M) should return the land found to be remaining under its control;
- Establish mechanisms to deal with complex land return cases that allow for a range of possible solutions including, for example: compensation, resettlement, long-term government loans, or distribution of tenancy rights where appropriate;
- Establish a credible and impartial land return monitoring mechanism.

Recommendations on land reform:

- Establish a comprehensive record of public and private land;
- Establish a record of landlessness;
- Form an inter-party working committee to study land reform recommendations;
- Hold a land summit to allow for an inclusive dialogue on land issues;
- Agree on enforceable legislation regarding the land ownership ceiling;
- Agree on a comprehensive land use plan, building on the plan recently put forward by the Government;
- Identify a common minimum program on land reform and implement land reform policies.

Carter Center reports on Nepal's peace and constitutional drafting process may be found at <http://www.cartercenter.org>.

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**LAND COMMITMENTS IN NEPAL'S PEACE PROCESS:
WHAT HAS BEEN ACHIEVED TO DATE?**

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I. Introduction

Land ownership has traditionally constituted the principal form of political, social, and economic power in Nepal.¹ The country's pre-1950 feudal land tenure system established a small, powerful land-owning class upon whose loyalty the monarchy and Rana regimes could depend. Since 1950, several attempts at land reform have largely failed to alter this unequal land ownership pattern. According to a 2009 study, fewer than 10 percent of rural households possess roughly one-third of private land while more than half of the rural population is functionally landless, i.e. does not possess enough land to cover subsistence needs, and approximately 10 percent of the population has no land at all.² Land inequality is considered to be a root cause of the Maoist³ conflict, and was explicitly stated as one of the reasons the Maoists began their armed struggle in 1996. Over the course of the decade-long conflict, the Maoists seized and redistributed thousands of bighas⁴ of private agricultural land, primarily in the country's southern Tarai plains area.

In the 2006 Comprehensive Peace Agreement (CPA), the Maoists and the then-Seven Party Alliance agreed that all land seized during the conflict would be returned; policies for scientific land reform would be formulated; and both sides would refrain from seizing new land in the post-conflict era. At present these CPA terms, which have been reaffirmed in multiple subsequent agreements, have only been partially respected by both sides. While the Maoists appear to have returned most land that was seized during the conflict in the Hills and some in the Tarai, there are many cases where land appears not to have been returned. By the same token, while two land reform commissions have been established since 2006, no reform policies have been formulated or adopted since the signing of the CPA. Finally, though on a far lesser scale than during the conflict, there have been new land seizures by the Maoists and other groups, most notably the Communist Party of Nepal (Maoist) led by Matrika Yadav.

This report is intended to review the commitments related to land made in the CPA and subsequent agreements, and to shed light on the degree to which these commitments have been fulfilled thus far. Specifically, the report covers: progress on land reform since 2006; where, when and how land has been returned by the Maoists; where and why land has not been returned by the Maoists; and how and why land has been seized in the post-conflict period. This report also puts forward recommendations about what action is still needed on both sides to achieve the goals stated in the CPA.

A note on how to read this report: First, though land reform and land return are both important components of the CPA, the observation sections of this report focus in detail on land return at the district and local level. Because land reform is a national-level process which has not yet begun, the Carter Center is not able to observe its implementation on the ground and thus is not able to report on it in depth. Land return, by contrast, is a local-level process ongoing since 2006 which is observable. However, as noted throughout the report, The Carter Center believes that both reform and return are required to achieve lasting peace in Nepal and that the two should proceed together.

¹ "Landownership in Nepal" by Mahesh C. Regmi (1977) p. 1.

² "Land Reform in Nepal: Information in Brief - Land Reform Brief #1 What We Know About Rural Land Ownership in Nepal Today" point 4, excerpted from "Land Reform in Nepal: Where is it coming from and where is it going?" (April 2009), Dr. Liz Alden Wily, Dr. Devendra Chapagain, and Dr. Shiva Sharma.

³ This report uses "Unified Communist Party of Nepal (Maoist)" and "the Maoists" interchangeably. Whenever the report references the CPN (Maoist) party led by Matrika Yadav, the name Matrika Yadav is explicitly stated in order to ensure there is a clear distinction between the two party names.

⁴ A bigha of land in Nepal is equivalent to 20 katthas, 13.9 ropanis, 222 anas, 0.67 hectares, 1.6 acres, 8,316.8 square meters, or 72,900 square feet. In qualitative terms, a bigha of land is slightly larger than an international regulation-sized football (soccer) field.

Second, it is important to note that this report is not at all a comprehensive overview of land problems in Nepal. Multiple expert works already exist (such as “Landownership in Nepal” (1977) by Mahesh C. Regmi, and, more recently, “Land Reform in Nepal: Problems and Prospects” (December 2008) by Dr. Jagannath Adhikari and “Land Reform in Nepal: Where is it Coming from and Where is it Going?” (April 2009) by Dr. Liz Alden Wily, Dr. Devendra Chapagain, and Dr. Shiva Sharma) which lay a strong foundation for understanding the larger context and broader structural problems of land in Nepal, including issues related to Guthi land, tenancy rights, women’s rights, Dalits’ rights, indigenous and marginalized peoples’ rights, landlessness (including freed Kamaiyas, Haliyas, haruwa-charuwa⁵, and flood victims) and other issues. Addressing these long-term problems will be critical for successful land reform in Nepal, as in many cases they are of greater public concern than conflict-era land return. However, it is beyond the capacity of this report to explore these issues in a way that does justice to their complexity.

II. Methodology

The Carter Center’s findings included in this report are based on interviews conducted from February to May 2010 with government officials, political party representatives, civil society, journalists, landowners and their relatives, tenants, and local villagers in 11 districts - six Tarai (Kailali, Dang, Kapilbastu, Nawalparasi, Dhanusa, and Morang), three Hill (Ramechhap, Surkhet, and Baitadi), and two Mountain (Gorkha and Sankhuwasabha). These districts were selected based on geographical considerations and prior knowledge of land issues from observer findings that were gathered from June 2009 to January 2010.

In each district, observers gathered information at the district level about the situation regarding land that was seized during the conflict-era and in the post-conflict period. Observers identified individual cases for follow-up study where land seized during the conflict had or had not been returned as well as where land has been seized since the signing of the CPA. At the village level, observers interviewed tenants, local residents, squatters, political party representatives, and landowners, when possible, to gather as much detailed information as they could about individual cases of land seizure and/or return.

The Carter Center has produced district-level case studies to provide a general overview of the situation regarding land seizures in each district as well as the variation in both the range and implications of land cases by district. For purposes of organizing the report, district cases have been presented going from East to West. The Center has chosen to refrain from publishing the names of individuals or families involved in land seizure cases as a means to protect their personal security. As well, some details regarding cases which were deemed as potentially infringing unnecessarily on personal privacy and security were omitted.

The report also includes information on recent occupations of public land involving political parties as such cases have been found to contain similar dynamics to private land seizures. For example, the problem of landlessness, the failure of government to implement land reforms, and encroachment on public land by private landowners have been cited as justifications by parties involved in land occupations as well as private land seizure cases. Both occupations and land seizures have increasingly become a means through which political parties have sought to gain popular support while exerting pressure on the government.

⁵ Kamaiyas, Haliyas and haruwa-charuwa are bonded laborers who work for landowners to pay off debts. Different terms are used in different places: Kamaiyas are bonded laborers of Tharu origin in the five districts of the Mid and Far Western Tarai; Haliya refers to laborers in the Hills; and haruwa-charuwa refers to laborers in the Tarai.

III. Political Context

The history of land ownership in Nepal is the story of a small number of families controlling a significantly disproportionate amount of the country's total land. Prior to 1950, successive royal and Rana regimes used land distribution as a way to dole out power and ensure allegiance. Initially, the state was the landlord and provided land to individuals for use under a system known as *raikar*. Raikar land was cultivated by peasants who paid tax to the state, generally through an elite intermediary known as a *zamindar* who profited from the arrangement. Land ownership was granted to individuals through multiple tenure systems, namely *birta*, *jagir*, and *guthi*. Under *birta*, land was granted to individuals who rendered political or social services unto the royal or Rana regimes who were unable to pursue economic opportunities by virtue of their function – priests, religious teachers, soldiers, and members of the royal or Rana family. Under *jagir*, the state allocated land to public servants such as government employees and functionaries. And under *guthi*, land was granted to religious and charitable institutions – temples, monasteries, schools, hospitals, and orphanages. As a result of these pre-1950 land tenure systems successive regimes were able to patronize a small, but powerful class of elites upon whose loyalty they could rely.

After 1950, land reforms were initiated during Nepal's first democratic period under the restored monarchy. By the early 1960s, the pre-1950 land tenure systems, with the exception of *guthi*, had been abolished and land that was provided as tax-exempt *birta* grants was converted into taxable private property. In addition, a large portion of Tarai forest land owned by a few powerful landlords was brought under public control through the Forest Nationalization Act in 1957. However, these reforms did not alter the skewed pattern of private land ownership in Nepal, as the vast majority of individuals who were awarded land under the abolished tenure systems were able to retain it. In 1959, the Nepali Congress (NC) won the first multi-party elections in Nepal using the slogan "land to the tiller" and sought to promulgate a sweeping land reform program. However, without political support from the monarchy, the NC-led government was only able to make marginal headway in its brief 18-month tenure.

During the Panchayat era, the monarchy strove to balance popular support for land reforms against staunch resistance from landowners; the result was a series of largely toothless reforms passed over a period of three decades. The most significant reform was the Land Act of 1964, which contained some positive provisions - a land ownership ceiling, acquisition of excess holdings for redistribution, and safeguarding of tenancy rights – however its net impact was marginal and enforcement was poor or lacking. Most landowners were able to skirt the imposed land ceiling by registering land under the names of family members. A relatively modest amount of 44,000 bighas of excess holdings was acquired, but redistributed primarily to former military personnel rather than landless or peasants. And although the act stipulated greater tenancy rights - including tenure security and rent control – the benefits of such provisions were largely offset by weak enforcement and a reduction in landowner obligations to tenants.

Since the restoration of multi-party democracy in 1990, little progress has been made towards land reform. A land reform commission was established in 1994 under a CPN-United Marxist-Leninist (UML)-led government; however, the recommendations it put forward, notably a drastic reduction in the land ceiling, were largely ignored. From 1990 until present, the most significant reform measure has been a reduction in the land ceiling – at a level more than twice as high than that which was proposed by the 1994 commission - codified under the NC-led government in 2002. However, similar to other reforms enacted since 1950, this measure failed to address adequately the problems of inequality in landownership patterns. This inequality was highlighted in an April 2009 study which found that 7.5 percent of rural households held nearly a third of the country's farming area while more than half of the rural population is functionally landless, i.e. lacking sufficient land to cover subsistence needs. At least 10 percent of the

rural population – approximately 2.3 million people or 482,000 households – were found to be without any shelter or farmland.⁶

The failure of successive governments to address inequitable land distribution was among the grievances cited by the Maoists prior to waging armed struggle against the state in the mid-1990s. In February 1996, the Maoists submitted a “40 Point Demand” to the then-NC-led government which articulated the party’s stance that “Land under the control of the feudal system should be confiscated and distributed to the landless and homeless.”⁷ During their insurgency, the Maoists unilaterally implemented their own land reform agenda by seizing thousands of bighas of land. In a February 2000 interview, Maoist Chairman Prachanda said the Maoists were carrying out an “agrarian revolution” involving three types of lands: land seized from landlords, public lands which can be cultivated, and land owned by peasants:

“In the Tarai region, we find landlords with some lands and we have to seize the lands and distribute them among poor peasants. In the whole mountainous regions, that is not the case; these are small holdings and there are not big landlords. Therefore, our main plan in those areas is to develop collective farming and revolutionize production relations...[W]hen we seize the land from landlords, that land will become collectively owned...[T]hat land will be the land of the masses, and all the peasants will work on that land, and the earnings from that land will be the property of that locality.”⁸

In October 2009, Maoist Vice Chairman Baburam Bhattarai said that “to confiscate the property of the feudal landlords and distribute it to the peasants on the principle of ‘land to the tiller’... was the basic policy of our party during the People’s War...[I]n the plains it was difficult to carry out guerilla warfare, so we just entered there and implemented some land reform policies.”⁹

IV. Land Commitments in Nepal’s Peace Process

In the November 2006 CPA that ended the decade-long conflict in Nepal, the Maoists and the then-Seven Party Alliance agreed that all land seized during the conflict would be returned while steps would be taken to develop policies for scientific land reform. Specifically, both sides agreed to:

- “Create an inventory of governmental, public and private buildings, land and other properties occupied, locked up, or not allowed [for] use in [the] course of the armed conflict and to return them immediately”;
- “Adopt a policy to introduce a scientific land reforms programme by ending feudal land ownership”;
- “Adopt a policy to provide land and other economic and social security to the economically backwarded [sic] classes including landless, bonded labour[er]s, and pastoral farmers”;
- And that “private property of any person shall not be seized or controlled except in accordance with the law” in the post-conflict period.¹⁰

⁶ “Land Reform in Nepal: Information in Brief - - Land Reform Brief #1 What We Know About Rural Land Ownership in Nepal Today” point 4, excerpted from “Land Reform in Nepal: Where is it coming from and where is it Going?”, by Dr. Liz Alden Wily, Dr. Devendra Chapagain, and Dr. Shiva Sharma, April 2009.

⁷ Maoists’ 40 Point Demand, Point 27, submitted to Prime Minister Sher Bahadur Deuba, 4 February 1996. Cited in

“Understanding the Maoist Movement of Nepal” edited by Deepak Thapa, 2003, p. 394.

⁸ Excerpts from an interview with Prachanda by Li Onesto for *Revolutionary Worker* no. 1043, 20 February 2000. Reprinted in “Understanding the Maoist Movement of Nepal” edited by Deepak Thapa, 2003, pp. 202-203.

⁹ Excerpt from an interview with Dr. Baburam Bhattarai by *World People’s Resistance Movement*, 26 October 2009.

<http://www.wprmbritain.org/?p=926>

¹⁰ Comprehensive Peace Agreement, Articles 5.1.8, 3.7, 3.10, and 7.5.5, 21 November 2006 (translation provided by the Ministry of Peace and Reconstruction, available at: http://www.peace.gov.np/admin/doc/CPA_eng-ver-corrected.pdf)

Subsequent agreements pursuant to the CPA have reiterated these terms and established since-lapsed timeframes for Maoist land return and the establishment of commissions to study land reform policies. Specifically:

- In December 2007, the Maoists committed to return all private and public land seized during the conflict “within a month.” A district-level mechanism under the chair of the CDO was supposed to be formed to implement this agreement;¹¹
- In June 2008, the Maoists agreed to return all seized property “within 15 days.” This agreement also empowered the administration to take legal action against obstructions and called for a central-level all-party monitoring committee;¹²
- In both agreements, land reform commissions were to be established within one month of signing;
- Meanwhile, the 2007 Interim Constitution included terms to “eliminate all forms of feudalism and implement [this] gradually,” “pursue a policy of adopting scientific land reform,” and “provide land to the economically backward classes.”¹³

From the signing of the CPA until present, agreements concerning land return and land reform have only been partially respected by both sides.

Status of Implementation of Land Reform Commitments

- A Land Reform Commission was established under the Maoist-led government in December 2008. A second Land Reform Commission was created under the UML-led government in October 2009. In May 2010, this Commission submitted its report to the government for consideration, but the report has not yet been made public. The Commission formed under the Maoist-led government has filed a writ in the Supreme Court to allow them to submit their report for consideration as well and this case is pending as of June 2010;
- “Feudal land ownership” has arguably not been eliminated in Nepal¹⁴ and policies for scientific land reform have not been introduced or implemented by any government since 2006;
- Policies to provide land and socio-economic security to backward groups such as those listed in the CPA have also not been fully implemented by any government since 2006.

Status of Implementation of Land Return Commitments

- No credible and impartial inventory has been created of seized land, though a first step was taken by the parliamentary monitoring committee formed in January 2009;
- Some, but certainly not all, land seized during the conflict appears to have been returned by the Maoists. Most returns have taken place in the Eastern, Central, and Western Tarai, and in the Hills and Mountains. However, there are many cases, particularly in the Mid and Far-Western Tarai, where it appears that conflict-era seized land has not been returned;
- New land seizures by various groups continue, though at a level much lower than during the conflict.

¹¹ 23-point Agreement by the Seven Party Alliance (including Maoists), Point 9, 23 December 2007 (available at: <http://www.unmin.org.np/downloads/keydocs/2007-12-24-23.Point.Agreement.SPA.ENG.pdf>).

¹² Agreement between Political Parties to Amend the Constitution and Advance the Peace Process, Article 4, 25 June 2008 (available at: <http://www.unmin.org.np/downloads/keydocs/2008-06-25-Agreement.to.Ammend.Constitution.ENG.pdf>).

¹³ The Interim Constitution of Nepal, April 2007, Article 33 (e) (f) and (i). (Available at: <http://www.unmin.org.np/downloads/keydocs/Interim.Constitution.Bilingual.UNDP.pdf>)

¹⁴ See, for example, “Land Reform in Nepal: Where is it coming from and where is it going?” (April 2009), Dr. Liz Alden Wily, Dr. Devendra Chapagain, and Dr. Shiva Sharma, p.57

V. General Findings

The majority of land seized by the Maoists during the conflict was in the Tarai, with the Far and Mid Western Tarai seemingly the most affected in terms of number of cases. The targets were often former Panchayat era leaders or businessmen, and many of these individuals were absentee landlords. Most land that was seized, notably in the Tarai, either belonged to landowners who possessed holdings above the legal ceiling¹⁵ or to families who possessed many holdings that collectively totaled an amount above the legal ceiling. Many smaller landholdings that were captured, notably in the Hills and Mountains, belonged to landowners who had been displaced by the conflict and whose land was subsequently occupied by the Maoists.

No comprehensive credible and impartial records exist, making it nearly impossible to accurately estimate the total amount of seized land, how much has been returned, and how much has yet to be returned. Official records regarding the amount of land seized during the conflict as well as the number of individual land seizure cases are highly inaccurate. Most landowners never reported their land as seized, either during or since the end of the conflict, and local government officials have not taken the initiative to document conflict-era land seizure cases. As a result, it is not possible to rely on official records to determine how much land has been returned or how much land remains unreturned. In lieu of credible records, any one group or individual who wishes to draw conclusions regarding returned versus unreturned land must invariably take into consideration both official and unofficial data, including estimates and figures provided by the district administration office (DAO), political parties, civil society organizations and advocacy groups.

In some Tarai districts, much land seized by the Maoists during the conflict appears to have been returned. Based on official and unofficial data, nearly all land seized by the Maoists during the conflict has been returned in Dhanusa, while more than half of the cases in Morang and Kapilbastu seem to have been resolved. In Dhanusa, the Maoists appear to have returned most land fully and unconditionally. However, in Morang and Kapilbastu, the Maoists have retained a number of landholdings belonging to targeted individuals.

By contrast, most land seized by the Maoists during the conflict in the Mid and Far Western Tarai appears not to have been returned. In Kailali and Dang, observers found that the majority of land captured during the conflict has not been returned. Some land has been returned only partially or conditionally.

Nearly all land appears to have been returned in four of five Hill and Mountain districts visited. In Ramechhap, Gorkha, Surkhet and Baitadi, nearly all the land captured during the conflict has been returned fully and unconditionally. Sankhuwasabha appears to be an exception to other Hill and Mountain districts visited, in that the Maoists have retained the majority of the land that was seized.

Maoist policy regarding whether to return land seems to be largely determined by district-level representatives and, to a lesser extent, area or VDC-level representatives. In many cases, the Maoists have benefited politically and financially by retaining landholdings: politically, through the support of party cadres, landless people and peasants who have been settled on some seized land, and, financially, by collecting rent or a percentage of the crop harvest from tenants working the land – often on terms commensurate with or more beneficial to tenants than those which are set by landowners. Where plots of land seized were small, of marginal productive value, or where there are fewer landless people and peasants, the Maoists have retained fewer landholdings.

¹⁵ The land ceiling varies by region; in the Tarai, the land ceiling has been set at 11 bighas; in the Hills and Mountains it is 80 ropanis (approximately 5.75 bighas); and in the Kathmandu Valley it is 20 ropanis (approximately 1.43 bighas).

By and large, there is no formal process for land return, and most land return appears to have taken place at three different intervals. These include: shortly after the signing of the CPA; just prior to the 2008 Constituent Assembly (CA) Elections; and while the Maoists were leading the government from August 2008 to May 2009. There was no formal process and the manner in which land was returned varied by district and by case. In general, where the Maoists had occupied land subsequent to displacement - primarily in the Hills and Mountains - landowners were reportedly able to return without further impediment, often following an acknowledgment by district-level Maoists that they had relinquished all claims to the land.

In many cases where the Maoists had seized land from targeted individuals, land returns have been “conditional” whereby the landowner has been forced to engage in an informal negotiations process to have the land returned. In conditional return cases, terms have been stipulated by district-level Maoist representatives, and sometimes lower-level cadres, such as: large one-time payments; provision of regular harvest crop shares to the Maoists; retention of tenants presently working the land; more equitable tenancy arrangements; a portion of land provided to the tenants; and/or increased rights for tenants, including requirements that they must consent to, or financially benefit from, land sales.

After land has been returned, some landowners have also reportedly been forced into “distress sales” whereby the Maoists have exerted pressure on them to sell their land, often well below market value. In such cases, the Maoists have profited by acting as brokers, taking commissions from the buyer and/or seller on the deal, or as buyers, who obtain it cheaply and resell the land at a rate well above the purchase price. Many of these deals have been highly lucrative and, in most cases, it is not clear whether it is the party or individual Maoist cadres who benefit financially from these sales.

While some landowners have approached the district administration for assistance, the majority are reluctant to pursue legal and administrative means, believing local authorities to be either unable or unwilling to address land seizure cases. A number of landowners have also sought the assistance of political parties or civil society groups to reclaim their land, although it appears that such channels are rarely successful. It is widely acknowledged by many landowners that they must engage in informal negotiations with the Maoists in order to have their land returned. However, most landlords are not willing to accede to Maoist conditions and are waiting for a political solution from the national level.

Since the end of the conflict, there have been some new land seizures, mainly by the Maoists and CPN(M)-Matrika Yadav. In different cases, the Maoists have seized land or property either to establish a party office or housing for party cadres, or in response to requests from disgruntled individuals involved in private land disputes in exchange for financial compensation. Additionally, in the past year, CPN(M)-Matrika Yadav has become increasingly active in seizing land and resettling landless people, particularly in the Eastern and Central Tarai. The manner in which land is being seized by CPN(M)-Matrika Yadav is similar to that of the Maoists during the conflict; the party is even targeting much of the same land that was seized by the Maoists and returned after the signing of the CPA.

Both the Maoists and CPN(M)-Matrika Yadav have supported a number of occupations of public or unregistered land by landless people and peasants. Public land occupations by landless people and peasants have been ongoing for decades; these occupations are often tolerated by local government officials. Politically-backed land occupations are also not a new phenomenon – the NC and UML have provided support to encroachers in the past. However, recent occupations supported by the Maoists and CPN(M)-Matrika Yadav have been seemingly exploited by both parties as a means of engendering popular support or exerting political pressure on the government. In some cases, the Maoists have reportedly directed squatters to settle and remain on occupied land, in at least one case provoking violent confrontations with the local authorities.

Finally, there have been many reports of symbolic land seizures by a range of actors. The Maoists, CPN(M)-Matrika Yadav, other parties and groups, armed groups, and small or unknown outfits have all engaged in “symbolic” seizure exercises where no land has actually been captured. Symbolic seizures have become a common practice, generally consisting of little more than the planting of a party flag in the ground and the issuing of a press release. The objectives of these exercises vary, but are often aimed at exhibiting the party’s revolutionary credentials, raising the profile of the group, or attracting attention and lending political support to a cause.

VI. Conflict-Era Land Seizures

a. In the Tarai

The Maoists were active in seizing land in the Tarai during the conflict. Thousands of bighas of land were reportedly seized in districts visited by observers, with the Far and Mid Western Tarai having the highest number of conflict-era seizures. In Dhanusa, it appears that the vast majority of seized land has been returned. In Morang and Kapilbastu, it appears that more than half of the seized land cases have been resolved, though some landholdings belonging to targeted individuals have been retained. In many cases where the Maoists have retained land, the party is collecting crop shares or rent payments from tenants. By contrast, in Kailali, it appears that most land that was seized by the Maoists has not been returned; in Dang, the situation is similar where many, possibly most, land seizure cases have not been resolved. In Kailali, the Maoists appear to have retained the majority of large landholdings, notably those they claim are above the legal ceiling, as well as many smaller landholdings belonging to targeted individuals.

Morang

Observers were unable to obtain credible estimates regarding the amount of land seized or the actual number of cases of land return in Morang. A Maoist district leader said that the party may have seized as much as 2,000 bighas of land; however, this estimate was not corroborated by other sources. Many Maoist land seizures cases were never recorded by the DAO. According to figures supplied by the local administration, only five cases of conflict-era land seizures were filed - all Maoist seizures of land belonging to NC members. Among those five cases, the local administration reported that in one case the land has reportedly been returned, while landless people are residing on the other four plots. The Maoist district leader claimed the party seized land belonging to two categories of landowners: “big landlords” who possessed holdings above the legal ceiling and those who “abused their tenants.” Some land belonging to big landlords has been retained and it appears the party has no plans to return it. A local NC representative estimated that “40 percent” of seized land remains under Maoist control. The Maoists in turn said that in “five percent” of cases they will never return the land because “the land belongs to feudalists that own large plots of land that they do not even use.” Where they have retained land, the Maoists are reportedly taking a one-quarter crop harvest share from tenants.

The Maoists have returned some land on a conditional basis following an informal negotiations process between the landowner and Maoist representatives. In one case, the Maoists seized 35 bighas in 2003 after the landowner reportedly refused to pay a donation. The family was prevented from visiting its land in the village but the tenants were allowed to remain on the land and required to provide a share of the crop harvest to the Maoists. Following an informal negotiations process with district-level Maoist representatives, the landowner was able to reclaim his land; the landowner reportedly agreed to make a one-time payment to the Maoists of 1,000 NRs per bigha plus an annual seasonal donation to the party of 4,000-5,000 NRs after each crop harvest. Since the land was returned, the landowner said he has regularly made seasonal donations to the Maoists. In another case, a landowner was beaten and displaced in 2001 after he refused to pay a donation. The land was returned in 2003 when the landlord initiated negotiations

with the Maoists and reportedly agreed to pay a donation and till the land himself; since that time, the landowner has been able to return without further problems.

Dhanusa

No official figures could be obtained regarding the amount of land seized during the conflict. Informal Sector Service Center (INSEC) estimated that 1,500 bighas belonging to 12 families were seized – an indication of the scale of seizures as well as the disproportionate pattern of land ownership in the district. A Maoist district leader provided a similar estimate, saying that the party had only seized large landholdings belonging to 10 to 15 families.

Observers found no credible reports of the Maoists continuously holding land in the district. The Maoists claimed that they returned all seized landholdings shortly after the signing of the CPA. A Maoist district leader said that the party is not currently holding anyone's land and that the "land issue [is] just a stick with which to beat [the Maoists]." A local journalist said the process by which the Maoists returned land was discrete; the pattern was of landowners - primarily Pahadi - hiring an intermediary - often Madhesi - to negotiate terms of return with the Maoists. Although observers were unable to confirm, terms were believed to include either a payment to the Maoists or agreement to sell the land and provide the commission to the party.

Observers followed up on two cases of conflict-era Maoist land seizures which had reportedly been returned. In one case, the Maoists seized 45 bighas of land belonging to a distant member of the royal family in a VDC in 2001; around one-third of the land was covered in timber, which the Maoists felled and sold. Six months after seizing the land, the Maoists reportedly abandoned the land and it remained fallow until the end of the conflict; the landowner passed away shortly after the land was seized; however, his family was reportedly able to collect some of its mango crop during this period. After the CPA was signed, the Maoists released the land; a prominent land broker purchased the land and divided it into smaller plots which have subsequently been sold. Some land was donated to a village school.

In another case, the Maoists seized land belonging to a former Panchayat era minister who possessed around 300 bighas of land spread over two VDCs. The Maoists reportedly drove the landowner's family out of the area after the family allegedly provided information to the state that resulted in the death of five villagers and two Maoists. After the signing of the CPA, the Maoists did not return the land to the landowner nor did they retain their hold over it; eight or nine locally powerful villagers have since claimed the land in one VDC while CPN(M)-Matrika Yadav seized much of the land in the other VDC approximately one year ago (for more information, see section VII on "post-conflict land seizures and occupations").

Kapilbastu

Observers received widely varying accounts regarding the number of land seizures in the district. The local administration provided official data regarding only three cases of Maoist land seizures during the conflict; however, INSEC estimated that nearly 50 families had their land seized during the conflict. According to INSEC, only a few cases were still not resolved; a TMLP representative estimated that about "90 percent of the cases of land captured during the conflict were settled." Representatives from the Madhesi Human Rights Home (MHRH) believed that nearly all land seized during the conflict was "quietly handed back" shortly after the signing of the CPA. Although most land is believed to have been returned, there are a handful of unresolved land seizure cases which have never been reported to the district administration where the land remains in Maoist hands.

Observers followed up one case where land had been returned after the CPA was signed. The Maoists seized 10 bighas of land in one VDC belonging to a family with ties to a senior police officer in 2004. According to local citizens, the Maoists publicized news of the seizure on local FM radio while hundreds

of PLA looted the home and occupied the land. In early 2007, the Maoists agreed to return the land unconditionally at an all-party meeting convened by the CDO; the announcement of the return was also aired on local FM radio. The family has since permanently relocated to Kathmandu and sold some of the land to neighbors from the village.

Observers also investigated one case where the Maoists seized land belonging to the family of a local Panchayat era leader that has not been returned. In this case, which took place in 2002, the Maoists seized 24 bighas of land. The landowner and his brothers relocated to Kathmandu after being displaced by the seizure. Local Tharu and Dalit families reportedly moved on to the land and many remain today; 15 families which presently till the land provide at least half of the crop harvest to the Maoists. The landowner attempted to return to his land shortly after the signing of the CPA in 2006; however, he was reportedly prevented from doing so by local villagers. Subsequently, he asked the local administration, Local Peace Committee (LPC), and Advocacy Forum to intervene and help his family reclaim the land to no avail. In 2008, the landowner approached local Maoist leaders who told him to file a case with the DAO or try to settle his case with central level Maoist leaders. He reportedly did not file his case with the DAO and observers were informed that he never followed up with central level leaders. The landowner later passed away and his family has not since attempted to reclaim the land.

Finally, observers were also told of several cases where land has been returned but the landowners are apprehensive about taking up permanent residence again due to fear of Maoist retribution. These individuals are reportedly former members of the Defense Group (DG), a now-disbanded group that was allegedly backed by the government to fight the Maoists during the conflict. According to several interviewees, as many as 27 DG members are able to visit their property, but have not permanently returned to their villages. It is unclear what attempts, if any, have been made by former DG members to file cases with local administration or negotiate with the Maoists. According to a civil society representative, “there are zero land cases or any case that remotely smells of politics coming to court [because] all are too afraid of the Maoists...and because the local administration has no power.”

Dang

Observers were unable to obtain credible figures regarding the amount of public and private land that was seized; however, according to multiple accounts, the amount is estimated to be around a few thousand bighas. The DAO and LPC are tracking the number of cases filed by landowners: as of August 2009, the DAO had a record of 40 unresolved cases pertaining to seized land, much of which is reportedly owned by individuals associated with the Nepali Congress; an LPC representative estimated that there were around 30 cases filed. Most owners of small land holdings reportedly had their land returned around the time of the 2008 CA elections or while UCPN(M) was leading the government¹⁶.

Observers identified one case of land that was returned unconditionally following a declaration by the Maoists at an all-party program in Ghorahi in 2008. According to the landowner, the Maoists declared that 52 holdings of land would be returned prior to the 2008 CA elections. However, to his knowledge, only his land had actually been released. In the past, district- and national-level Maoist leaders have made several public statements regarding land return in Dang, most notably Maoist Vice Chairman Dr. Baburam Bhattarai during a June 2007 district visit. Such statements are widely regarded by local officials, civil society, and landowners as empty promises. Contrary to such statements, the Maoists have retained the land of targeted individuals; according to multiple accounts, the Maoists have singled out as many as 15 landowners whose land would not be released.

¹⁶ At the time of writing, the LPC was investigating land seizure cases, although the Maoists were refusing to participate in the work of the committee as part of their protest programs against the government. A Maoist district representative questioned the LPC's role in dealing with land issues: “this is a national issue beyond the LPC. It should be dealt with through revolutionary land reform.”

A particular challenge in determining whether land remains seized or has been returned stems from a lack of official documentation to signify that tenancy arrangements are being honored. In many cases, there does not exist a system of landowners and tenants exchanging receipts that document the share of crops taken by each. The lack of paper trail makes it difficult to verify complaints by some landowners that they are not receiving a share of crops. In one case identified by observers, the landowner and his son claimed that they were not receiving a share while a tenant and farmers on neighboring lands stated that the landowner's wife had recently collected the crops. In another, a relative of the landowner claimed the tenants had not provided them with a crop share since the land was seized during the conflict; however, tenants claimed that they had paid crops until two years ago, when they stopped due to Maoist pressure.

It is commonly understood that landowners must engage in an informal negotiation process with the Maoists to have their land returned. Maoist district level representatives said that the party imposed two conditions when returning land: 1) land cannot be sold without tenant consent and tenants must receive money or land from the deal, and 2) the current tenants can remain on the land. At the VDC level, Maoist representatives set other conditions for return. For example, local Maoists in one Dang VDC reportedly stipulated that the landowner must agree to collect only one-quarter of the crop harvest - as opposed to the half share he had previously collected – as rent payment; this condition was rejected by the landowner and thus the land was not returned.

Observers heard several credible and consistent reports at the district and VDC levels that the Maoists are profiting from returned and unreturned land in three ways:

- First, on some land that has not been returned, tenants claim that the Maoists are collecting a share of the crop harvest. One tenant said that he had been giving a one-third crop share to the Maoists while another said that, in some cases, the Maoists are collecting as much as a half share.
- Second, on some land that has been returned, the Maoists are reportedly pressuring landowners into selling their landholdings to a Maoist-affiliated buyer below market rate. In turn, the buyer sells the land at the market rate, retaining a portion of the profit for himself and providing a cut to party cadres.
- Third, the Maoists are reportedly demanding a cash payment after land is sold from the seller, the buyer, or both. One businessman said that after purchasing land on which he built a hotel, he was pressured to pay 800,000 NRs to a Maoist cadre.

While the beneficiary of these sales is not always clear, civil society members claimed that individual Maoists are profiting from such transactions, evidenced by a rapid and dramatic increase in the visible wealth of some cadres over the past two years.

By contrast, in some cases investigated by Carter Center observers, it appears that the Maoists are not making any profit off of the land seized during the conflict but are simply refusing to allow landowners to return and take a full share of the crop.

In Dang, the Maoists have rarely resettled new tenants on seized land; more often, the Maoists allowed the original tenants to remain as tillers. As a result, in some cases, a triangular conflict has emerged involving the landowner, the Maoists, and the tenants whereby the demands of the latter appear to present an impediment to the landowner's return. In several cases, tenants, including those who are Maoist-affiliated, have set return conditions either in addition to or independent of those placed on the landowner by party representatives. In one case, a Maoist cadre tilling a plot of seized land said that he would not drop his demand for a two-thirds crop share (initially a Maoist party war-time demand) even if the party ordered him to do so. Thus, even if an informal agreement were reached between the landowner and the Maoists, it is unclear whether the landowner would be able to return to the land or collect his crop share.

Conflict-era legacies also complicate some land cases and raise questions as to whether such land could be returned by the Maoists. Observers documented two separate cases in which tenants believed that landowners, in collusion with the state, were responsible for killings or disappearances during the conflict. In both cases, the tenants said they would physically resist the return of the landowner. Although, the Maoists had a role in preventing the return of the landowner in each case, none of the tenants were party cadres. If the Maoists were to allow the landowner to return, it is unlikely these cases would be resolved peacefully without some dispute resolution taking place between the landowner and the tenants.

Finally, land return is perceived by landowners to require a political solution rather than merely a legal or administrative solution. Landowners are reluctant to engage local administration to resolve their problems; many fear it would be unsuccessful while possibly inviting reprisals from the Maoists. The local administration said that, when offered, landlords generally declined DAO assistance saying that they preferred to negotiate directly with the Maoists. However, many landowners appear unwilling to accept Maoist conditions and are thus unable to reach an informal agreement that would result in land return. Some landowners have lobbied central level politicians for assistance and seem to be waiting for the solution to their problems to come from the national level.

Kailali

Kailali is the political and commercial hub of the Far Western Region. Maoist land seizures were geographically concentrated in the district's 35 Tarai VDCs. One former Maoist district-level representative claimed the Maoists captured approximately 2,000 bighas during the conflict. Another Maoist district representative said during an October 2009 radio interview that 1,777 bighas remain under Maoist control. A local NGO placed the total amount of land seized at around 1,200 bighas of which they claimed "99 percent" had been captured by the Maoists. Land seizure targets were mostly local NC representatives, many of whom were Panchayat era officials, and businessmen who owned more than five bighas; some were Tharu landholders or smaller landholders whose land was seized after they had been displaced by the conflict. Much of the land that was seized was owned either by absentee landowners or by individuals who had become IDPs as a result of the conflict.¹⁷

The majority of the land seized by the Maoists during the conflict does not appear to have been returned. According to the DAO, as of October 2009 only 30 out of 186 properties recorded by the DAO as captured during the conflict had been returned; in February 2010, the newly arrived CDO noted that 111 people reported their land still being captured.¹⁸ A civil society source estimated "around 25 percent" of the land seized during the conflict had been returned in the district while a different local NGO provided a much lower estimate of "around 10 percent." Most cases of land return are said to have occurred when the Maoists were leading the government in 2008 and 2009. In all but one case of land return investigated by observers, land was returned conditionally whereby landowners individually reached an accord with the Maoists. In such cases, it was reported that landowners had either agreed to pay a large sum of money to Maoist representatives or provide a regular share of the crop harvest in exchange for return. In a few cases, the Maoists forced landowners to settle outstanding disputes with tenants or local villagers prior to returning the land.

¹⁷In September 2008, INSEC published a book titled "Internally Displaced People of Mid and Far West During the Conflict" with a detailed list of conflict-related IDPs for each district. According to the publication, 479 households - a total of 3,128 individuals - were displaced in Kailali. Some, but not all, of them also had their land seized and among these IDPs more than two-thirds were Brahmin or Chettri and around one-fifth were Janajatis.

¹⁸These applicants provided full details to the administration whereas another 125 claimants alleged their land had been captured but refused to divulge any details; a local administration source believed many of these claims to be false given a lack of supporting evidence.

A number of individuals whose land had been returned have reportedly faced pressure from the Maoists to sell their land. In one VDC, a landowner whose land was returned in 2008 sold it immediately via a village-level Maoist representative at a fraction of its purported value. The land was reportedly sold to a Maoist supporter who is cultivating it, while the Maoist broker pocketed the commission from the deal. In another VDC, a landowner had his land seized by the Maoists in 2001 after he was displaced by the conflict and relocated to Dhangadhi; his land was returned in 2008 after reaching an agreement with the Maoists and, in the first year after the land's release, he hired agricultural laborers to till the land. After local Maoist cadres looted the crop harvest, he claimed he sold the land to village-level Maoist supporters for a very cheap price and alleges that some portions of the land have since been sold at a value five times the amount at which it was purchased from him.

When asked about the status of land seized during the conflict, different Maoist representatives offered Carter Center observers contradictory responses. One Maoist district-level representative in Dhangadhi said that "all landholdings below 10 bighas have been returned and when and wherever local party cadres were seen failing to follow orders to release property, action has been taken against them."¹⁹ However, Maoist representatives at area and VDC levels admitted to holding landholdings below 10 bighas belonging to targeted individuals. In one case, a landlord said that he was told by local Maoist cadres that they would not return his land even if ordered by Prachanda. Another landowner and NC member said he was assured by a Maoist CA member that his land would be returned, but a Maoist district representative told him that his land would not be released while Maoists are in their protest movement phase, saying that the return would send the wrong message and undermine popular support for their movement.

Observers investigated four reported cases of unreturned land in Kailali VDCs. They found that the Maoists had redistributed seized land to Maoist cadres as well as landless people and peasants. In most cases, the party has reportedly been collecting rent or a harvest crop share in the manner of a landowner:

- Part of the captured land of a businessman was being tilled by Maoist cadres engaged in cooperative farming while the rest was reportedly being leased on a contractual basis for 4000 NRs per bigha per harvest year.
- The Maoists have leased out the land of a Panchayat era leader and an NC leader, respectively, to freed Kamaiyas and landless peasants for 4000 NRs per half bigha per harvest year. On one plot, a part of the land is reportedly cultivated by Maoist cadres.
- The Maoists gave the land of a Panchayat era local leader to the families of two "martyrs", landless tillers, and peasants several years ago. The cultivators reportedly provide the Maoists five hundred kilograms of rice and two sacks of wheat per bigha tilled.

One landlord claimed that he had approached the tenants who were resettled on his land and had them sign an agreement where they promised to pay him rent. This situation created considerable concern for the tenants who feared they would have to pay double the rent - once to the landlord and once to the Maoists. Local Maoists opposed the arrangement between the landowner and the tenants saying that the signed agreement would not be recognized. One interviewee said that it did not matter to tenants whether they paid rent to the Maoists or the landlord and, even though the Maoist arrangement is occasionally more beneficial to tenants, he did not foresee any conflict if the Maoists were to return the land and the landowner collected the rent.

In each of the abovementioned cases, landowners have tried unsuccessfully to reclaim their land either by approaching the district administration, NGOs, or their respective political parties for assistance. However

¹⁹He also claimed that from the large landholdings that have been seized, the party has released a portion of the land – at least four bighas – to be used by the landlord to cover the subsistence needs of his family. Observers were able to confirm this claim in some cases.

observers have found the majority of landowners to be reluctant to seek a resolution through legal or administrative channels as they believe that local authorities are either unable or unwilling to address the issue. Moreover, the threat of Maoist retribution for using formal channels appears to be another considerable deterrent; in at least one case, a landlord claimed he was threatened by local Maoist cadres for attempting to bring his case to court. Since most landlords are not willing to accede to Maoist conditions, many have said that they are waiting for a political solution to be reached at the national level.

b. In the Hills and Mountains

In contrast to the Tarai, the Hills and Mountains were less affected by Maoist land seizures during the conflict. While the Maoists targeted specific landowners in some cases, it seems that the majority of land captures were subsequent to the displacement of landowners by the conflict. In many of these cases, the Maoists occupied and farmed the land that had been left vacant. Most of this land, predominantly small landholdings of marginal agricultural value, appears to have since been returned unconditionally after the signing of the CPA. In some cases, the Maoists took the initiative to reach out to displaced landowners, requesting their return and offering assurances that they would not face any problems. It seems most cases of unreturned land involve individuals who were targeted for political reasons; there are also numerous reports that individuals who were displaced by the conflict have chosen not to return to their villages. The situation regarding land seizures in Sankhuwasabha appears to be exceptional compared to that in most Hill and Mountain districts as most land has reportedly not been returned by the Maoists.

Sankhuwasabha

In comparison to other hill and mountain districts, Sankhuwasabha appears to be an exception, as most of the land captured during the conflict has not been returned. The DAO record showed that land belonging to 136 households was seized by the Maoists during the conflict. The VDCs that appear to have been most affected by land seizure are in the Southern and Eastern part of the district. In these VDCs, which are quite remote, all the land that was seized was agricultural land. Most of the land captured belonged to landlords, often NC affiliated, who were either displaced from the district during the conflict period or were already residing in urban centers outside the district. There is no official data on how much of the seized land has been returned however villagers, journalists and multiple political party representatives claimed that nearly all the land seized by the Maoists has not been returned. Land that has not been returned appears to be under the control of the Maoist party per district-level policy. A UCPN-M district leader stated that “the land captured will be returned once the integration of PLAs into the Nepali Armed Forces is completed to our satisfaction. Moreover, the writing of a new constitution declaring a People’s Republic should be concluded.”

The Maoists have returned land conditionally in a few cases. In one case, the Maoists seized the land of a district court officer who had reportedly “abused his position” by filing cases against many citizens in order to take commissions and bribes. The landowner’s son, a local teacher, was able to reclaim 20 percent of the land on condition that the other 80 percent remain occupied and farmed by tenants who provide one-third of their crop harvest to the Maoists. Observers learned of only one case where seized land was returned in full to the landowner without conditions: the land of a landowner the Maoist identified as a “feudalist” was returned after the signing of the CPA upon the urging of local Maoist party members who vouched for his “good conduct and personality.”

The Maoists have generally allowed tenants who were already working the land to remain as tillers on the land they seized. According to a Maoist district representative “we have the clear thought that whoever tills the land should own it. Accordingly, none of the land we have captured is in the name of the party but instead in the name of the farmers and tillers that farm the land.” In a couple of cases where the Maoists have returned land conditionally, they have done so in a manner that is beneficial to existing tenants. A local community told observers of a case where land had been partially returned whereby half

of the land seized was returned to the landowner while the rest of the land was “returned” to the tenants. In another case, observers learned of seized land being returned to a tenant and to landless people by the Maoists. A local villager said that ownership of a harvest storehouse seized by the Maoists was “transferred” from a landowner to a longstanding tenant while the land associated with the storehouse had been distributed to some people in the village around two years ago; seven families are currently occupying the land.

Many tenants and landless farmers in Sankhuwasabha seem to be sympathetic to the Maoist land seizures given that tenants generally are asked to provide only one-third of the crop harvest to the Maoists compared to the half share they had to give to landlords. Some are hopeful the Maoists will offer a piece of land to them in the future. One local journalist argued that if the UCPN-M returns the captured land to the landlords they will lose the support of tenants and farmers as well as a valuable income source. Local officials and landlords alike believe that administrative and legal means are ineffective for land return. As in other districts, most people believe that conflict-era land issues can only be resolved politically. This was reiterated by a local official as well. Many citizens expressed their frustration with the inability of the district administration to ensure land return.

Ramechhap

There were not many cases of conflict-era Maoist land seizures and almost all land that was seized has been returned by the Maoists without conditions. Observers found that there were only a handful of large land seizures given that there were few large landowners and few to no landless people. Most seizures reportedly occurred subsequent to the displacement of landowners as a result of the conflict. The majority of land was reportedly returned between the period after the signing of the CPA and the 2008 CA elections; the remainder was said to have been returned in July 2009, when the Maoists relinquished claims to all captured land at a meeting convened by the CDO and attended by political party representatives and 25 displaced families. By all accounts, those who were displaced have been able to return without any problems. In some cases, landowners have reportedly chosen not to return, having resettled in Kathmandu or elsewhere. In such cases, returned land is now being farmed by relatives of the landowner and in other cases the land has become fallow. Observers learned of only two cases of unreturned land. In two VDCs, small landholdings belonging to the same family were seized and are currently being occupied by two Maoist cadres who are demanding five annas of land in exchange for the release of the three ropanis they captured.

Gorkha

There were only a few cases of land seizures by the Maoists during the conflict. According to the DAO, no cases of conflict-era land seizure were ever reported to the DAO; observers heard of only one conflict-era land seizure which has since been resolved. In one VDC, the Maoists seized the land of an absentee landlord who had reportedly been residing in Kathmandu for nearly 20 years. At the time of the capture, the Maoists reportedly placed a public notice in a local newspaper which said, “the Maoists have captured this land, no one can access it and it is not allowed to be sold.” Local residents believed that the land had been returned following informal negotiations between the Maoists and the landowner, but could not confirm this.

Surkhet

The Maoists seized some private agricultural land during the conflict, generally belonging to landowners who were displaced by the conflict. According to INSEC and another civil society source, this land totaled approximately 200-300 bighas. All, or nearly all, private land seized during the conflict has been returned unconditionally; the majority appears to have been returned around the time of the signing of the CPA. In some cases, individual landowners contacted the Maoists at the district or village level to inquire about their ability to return. In other cases, Maoist cadres contacted landowners to request their return, either directly or through friends or relatives. In the latter cases, some displaced persons said the Maoists

offered assurances that they would not face any problems upon their return; these assurances appear to have been largely honored.

There was some variation in the manner Maoists treated some landowners whose land was returned. In most cases, the full amount of land was released at once. One landowner said the Maoists had even publicly apologized for seizing his land. In two cases, landowners and their neighbors reported that the Maoists initially released only a portion of the land, followed by full return around one year later. However, one interviewee claimed that landlords were subjected to scrutiny for several weeks following their return and were forced to agree not to openly oppose the Maoists. A Maoist representative described how one landowner was “watched” for several weeks following his return; this included surrounding his field with Maoist cadres while he cultivated. While some returning landowners agreed not to oppose the Maoists, these agreements appear to be no longer enforced, as many returnees who were “watched” by the Maoists have since been able to resume political activities.

Observers found no outstanding issues related to Maoist land seizures from the conflict period. Some landowners who are engaged in a property dispute largely unrelated to the conflict seem to be accusing the Maoists of land seizures to help strengthen their positions vis-à-vis the other party to the dispute or obtain administrative support. The LPC has received three applications relating to allegedly unreturned private land. Observers investigated two of these cases and found them to be complicated private disputes with no credible evidence that they should be considered conflict-related.

Baitadi

Similar to Surkhet, the Maoists occupied some private agricultural land during the conflict most of which were small agricultural landholdings that belonged to landowners who were displaced by the conflict. The Maoists are said to have farmed the land of families who were displaced; however most, if not all, have since been able to return without problems. In two VDCs where the Maoists had established strongholds during the conflict and which remain party strongholds today, observers found that most displaced families had returned around the time of the 2008 CA elections. Those who had not returned were able to appoint caretakers or a family member of their choosing to cultivate the land.

There were at least three prominent cases of land seizures during the conflict where the Maoists specifically targeted land owned by Panchayat era leaders, including land belonging to a former prime minister and his family which currently remains under Maoist control. In one case, Maoist representatives at the district level claimed that they had returned the land before seizing it again in late 2009 in order to give it to the local agriculture campus. In another VDC, observers met an individual who had been abducted by the Maoists and was unable to return to his work following his abduction. The Maoists gave him a plot of the seized land to farm as “compensation” as they deemed him to be a conflict victim. He is currently farming the plot of land that the Maoists gave to him, claiming that he has no other option to sustain his livelihood, and gives nothing to the party in exchange. The other tenants which are currently occupying the land, including Maoist cadres and landless people, provide the Maoists a half-share of their crop harvests, which they have been told is used to sustain the party and YCL. According to the individual who had been abducted, the tenants are satisfied with the arrangement as the rental agreement with the Maoists “is the same as it was under [the landowner].” Finally, in the third case, approximately 35 ropanis of land was seized during the conflict and returned shortly after the signing of the CPA. Local villagers claimed the Maoists returned the land because it was below the official land ceiling of 80 ropanis; however, it is also believed that the land was returned because the landowner’s grandson was Maoist-affiliated. The landowner’s grandson is presently residing on the land.

VII. Post-Conflict Land Seizures and Occupations

a. In the Tarai

Since the end of the conflict, there have been many reports of land seizures by a range of actors – the Maoists, CPN(M)-Matrika Yadav, armed groups and other small outfits. In the Eastern and Central Tarai, CPN(M)-Matrika Yadav has often seized the same land that was seized by the Maoists during the conflict and released after the signing of the CPA. In the Mid and Far Western Tarai, the Maoists have reportedly carried out only a handful of new seizures since the signing of the CPA. There have also been many “symbolic” seizures whereby land has not actually been captured as the party responsible has not assumed any control over the land. A range of political parties and groups have been found to be responsible for such seizures.

The Maoists and CPN(M)-Matrika Yadav have also supported a number of occupations of public or unregistered land by landless people and peasants in the past year. Politically-backed occupations have sometimes been initiated by landless people or peasants who request the assistance of the parties; other times, they have been initiated by the parties to engender popular support and exert political pressure on the government. Some of these occupations have led to confrontations with the local authorities, notably the occupation of Kailali’s Dudejhari forest in late 2009 which culminated in fatal clashes.

i. Land Seizures

Morang

Several groups have seized land over the past several months including the Maoists, CPN(M)-Matrika Yadav, Kochila Autonomous State Council, MJF-Nepal, and Madhesi Mukti Tigers. Among these groups, CPN(M)-Matrika Yadav appears to be the only group that is resettling landless people on seized land. The majority of recent seizures by other groups appear to be “symbolic” exercises. A CPN(M)-Matrika Yadav representative said that “the other parties are performing land seizures as a kind of drama to show their revolutionary spirit, but in the end do not provide land to the poor people.” Given the emphasis on publicity, the majority of symbolic land seizures appear to be concentrated either within Biratnagar Municipality or in nearby VDCs. Real or symbolic, almost all recent land seizure cases have been of unregistered (i.e. public) agricultural land. When private land has been captured, it has often belonged to landlords who own huge quantities of land; however, a few cases where small plots of private land were seized could be identified in Biratnagar municipality area.

The Maoists appear to be symbolically seizing land as a means of reaffirming their revolutionary character. In one VDC, 25 bighas of land was purchased by Indian nationals years ago on a spot where the Nepal-India border was not clearly demarcated. The land is presently registered under the name of an Indian landlord who allegedly holds a Nepali citizenship card and lives on the Indian side. Under the auspices of the Maoists’ nationalism campaign, party cadres planted party flags signifying that the land had been seized; the flags were reportedly removed by police on the same day without incident.

In addition to the Maoists, several groups have engaged in symbolic land seizures over the past several months to demonstrate political support for, or draw political attention to, an issue. In one case, several groups – CPN(M)-Matrika Yadav, MJF-Nepal, NC, Madhesh Mukti Tigers, and a recently-established group called Madhesh Nava Nirman Sena – planted party flags on the same plot of privately-owned land in Biratnagar municipality. The symbolic seizure was tantamount to a demonstration of political support for landless people who had been occupying a 1.5 kattha plot of private land for more than 25 years: when the landowner passed away a few months ago, his son sold the land and the new landowners sought to forcefully remove the landless. Several groups planted party flags on the plot of land to signify that it had been seized. As of March 2010, the parties appear to be mediating the dispute between the new

landowners and the landless with support from government authorities. In another case, the Kochila Autonomous State Council held a press conference to declare the seizure of 18 bighas of public land dedicated for a new regional stadium in Banjanthpur VDC. The reported aim of the seizure was to promote transparency regarding the use of funds by the Stadium Management Committee allocated for the construction of the stadium. There was no evidence at the site that the land had been seized.

Aside from cases involving CPN(M)-Matrika Yadav or the Maoists, observers only identified one incident of a seizure by a political group where the responsible party took control of the holding. MJF-Nepal seized one-and-a-half katthas of public agricultural land in Biratnagar municipality in January 2010. MJF-Nepal representatives said that the party wanted to use the land, which it believed to be unregistered, to build a new party office. The Maoists had also reportedly been interested in the land for its own use so MJF-Nepal decided to seize the land by planting a party flag to ward off other interested groups. The MJF-Nepal district representative said that it also served as a “warning” to the Maoists that MJF-Nepal was also capable of capturing land. The party contacted the Land Revenue Office to inform them of the capture and collect information about the land. MJF-Nepal representatives said that the land will be returned if it is not unregistered and has an owner; however, no private owners have complained about the seizure. According to local residents, police came to observe the situation but did not intervene and the flag remains still on the land. Currently, MJF-Nepal is waiting for the grain on the land to be harvested before it begins to build its office.

Dhanusa

There have been some cases of new land seizures since the end of the conflict. In September 2009, the local administration told Carter Center observers that there were only about a dozen reported cases of post-conflict land seizures, mostly by CPN(M)-Matrika Yadav, which added up to approximately 230 bighas. CPN(M)-Matrika Yadav representatives said that the party has captured land in more than 20 locations, amounting to 2,000 bighas in total. The party said it has been taking action against any landowner found to possess landholdings above the 11 bigha ceiling and cited one case where they seized land to prevent the owner from selling it, as they believed the holding was not legal.

Observers followed up on three cases of CPN(M)-Matrika Yadav land seizures. In one case, CPN(M)-Matrika Yadav seized 180 bighas belonging to a landowner whose land had previously been seized by the Maoists during the conflict. After the signing of the CPA, the Maoists did nothing to retain a hold on the land and several respected local villagers ultimately took control of the holding. The land was seized by CPN(M)-Matrika Yadav approximately one year ago and distributed among local villagers at a rate of two or three katthas for a small family ranging up to five katthas for a large family. According to local residents, the village made approximately 25,000 NRs from the mango harvest on the land last year which was in turn used to build a local storehouse and temple. The landowner reportedly receives no income from his lands according to the residents. He visited the land under police protection earlier this year and has reportedly tried to sell the land unsuccessfully.

In another case, CPN(M)-Matrika Yadav cadres seized 51 of 80 bighas of agricultural land belonging to the family of a former banker and absentee landlord in June 2009. The land seized is presently being farmed by 200 landless or semi-landless local families who pay no rent either to CPN(M)-Matrika Yadav or to the landowner. Attempts by the landowner to sell the land have reportedly been thwarted by CPN(M)-Matrika Yadav supporters. In a third case, CPN(M)-Matrika Yadav seized land previously belonging to the family of a landowner - later owned by local people - in early 2009. According to local residents, CPN(M)-Matrika Yadav cadres hung banners and posters declaring the land seized but the party never took control of the land. Local villagers did not view the seizure as anything more than a symbolic exercise, saying “most of the land belongs to the local people, so why should we be afraid? Who will come and fight with local people?”

There have been many reports of symbolic seizures carried out by armed groups, primarily by the Janatantrik Tarai Mukta Morcha (JTMM) led by Jawala Singh and the Akhil Tarai Mukti Morcha led by Krishna Goit. According to DAO records, ATMM-Goit has seized 21 plots of land while JTMM-Singh has seized 20. The targets were usually absentee Pahadi landlords whose land had been seized and subsequently released by the Maoists during the conflict; most recorded cases dated back to shortly after the signing of the CPA. Observers visited several VDCs where such seizures had been reported and in each case found no evidence of capture. A CPN(M)-Matrika Yadav representative said that the two armed group factions merely plant flags to prompt landowners to sell and extract a commission on subsequent land sales. Despite their symbolic nature, the effects of armed group seizures have been a depression of land prices and an out-migration of Pahadi families from the Tarai, primarily to the Hills or the Kathmandu Valley.

Nawalparasi

The YCL has occupied three small buildings and surrounding land since 2006 within a site owned by the Department of Roads, where around 10 people live and work. The Maoist cadres occupying the building told observers that YCL cadres, Maoist full-timers, and members of various sister wings use the site as their base in the district and that anywhere from 20-100 cadres stay there at a given time. YCL representatives said that they are using the buildings as a “contact center,” a base from which they conduct trainings, disseminate information about the party, and observe VDC meetings to ensure that there is “equitable distribution of VDC budget.” They said the buildings were not being used by the government when they moved in and that, before they occupied the site, they received permission from the local head of the Department of Roads. The Department of Roads still runs an office on the site and this appears to be running without any hindrance; YCL cadres told observers that two some staff members of the Department of Roads are also members of a Maoist-affiliated trade union. There have reportedly been no efforts taken by the Department of Roads or the DAO to remove the Maoists from the site. The police and DAO appear keen to avoid conflict and, rather than forcibly removing them, seem to be content to rely on promises made by Maoists in all-party meetings that they will vacate the site at some point in the near future.

Kailali

There have been only a few reported cases of post-conflict land seizures, including one by CPN(M)-Matrika Yadav that appeared to be aimed at garnering publicity. In January 2010, CPN(M)-Matrika Yadav cadres from nearby districts came to Kailali and captured 65 bighas of land surrounding a sugar mill owned by the son of a former prime minister. A debt owed on a loan given to the mill’s owner, which discontinued operations more than three years ago, had been waived by the government so that the title could be transferred and a new operator could re-open the mill. However, although the owner’s debt was waived, the government did not waive debts due on loans given to local farmers dependent upon the mill. CPN(M)-Matrika Yadav representatives seized the mill to prevent operations from resuming under new ownership until the farmers’ debts were also waived. Former mill employees were reportedly squatting on the land prior to the CPN(M)-Matrika Yadav seizure and were found to be remaining on the land in March 2010. CPN(M)-Matrika Yadav representatives claim to be currently in negotiations with the owner and have threatened to dismantle the mill and seize the land if the famers’ debts were not waived. Aside from this incident, the party has not reportedly seized any other land in the district.

ii. Land Occupations

Morang

CPN(M)-Matrika Yadav has been actively supporting groups of landless people who have identified unregistered land on which they can settle. Observers have also found that the initiative is often taken by the landless people who contact CPN(M)-Matrika Yadav for support. In recent months, the party has supported five groups of landless squatters to find unregistered land in different rural and urban parts of

the district. In one case, around 30 bighas of land were captured by a group of 103 landless households supported by CPN(M)-Matrika Yadav in February 2010. The landless are agricultural laborers who, following a long drought, were reportedly unable to pay rent for their small plots of land. The landless people said they turned to CPN(M)-Matrika Yadav for assistance after the DAO failed to provide them with any support. While the landless claim that the land is unregistered, a group of landlords claim to own the land. In early May, police tried to clear their settlement by setting fire to some of their huts, resulting in clashes that left a few landless injured. The landless subsequently remained on a portion of the disputed land. In another case, landless people, supported by CPN(M)-Matrika Yadav, seized unregistered land in Biratnagar in December 2009. The landless said they made a formal request to the then Maoist-led government to authorize the use of the land to no avail. CPN(M)-Matrika Yadav stepped in to establish, support, and provide protection to around 60 households at the location. The DAO said it does not oppose the settlement and no attempts have been made to remove the landless.

Nawalparasi

The UCPN(M) provided support to landless squatters who occupied a piece of public land that had reportedly been appropriated by two local hotel owners. The All-Nepal Farmers' Association (Revolutionary) supported a group of 60 landless families who had been working in the area as day laborers to settle on the stretch of disputed land in late 2009. According to local residents, for several years there had been a barbed wire fence demarcating the hotel property but last year the owners constructed a brick wall which encompassed eight or nine katthas of public land. The LPC made several unsuccessful attempts to mediate the debate, first by seeking to forge an agreement between the local people and party representatives, and then by holding an all-party meeting in the VDC. After failing to reach an agreement, the LPC, without participation from the Maoists, submitted a report to the DAO who subsequently dispatched police to forcibly remove the squatters. Just after their removal, observers interviewed the squatters who said that a Revolutionary Farmers' Association district representative was visiting them regularly and encouraging them to make another bid to resettle on the land as well as other nearby public land. The squatters have been told by Maoist cadres that the entire site is public and now believe it is their right to occupy it. The Maoists have managed to garner a considerable amount of support for this land seizure and seem to have been successful in convincing the squatters that the party can help them to gain what is rightfully theirs.

Dang

In May 2009, at least 600 landless people living near the Nepal-India border squatted in the Satbariya community forest to demand legal ownership of the land, increased border security, a health post, and schools. By most accounts, the initiative to occupy the forest land was taken by the squatters as a means to protest armed group activity in the area and alleged harassment by Indian border security forces. Although local Maoist cadres reportedly provided organizational support for the migration, their extent of their role is unclear. District-level civil society representatives were doubtful that it was the result of a central- or district-level Maoist directive. A Maoist district-level representative said the encroachment was a surprise to the party at the district level, which had previously not realized the seriousness of the issues raised by the squatters.

The occupation ended after the government agreed to improve facilities and bolster police presence in the Nepal-India border area; however, one year later, there is little demonstrable improvement in access to food, health facilities, potable water, and education. A Maoist district representative recently said that the landless people should be resettled elsewhere as the border area in which they are presently residing is not fertile enough to yield much production and is so remote that the government would have difficulty extending services. As the basic grievances which led to the occupation remain largely unaddressed, local officials and civil society believe that there is potential for another similar incident in the future.

Kailali

An occupation of Dudejhari forest in late 2009 culminated in a confrontation involving the Maoists, landless people and local government, and four people were killed. The occupation of the Dudejhari forest appeared to be orchestrated by the Maoists, under the auspices of the All Nepal Landless Association (ANLA). The forest occupation coincided with the Maoists protest programs to promote nationalism and from the outset appeared aimed at provoking confrontation with the government. In November 2009, ANLA circulated flyers throughout parts of the Far and Mid Western Region promising “free land” in the Dudejhari forest. Between 15,000 and 20,000 squatters came, some of whom were landless though there were also many opportunistic individuals; a local UML representative even admitted to being among the occupiers in hopes of getting a plot of land. The Maoists established a large camp for the squatters who were subsequently organized into “battalions” and allegedly provided with military-style training.

On December 5, local security forces entered the camp and set fire to the settlements, prompting a clash between police and squatters in which four people died including one policeman. The APF subsequently established a camp to prevent squatters from returning, which remains as of the time of writing. With support from the Maoists, an estimated 3,000-5,000 people who appear to be landless people moved to a community covered hall in nearby Lamki VDC; as of April 2010, approximately 1,500-2,000 squatters remain at the camp. Maoist camp leaders are demanding that each squatter be provided with 10 katthas of land, although they said that most squatters would “be happy with even two [katthas].” The Maoists reportedly provide food and medical assistance to the squatters, who appear to be living there either by choice or due to a lack of alternative; movement in and out of the camp is tightly restricted and squatters appear to have been instructed not to speak with outsiders.

b. In the Hills and Mountains

There have been some land seizures reported in the Hills and Mountains since the end of the conflict, all of which have been attributed to the Maoists. In several cases, land seizures have been politically motivated whereby targets have included former Panchayat era leaders and military officials. Some targets of new seizures are the same as those who were targeted during the conflict. In a few cases, the Maoists have seized land in order to establish party offices or housing for their cadres. In other cases, land seizures have been carried out as symbolic exercises where there was no actual change in who controlled of the land; in one case, the Maoists re-seized land that had never been returned as part of the party’s protest programs against the government in late 2009. Finally, no new seizures or land occupations were reported in either Surkhet or Ramechhap.

Sankhuwasabha

In recent months, the Maoists have reportedly seized some land in urban areas. In multiple cases, the Maoists have targeted family members of a “feudalist” landowner, who was also targeted during the conflict. In one VDC, the Maoists seized two adjacent homes in the main bazaar area belonging to a landowner and his family in the fall of 2009. One home is now being used as a Maoist party office while the other was seized by party cadres shortly after the party moved into its new office. In another VDC, the land of one family member which had been returned after the signing of the CPA was re-seized by the Maoists in March 2009. This was because the land had been purchased by a tenant without consultation with the party. A Maoist district representative said that he had sympathy for the tenant, but said that the party could not return the land because it would set the wrong example that landlords could merely sell land to tenants. He further explained that the Maoists wanted to prevent land transactions until revolutionary land reform is implemented.

Gorkha

Observers investigated three post-CPA land seizure cases near the district headquarters: the seizure of the Gorkha Hill Resort in Gorkha municipality; the seizure of 17 ropanis of private agricultural land; and the seizure of 6-7 ropanis of agricultural land. In each of the three cases, the targets were individuals who possessed links to the old political establishment – one was the son of a former local Panchayat leader and two were former high-ranking military officials.

In one of the three cases, land seized by the Maoists has been returned. The Gorkha Hill Resort, which was owned by a former chief of army staff was seized by the Maoists in March 2007. The party converted it into a YCL camp that housed 30-40 cadres and served as a meeting space for party programs. After nearly two years, the Maoists returned the land in January 2009, allegedly owing to central-level pressure on the Maoist-led government and from the Gorkha district administration on district-level Maoist cadres. Prior to returning the land, the YCL vandalized the building and smashed all the windows. The resort is now vacant but is visited infrequently by a relative, as the owner passed away during the period between the seizure and the return. Local residents voiced displeasure with the Maoists over the series of events and lamented the owner's passing, as they claimed he had built a road, brought electricity and water to the area, and also, while the resort was functioning, provided local employment.

In the other two cases, land seized by the Maoists remains unreturned. In one case, the landowner is reportedly engaged in informal negotiations with national-level Maoist representatives in an effort to have his land returned. In the second case, shortly after the signing of the CPA a large group of Maoist cadres reportedly seized half of the land belonging to the landowner, took his entire crop harvest, and tied the landowner to a post, justifying the seizure with an allegation that the landowner was encroaching on public land. (One source also noted a family dispute as another possible cause). In July 2008, the Maoists reportedly destroyed the entire crop harvest belonging to the landowner which prompted him to appeal to the National Human Rights Commission, INSEC, and NC for assistance. As of March 2010, a portion of land seized by the Maoists reportedly remains under the party's control.

Baitadi

There were two reports of Maoist land seizures that took place since December 2009, allegedly as part of the party's wider protest movement. However, observers investigated both cases and found that they amounted to nothing more than symbolic captures. In the first case, the Maoists re-seized land in December 2009 that they had never returned, simply as a publicity stunt. In the second case, the Maoists Peasants' Association planted a flag on long disputed community forest land in January 2010 that had reportedly been registered under the names of a former prime minister's family members. This seizure, though symbolic, appeared to generate some support among local villagers, as the community believed the forest land was public land. The Maoists took no further action beyond the flag-planting and police came the following day to remove the flag without incident. The dispute over the alleged illegal registration of the land is reportedly ongoing at the VDC level; the DAO claimed to be unaware of the problem.

VIII. Conclusions and Recommendations

Existing problems related to land ownership inequality and landlessness have historical roots grounded in Nepal's pre-1950 land tenure system. The failure of successive regimes since 1950 to address effectively such problems prompted the Maoists to unilaterally implement their own land reform agenda by seizing thousands of bighas of land during the decade-long armed conflict. Through the CPA, the Maoists agreed to return seized land and the government agreed that policies for scientific land reform and ending "feudal" land relations would be formulated. Until present, these agreements have only been partially fulfilled while grievances persist among those individuals affected by land seizures - notably landowners - and those awaiting land reform - notably landless people and peasants. In order to address fairly

grievances on both sides, efforts toward land return and land reform should go hand-in-hand in accordance with the CPA.

The Carter Center wishes to thank the Nepali officials, political party representatives, civil society members, journalists, and citizens who have generously offered their time and energy to facilitate this report. The Center would like to give special thanks to Dr. Jagannath Adhikari for his support and guidance, as well as the numerous land experts who shared their knowledge throughout the observation and report drafting process. The following recommendations are put forward in the spirit of cooperation and respect with the hope that they will provide useful discussion points for future action. It is important to note that a strong government with the support of all major parties will be necessary to make progress on the recommendations below.

Recommendations on land return:

- **Create an official, credible, and impartial record of seized land nationwide.** The inaccuracy of official records regarding land seizure cases makes it nearly impossible to determine how much land was seized and how much has been returned or remains unreturned. To monitor land return compliance, regional- or district-level committees should proactively identify, verify, and document land seizure cases and submit them to a national land return committee for the purposes of establishing a nationwide record. The records established by the parliamentary monitoring committee formed in January 2009 could provide a starting point for this process.
- **The UCPN(M) should return the land found to be remaining under its control.** As the Maoists have signed multiple agreements committing to return the land seized by their party during the conflict, they should implement this commitment wherever possible.
- **Establish mechanisms to deal with complex land return cases that allow for a range of possible solutions including, for example: compensation, resettlement, long-term government loans, or distribution of tenancy rights where appropriate.** There are cases where the Maoists may be unable to return land due to tenant grievances with the landowner, unwillingness by long-term or resettled tenants to relinquish claims, or where the landowner has passed away. A mechanism should be established to either resolve these issues through negotiation or refer the cases to a special legal or administrative body. A set of national principles could be agreed that would govern the possible options for resolution, and this strategy could be first piloted in a small number of districts and then expanded.
- **Establish a credible and impartial land return monitoring mechanism.** For the purposes of monitoring Maoist compliance on land return, a national land return monitoring mechanism should be established as well as local level committees comprised of political party representatives, government representatives, and respected local leaders. Local committees could be tasked with monitoring to ensure that land is returned unconditionally and submitting progress reports to the national committee. Any cases unable to be resolved at the local level could be forwarded to the national level. The parliamentary monitoring committee formed in January 2009 could be reactivated for this purpose.

Recommendations on land reform:

- **Establish a comprehensive record of public and private land.** Land measurement efforts to delimit registered and unregistered land are ongoing in many districts. These efforts should be expedited nationwide to resolve existing disputes and prevent further conflicts regarding private and public land. Moreover, although there are records of private land ownership in district land

revenue offices, a consolidated record of land ownership at the national level should be created. A centralized national database of private land ownership would, among other things, allow for greater understanding and analysis of the status of private landholdings nationwide.

- **Establish a record of landlessness.** Data on landlessness is outdated and somewhat incomplete. Consideration should be given to establishing a detailed record of landlessness in conjunction with conducting a new census in 2011.
- **Form an inter-party working committee to study land reform recommendations.** Since the signing of the CPA, both the Maoist-led government and UML-led government have established commissions to put forward recommendations for scientific land reform. The work of both commissions, as well as relevant recommendations from previous land reform commissions, should be studied by an inter-party committee with the goal of identifying mutually-agreed land reform recommendations and formulating new proposals on broadly-agreeable land reform policies.
- **Hold a land summit to allow for an inclusive dialogue on land issues.** In order to allow for a discussion of issues for consideration regarding land, consideration should be given to the holding of land summit and/or series of dialogues involving political leaders, land and development experts, land advocacy group representatives, international experts, and international actors with land reform experience. Such a summit or dialogue series would ideally be held in conjunction with efforts to formulate land reform policies by an inter-party working committee.
- **Agree on enforceable legislation regarding the land ownership ceiling.** Existing laws have established the legal land ownership ceiling at 11 bighas in the Tarai, 80 ropanis in the Hills, and 20 ropanis in Kathmandu. However, there are ongoing debates about the land ceiling issue (primarily regarding the appropriate ceiling level, whether the ceiling should apply to individuals or to families, how to deal with joint families, and whether the government should provide compensation for taking control of land above the ceiling). These debates should be resolved and enforceable land ceiling legislation passed and implemented.
- **Agree on a comprehensive land use plan, building on the plan recently put forward by the government.** Such a plan, drafted by land and development experts, should be developed to inform discussions between political parties regarding land reform. An expert-developed land use plan that details how to maximize land value and productivity could inform debate among policymakers and reduce political disputes regarding land reform. The government's plan, proposed in June 2010, is a positive first step in this direction, but should be broadly agreed upon by all stakeholders.
- **Identify a common minimum program to implement land reform and enact land reform policies.** Following inter-party committee consultations and a land summit, parties should identify common programs which could be implemented regarding land reform, bearing in mind Nepal's ongoing constitutional process and planned transition to a federal set-up.