

Development of Fit-For-Purpose Land Administration Country Strategy: Experience from Nepal (UN-HABITAT GLTN)

Uma Shankar Panday, Janak Raj Joshi, Raja Ram Chhatkuli (Nepal), Stig Enemark (Denmark) and Danilo Antonio (Philippines)

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SUMMARY

The current Nepalese Land Administration System (LAS) only deals with the formal or statutory land tenure system. Out of total arable land, approximately 75% is formally registered in the national cadaster. Remaining 25% with estimated 10 million physical parcels, mostly owned by socially and economically deprived (SED) classes are outside the formal cadaster and under constant fear of eviction. Further, unrecognized land tenure restricts the settlers for getting any compensation and government grants. Nepal Government is working on an integrated and consolidated land policy to address this shortcoming. The policy is aimed to recognize and respect all land tenure types. Therefore, the Nepalese LAS requires a new and innovative solution to be able to deliver security of tenure for all which is affordable, flexible and can be implemented to deliver results in a relatively short period. The Fit-for-Purpose (FFP) approach to land administration has emerged to meet these requirements. In this context, Nepal Government decided to develop land administration strategy for implementing progressive provisions outlined in the new Nepalese Constitution, existing and proposed land policies in compliance with international instruments such as the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), the New Urban Agenda, Sustainable Development Goals (SDGs) and human rights frameworks. This paper outlines the challenges and process in developing such a strategy in Nepal based on FFP approach.

The process of developing FFP strategy included extensive desk study and review of appropriate literature, interview with relevant stakeholders such as high-level government officials, land right activists working in the area, civil society organizations, academicians and targeted people. Several workshops and seminars were organized at central and local levels and results from the recent studies on locally existing tenure typology in the country and the application of FFP approach for tenure security in post-earthquake disaster in pilot areas were also taken in consideration. The FFP

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strategy fully dwells with the three framework components: Spatial, Legal and Institutional.

The approach facilitates developing a detailed inventory of informally occupied land by quick survey based on visual boundary from aerial or satellite imagery in a participatory manner by local community and information system developed on open source system STDM. The experience has shown that this is a quick, cheap and good solution for land tenure security with relevant legislation in place and can be a companion to exiting formal cadaster. It would be almost impossible to carry out standard field survey and provide title for all informally occupied land by 753 Nepalese local governments. It is impossible to meet costs, capacity, legal and institutional challenges within a reasonable timeframe.

This paper presents the process and results of the FFP country level strategy for Nepal with reference to the guiding principles and key provisions for providing universal security of tenure across the entire country. The study finds that the FFP strategy is feasible and can be applied in developing countries as a quick and low-cost solution with reasonable accuracy to support good land governance to support continuum of land rights.

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