

CASE STUDY

Nepal

Greater empowerment and security of women through the Joint Land Ownership Certificate

In Nepal, land ownership has traditionally been vested in the hands of men. This case describes how civil society organisations advocated for and obtained the national government's approval of the Joint Land Ownership Certificate (JLC), which allows a couple to register land in the name of both husband and wife. It also describes how civil society organisations are now promoting the JLC at community level to pursue greater empowerment and security for Nepali women.

PRINCIPAL ORGANISATIONS INVOLVED

Community Self-reliance Centre (CSRC)
Abhyan Nepal (AN)
National Land Rights Forum (NLRF)

Location

Nepal

Timeline of the case

2006 to present

TARGET AUDIENCE

Civil society, women's organisations, policy makers

KEYWORDS

Women's land rights, legal empowerment, joint ownership, policies and laws, advocacy



Good practices

towards making land governance more people-centred

This case study is part of the ILC's Database of Good Practices, an initiative that documents and systematises ILC members and partners' experience in promoting **people-centred land governance**, as defined in the Antigua Declaration of the ILC Assembly of Members. Further information at www.landcoalition.org/news/antigua-declaration-ilc-members

This case study supports people-centred land governance as it contributes to:

- Commitment 1 Respect, protect, and strengthen the land rights of women and men living in poverty
- Commitment 4 Ensure gender justice in relation to land

Case description

Background and issues

In Nepalese society, the right to land is an important aspect of identity and a critical determinant of economic well-being, social status, and political power (College of Development Studies, 2013). For most of its history, a semi-feudal order governed land relations in the country, with land being concentrated in the hands of very large landowners. In the 20th century much land control was instead vested in the strong state (CSRC). In recent years, a greater emphasis has been placed on implementing land reforms in an effort to decrease the size of landholdings, including by providing land to the landless and giving tenancy rights. However, large inequalities persist.

Gender-based inequalities in access to and control over land have a very strong history in Nepal. Here, lands are mostly inherited by men and registered in their names. According to Nepalese laws, birth entitles men to full membership of the family and a share in ancestral property. The status of women has been defined in terms of their marital or sexual status. For example, a daughter is not entitled to her parental property simply because her status will change upon marriage. To be eligible for property rights including land rights, a woman must wait until the age of 35 and should remain unmarried in order to receive an equal share of her father's property (Karki, 2002). Therefore, some women do own property in Nepal, but this is not an inherent right and is encumbered with many prejudices and difficulties. More often, women's access to land depends on marriage. Divorce, legal separation, infidelity or widowhood result in the loss of a husband's property to one of his male relatives. Landless women in particular have no social status at all, with consequential lack of decision making power and access to important services such as credit. Ultimately, landlessness is one of the root causes of poverty in Nepal – especially for women.

“Both husband and wife should run the house. Then why single land titles?”

Radheshyam Pokhrel, Jhapa.

The return of democracy in Nepal in 1990 set the stage for important changes at policy level. However, the integration of gender considerations into new and existing land-related processes lagged behind. At the same time, gender-progressive legislation is often not sufficient as research demonstrates that there tends to be a large gap between law and practice of law (CDS, 2013). Support for practical implementation is therefore just as important as changes at policy and legal levels.

Solution

In recent years, consensus began to form around the concept of joint land ownership as a means to ensure women's land rights in a highly patriarchal context and without losing men's stake in it. A number of CSOs joined forces to push for this legal and policy shift, under the strong leadership of Community Self-reliance Centre (CSRC) and the National Land Rights Forum (NLRF). Along with other stakeholders, they undertook various activities to provide convincing evidence why joint ownership and increased ownership for women is good for national progress and development as well as being a right in and of itself. Activities included workshops, demonstrations, art work, meetings, street drama and so forth. After some initial reservations, the Government of Nepal introduced the Joint Land Certificate (JLC), issued to both husband and wife, through the Budget Policy of 2011/12. With time, the government's initial reserve gave way to increased conviction, such that greater incentives for registering land in the name of women were introduced.

Also after its approval, the JLC remained high on the agenda of CSOs and community institutions, as a tool for social mobilisation and advocacy work at local level. Indeed, the JLC provided a crucial opportunity for organisations to catalyse real change at grassroots level. Since 2012, ILC members CSRC and Abhiyan Nepal (AN) launched sub-campaigns to bring the JLC to rural villages. In doing so, they have made significant contributions to Nepali women's legal and economic empowerment across various districts of the country.

Activities

2006 - 2012: CSRC and NLRF join forces to advocate for women's land rights at national level

CSRC established the National Land Rights Forum (NLRF) in 2004 to lead the land and agrarian reform movement in Nepal. Under the leadership of CSRC, the two entities began to work towards policy change, amendments and implementation.

At the beginning, CSRC was supporting farmers to claim their tenancy rights from the respective district land reform office. However, it became very apparent that those who received tenancy certificates were overwhelmingly men. This issue was discussed at length among land rights activists, including NLRF at central level and its subsidiaries at district and village level [i.e. District Land Rights Forums (DLRF) and Village Land Rights Forums (VLRF)]. They agreed that a women-focused campaign was necessary in order to tackle the gender inequalities in land.

In 2007, CSRC received some funding from the ILC to focus on women's access to land. With these resources, CSRC and NLRF gained momentum. In December 2009, the NLRF brought together different partners to plan a common movement. This collective effort resulted in strong advocacy efforts, including an 11-day Padyatra (foot march) in 2010 which included 337 land disadvantaged women from 42 districts. Participants were mobilised through local collaborating partners, who proposed their names and supported their attendance. The foot march concluded with a declared commitment for greater women's land rights from the Constitutional Assembly and parliament members. Announcements were also made for another mobilisation effort that was to take place in 2011 in Kathmandu.

In March 2011, the NLRF spearheaded a country-wide National Movement for Timely Constitution Writing and Land Reform, during which more than 1,000 poor women and more than one hundred men from 50 districts descended upon Kathmandu. In preparation for this event, each DLRF nominated 20 women and 3 men for the Kathmandu 'sit in'. Participants came prepared with their own food, water, and blankets for a full one month period. A tent was set up at the open theatre of Tudikhel where they received support from collaborating organisations. The sit-in was inaugurated by the Vice-Chair of the Constitutional Assembly and many parliament members were sympathetic to the action. Ultimately, the government agreed to pursue a policy initiative for joint land ownership. This historic event was the first time women raised their concerns directly with political parties. Together with other advocacy and lobbying efforts (research, workshops, demonstrations, art work, meetings, street drama, etc.) the issue of women's land rights received increasing attention and social pressure. The approval of the JLC by the government through the Budget Policy of 2011/12 can be considered a direct outcome of these mobilisation efforts.

2012 - present: Abhiyan and CSRC work with communities to increase uptake of the JLC

Following the introduction of the JLC, Abhiyan Nepal (AN) and CSRC have continued to directly facilitate women's access to land.

Since 2012, AN has undertaken a JLC campaign in eastern Nepal focusing on land rights of indigenous Tharu people as well as joint land ownership of husbands and wives. The campaign consisted of numerous parts. First, a series of meetings were organised with women's organisations and local authorities to discuss on JLC policy and its importance. Second, AN launched a media campaign and collaborated with community radios and TV channels to broadcast messages that would promote the JLC. Third, the campaign also included the publication of brochures on joint land ownership and door to door visits. Finally, AN also worked directly with couples to support them in the preparation of documents for the registration process. Until mid-2014, this campaign successfully motivated 115 couples to take the joint land certificate in the Hasposa Village Development Committee (VDC) of Sunsari district.

In addition to this, the women are organising themselves in cooperatives, where they meet every month to discuss different land related issues and have collected funds for joint or individual activities. Many of the women have taken a loan from the cooperative to invest in a small business or activity, and most of them have started selling agriculture products in the market. These women have themselves become ambassadors and sponsors of the JLC, engaging in further promotions and awareness raising for other villages and communities of Sunsari district.

In the same vein, CSRC has facilitated the campaign for women's access to land by bringing it to 53 districts of the country, mostly in the Terai region, the boarder districts with India and some hill districts. They have done awareness raising initiatives, have worked with women and men generating understanding and interest in the JLC, and have directly supported couples in registering for joint titles. In addition, CSRC continues cooperating with district government officials, giving training sessions and holding high profile events to keep it high on the agenda. In March 2013, for example, CSRC and NLRF organised the Second National Conference of Farmer Women.

Importance of the case for people-centred land governance (PCLG)

This case study is a strong example of people-centred land governance, and in particular of the importance of women's access to land. The case study shows that greater tenure security for women has contributed not only to their livelihood security but also to improve their social status, self-esteem and well-being.

Changes

Baseline

Before the introduction of the JLC policy in 2012, less than 10.3 per cent of Nepali women had some form of ownership of land/house (Central Bureau of Statistics 2011). However, the majority of women were still dependent on their husbands for access to and control over land, and even those with titles were subject to weak legal assurances. In addition, in instances where a woman remained widowed, separated or otherwise alone, she was left with no legal entitlement at all. The consequences on women's livelihood security were severe, in addition to weaknesses in rights, self-esteem and other dimensions of well-being.

Achievements

The government's initial reluctance to introduce joint land ownership has given way to increased conviction of the importance of increased land rights for women as well as men. This led to the approval of the Joint Land Ownership by the government and it has started to reverberate more widely in political circles as well as the broader society. A change of attitude can be seen at national but also local level, where with increased awareness about the rationale and benefits of such a policy, wider public opinion has become more and more persuaded.

Furthermore, since the JLC campaigns have begun at village level by the likes of AN and CSRC, more and more women have been able to secure legal ownership of their land together with their husbands. With the support of AN, 115 couples of Sunsari district now have joint ownership, while the work of CSRC and NLRP has secured joint titling for 2658 couples in an additional 28 districts.

According to the Central Bureau of Statistics, the number of Nepali women with some form of ownership of land/house has increased from less than 10.3 percent in 2012 to reached 19 percent in 2014. The percentage of the ownership is increasing every day.

Women's increased control over land has demonstrated to have multiple cascading benefits. Firstly, the greater economic security and availability of collateral has meant that many women have invested in additional livelihood activities. In addition, in a country where land is associated with major social status, women's ownership has seen an increase in women's mobility, self-esteem, dignity and participation at community and VDC level. There is additional evidence that land titles and surrounding benefits have also protected women from marital violence.

As a result of the stronger mobility and self-perception, many rural women and women's organisations are now also working with civil society organisations and NGOs at the community level to further expand the awareness and uptake of JLC.

This positive momentum has convinced the government further, such that it has started giving direct support at community level as well. For instance, the registration fee of land purchased by women is now discounted 25 percent in urban areas, 30 percent in hill areas and 40 percent in Himali region. The issue of joint land ownership is now also included in the Terms of Reference of the Landless Problem Solving Commission.

“This Joint Land Ownership Certificate has provided me self-esteem and created a good harmony in my family”

woman resident from

Hasposa VDC, Sunsari District

Lessons learned

Lessons for civil society

Building a rapport with government and policymakers is fundamental to instil change

Convincing governmental authorities and political leaders takes time and major effort. In this context, building a constructive relationship between civil society, political leaders and government is paramount.

Involving multiple stakeholders is critical

Bringing together women, indigenous peoples, community members, local authorities, frontline leaders, representatives from national government, representatives of CSOs/NGOs, local political leaders and others was a key factor of success for the dissemination of information, policy education and motivation at community level.

The importance of building a solid evidence base

Strong facts and figures are a critical part of successful engagement, particularly if confronted with authorities or constituencies that are hesitant before change.

Greater gender equality entails working with women and men

To create more gender equal societies it is not enough to work only with women. Change requires also sensitising and building ownership/motivation among men. Working with both men and women can build collective purpose for stronger and longer-term change.

Use of demonstrations and other non-violent symbolic actions can bring about positive change

Strong people's mobilisation and collective effort are necessary to bring about nation-wide change, particularly on topics that can be considered sensitive and may not at first attract widespread adherence.

Use of local resource gives moral power of campaign

The involvement of local people and resources is what makes a campaign truly legitimate. If a campaign is based on outside resources only it is regarded as an NGO movement and policy makers are likely not to manifest a high degree of interest. In this case, it does not generate sufficient credibility and moral power. Local resources give the ownership to the people and bring the moral authority to dialogue with policy makers for change.

Lessons for policy makers

Partnerships with civil society can go a long way at ensuring the dissemination of policy at local level

Governments can capitalise on the legitimacy and networking capacity of civil society organisations in rural areas and at community level to make important advances for country and society. Working together can bring great benefit for both, including marginalised people.

Macro-micro linkages

Clear links must be made between local initiatives and policy change. To this end, when engaging in dialogue, it is paramount that policy makers visit rural areas and see for themselves the situation on the ground.

Policies on joint land ownership can increase women's rights and security without alienating men

In countries where patriarchal social norms are very embedded, the concept of joint ownership can resonate more widely due to its inclusiveness.

Giving women greater control over land and assets has wider benefits for households and society

There is evidence that improvement in women's independent property rights have positive economic benefits. Indeed, securing access and control over a key resource such as land has brought cascading benefits in other dimensions of Nepali life.

Challenges

Although the JLC was an innovative and momentous change for Nepali society, this policy change was not accompanied by concomitant investment by government into ensuring its dissemination at local level. In fact, in some place local government officials were resistant to the campaign in their areas. Therefore, the role of civil society organisations was crucial in actually ensuring JLC awareness and usage.

Sometimes, the lengthy process of JLC registration was discouraging to couples, but with support this could be averted.

Also, gender prejudices and inequalities persist in Nepali society. Existing social norms and unequal power relations create huge barriers for women to come forward and demand equal land rights. For men, the JLC, and gender equality in general, are new concepts that need time and dialogue to be embraced. More work still needs to be done on empowering women and levelling social relations so that men and women are more equal. Finally, while the campaign has generated attention and interest, the JLC still needs to be used more widely and stronger legal backing applied.

Follow-up

The JLC campaign continues and will be extended in more and more areas of Nepal. AN/CSRC/NLRF aimed to negotiate with additional 700 families to acquire JLC within 2014, and more efforts will be undertaken in subsequent years as well. The campaign of CSRC and NLRF started from five districts and has now reached 53 with plans to reach 60 districts by 2015 and then eventually all 75 districts of Nepal.

Supporting material

References and further reading

Basnet, Jagat (2012). *Sayama Lalpurja, 100 Rs for joint ownership of land in Nepal*, Kathmandu: CSRC. Also available at: http://www.landcoalition.org/sites/default/files/Case_Study_Nepal_CSRC_Joint_Land_Ownership_Campaign.pdf

College of Development Studies (CDS) (2013). *Impact of joint land ownership and land entitlement to women in Nepal*, Kathmandu: CDS. Also available at: <http://ilcasia.files.wordpress.com/2014/02/impact-study-of-jlo-and-wle-cds-2.pdf>

Karki, Arjun K. (2002). *Movements from below: land rights movement in Nepal*, Inter-Asia Cultural Studies vol 3, nr 2. Also available at: http://www.southsouthforum.org/pdf/land_rights_movement_in_nepal.pdf

Photos, videos

Pictures from the *Joint Land Ownership campaign* of CSRC <http://www.csrcnepal.org/index.php/medias/photos?id=37>

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Suggested citation: Basnet, J., Dahal, K. and Battistelli, S. (2014) *Greater empowerment and security of women through the Joint Land Ownership Certificate*, Nepal. Case study of the ILC Database of Good Practices. Rome: ILC.

The [International Land Coalition \(ILC\)](#) is a global alliance of civil society and intergovernmental organisations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue and capacity building.

The opinions expressed in this brief are those of the authors and do not necessarily constitute an official position of the International Land Coalition, nor of its members or donors.

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