

POWER TO THE PEOPLE

A CASE STUDY
ON PARTICIPATORY
LOCAL LAND AND
NATURAL RESOURCE
GOVERNANCE
IN NEPAL

Impact assessment report / September 2018



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About Namati

Namati is building a global movement of grassroots legal advocates who give people the power to understand, use, and shape the law. These advocates form a dynamic, creative frontline that can squeeze justice out of even broken systems. Paralegals are trained in basic law and in skills like meditation, organizing, education, and advocacy, and treat their clients as empowered citizens rather than victims who need an expert to help them. They form a dynamic, creative frontline that can engage formal and traditional institutions alike. Namati's strategy has three elements, which operate in a "virtuous cycle:"

1. Grassroots innovation. Namati works with local partner organizations to demonstrate how paralegals can generate results on some of the greatest justice issues of our times. It evaluates and documents all of these efforts, publishing both impact studies and practical guidance for practitioners.

2. Growing a community of practitioners who can take innovations to scale. Namati convenes the Global Legal Empowerment Network, the largest community of practitioners in our field. Through the network, over 1,400 organizations and 5,400 individuals from around the world work together to learn, advocate, innovate, and grow a collective impact.

3. Drawing on grassroots experience to achieve large-scale, structural reform. Aggregate data from paralegal cases generates a powerful map of how laws are working in practice. This is often information that no one else has — either in government or in the private sector. Namati analyzes this information to identify potential improvements to policies and institutions, then works with coalitions of allies to advocate for change.

Namati's Community Land Protection Program proactively strengthens communities' ability to protect, document, and defend their customary and indigenous land rights. Drawing on nine years of fieldwork and research, Namati works with national partner organizations to support communities to complete a powerful five-part process for protecting community lands and natural resources. Namati's land protection approach supports communities to undertake activities designed to ensure that they:

- » Create and adopt strong community bylaws that ensure democratic governance, leaders that are accountable to community members, and good governance of lands and natural resources;
- » Map, document and register their customary/indigenous lands;
- » Strengthen land rights protections for women and other vulnerable groups and create intra-community mechanisms to enforce these protections;
- » Work collaboratively to regenerate local ecosystems and sustainably use and manage their natural resources; and
- » Know their rights and are prepared to interact from a place of legal empowerment with potential investors seeking land.

Together with partner organizations, Namati designs and implements customized grassroots community land protection initiatives appropriate to the national and local context. Namati believes that all fieldwork is a learning opportunity, and supports each partner to collect and analyze data on the impacts of their efforts, then use this data to continually improve their community land protection strategy. To support the growing community land protection movement, Namati translates these shared learnings, innovations and strategies into practical resources for grassroots advocates and practitioners. It offers training, technical support and legal advocacy assistance to organizations around the world. Namati also supports governments to enact, reform and implement legislation that protects community land rights.



About CSRC

Founded in 1993, the Community Self Reliance Centre (CSRC) evolved from a community-based organization into a national level NGO with a 25-year track record of working to ensure the land rights of land-poor farmers. At the core of CSRC's work is its support of land-poor farmers to establish local Land Rights Forums (LRF). Under CSRC's guidance, these local LRF's federated into Nepal's National Land Rights Forum (NLRF), an umbrella organization of landless families, tenants, and smallholder farmers. Through this collaboration, CSRC and the NLRF have more than 98,000 members that have facilitated land and agrarian rights campaigns in 54 districts across Nepal (the previous structure of local government). Both the LRFs and the NLRF are well recognized by the Government and all political parties.

At the grassroots level, CSRC helps families to claim their rights and supports communities to address structural injustice. To date, CSRC has supported over 44,000 landless and tenant farmers to obtain land ownership documents and more than 6,000 couples to acquire joint land ownership (JLO) titles. Most recently, CSRC supported nearly 13,000 survivors of the 2015 earthquake to formally claim their lands and thus become eligible to receive government reconstruction grants.

At the national level, CSRC works with government to draft laws and policies that protect and promote farmers' land and agrarian rights. Most recently, CSRC successfully pushed for provisions of pro-poor land policies in Nepal's new Constitution and supported the drafting of the National Land Policy and the National Land Use Policy. It has influenced the content of amendments to the existing Land Reform Act, as well as the draft Land Act and Land Use Act. CSRC also contributed significantly to Nepal's Agriculture Development Strategy. CSRC engages the government at the provincial and municipal levels, as well, facilitating dialogue between the LRFs and politicians, bureaucrats and relevant line ministries.

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Cover image: A community bylaws meeting in Padanaha-8, Bardiya.
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EXECUTIVE SUMMARY

From 2014 until 2016, the Community Self Reliance Centre (CSRC) implemented an adaptation of Namati's legal empowerment approach to community land protection in four communities in southwestern Nepal, with the goal of piloting a strategy for successfully addressing challenges of landlessness in Nepal. CSRC launched the project in Bardiya and Kailali, neighboring districts in the southwest of Nepal on the border of India.

Supported by CSRC, community-based paralegals and Community Land Reform Committees of respected elders carried out the following activities during the two-year project period:

- » **Visioning:** Community members at the ward level reflected on the past and present state of their lands and natural resources, then planned for their community's future prosperity and ecological flourishing.
- » **Valuation:** Community members at the ward level calculated the economic value that they themselves are currently deriving from their shared natural resources like forests, wetlands and other common areas.
- » **Bylaws drafting and adoption:** Community members at the ward level "shouted out" all of their existing local and customary rules concerning land and natural resources management (the first draft of the bylaws), then, after learning about relevant national laws, debated and discussed their rules, adding necessary new rules, eliminating old rules that were no longer appropriate, and changing rules to align with national laws until they had an agreed second draft. Then, representatives of each ward traveled to meetings at the municipal/Village Development Council (VDC) level, where they combined their various ward-level rules into one agreed set of bylaws for the whole municipality/VCD, which were then adopted in public ceremonies of up to 3,000 community members.

» **Mapping and land use planning:** Community members at the ward level made sketch maps of their community, then, at the municipal/VDC level, harmonized the ward-level maps and combined them with satellite imagery to create local land use plans. In some communities, these plans were used to identify potential land for the resettlement of authentically landless local families.

» **Land conflict mediation:** A conflict resolution-specialist NGO, the "Natural Resource Conflict Transformation Centre Nepal," provided conflict resolution and mediation skills trainings for district officers, paralegals and community leaders, then worked to resolve six long-term land disputes.

» **Joint Land Ownership (JLO) campaigning:** Paralegals provided information on national laws supporting joint land ownership by husbands and wives, then supported couples to apply for JLO certificates.

In early 2018, Namati undertook a one-week, informal assessment of CSRC's work for the purpose of understanding the longer-term impacts of Namati's legal empowerment approach to community land protection. Six two-hour community interviews were carried out in six wards (three meetings in each district); local government officials were interviewed individually; and project paralegals were interviewed in two group meetings. The goal of the research was to understand if and how the program made lasting impacts within the participating communities.



Bylaws drafting meeting. © Jagat Deuja/CSRC

FINDINGS

The research indicates that CSRC's work had enduring impacts within the study communities. Community members explained and described the following impacts:

1. The visioning and valuation exercises led not only to increased motivation to draft strong local rules for the sustainable management of land and natural resources, but also to direct community action: a few communities, inspired by the exercises, organized themselves to plant trees on what had become hectares of bare, dry ground; another community started a small cooperative farm on a small plot of barren land.
2. The bylaws drafting process, characterized by women's active participation, helped to:
 - » Preserve local traditions, customs and rules;
 - » Increase community members' sense of legal awareness and empowerment, as they learned about national laws and aligned local norms with these laws; and
 - » Support a deeper understanding of the interconnectedness of local challenges related to land, water, local forests, and related socio-economic issues.
3. The bylaws' implementation overall has been strongest at the (most local) ward level, and has varied widely by community, due to:
 - » The strength of local leadership and local leaders' commitment to the bylaws' enforcement;
 - » Community unity, itself related to the relative homogeneity of the community's class and ethnic composition; and
 - » Good intra-ward communication systems that ensure that all local residents are aware of and involved in the community's governance; among other factors.
4. The bylaws' implementation has led, to date, to the following mid-term impacts:
 - » A cessation of the use of pesticides for fishing, with a resulting increase in the perceived health of local waterways;
 - » In some communities, afforestation both within forests and on barren grounds, as well as more rigorous protections for forest resources;
 - » Increased representation of women in local government, and stronger women's participation in land and natural resources governance decision-making at the local level;
 - » A significant increase in the number of married couples applying for Joint Land Ownership certificates (JLO);
 - » A greater prevalence of men and women being paid equal wages for the same work;
 - » A significant reduction in the prevalence of forced unpaid labor by sharecroppers for landowners;
 - » Progress towards the end of child labor, child marriage, and some aspects of caste discrimination; and
 - » The invigoration and renewed enforcement of some beneficial customary rules that had fallen out of practice and were at risk of being lost.
5. The findings point to the overarching conclusion that **paired with legal education, local bylaws drafting processes have the potential to lead to genuine norm changes, authentic protections for the rights of vulnerable groups, and the alignment of national laws and local, customary rules into one holistic legal framework.** Specifically:
 - » A **community-wide decision to adopt new, less discriminatory norms and practices may lead to significant changes at the individual and household level.** Community-wide norm changes concerning legal protections for women and other marginalized groups, discussed and debated publicly and agreed by the entire community, appear to have opened up a space in which women could begin to ask for changes at the household level, and unpaid sharecroppers could feel secure standing up for their rights and demanding an end to repressive practices.
 - » **Meaningful norm changes may be easier when the wider community is made aware of national laws addressing unjust practices, decides as a group to change local practices to align with national law, and collectively commits to the necessary behavioral shifts.** Every community that took part in the project made rules to prohibit forced unpaid labor (outlawed nationally in 2000), end child marriage (outlawed in 1963) and child labor (outlawed in

2000), and establish quotas for women's representation in local government (enshrined in the 2015 Constitution). The communities interviewed were clear that they had not previously known about the national laws prohibiting or requiring such matters. Only once they had learned about the national laws, debated their application at the local level, and agreed to enshrine them locally in their adopted bylaws, did people begin to earnestly change local practice.

6. The map-making, land use planning and landless resettlement processes were cut short by a combination of external challenges, lack of elected local government, and a strict project timeframe, leading to a failure to use the land use plans as originally intended. **Since the project ended, the land use plans have not been implemented;** the only copies of the plans are reportedly with the new local governments, who have not yet taken action to operationalize them.
7. The conflict resolution work not only resolved four out of six longstanding land conflicts; some communities reported having used the mediation techniques they learned during the project to resolve various smaller local land rights conflicts.



Bylaws drafting. © Rachael Knight/NAMATI

RECOMMENDATIONS

1. In future efforts, implementing NGOs should work directly with municipal officials to co-design and co-implement local bylaws drafting and land use planning efforts. To ensure the bylaws' long-term success, the bylaws should be passed as municipal regulations and enshrined as local law, enforceable by municipal officials and local police. Nepal's new constitution significantly devolves power to local government, and a 2017 Local Government Operation Act mandates that municipalities develop their own laws and policies. Meanwhile, the federal government recently decreed that within the next two years, every municipal government should draft a land use plan and laws to enforce that plan. The processes piloted by CSRC might be taken as a deliberative democracy approach to such efforts.
2. The bylaws' and land use plan's implementation and enforcement should be undertaken hand-in-hand with local government officials at the ward and municipal levels, with clear MOUs that set out each actor's roles and responsibilities. Ongoing trainings may be necessary to ensure that ward- and municipal-level officials feel a strong sense of "ownership" over the adopted bylaws and create innovative, local strategies for their successful enforcement.
3. To ensure that the bylaws continue to adapt to and change with emerging conditions, facilitating NGOs or local leadership should organize ongoing, regular meetings in the years following the bylaws' adoption to support community members to analyze which rules are being implemented and enforced and which are not, and to then either amend these rules or create improved enforcement strategies.
4. Given adequate time, is likely that the process of supporting local communities to identify authentically landless local families and settle them on available local lands set aside for that purpose in a municipal land use plan will help address the challenge of landlessness in Nepal. With appropriate municipal support, ward-level committees should be deputized to oversee the land use plans' local implementation and the resettlement of landless families.

CHAPTER

1

BACKGROUND:
PROJECT DESIGN AND ACTIVITIES

From 2014 until 2016, The Community Self Reliance Centre (CSRC) implemented an adaptation of Namati's legal empowerment approach to community land protection in four communities in southwestern Nepal, with the goal of piloting a strategy for successfully addressing challenges of landlessness in Nepal.¹ CSRC's hypothesis was that local governments could, under the jurisdiction granted them under the Self Governance Act of 1999 (which devolved powers to protect public lands and other common property resources to local governments), take stock of the public land within their territory and, together with community members, identify authentically landless local families and give them short-term, renewable leases to farm unused public lands. A core output would be a community-made land reform plan; early project documents describe how:

"Through detailed analysis, discussion and negotiation, communities together with local authorities will develop a plan to increase access to

land for marginalized groups such as landless tillers and women through more equitable utilization of land resources, especially public and private fallow land."

The additional objectives of the project were to:

1. Increase community involvement in land and natural resource decision-making and land use planning;
2. Increase community-driven conservation and sustainable management of natural resources to support long-term community prosperity;
3. Strengthen protections for the land rights of women and other vulnerable groups (landless, freed *Kamaiyas*, Dalits, etc.);
4. Improve local land governance and establish local systems to hold community leaders' accountable to community members; and
5. Resolve long-standing land disputes and reduce future land conflict.

PROJECT LOCATION

CSRC launched the project in Bardiya and Kailali, neighboring districts in the southwest of Nepal on the border of India. Within these districts, four "communities" were selected: three "Village Development Councils" (VDC's) in Bardiya and one large "Municipality" in Kailali.² Within the four "communities" were a total of 54 "wards" – smaller local government units that allow for more robust local participation in governance. The communities included:

Bardiya and Kailali Districts are located in Nepal's Terai region, a primarily agricultural area with fertile soil at the base of the Himalayas, on the border with India. A large number of seasonal rivers flow through the Terai, causing massive annual flooding. The indigenous people of the region are Tharu, and primarily speak the Tharu language.³ A significant percentage of the non-indigenous population of the Terai have familial or ethnic links to India, as the nearby border between India and Nepal is fairly porous. Today, many Nepali men cross into India to seek work for long periods of time, leaving their wives to manage the family farms.

DISTRICT	VDCS/MUNICIPALITY	# OF HOUSEHOLDS	POPULATION	AREA
Bardiya	Magaragadi VDC	3,869	18,933	3,552,170 Hectares
	Baniyabhar VDC	3,561	17,682	7,353,985 Hectares
	Padanaha VDC	1,296	8,575	3,118,128 Hectares
Kailali	Bhajani Trishakti Municipality	6,368	38,149	1,4226,708 Hectares

¹ For a full description of Namati's legal empowerment approach to community land protection, see: <https://namati.org/resources/community-land-protection-facilitators-guide/>

² Until the new Constitution in 2015, VDC's were the lower administrative units of the Ministry of Federal Affairs and Local Development. Each district had several VDCs, similar to municipalities but with greater public-government interaction. Each VDC was divided into several wards.

³ In the 1960s, a large influx of migrants from the mountain regions of Nepal and India marginalized the landowning indigenous Tharu people, who had no paper records of their land rights, by occupying their lands and registering the land in their own names. As a result, many Tharu families lost land to these immigrants and were forced into the *Kamaiya* bonded labor system.

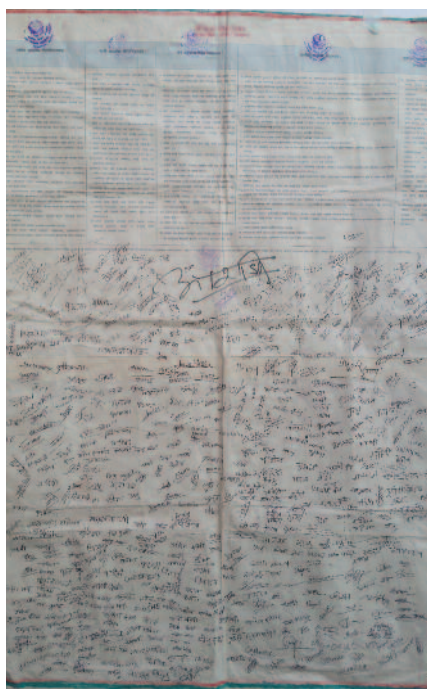
BACKGROUND: LANDLESSNESS AND PUBLIC LANDS IN NEPAL

For hundreds of years, Nepal had a feudal landholding system, through which land was concentrated in the hands of a small elite. Today, an estimated 5% of the population still holds 37% of Nepal's arable land. In 2011, 52.7% of Nepali farmers were functionally landless, farming less than a half a hectare of land, a holding too small to meet a family's subsistence requirements.⁴ A 2010 Government of Nepal report estimated that of this group, roughly 480,000 Nepali families have no access to any land at all.⁵

Landless families often live and work upon lands owned by wealthy landlords, laboring under a sharecropping-like system known as *Kamaiya*, through which people without land lease land from landowners, paying the landlords a share of the harvest in return and performing unpaid labor on the landowners' lands.⁶ Alternatively, landless families may shelter within local community forests, which leads to conflict with Nepal's strong system of Community Forest User Groups (CFUGs), elected groups of villagers who manage the local forest to ensure sustainable use and long-term conservation.

Meanwhile, large tracts of land are characterized as "public land" and managed by local Public Land Management Groups (PLMGs). Although "public lands" include such areas as water points, riverbanks, common grazing lands, market places, cemeteries, sacred areas and playing fields, they also include large tracts of land that are not particularly well managed and are often left barren. Nepal's Department of Land Reform and Management last report on public land calculated that there are 2,539,629 hectares of public land in Nepal. However, the government's database of public land in Nepal includes little information about how public land is being used and managed.⁷

The misuse of public lands has been partly due to the fact that, due to the Maoist insurgency, from 1997 until 2017 there were no local government elections, and what little local government there was had no right to formulate local laws, regulations and policies, but instead implemented national laws, essentially operating as branch offices of the federal government.



Signing community bylaws in Nepal. © Jagat Deuja/CSRC

⁴ National Living Standard Survey Report (NLSS), 2011, Government of Nepal.

⁵ Report of High Level Scientific Land Reform Commission, Ministry of Land Reform and Management, Nepal, 2010.

⁶ Abuse of the system resulted in exorbitant debts; whole families were forced into unpaid labor for

years and even generations. Although the system was outlawed in 2000, the practice continues. <https://en.wikipedia.org/wiki/Kamaiya>

⁷ Report of High Level Scientific Land Reform Commission, Ministry of Land Reform and Management, Nepal, 2010.

PROJECT ACTIVITIES

To achieve the project objectives, CSRC carried out the following activities during the two-year project period:

- » **Four inception workshops.** CSRC held one workshop per “community” to discuss the program with community members, seek permission, and gather information about the community’s lands and natural resources. The four workshops were attended by a total of 248 participants.
- » **Paralegal selection and training.** Together with the communities, CSRC selected twelve “community paralegals” to undertake the fieldwork. The paralegals were given a two-day introduction and legal education training, then later trained by Namati staff on Namati’s community land protection approach. VDC and municipality government officials, community leaders, district officers and project coordinators also attended this training.
- » **Baseline survey.** An external Nepali research institution, the Consortium for Land Research and Policy Dialogue (COLARP), led the baseline survey. COLARP trained the community paralegals as enumerators and supervised them as they interviewed 450 randomly-selected community members.
- » **Visioning exercise.** This activity takes place in one three-hour meeting. Community members reflect upon and analyze the condition - and relative flourishing - of their lands, natural resources, and socio-cultural life many years in the past, today, and many years in the future (if circumstances continue along the current trajectory), then create a vision of how they *would like* their community to be for their grandchildren’s children. The paralegals conducted 54 visioning meetings in all 54 wards of the four communities. 5,182 people took part in these exercises (47% female, 53% male).
- » **Valuation exercise:** This activity also takes place in one three-hour meeting. Community members make a list of all of the natural resources that they gather from community forests and common lands, then use simple math to calculate how much they would have to pay to purchase these resources in the local market if they could not go into their common lands to freely gather them.

The paralegals conducted 54 visioning meetings in all 54 wards. 5,947 people took part in these exercises (53% female and 47% male).

- » **Formation of Community Land Reform Committees (CLRCs).** CSRC determined that it was necessary to create inclusive, diverse local committees to drive forward the bylaws drafting and land use-planning work in each ward. The addition of these groups - 31 ward-level committees with a total of 279 members, 50% of which were women, the majority of which were respected elders - provided on-the-ground assistance throughout the bylaws drafting and mapping/land use planning processes and helped instill greater community ownership over the efforts. The CLRCs were responsible for:
 - » Building coordination among all stakeholders in their communities/wards;
 - » Organizing regular community meetings, mobilizing meeting participation, then leading these meetings according to democratic principles and agreed ground rules; and
 - » Motivating and supporting the paralegals in their work within the community.
- » **Bylaws drafting and adoption.** The communities, led by the paralegals and Community Land Reform Committees (CLRCs), spent ten months deliberating and adopting local bylaws for land governance, natural resources management, and social justice. The communities followed the basic outline of Namati’s bylaws drafting process, which includes the following three steps:
 - » **1st Draft.** At the ward level, community members collectively “shouted out” all of their existing local, indigenous and customary rules, including all the rules their ancestors followed in the past. The meetings were split into small groups of men, women and youth to ensure that all voices were heard. Everything said was written down onto large sheets of paper organized into three categories:
 - » Rules about leadership and land governance;
 - » Rules about the use and management of natural resources; and

- » Cultural and social rules including rules about women's rights, children's rights, and the rights of Dalits, landless families and other marginalized groups, etc.⁸
- » **2nd Draft.** At the ward level, CSRC staff taught community members about the laws of Nepal and their legal rights under these laws. Community members then used their new knowledge of Nepali law to amend, improve and modify their existing local rules (the 1st draft) into a coherent set of ward-level bylaws. An average of 15 meetings were held in each ward, as community members discussed how to best eliminate old, outdated rules, change existing rules to align with national laws, and add new rules necessary for current and future realities. More than 800 bylaws-drafting meetings were held across the 54 wards. 39 of the 54 wards (nine wards in each of Bardiya's 3 VDCs and 12 wards in Kailali's Bhajani Trishakti Municipality) finished drafting their bylaws.
- » **3rd Draft.** After arriving at an agreed 2nd draft of their ward-level bylaws, each ward sent their Community Land Reform Committee

to a "federated" meeting at the larger "community" level (the VDC in Bardiya District, and the municipality in Kailali District) to combine, through deliberation and debate, all of the wards' draft rules into one set of VDC- or municipality-wide bylaws. Once this was done, the Project Manager, a respected Nepali lawyer, reviewed the bylaws to ensure that they aligned with the Nepali Constitution and all relevant national laws.⁹

- » **Adoption Ceremonies.** Four bylaws adoption ceremonies were held in late September 2016. 500 people in Bhajani Trishakti Municipality attended the adoption ceremony, while approximately 700 people attended the ceremony in Padnaha VDC, 3,000 people attended in Baniyabhar VDC, and 2,500 people attended in Magaragadhi VDC. After the bylaws were adopted, key government officials and hundreds of community members signed them, and they were stamped with government seals. The bylaws were then printed into small booklets; thousands of copies were distributed throughout the region.



Bylaws recognition, Bardiya. © Jagat Deuja/CSRC

⁸ Although social rules may seem outside the bounds of community land and natural resources management, experience has shown that rules related to social norms and family have a direct bearing on community unity, empowerment and strength. Rather than demand that communities leave social justice, cultural and sacred/spiritual rules out of their bylaws, it is best to include them, as a community with a more robust sense of culture and cooperation may be better able to remain unified in the face of threats to their land claims, and may better conserve the local ecosystem. The

alternative would be for communities to leave a portion of their rules unwritten, with the risk that these rules may get lost or remain vulnerable to manipulation by elites and leaders.

⁹ Describing the bylaws' final form, the Project Manager explained: "The rules are not in the language of the state, we tried to keep them in the people's language, in their way of writing and talking and understanding. The rules are not for us, they are for them. So we tried to not disorganize their rules –the rules are as simple as they spoke them."

» **Conflict Resolution.** The expressed aim this aspect of the project was to resolve land and natural resource conflicts that were limiting poor and marginalized communities' access to adequate land, with particular emphasis on addressing conflicts between authentically landless families and their communities. CSRC subcontracted with a conflict resolution-specialist NGO, the "Natural Resource Conflict Transformation Centre Nepal" (NRCTCN) to undertake this work. To launch this work, CSRC held a conflict resolution and facilitation skills training workshop for district officers, paralegals and community leaders. At the workshop, six land and natural resource conflicts that had endured for 10 to 40 years were selected as case studies. NRCTCN then facilitated mediation processes, coordinated by each community's CLRC. By the end of the project period, four of the six conflicts had been successfully resolved.

» **Community land use planning.** The land use planning process began with ward-level sketch-mapping efforts, attended by diverse stakeholders. After the basic features of their communities had been sketched, community members divided into affinity groups to make lists of all the natural resources found throughout their community, then added these resources to the maps with accompanying legends. After each affinity group presented their map, the maps were then consolidated into one combined ward-level sketch map. 30 of the 54 wards (9 wards in two of the Bardiya VDCs and 12 wards in Kailali's municipality) completed the sketch-mapping activities. A total of 1096 participants took part in the sketch-mapping meetings in all wards (598 men and 498 women). The Ward maps were then consolidated into VDC- and municipality-level maps.

In 21 of the 54 wards, CSRC's technical officer overlaid the sketch maps onto satellite imagery and produced digital maps, which CSRC then took back to the communities for validation. After the communities identified inconsistencies in the boundaries, CSRC finalized the maps according to the community's feedback. Digital symbols were used to locate the identified land zonings overlaid onto cadastral data developed by land survey department. CSRC left the sketch maps and the digital maps with community leaders to safeguard.

» **Joint Land Ownership Campaign.** Although not originally part of the project, CSRC and the National Land Rights Forum have an on-going national campaign to support husbands and wives to seek Joint Land Ownership Certificates (JLOs). When a couple has a JLO certificate for their land, neither can sell off the land on his or her own - they must mutually agree to a land sale.¹⁰ As part of the project, the paralegals disseminated information on national laws supporting joint land ownership and supported couples to apply for JLO titles.

» **Resettlement of landless families.** Unfortunately, significant external challenges (the 2015 earthquake, a three-month fuel embargo, and regional violence, described below in Section 5) impacted CSRC's ability to meet its original objective of using the community land use plans to identify land suitable for resettlement of landless families, then support the community to identify authentically landless families and settle them as tenants on these lands.



Couple holding joint land ownership certificate. © CSRC

¹⁰ To incentivize couples to seek JLOs, then Government of Nepal set the cost of a JLO at the equivalent of \$1 USD, while a male-only land certificate costs 4% of the land's value.

CHAPTER

2

ASSESSMENT FINDINGS

This following analysis of the project's impacts is the result of a one-week, informal impact assessment carried out by Namati for the purpose of understanding the longer-term impacts of Namati's legal empowerment approach to community land protection.¹¹ The goal of the research was to understand if – and how – the program made lasting impacts within the participating communities. Three ward-level meetings were organized in each of the two districts; an average of 20 people attended each community meeting, with women predominating in half the meetings; in the other half the meetings, male and female attendance was roughly equal. In each community meeting, between twelve to fifteen open-ended questions were asked, including:

- » Can you explain the project's goals? Were those goals met?
- » What project activities do you remember taking part in? Can you describe the activity and what you learned from it?
- » What by-laws did your community adopt? Please "shout out" all of the bylaws you can remember, and if, in your observation, it is being implemented or not.
- » Does your family have a copy of the bylaws in your home?
- » What have been the most significant impacts or changes in your community, as a result of the community land protection project?
- » What have been the most significant natural resources management/conservation impacts you have seen? The most significant impacts on women's rights? The most significant impacts on landless and marginalized families? The significant impacts on local land conflicts?

- » What have been the most significant impacts of mapping your lands and making a land use plan?
- » Has the project or the bylaws personally impacted your life, or your family? If yes, how?

Community members' answers, taken together, indicate that CSRC's adaption and implementation of Namati's community land protection approach was highly successful, as measured by community participation, immediate implementation and outcomes, and mid-term impacts. These outcomes and impacts are described in full below. This section first discusses overall participation in the project, then describes community members' reported experiences of each step of the process, including the reported outcomes and impacts of each activity. The majority of the section will focus on the impacts of the bylaws drafting process, as bylaws drafting comprised the majority of the fieldwork and was reported to have made the most lasting impacts.

Overall, when interviewed, community members in every community interviewed were able to describe the project in detail; meeting participants easily recalled, as a group, all of the activities they took part in. For example, at a meeting in Ward #1, Bhajani Trishakti Municipality, the community collective listed the activities that they took part in:

"Visioning exercise and valuation exercises;" "Sketch mapping, to identify our lands and the roads, the forests, our common places;" "Also we did the bylaws formulation;" "Legal education;" "We planted saplings in the barren land;" "We made a land use map;" "Committee formulation;" "A JLO campaign;" and "Conflict transformation."

¹¹ The methodology for this informal study was as follows: Rachael Knight, the Senior Advisor for Land at Namati and Jagat Deuja, Executive Director of CSRC, traveled to the project region of Bardiya and Kailali Districts from 5-11 April, 2018. During this time, interviews were completed with all of the paralegals working for the pilot project from 2013 until 2016. CSRC also arranged meetings with the newly-elected Mayor (of Barbardiya Municipality) and Deputy Mayor (Bhajani Trishakti Municipality) who were questioned about their participation in the project from 2013 to 2016, their knowledge of the bylaws, and their efforts to enforce and support the bylaws' implementation since taking office. Although no longer working for CSRC, the paralegals organized three Ward-level community meetings in each district, for a total of six two-hour community meetings. Community members were only informed about these meetings one to two days in advance. The study period

coincided with the annual wheat harvest, which reduced community members' participation. During the meetings, efforts were made to ensure that women spoke as frequently as men, although this was not always necessary, as in half the meetings the women were so vocal that the men had to wait patiently to express themselves. When members of the Coordinating Committee were present at the Ward-level meetings, brief individual interviews with these members were undertaken. Before heading to the field, interviews were carried out with Mr. Deuja, who directed the project, Mr. Shyam Bishwakarma, who managed the project, with all of the project paralegals, and with Dharm Joshi, who managed and lead the COLARP baseline and endline study. These interviews aimed to achieve a deep understanding of the field activities, with a focus on reflective, thoughtful analysis of what could have been done to strengthen the fieldwork.

Similarly, in Ward #5 of Bhajani Trishakti Municipality, community members shouted out the different project activities, including:

“A social analysis, and by this I mean we did resource mapping to identify the kinds of resources we have, and also to document our customary rules;” “A visioning exercise: what was the situation 50 years ago, the situation now, and the situation in 50 years if there are not any changes;” “Talked about what kinds of benefits we get from the jungle;” “Gathered data on private lands, which land is government land, which land was taken by settlers;” “Formed a coordination committee at the ward level and also at the municipality level;” and “Formulated the bylaws on land and other social aspects and then handed over the bylaws to the municipality.”

Participation in all activities was high; between 100 and 200 people attended every meeting. As explained above, the paralegals and CLRCs facilitated:

- » 54 visioning meetings, attended by 5,182 people (47% female, 53% male participants);
- » 54 valuation meetings, attended by 5,947 people (53% female and 47% male participants);
- » More than 800 ward-level bylaws drafting meetings, attended by approximately 7,480 community members (44% male, and 56% female)
- » 4 bylaws adoption meetings, attended by approximately 6,700 adult community members.
- » 30 sketch-mapping meetings, attended by 1,096 participants (46% female, 54% male)
- » 21 mapping validation meetings, attended by 334 people (49% female, 51% male).¹²

The large number of participating community members was very challenging for the paralegals to handle. Discussing the project, the Bardiya paralegals explained:

In the whole period of the project, we kept asking community people to come, expecting 20-25 people to come, but we always found that 4-5 times more people came to the meetings – over 100 people came to every meeting. Why? For other NGOs and government agencies, when they hold meetings, they have a fixed agenda for giving information, or they ask only about problems. But here we had a very good

process that was very connected with their lives, and people were interested to join in our meetings. We never faced a situation where people were late or didn't come – there were always many people there. We had problems to manage breakfast or tea – it was a really big “wow” for us.”

The community members themselves seemed to have put particular emphasis on widespread participation. As described by a woman in Ward #3, Barbardiya Municipality, “Before each meeting each month, we disseminated information very widely among the community, and we made sure that at least one person from each household attended.”

Indeed, various community members, when asked about whether they participated in the project, explained how once they understood the project they attended every meeting that they could. For example, a woman from Ward #1 in Bhajani Trishakti Municipality said: “I participated in every event, when I saw there was a community land rights initiative, then I managed my time to take part to the maximum; I was very happy when I heard there was a meeting today!” Even youth appeared to have been interested in the project; one 15-year old boy in Bhajani Trishakti Municipality explained how “My mother is on the Committee, and when she brought home the publications I read them and got very interested in this process.”

It may be that one reason that participation was so high was that the project spanned the usual “silos” of development projects. A male community member in Ward #1 of Bhajani Trishakti Municipality described how, despite initial resistance, as people took part in the activities they began to see the applicability of the effort to a wide range of issues they cared about:

“One objective was to support the landless families, another was also to protect our natural resources like forests, water, lands, so it was not only about the people, it was also about our planet, the natural world. At the beginning, many people thought the project was just for landless people...and they made some challenges, but when [the paralegals] introduced all these kind of tools, then other people became supportive; it was not only about the natural resources, it was also about the social things, like gender violence and caste discrimination.”

¹² At the time of the project, the overall combined population of the three VDCs and one municipality totaled roughly 83,000. 2011 Nepal census data indicate that 46% of the Nepali population was under the age of 20; this percentage is likely higher now. Using the 2011 data, there were approximately 38,000 adults living in the four communities. A basic calculation indicates that a likely 20% - 30% of the total adult population took part in the project's activities, possibly more. (<http://unstats.un.org/unsd/demographic/products/dyb/dyb2.htm>)

The Bhajani Trishakti paralegals offered a potential reason for the high attendance: “People seem to very much want to continue this project because they have been facing land problems for a very long time, and they have a kind of sadness in their family about land, that is also in the reason that they are very supportive of this process.”

A. IMPACTS OF THE VISIONING AND VALUATION EXERCISES

The visioning and valuation exercises are not intended to achieve concrete outcomes; their purpose is to prepare community members to undertake the bylaws drafting process by giving them a deeper understanding of why is it beneficial to make rules for local land and natural resources management. Interviews with community members and paralegals revealed that indeed, the two activities achieved the intended results – and had the additional impact of spurring people to take immediate action.

VISIONING

As explained above, the objective of the visioning meetings is to help community members reflect on the past and present state of their lands and natural resources, then plan for their community’s future prosperity and ecological flourishing. Positively, the visioning meetings led to a number of other outcomes as well: one paralegal explained how the visioning exercise opened up a space for the community to sit and learn from their elders about the biodiversity, cultural richness and resource abundance of the past:

“At a community called Jawalpur, during the visioning exercise, there were many older people there and then they discussed about their past, 50 years ago. All the whole community got very happy, I had never seen that kind of happiness before – they started to remember their old songs and share the old songs, and they shared that life was difficult, but life was also romantic – they could easily get resources from the forest, there was enough water, they caught fish easily, they had a rich culture. I learned many, many things about the past from the elders in that community. When the older people shared their memories, so many villagers started asking many questions, they were also interested to know more; I had difficulty handling the discussion, because everyone wanted to ask and the elders wanted to talk and talk.”

Another paralegal reflected that it was one community’s sudden understanding of the likely future that shifted community members’ perceptions and spurred them to action:

“When I asked the third question, ‘What will be the situation in 50 years if the situation continues as it is?’ they discussed many things, saying ‘Our community will be like a desert.’ Then, when we talked about ‘What will be our action plan to ensure against this future?’ they decided to plant some saplings around the community, and across a full hectare of land. Today, those saplings are now four feet high, and they are using local trees, like mangos, that are still only about 2 feet tall.”

Indeed, in another community in Ward #4 of Barbardiya Municipality, the visioning exercise led the community to immediately begin planting trees on barren lands. As explained by the community leader,

“Previously we had barren land here and the kids used to play football on the land, but after the project started we had an initial consultation with the project team and we did some practical kinds of awareness-raising trainings like visioning, and that encouraged us to see what activity could have impacts, and we chose to plant the forest in a small area – 6 hectares.... We have 8 more hectares of public land nearby, and we want to do something productive in that land also. If we get further support we will try to green that other area as well. The project taught us about remembering how the situation was 30 years ago, how is the situation now, and how will be the situation 30 years in the future.... So in the future we are trying to get our forest back, to restore our ecosystem to what it was like in the past, so we are focusing on conservation as the goal of the project .”



Ward leader pointing out the barren land. © NAMATI



People standing in front of the forest they planted 3 years ago. © NAMATI

As soon as they protected the area with basic fencing, all the saplings grew, along with a variety of indigenous species they had not planted. In the three years since they had planted the saplings, the earth in the area had become richer and less sandy, and the air under the trees became cooler.

The leader explained that after completing the visioning exercise, they got donations to fund the afforestation effort, bought saplings from local Community Forest User Groups, and planted the forest on what used to be a very degraded sandy area. He recounted how, as soon as they protected the area with basic fencing, all the saplings grew, along with a variety of indigenous species they had not planted. Community members also attested to the fact that in the three years since they had planted the saplings, the earth in the area had become richer and less sandy, and the air under the trees had become cooler.

The visioning activity spurred analysis of the various causes of their lands' declining fertility and relatively reduced ecological abundance. Community members across both districts explained how the process of critically reflecting on the state of their lands and natural resources helped to create a sense of responsibility. When asked about the personal impacts of the project on this own life, one man in Ward #9, of Bhajani Trishakti Municipality explained:

"I learned that we have to look at long term benefits rather than short term benefits – and if we take actions towards our own short term benefits without thinking of the long term repercussions of our actions, it may create problems, especially in regard to use of the natural resources. For example, if we cut trees today, it will quickly give us firewood but will be very harmful in the long term."

VALUATION

As described above, the valuation exercise is designed to help community members appreciate the value that they themselves are currently deriving from their shared natural resources like forests, wetlands and other common areas. The paralegals and community members alike expressed astonishment at what they learned from the valuation exercise. As explained by one of the paralegals in Bardiya:

“When I facilitated the exercise at the community level, people gave a very long list of the things they get from the forest; I never thought that community people were using these things in everyday life! And they too had never realized how much they were getting from the forest – in one community they listed 52 types of local plants they use in daily life! This was surprising to all of us, even the villagers.”

Describing the activity two years later, villagers were able to articulate many specific details of the valuation meeting. For example, one woman in Ward #9 of Bhajani Trishakti Municipality explained how, “We discussed about our natural resources, how many items we bring from the forest – and we analyzed how many items we are using without paying. In this community we are using a lot of vegetables from the forest, we realized this.”

The female secretary of the CLRC in Ward #5 of Barbardiya Municipality, explained that the valuation activity opened her eyes and helped her understand local natural resources more deeply:

“My birthplace is a little bit far from here, and there is no forest in my home place, it is like a city. I had heard about the forest, but I didn’t feel what was a forest. When I came here after getting married, and I saw the jungle, I started to go to the jungle every day. I used to carry firewood and other things from the forest. But it was not until I was involved in the valuation exercise that I understood properly what is a forest. A forest is nature, a forest is our life, the forest gives many things to us, so we have to give something to the forest as well. Without our support the forest cannot exist anymore.”

The communities took the lessons of the valuation activity to heart. As described by the chairman of the local CFUG in Banyabhar community in Ward #3 of Barbardiya Municipality, “We learned that if we kept using the forest resources and natural resources like water recklessly, then they will cost us heavily, so we should preserve and protect and use them carefully. We learned [that we must] conserve our natural resources and make rational use of the natural resources.”

“But it was not until I was involved in the valuation exercise that I understood properly what is a forest. A forest is nature, a forest is our life, the forest gives many things to us, so we have to give something to the forest as well. Without our support the forest cannot exist anymore.”



Community bylaws meeting in Padhana. © Jagat Deuja/CSRC

B. THE BYLAWS-DRAFTING AND ADOPTION PROCESS

The visioning and valuation exercises are not intended to achieve concrete outcomes; their purpose is to prepare community members to undertake the bylaws drafting process by giving them a deeper understanding of why it is beneficial to make rules for local land and natural resources management. Interviews with community members and paralegals revealed that indeed, the two activities achieved the intended results – and had the additional impact of spurring people to take immediate action.

COMMUNITY MEMBERS' EXPERIENCE OF THE BYLAWS DRAFTING PROCESS

In every community interview, people vividly recounted the bylaws drafting process. Some of them explained it in emotional or metaphorical terms, while others described the impacts of the process on their lives. For example, one woman in Ward #1 of Bhajani Trishakti Municipality said: “When we did the bylaws formulation process, we felt like we were moving from the darkness into the light.”

“When we did the bylaws formulation process, we felt like we were moving from the darkness into the light.”

In the Ward #3 of Barbardiya Municipality, a community leader explained how the bylaws drafting process was completed in his community, then went on to list from memory a wide range of rules:

“We were really involved in the CSRC project, it was really good as it taught us ... how to make social decisions together, and those decisions were further translated into community bylaws. During the first year of the project, we had one meeting each month and we used to discuss our community bylaws together and at each meeting we used to select good ones and remove the bad ones. During the course of that we also evaluated our rules in terms of national policies. Among the bylaws that we formulated, many of them are enforced, like JLO certificates. After this project got momentum, many people applied for JLO certificates and got them – about 40-50 households.

Another rule was how to make the best use of our water, how to manage the water well – to make sure that each household gets an equal portion of water for their agricultural needs. We also made rules to manage our forest and we decided to take the dead trees out of the forest and to protect the good ones. Regarding sharecropping, under “social laws,” the person who enters into sharecropping with the landlord will not be forced to do other jobs like household chores, and if the landlord asks for such jobs, he must provide wages for the work. Another rule we made was about men and women having equal wages based on their work; there will not be any discrimination on the payment of wages. And another rule we made is about banning child marriage - which has now reduced significantly – we made that law in our bylaws. These laws are being followed still. How we declared our bylaw was: we called a great big ceremony and made all the community people aware of the bylaws. More than two thousand people came.”

Although not every community member was equally knowledgeable about the bylaws drafting process, overall the communities interviewed reported a profound sense of ownership over the final adopted bylaws, describing how being directly involved in their community’s rule-making process impacted both their knowledge of the rules and commitment to follow them. For example, the head of the CLRC of Ward #5 of Bhajani Trishakti Municipality explained how **drafting bylaws helped to preserve local traditional customs and norms:**

“I thought that the rules came from the top...but through the project I learned and realized that we should develop our rules at the community level; that it is very important to properly address our own issues. Also, we realized that we had very good laws at our community level traditionally, but these rules were not documented. Now we have documented our traditional rules, and this gives us a greater base – if we had not documented this, they could have disappeared, but now we have it written and printed.”

A woman in Ward #1 of Bhajani Municipality described how **the bylaws drafting process turned the usual lawmaking process upside down, giving the people the power to decide the rules that would govern their lives.** She said: “Before this program, we only got information from the government: ‘We have this kind of law.’ But in this process, we developed rules ourselves for us. From the bottom, instead of the government putting rules from the top.”

“Before this program, we only got information from the government: ‘We have this kind of law.’ But in this process, we developed rules ourselves for us. From the bottom, instead of the government putting rules from the top.”

The head of the CLRC of Ward #5 of Bhajani Trishakti Municipality spoke about how through the process he experienced a **growing sense of legal empowerment**, as well as unity with his fellow community members:

“I felt that my own capacity and the capacity of the other community members was strengthened - we learned a lot from the legal orientations that gave us knowledge about the law, and that gives more power to us: we felt we were knowing something we never knew before. And the process was somehow inclusive - and at the community there were very poor people who were involved, from the forest groups, landless peoples - it gave a sense of the togetherness of our village.”

In Ward #5 of Barbardiya Municipality, a member of the CLRC also described how the project activities gave her a personal sense of legal empowerment; she described how:

“I learned about the community laws which I had not really known before. I had the opportunity to know more about the customary rules, and also to know about the national laws of Nepal. I was also able to see the map of the community, and that gave big strength to me - it was all very new to me.”

Many people spoke about how the project was the first time that they had ever discussed the **interconnectivity of various natural resources within the community**. When asked what was the most significant change he had observed, the Deputy Mayor of Bhajani Trishakti Municipality explained how:

Before the implementation of the project, there were separate kinds of campaigns - the land rights forum had its own campaign, only asking about land, and there was the forest campaign, talking about the protection of the forest (they didn't care about landless problems), there were other social campaigns only talking about their campaigns, but this initiative brought all the matters together and gave each a space to listen to each other: what are the real issues of the landless, in the forest areas, the social

problems? It helped to reduce conflicts and misunderstandings about the different matters - now there is more trust and the forest people are ready to protect the rights of the landless, while the landless people are committed to protection of the forest. This is the largest change I have observed.

A man in Ward #1 of Bhajani Trishakti Municipality also described how: “Before the project, there was a misunderstanding among the land activists and the forest activists - and when we got involved in this process, we realized that our long term goal is the same, so why don't we cooperate? And now, two years later, we are still very close and working together well.”

KNOWLEDGE AND PRACTICAL IMPLEMENTATION OF THE ADOPTED BYLAWS

Most community members interviewed could recite many of their bylaws from memory; a review of the four final adopted sets of bylaws (See Appendix #1) illustrates that, when interviewed in groups, community members were together able to collectively recall close to 80% of the rules their VDC or municipality adopted. During the interviews, the community members present were asked to each “shout out” one bylaw they remembered. One example of the answers given can be seen from a few of the recollections of the many provided during the meeting in the Ward #5, Barbardiya Municipality:

- » “I remember the discussion of drafting the bylaws, especially stopping the use of pesticides for agricultural work and for fishing;”
- » “I remember a discussion about the way to solve the landless problems and there were discussion about the minimum of 0.16 hectare land to provide to the landless people for at least a kitchen garden;” and
- » “I remember when we discussed about equal wages for women and men. The program was very good and addressed our community's concerns many times!”

When asked how many people present had a paper copy of the bylaws in their family, roughly one-fourth of the attendees in each meeting raised their hands. It is unclear if this is a representative sample or not; the people attending the meetings may have had particular interest in the project and made sure to get a copy of the bylaws. Notably, in Ward #3 of Barbardiya Municipality, of the 25 people in the

meeting, only the community Chairman had a copy of the bylaws in his family's home. However, in response to the question of how many families had a paper copy, other community members shouted out to say: "But, we often come to this meeting place to see the bylaws [where they are posted]." Many of the individuals who did not raise their hands as having a paper copy of the bylaws in their home could recite a few of the bylaws, illustrating a potentially widespread knowledge throughout the community.

The community members interviewed overwhelmingly agreed that the bylaws were being generally implemented at the ward level. When asked why his community was so carefully following the bylaws, the customary leader of Ward #9 of Bhajani Trishakti Municipality responded in a tone that indicated that he found the question absurd. He answered:

"We discussed the rules and then they went to Kathmandu, and then they come back here printed. I then brought the printed copies to my community. These are our laws, we made them here – so if we don't follow these rules, then why did we go through this whole process of making the rules?! So the rules are now being practiced as much as possible."

However, most people reported that while many of the bylaws were well-observed, others were either only partially implemented or not implemented at all. For example, in Ward #1 of Bhajani Trishakti Municipality when asked: "What bylaws do you remember – and are they being implemented?" people "shouted out" responses such as:

- » "By-laws are more important than our constitution of Nepal because they reflect our needs. There was one provision that we make our community gender violence free and support each other as family members and as community members. It has not been implemented fully but we can observe some kind of changes in our lives from this rule."
- » "To provide equal wages for equal work – for example, stopping giving men 400 and women 300 for the same work; we made provisions for equal pay. In construction work it has been implemented, but in agricultural work there is some discrimination between men and women."
- » "Protecting not only the trees in the forest, but also the herbs and plants. This is implemented."

- » "The community forest is not for growing tea, for growing other productive things – but this rule is not being implemented."
- » "There was a rule to protect sand and stone collection from the rivers – protections were put in place to ensure that these collections are not uncontrolled and add to flooding. This rule is not implemented in some places, and implemented in others."
- » "No use of pesticides for fishing – this has been strictly implemented."
- » "No caste discrimination – this rule is not fully implemented, but the discrimination is reducing. The caste discrimination is historical, but now in public spaces, everyone can easily access all public programs and benefits. Before there were some hesitations, now we all feel very free."

Across the six communities who took part in the assessment interviews, two communities stood out as having rigorously implemented their new bylaws, two communities clearly had made a lackluster effort to implement the bylaws, and two communities appeared to have tried moderately, to mixed success. **The determining factors in the bylaws implementation locally was the strength of local leadership - and the leaders' commitment to the bylaws - and the degree of community unity.** For example, the community members interviewed in Ward 9 of Bhajani Trishakti Municipality were able to recount almost all of their bylaws, and reported that most of them were being rigorously implemented locally. When asked why, they explained:

"The leaders of this ward – we have a different practice here – we select our leaders and we also provide some incentives here to the leaders – and these leaders are mandated to share the things that they learn from other meeting. We have a provision to require our leaders to go to outside municipality-level meetings and then call a local meeting and report back to the community everything that happened."

Of particular note was the community's class analysis – and suggestion of how class has played into the bylaws' implementation. They explained: "It is very important to look at the 'class' of the community – here all the community members have almost the same level of class and education level are all almost the same – if there were a few rich people, they would have tried to disturb the process," and "We have good unity here and we have good communication mechanisms, and there

was a kind of understanding that just because a few people didn't like the process didn't mean we should let that ruin the process for the whole community."

In addition, they explained that "Comparatively [to other wards], this community is open and supportive with one another," and "We have a tradition to involve, on a voluntary basis, people from all household in community work – that was a tradition, but other communities ended this process, asking for government money to do basic community work. We have maintained our community voluntarism to do community works on our own."

Community members across all the communities interviewed reflected that there have been two main obstacles to full implementation of the bylaws. First, **CSRC's hasty departure from the project area – before the work could be completed and mechanisms created to ensure the bylaws' enforcement – undermined the bylaws' full implementation.** Community members in every community were quick to express their dissatisfaction with how suddenly the project ended – directly after the bylaws' adoption ceremonies. They explained that: "The project should be further developed to fully implement the by-laws – it seemed that the project came just to produce the bylaws and then suddenly went out." (Ward #3 of Barbardiya Municipality) and expressed how "We are dissatisfied, because what CSRC initiated, the work was really nice, but then CSRC left and all these things have just been left pending." (Ward #5 of Barbardiya Municipality).

Second, people reported that **the lack of formal local government at the time the bylaws were adopted, followed by the first local elections in twenty years – which, in some communities brought in new leaders who were not aware of the bylaws – undermined the bylaws' full implementation.** As explained by the Bardiya paralegals, "There was an overall weakness: we were formulating the bylaws in the final months, and then handed them over to the government people, but there was no one who was serious to follow up on the bylaws."

Community members in Ward #5 of Barbardiya Municipality also described how, "Even when we submitted our bylaws and land use map to the municipality, they did not take these issues, and did not emphasize our efforts... So we emphasize that if we continue this process in the next few years, then we

can do better jointly with the municipality." Similarly, a man in Ward #1 of Bhajani Trishakti Municipality explained that, "We formulated the bylaws but we can't implement what we passed properly because we don't have enough capacity and resources to popularize the bylaws, and the government situation has changed, so the government officials who were involved in our process are no longer there."

Indeed, when asked if he knew about the bylaws, the newly-elected Mayor of Barbardiya Municipality, answered quite frankly:

"I took part in the programs at the Red Cross, after the completion of the project, they presented the by-laws to me, there were Ward Chairpersons, ward members and some government officials and members of the coordination committee – around 60 people were there. At the time the bylaws were adopted, there was no elected government yet – and so then, once I was elected, they held this meeting to hand the bylaws to me, and for the members of the coordination committee to share their experiences. I just received the bylaws; I didn't sign or stamp them. The bylaws were already stamped by previous leaders. [What did you do with the bylaws?] I got them, and I put them in a draw but I never really read them. But I listened to the programs."

Positively – and an indication of how fully the communities had embraced the process of deliberating local rules – after the project was over, **community leaders in Bardiya District explained that they had continued to run meeting to discuss community land and natural resources protection issues for five to six months on their own.** However, without stronger government endorsement or support, they eventually ceased their efforts.

Also positively, **community members who were very involved in the project ran for election and were elected, and have since championed the bylaws locally.** For example, the Deputy Mayor and Administrator of Bhajani Trishakti Municipality reported that after being involved in the process, they are keen to work to enforce and implement the bylaws; the Administrator explained that "We are not totally ignoring the by-laws, because during the period when we received the bylaws, we were in the transitional phase, but we refer to the bylaws when issues come before us, and also we are interested to align these provisions with our new land policies once we formulate them."

IMPACTS OF THE BYLAWS TWO YEARS LATER

When asked what have been the most significant impacts of the bylaws they have personally observed, community members gave a wide variety of responses, each naming the rules they remembered best, had observed the impacts of, or were personally most impacted by. Of note is one woman's response; when asked about systemic changes that have resulted from the bylaws implementation over the past two years, she explained how:

"At the community level, it does not seem that there are huge impacts, but at the family level, the impacts seem big: some families are planting saplings, stopping poisoning fish as a way of fishing, landless families feel more secure, people are paid more fairly, there is less discrimination against landless people."

Her analysis indicates that people have taken the bylaws personally, observing and practicing them within their families, even in the absence of strong government endorsement or rigorous local enforcement. Arranged broadly by topic, some of the impacts observed by the community are described in detail below.

1. Natural Resource Management and Conservation

Community members in both Bardiya and Kailali districts were effusive about the positive environmental impacts of the bylaws on their local ecosystems. For example, a man in Ward #5 of Barbardiya Municipality reported how, in the two years since the 2016 passage of their bylaws:

"No one is now using pesticides in ponds and rivers – this has totally stopped – we made a very strong rule and have been enforcing it. Before this project, this practice was happening massively, but now no one uses pesticides to fish in the river and the pond. Now, as a result, we have no idea if the water quality is enhancing or not because we have not tested it, but we can say that now we are getting more fish. The water is more clean, there are more plants."

"No one is now using pesticides in ponds and rivers. Now, as a result...we can say that now we are getting more fish. The water is more clean, there are more plants."

EXAMPLES OF CONSERVATION BYLAWS, BHAJANI TRISHAKTI MUNICIPALITY

- » Use of organic compost manure will be maximized instead of the chemical fertilizers while doing farming.
- » Fishing using poisonous chemical and electric-shock will be strictly prohibited, but instead traditional and customary tactic can be used.
- » Throwing rubbish and mixing drainage into the source of water will be strictly prohibited.
- » No one will be allowed to poison water.
- » Forest protection should be the responsibility for all. For this, fencing and trenching. Forest fire should be strictly prohibited. In case of forest fire, all community members should initiate immediate efforts to control fire.
- » All community people will collectively do afforestation in the empty forest area.
- » Plastic use will be controlled.

Indeed, all three communities interviewed in Bhajani Trishakti Municipality reported that the bylaws' prohibition against fishing using chemicals had completely stopped. Community members attested to how: "There was one rule: no pesticides to hunting fish in the river and in the ponds – and if anyone does this, there will be a certain punishment. We made that rule, and now this practice has totally stopped." (Ward 5, Bhajani Trishakti Municipality); and "We made rules to stop the poisoning of the river and no more setting fires in the first. Until today, these rules are being followed and enforced" (Ward 9, Bhajani Trishakti Municipality).



Community meeting. © NAMATI

Forest conservation was also frequently cited as a positive impact of the bylaws. For example, community members in Wards #5 and #4 of Barbardiya Municipality explained how:

"In some places we are planting some saplings, we are making walls by putting wooden poles and putting wires to protected the forest areas;" "[We made] a rule to protect the forest and only cut the dead branches only. These rules are being enforced;" and "We also made rules like 'Do not set fire in the forest' and 'Do not deforest the forest.'"

Describing the thinking behind these rules, a man in Ward #3 of Barbardiya district said, "We are working not only for our generation; we are becoming older. We are concerned about our future generations, so we are conserving our natural resources and using our bylaws to keep our future well for our children."

2. Women's rights

Women in every community interviewed were emphatic about the positive impacts of the project on their lives. Interestingly, although each set of bylaws has over ten provisions that enhance the rights of women and girls (See Appendix 1), most women were happiest about the bylaws promoting joint land ownership by husbands and wives (JLO certificates). For example, when asked about the impacts of the bylaws on their lives, young and old women alike in Ward #3 of Barbardiya Municipality could not stop smiling and talking about the impacts of the project on their lives. They explained how:

- » *"The community bylaws have impacted my life – my parents got a JLO and I am also planning to have a JLO after buying land. The bylaws were formed in the broadest participation of men and women!;"*
- » *"This project has contributed a lot to increasing awareness among women. We women are more aware that we should get our land registered in our and our husbands' name so that our husbands cannot sell the land without consulting us, so in this way we are empowered. I am personally planning to seek JLO once my husband returns from working abroad;" and*
- » *"I have also made a JLO with my husband, and I clearly noticed that around my community my fellow women are being curious about getting JLO – to claim our stake in the household property. So I think this project made a lot of contribution to raising women's awareness."*

EXAMPLES OF WOMEN'S RIGHTS BYLAWS, BHAJANI TRISHAKTI MUNICIPALITY

- » Women will be also elected as Bhalmansa (traditional leader) and should be given the same respect as that of the Male Bhalmansa.
- » 50 percent of the representation in both vital and minor positions in community forest user group by the women will be ensured. Meaningful representation of other marginalized and minority groups will also be promoted.
- » Compulsory representation of the women or other marginalized communities in any committees at community level will be ensured.
- » Opportunities to women and other marginalized people will be provided to forward their voices while planning and implementing community level plans.
- » Husband and wife will be encouraged to consult adequately while deciding on household level issues.
- » Both mother and father will take care of their children equally.
- » Equal wage will be provided to men and women for the similar work with no discrimination.
- » Single woman shall be marry as per their choice and the society will accept that without any question.
- » Polygamy, child marriage and marriage of a couple having huge age gap will be prohibited,
- » Committees and groups formed at community level will ensure inclusive representation of Dalit, indigenous, landless and other marginalized groups in the vital positions in decision making level. 50 percent representation of women.
- » The voice of women and other marginalized groups of people should be heard and included in the decision making process.
- » Women, Dalit, indigenous, landless, elderly and other marginalized groups should be given priority while sharing community level resources.

According to the Deputy Mayor of Bhajani Trishakti Municipality, the project led to increased JLO certificate applications across the entire municipality – as well as protections for family members when land is being sold:

“There was [a national] provision about JLOs that was not previously in practice here – but during this project, that concept was introduced and included in the bylaws... [Now] even if some families try to sell their land to others, then there is a provision to ask the other family members as well and that is new and is being implemented even today!”

Men and women in all of the communities interviewed also reported that the bylaws they had passed mandating equal wages for women and men are being mostly implemented. For example, in Ward #3 of, Barbardiya Municipality, an elderly man described how “The community bylaws helped a lot in controlling the misuse of labor... After making the bylaws, the community is practicing one standard wage rate, and many of the people are getting jobs. There is now equal labor for both women and men, and there is no discrimination based on labor for the same work.” As explained above, however, implementation of this rule has not been universal.

In Ward #9 in Bhajani Trishakti Municipality, the ward-level bylaws drafting discussions had an unanticipated outcome: motivating local women to seek national citizenship identification documents. Women in this community recounted together how they had discussed the importance of having citizenship papers in their bylaws-drafting meetings, and, as a result of those discussions, all the women in the community who did not have their citizenship papers went together to the government offices and applied for the requisite documentation. Explaining this, one woman said:

“Our husbands have citizenship, but many of the women didn’t have their own citizenship papers. At the family level, people felt, ‘Why do you need citizenship? You are a woman, all the government applications are made by men, so you don’t need papers.’ ... At least 20 women went to get citizenship papers after the community discussed the importance of every person having their citizenship papers and making a rule about it.”

The project also appears to have made significant longer-term impacts on women’s participation in land and natural resources governance. For example, in Ward #3 of Barbardiya Municipality women explained

how “Women’s empowerment has improved significantly as women are allowed to attend community meetings and our voices are getting heard in community meetings regarding natural resources and other social matters;” and “These changes are not just for those of us who are at this meeting, it has been a change for all the women in the community.”

However, analysis of community members’ responses indicates that women’s increased participation in local land governance appears to be due less to changes in men’s conception of the value of women’s opinions and more with the enforcement of national laws. In Ward #9 of Bhajani Municipality, a woman explained: “After making the rules, there is a provision that we have implemented that if any kind of committee is formed, then they ensure 50% women and 50% men. We are practicing this in all our committees.” A man in Ward #5 of Barbardiya Municipality also explained how:

“Somehow the project impacted women’s representation in all committees – when any committee is formed in this community, if a man is the Chairperson, then it is compulsory to select a woman as Secretary. Overall the representation of women in committees is now enhancing women’s participation. We did this because it is a government law; but we didn’t know this was a government law until this project came and told us about it.”

The paralegals in Bhajani Trishakti Municipality explained that women’s increased participation in land and natural resources governance likely resulted from various factors: first, that the meetings were held in the local language, not Nepali, which allowed many more women to speak up; second, because the meetings were focused on topics that pertained to women’s daily live and livelihoods; and third, because they broke the meetings into small groups, during which time women could speak freely in all-women’s groups. They described how:

“I am not claiming that all these [women’s rights] changes came only through this project. There were other factors as well – there was political mobilization during this times, etc. – but of course we can claim that our role was a significant factor, because we were not giving lectures – we were asking simple questions: what they face, what they do, their daily lives, and then every uneducated woman also had a chance to speak, because these were things that she knew about. That gave confidence and power to the women. For example, ‘what kinds of things you bring from the forest?’ – in past history, no one has ever

asked that question at the community level. But we did, and the women of course had the answers.”

“We got women to talk in these large meetings because we were asking them about their daily lives – because water, forest and land is directly connected with women’s livelihoods. We also discussed in women-only groups, youth only, sometimes Dalit only, and this gave them the sense of power to give their opinions. We would also ask the groups of women to select a leader to speak about what the small group talked about, and then she had to speak.”

However, a woman in Ward #1 of Bhajani Trishakti Municipality gave a thoughtful analysis of the reaches of such impacts, saying: “Women got much more

opportunity to be involved in land rights meetings. We women who go to meetings and community gatherings, we are very much more empowered now as a result of this project, talking more in meetings about land and natural resources than before. But the women who are not allowed to leave their homes, their situation is not much improving.”

3. Social and Cultural Rules

Community members in every community reported that the bylaws outlawing forced unpaid labor, child marriage, child labor, and caste discrimination have been partially implemented. In all cases, **community members explained how learning that Nepali laws**

EXAMPLES OF SOCIAL AND CULTURAL RULES, MAGARAGADI VDC, BARDIYA

- » The traditional system of Barghar (customary leaders) should be strengthened.
- » At least one member from each household should participate in the development and maintenance of community services voluntarily, based on their economic condition. In case of households with only children, females, disabled and elderly it will not be applicable.
- » Everyone will be free to celebrate festivals according to own culture and customs.
- » Everyone is free to choose his/her religion and practice it accordingly. Discrimination based on the religion will be strictly prohibited.
- » In times of difficulties, financial as well as social support will be provided.
- » No one will be accused and humiliated without evidence.
- » No one will give dowry. Efforts to end dowry system will be initiated.
- » Single woman shall be allowed to own, use and dispose property.
- » No one will discriminate others based on the caste, religion and traditions.
- » Everyone has to provide equal opportunities to their sons and daughters.
- » Child marriage in the community will be discouraged. Child marriage will be strictly prohibited
- » Child labour should be strictly prohibited.
- » Polygamy and marriage of a couple having huge age gap will be prohibited. Efforts to end such practices will be made.
- » Genuine squatters, landless and other marginalized groups should be identified and rehabilitated within the community.
- » In case, someone’s cattle destroy others’ crop, compensation should be given based on the losses incurred.
- » Equal wage will be provided to men and women for the similar work with no discrimination.
- » The use of the alcohol in social functions will be prohibited.
- » Drinking, playing cards, and fighting will be prohibited.

had outlawed these practices had made an impact on local adherence. For example, in Ward 9 of Bhajani Trishakti Municipality, where the bylaws have been well-implemented due to the strength of local leadership and community unity community members described how:

“Before, there were some children who looked after the cows and goats, who were not in school, yet there was compulsory rule of government to send sons and daughters to school. But we didn’t follow the law, we continued to send our children to care for the animals. But then we had meetings as part of the bylaws drafting work to discuss about this law, and we decided to add this rule to our bylaws. Now we are all sending our children to school – discussing it at the community helped us to discover the importance of the national law.”

Similarly, in Ward #4 of Barbardiya Municipality, the community leader described how: “Another important rule that is being enforced is controlling and regulating the child marriage. The parents of the children are now aware that this is illegal under Nepali law, and they don’t let their children get married before 20 years; after 20 years of age they are allowed to marry. But in case of elopement or love affairs the parents cannot control!”

One change that people in every community interviewed were eager to discuss were the rules passed outlawing landlords to force sharecroppers to perform unpaid labor. This rule was made in every community after people learned that the practice has been outlawed under Nepali years ago. This bylaw seems to have enjoyed near-universal enforcement; in the months following the passage of the bylaws, stories circulated to CSRC staff of people taking printed copies of the bylaws to their landlords and refusing to ever again undertake unpaid forced labor. Two years later, **community members reported that forced unpaid labor has largely stopped.** In Ward #5 of Barbardiya Municipality, for example, people explained how:

“Some of the problems have been addressed, some have not, in some areas we achieved good results, in some areas not... [For example] we reduced some of the exploitation of the landowners to the sharecroppers – and at least now we are relieved of all the other burdens; we only pay half of our crops as under our agreements with them, we are not required to do the other work.”

“First we did work in our landowners farm, we didn’t get even food in payment – now the landowners have started to provide kinds of meat to us in payment for our efforts, chicken, and also we are paid wages as well for our extra work. There is no more forced unpaid labor in our community.”

Likewise, in Ward #1 of Bhajani Municipality, a man explained how:

“Who takes the land from landowners for sharecropping, they also had to do domestic work for them, cooking for them, collecting wood, etc. Those processes have not totally stopped – about 5% to 10% remaining, but the rest have totally stopped. Now if you are interested to get work from me, you have to pay me for the extra work for you. When this rule was written on paper, and endorsed from the Municipality’s Department of Labor, that gave the rule power - because it was written and endorsed by the municipality government it gained a lot of power.”

Even those communities that could not report rigorous implementation of their bylaws overall were enthusiastic about the strict enforcing of this bylaw. As explained by a community leader in Ward #4 of Barbardiya Municipality, “Some of them are really enforced, like banning the child labor and the rule not to assign extra work to the sharecroppers. These are really enforced. But many of the rules are not enforced.”

Finally, the bylaws drafting process appears to have **given new power to customary and indigenous rules that had become less enforced over time.** One example of such a transformation was a rule made in Bhajani Trishakti Municipality requiring equitable water use by all families with rights to shared canals. This rule is a traditional customary Tharu law that was put in writing to ensure full future implementation. As explained by the Administrator of Bhajani Trishakti Municipality:

“The bylaws that were formulated were able to document the community practices and also adapt new government laws which were only implemented partially beforehand. For example, there is a practice of using the canals turn by turn, with equal allocation to poor people, and the community is currently doing social work initiatives without any discrimination. These were old rules that got new invigoration.”

C. MAPPING, LAND USE PLANNING, AND LANDLESS RESETTLEMENT IMPACTS

MAPPING AND LAND USE PLANNING

The sketch mapping and land use planning activities appeared to be very well received by community members, who vividly recounted these processes and their immediate impacts. For example, in Ward #5 of Barbardiya Municipality, people described how: “We made a map, and we put on the roads, the school, the agricultural land, the public land, the housing land, temple, the forest land – and the map gives a very clear picture of our entire area;” “We also looked at our village on Google maps – when we saw the map we observed our own area, and this was the first time for us to see this – it made us very happy;” and “The land use plan made it easy for us to know our village and understand all the ways we use our land.”

In some of the project communities, the land use planning process appears to have made lasting impacts. For example, one of the paralegals working in Bardiya District reported how **the land use planning process prompted the community to begin using a piece of barren land for economic profit:**

“In my area, there was a piece of dry, unused land ... I had passed by it many times. When we discussed about the land use and made our land use plan, the community was able to make a plan to use those dry lands properly – they planted peanuts and then when the peanuts grew, I saw the land very green, and I was totally surprised that that barren land could be used productively. The community has continued to grow peanuts on this piece of land, for the past few years since the project ended – they divided the land among 25 household and all take their profits from their share of the land.”

Similarly, in Ward #4 of Barbardiya Municipality, a male elder described his anticipation of how the community’s land use plan will lead to increased community wellbeing in the future:

“The impacts have been for the group of the whole community... That project helped us to categorize our land, to separate this area for a playground and grazing area for cattle, and the other side of the land is for a forest plantation, it is public land. We have many, many benefits – for example, we will get firewood and fodder from the forest we planted in the future; currently we are waiting for the trees to grow and getting a good environment from the forest we planted.”

One man in Ward #5 of Bhajani Trishakti Municipality expressed how the impacts of **the mapping and land use planning had helped to awaken people’s understanding that they could be active participants in the management of their lands**. He said: “We were discussing the land use and the proper management of land at the community level. Before, we didn’t care about the fallow land, public land, but now we are much more conscious about the best use of these kinds of lands at the community level – we used to think it was the responsibility of the government, but now we know we are also part of this process!”

However, the concrete application of the map-making and land use planning processes have not been universal. In Ward #5 of Barbardiya Municipality, a community member noted that the land use plan “was more for knowledge purposes only, it has not really changed our actions.” In Ward #5 of Bhajani Trishakti Municipality as well, community members expressed disappointment with the mapping and land use planning process: because it had taken place in the final months of the project, they felt it had not achieved any results. Community members described how:

“We made a land use map and discussed it, but it was not used properly, because it happened in the last minute, and after that the CSRC support stopped, and so it was kind of lost. We remember the land use map, but it was handed to the municipality and we have no copies of it here and we have not thought about it since.”

Indeed, in Barbardiya Municipality, the mapping has not yet translated into government support for such efforts. When asked how his government could best support communities to manage their lands and natural resources, the Mayor gave a long, emphatic answer about the need for the government to begin mapping the municipality in earnest. In response, CSRC staff explained that the communities had made digital maps of his municipality, paper maps remained in each Ward, and digital copies had been provided to the municipality. The Mayor maintained that he was unaware of such maps, and CSRC made plans to send him all maps and land use plans made during the project.

LANDLESS RESETTLEMENT

Although the central government of Nepal has made resettlement of landless families a priority, it has been challenged by the difficulty of distinguishing the authentically landless families from the families who have left their homes elsewhere and traveled to live illegally within communities with more fertile soils or closer access to markets, among other factors. It has also faced obstacles identifying appropriate land for resettlement. One of CSRC's central goals for the project was to support the settlement of landless families by 1) supporting local, community identification of the authentically landless families squatting within their bounds and then 2) using the community's land use plans to identify community land available for their resettlement. Although the project ran out of time and did not succeed in achieving its aim of resettling landless families on available public lands, in some communities some progress was made towards this goal.

For example, in Ward #1 of Bhajani Trishakti Municipality, a community member reported how:

"When we made a map, we discussed about land use, this is forests, this is for houses, this is for agriculture, and we made some plan about the use of the barren lands – and also planted some saplings. And in some places after the community identified the land and gave them permission, landless people started growing some crops on the fallow land."

Likewise, the traditional leader of a community neighboring the one where the Ward #5 of Bardiya Municipality interview was taking place (who came literally running to the meeting to take part as soon as he heard about it) explained that one of the most significant impacts of the project in his community was that "There were 25-30 landless families in our village, and they were able to get temporary tilling certificates from the Ward office. That outcome was a direct result of this project."

In Ward #5 of Bhajani Trishakti Municipality as well, community members explained how, after "a discussion to recognize informal settlements, how this is not a mistake of the landless, it is a mistake of the government" one of the impacts of the project was that the community was able to "protect landless from eviction by the CFUGs. After our initiative, that was stopped, and also we were able to manage to resettle three or four families who had problems with the river."

And, in Ward #1 of Bhajani Municipality, Community members collectively explained how:

"Before the project, the political parties were not that interested in joining our meetings to address the question of landless people. When we started these practices, then the political people got involved in the process, and we gathered all the political parties here and made a written commitment that we are not evicting any landless people without offering them alternative lands. After that, we felt easy to settle our community and we felt that the landless people were protected and could feel less threatened. [Did the political parties keep their promise?] They have kept their promise and are now discussing how to give tenure security to the landless people. After that decision, no one was evicted – even the families living near the community forest have not been evicted... Before the project, the landless people were not directly evicted by politicians – the politicians would give some hints to police, about who to evict – now that practice has totally stopped. And the burning of their small houses – that practice has totally stopped since the project as well."

Interestingly, there may be some forward movement by government to address landlessness, now that an elected local government structure is in place. A man in Ward #1 of Bhajani Trishakti Municipality described how:

"The bureaucratic government officials have been the primary opponents for [landless families resettlement] process. But, after the elections in this ward, the elected ward officials are now discussing about the issue of landlessness at the ward level and when they saw the bylaws, the newly elected Ward Chairperson asked us to formalize the bylaw on landlessness – to involve the government and make the rule more formal. So the government is interested to involve themselves."

These descriptions indicate that while the project did not achieve its stated goal, some progress has been made, and may continue to have longer-reaching implications in the coming years.

CONFLICT RESOLUTION

CSRC subcontracted with a conflict resolution-specialist NGO, the “Natural Resource Conflict Transformation Centre Nepal (NRCTCN) to support the communities to address local land conflicts. The land conflict resolution work took place in the second year of the project, concurrently with the bylaws drafting process. CSRC’s expressed aim of the conflict resolution work was to resolve serious land and natural resource conflicts that were limiting poor and marginalized communities’ access to land and, in particular, to address conflicts between authentically landless families and their communities.

To pilot the land conflict resolution model, CSRC identified 6 land and natural resource conflicts that had endured for ten to forty years. NRCTCN trained the paralegals to support their mediation efforts, and then engaged in three months of mediation efforts, coordinated by each community’s CLRC. By the end of the three months, four of the six conflicts had been resolved, including:

- » A conflict involving 60 landless families who had been living for more than 10 years within the community’s Pashupati Community Forest Area, cultivating lands and enraging the community’s CFUG and the District Forest Office. A detailed study found that not all of the illegal settlers were actual landless; in fact 54 out of 60 households owned land in other places. These families were relocated to their own lands, and the community’s CFUG allowed the remaining authentically landless families to continue living in the forest on the condition that they would not disturb the ecosystem and would actively preserve forest resources.
- » A conflict in Magaragadhi VDC involving a family who had been illegally farming the land reserved for the community’s school for forty years. After protracted mediation involving many local officials, the family eventually agreed to return the land to the community, who will now be able to provide education to community children. Describing this conflict, one of the paralegals described how, “A real “wow” moment was that there was a conflict around the local school, and we organized a conflict resolution program, and gathered all the villagers for a kind of ceremony to make a written agreement between the school

and the landowners to document the agreement and resolution. The community was very, very happy in that moment.”

The conflict resolution strategies taught by NRCTCN to the paralegals and members of various CLRC groups appear to have rippled outward into the communities and applied to smaller conflicts as well. When asked, “What have been the most significant changes in your community as a result of the community land protection project?,” almost every community interviewed listed conflict resolution as a major positive outcome. For example, in Ward #5 of Bhajani Trishakti Municipality, a man explained how: “There was so many natural resource-related conflicts in our village, and between our community and our neighbors, and we were able to resolve most of the cases. We have some pending cases, but we were able to resolve many.” In Ward #4 of Barbardiya Municipality, the Ward Chairman explained how, “We solved many conflicts... In my own community we resolved a conflict between two community forests – there was a conflict about the boundaries of the forest, created due to the river moving, which claimed land. Finally we came to a common consensus that the boundary would be the water, wherever the river goes that will be the frontier of both community forests.”

Indeed, in Ward #3 of Barbardiya Municipality, a man reported how even after the project ended, the community was able to use the mediation process they had learned years earlier to continue land dispute resolution efforts on their own. He explained: “There was a conflict regarding the canal management committee ... it is just now getting resolved - it is not completely resolved but we are using the process we learned during this project. We have greatly reconciled the conflict.”



Bylaws drafting meeting. © CSRC

CHAPTER

3

PROJECT IMPLEMENTATION CHALLENGES

EXTERNAL CHALLENGES

The project faced major challenges that significantly impeded project activities for many months. In April 2015, Just as the project was gaining momentum, a **7.8 magnitude earthquake struck Nepal**, killing close to 9,000 people, injuring almost 22,000, and destroying thousands of homes. Dozens of aftershocks continued for months, including a 7.3 magnitude earthquake in May. Project activities were put on hold as both CSRC and Oxfam Nepal turned to providing the emergency services that were urgently needed throughout the country.

Then, in September 2015 the Government of India imposed an **unofficial border blockade**, limiting the flow of fuel, medicines, earthquake relief supplies, food and other staple necessities into Nepal. India's embargo caused acute shortages of the basic necessities of daily household survival. The blockade, which dragged on for five months, drastically limited resources just at the moment that the thousands of families, homeless from the earthquakes, needed food and fuel to survive the cold winter. Travel within Nepal became difficult as petrol became increasingly scarce. The blockade was linked to India's dissatisfaction with certain elements of Nepal's constitution, which was passed with 90% approval on September 20, 2015.¹³

Meanwhile, the Madhesh, an ethnic constituency with close ties to India, opposed certain constitutional provisions and instigated **significant violence** in the Terai region. Human Rights Watch reported that in the weeks before and after Nepal's new constitution was passed, violent protests left at least 45 people dead, including nine police officers.¹⁴ Tharu people also actively took part in the protests, on the grounds that the new constitution favored the traditional ruling class in the northern and Himalayan regions. As a result of the violence, it was necessary to further pause fieldwork to ensure the field staff's safety.

The earthquake, the fuel embargo, and the regional violence delayed project activities. Unfortunately, due to administrative constraints, Oxfam was unable to give CSRC an extension of their grant to enable them to complete all proposed project activities.

INTERNAL CHALLENGES

Although CSRC's adaptation and implementation of Namati's community land protection approach was, on the whole, very successful, in interviews both CSRC senior leadership and the project's paralegals were explicit about the ways in which the project could have been implemented more effectively. Generally, these challenges were related to the project timeframe, the selection of paralegals, the insufficiency of the baseline survey, the vastness of the project area, and the failure to fully involve government. These difficulties are described below.

1. **Selection of the paralegals:** The greatest challenge to the project stemmed from a miscommunication between CSRC's Director and the Project Manager. Apparently, CSRC's Director asked the Project Manager to recruit youth from each of the communities to undertake the baseline survey, with the possibility that a few of these young people, after having proved themselves to be smart, motivated and hardworking during the baseline, might be hired onto the project as paralegals, along with respected older community members. However, the Manager directly hired the community youth as permanent paralegals, immediately giving them appointment letters. The original group of paralegals were thus all below the age of 24, and very shy. As described by the Project Manager: "After selecting the area we figured out the paralegals, and selected them by going to the

¹³ The Wall Street Journal, Nov 26, 2015 <https://blogs.wsj.com/indiarealtime/2015/11/26/the-two-month-blockade-of-nepal-explained/>

¹⁴ <https://www.hrw.org/news/2017/12/21/nepal-publish-commission-report-terai-violence>

leaders of the communities and told them about our need. The leaders sent them to take a written examination about land rights. We one male and one female from each community. But they were very, very young, too frightened, very scared.”

Over time, CSRC addressed this challenge by adding a few older, more experienced paralegals to the group, and by supporting the creation of the Community Land Reform Committees, which were composed of respected community elders, and who led meetings at the community level. In the end, this strategy had the positive impact of creating significant community-level ownership over all project activities – and freed up the paralegals to focus on the tasks they were best suited for.

2. **Need for more extensive paralegal training.** The paralegals directly critiqued the training that they received, saying that while the initial trainings at the project’s inception were a good start, they would have been better equipped to do the work if they had been given:

- » **Clearer instruction on the program’s objectives**, specifically concerning how the planned activities contributed to the achievement of the intended objectives;
- » A detailed **explanation of their roles and responsibilities** with explicit, written details of the work they would be expected to complete by the end of the project;
- » A **good manual in Nepali** describing how to facilitate all the project activities;
- » More extensive **detailed legal trainings in the relevant laws of Nepal** (some asked for a full course);
- » An extensive **training in large-group facilitation skills**, including how to control meetings of over 200 people;
- » Additional **mapping trainings**, specifically on how to better support communities to make “social maps, power maps, resource maps, and GPS maps;” and

- » **Regular skill-building reflection, group problem-solving and coaching sessions** focused on capacity building, rather than the monthly meetings they did have “asking only ‘what did you do, what did you achieve?’” Various paralegals repeatedly returned to this throughout the group interviews, saying, “We needed regular meetings that were not just about reporting what we were doing, but which provide more skills, and mentoring – skill-building along the way. We had meetings, but they were more about us reporting to the coordinators, rather than the coordinators helping us improve;” and “[Project managers] asked for monthly plans from each paralegal and then monitored our work based on these plans – but we should have reviewed our work and analyzed our problems in a richer, deeper way.”

3. **Remote supervision by the Project Manager.** CSRC’s Director expressed regret that the project Manager was not relocated to the region, but rather remained in CSRC’s Kathmandu office, traveling as necessary to Bardiya and Kailali Districts. He explained: “We put the office far from the communities. We needed a coordinator who was full of energy, sitting in the field, there at all times. We should have made a partnership from the very beginning with government and put the CSRC project office right in the local government offices.”
4. **An overly-ambitious project area.** CSRC management expressed regret that they chose too large a territory to pilot the project in. Indeed, the project’s staff and resources simply were not adequate to complete the project work in the 27 wards of three VDCs in Bardiya and the 12 wards of Bhajani Municipality in Kailali. The paralegals described how the territories they were asked to cover were massive – until the ward-level committees were formed, they each facilitated the visioning and valuation exercises more than 25 times each – and concluded that “Is it not possible to have only a few paralegals for such large areas. Either we have to do this kind of exercise through the community leaders, or each paralegal should have a smaller area.”

5. Inadequacy of the baseline survey for uncovering key contextual information. At the inception of all of its projects, CSRC supports community members to “map” local power relations (through a power-mapping exercise); the local socio-economic situation; distribution of resources and land; and other key factors that awaken community reflection and allow CSRC to understand the complex dynamics of the community they will be working with. However, for this project, a pre-condition of the project was a scientifically-rigorous external project evaluation. As a result, CSRC did not complete its usual context mapping activities. CSRC’s Director criticized himself for not requiring that the organization’s usual context mapping was done, saying:

“We should have used more participatory methods and mobilized more local people - not only the paralegals; we should have involved local leaders. Context mapping should be an empowering process for the community, it is not just about gathering data for CSRC or Namati or Oxfam. The information is for the community members themselves, so community members should collect and analyze it themselves, and then share it back to the whole community.”

The paralegals pointed to other challenges related to the baseline, saying how the information collected in the baseline did not give them a sense of community dynamics or even the basic information they needed to go into the communities with a clear picture of the pre-existing situation:

“We should not do a sampling, we should have done a full census, with particular attention to some specific houses, such as landless families. We should have done a social map, as we would have liked to see sharecropping patterns, who rents land from whom, who pays rent to whom, who is landless, where they live, what natural resources they have in their community. Very specifically, we would have liked to know about how they use their natural resources, how they protect the forest, who can access the forest, who is allowed and who is refused, and what are women’s rights to access the forest?”

Procedurally, the paralegals were intensely critical of **how the baseline was managed from start to finish**: they explained how “When we were asked to do the baseline survey, we were given forms and told how to fill them in. But no one taught us how to ask the questions, how to build rapport;” “No one made sure we understood the importance of the data, and how it was linked to our work;” “We never received the findings and report of the final data – we just collected the data and then sent it to the COLARP people and then nothing happened and we didn’t know the data – it was a disaster to not find out the information;” and, most critically, “Community members also didn’t get the chance to hear the results of either the baseline or the endline – we should have reported back the data to the people we collected it from.”

The paralegals also felt that they would have gotten better data if they had collaborated closely with local government in the design and collection of the baseline data, as “the local government is ultimately responsible for these kinds of issues... and because the information can be helpful to the government, and also the government’s presence could have been helpful to us as well.”

6. Inadequate coordination with government. Relatedly, both CSRC senior management and the paralegals highlighted the insufficient involvement of local government and suggested that the relative lack of government involvement weakened the project’s impacts. As expressed by one of the Bardiya paralegals:

“Last time, we just invited the local government to participate – they did not fully “own” our program. If they do not own the project, it should not go forward. Last time, the role of government was positive, but it was not an active role – so when we faced problems and shared them with the local government, the government was not ready to support us when we really needed help.”

Community members in every community interviewed requested that CSRC actively recruit government support for their efforts to implement the bylaws and protect community lands, and that government officials be actively involved in any work going forward. For example, community members in Ward #1 of Bhajani Trishakti Municipality collectively requested that: “We cannot achieve conflict transformation here because we did not get good support with the government; we needed the government’s support;” “We need better coordination with the local government, and for this, we have to make a better relationship with government.”

Community members were clear that they needed government support to implement the bylaws and address emerging inequities and land-related injustices. For example, a community member in Ward #5 of Barbardiya Municipality spoke up to say:

“Another suggestion is that here rich people are grabbing the public land, no one is speaking up about it, and if they do, they may face danger. So you need to send a team by the central government to identify these kinds of actions and address them, because it may be dangerous for us poor people to challenge land grabbers on our own.”

7. Too brief a project timeframe. CSRC management, the project paralegals, all project evaluations, and every single community interviewed expressed that the project ended too soon. The paralegals explained how the project would have had far more impact if it had had more time: “There was an overall weakness: we were formulating the bylaws in the final months, and then we just handed them over to the government people, but there was no one to follow up on the bylaws, so they ended up going nowhere.”

Community members in every community were quick to express their dissatisfaction with how quickly and suddenly the project ended, directly after the adoption of the bylaws. A woman in Bhajani Municipality put this eloquently: “[The project] was about providing land to the landless and also to support making JLOs for husbands and wives, but the program was like tea made without sugar, because suddenly it ended, and we could not continue it.”



Government official stamps the community bylaws during the adoption ceremony. © CSRC

CHAPTER

4

CONCLUSIONS AND RECOMMENDATIONS

Looking at the findings as a whole, various conclusions and recommendations can be made for future adaptation and implementation of community-led land governance in Nepal. Some of these conclusions may also be of use to civil society groups and governments in other countries. These conclusions - and accompanying recommendations for future programming - are detailed below.

VISIONING AND VALUATION

Although these activities were designed as awareness-raising exercises to prepare community members to draft bylaws and make land use plans, the communities' experiences point to their motivating power. In some of the communities, community members harnessed the urgent sense of concern for their lands and natural resources that came out of these exercises to launch ecosystem conservation and/or small cooperative agricultural projects. The activities also facilitated the transfer of knowledge from elders to youth, particularly in the area of natural resource management.

Together with local government, implementing NGOs might support each community to look critically at their future vision, then choose one practical, easy-to achieve local project that people can work on together while drafting their bylaws. Such efforts will ensure that community members' drive to protect the local environment leads to concrete, tangible ecosystem restoration outcomes that strengthen community cooperation and show, relatively quickly and before the end of the project period, the possible impacts of community-driven sustainable land management. **NGOs and local government might consider budgeting for small tranches of funding to finance the basic inputs for community-driven conservation efforts that emerge out of the visioning and valuation exercises.**

BYLAWS DRAFTING AND ADOPTION

Process. Overall, community members reported that the process of drafting bylaws helped to:

- » Preserve local traditions, customs and rules;
- » Increase community members' sense of legal awareness and empowerment as they learned about national laws, then aligned local rules and norms with these laws; and
- » Support a deeper understanding of the interconnectedness of local challenges related to land, water, local forests, and related socio-economic issues.

Notably, women were active, influential participants in the bylaws drafting process. Their strong participation in the process was due to various factors, including:

- » The meetings were held in the local language, Tharu, not Nepali, and used local materials to convey information, which allowed many more women, Dalit and Tharu people to speak up with confidence;
- » The meetings concerned topics that pertained to women's daily lives and livelihoods and which they felt comfortable speaking up about; and
- » The paralegals frequently broke the large meetings into small identify-based groups, during which time women could speak freely in an all-women's setting.

Implementation. The bylaws' implementation has been strongest at the (most local) ward level and has varied by community. Ward-level implementation has depended on various factors, most critically:

- » The strength of local leadership and local leaders' commitment to the bylaws' enforcement;
- » Community unity, itself related to the relative homogeneity of the community's class and ethnic composition;

"We are working not only for our generation; we are becoming older. We are concerned about our future generations, so we are conserving our natural resources and using our bylaws to keep our future well for our children."

- » Strong intra-ward communication systems that ensure that all local residents are aware of and involved in local governance; and
- » A deep commitment to traditional systems of voluntary community service.

While community members did not necessarily have copies of the bylaws in their home, they were able to recount from memory many of the bylaws and report on each rule's degree of implementation. Within communities, some bylaws have been rigorously implemented, while others have been either partially implemented or not adhered to at all.

To ensure the bylaws' long-term implementation and enforcement:

- » **The bylaws should be formalized into municipal law - ideally passed as municipal regulations and enforced by municipal officials and local police.**
- » **Ongoing training may be necessary to ensure that ward- and municipal-level officials feel a strong sense of ownership over the adopted bylaws and create innovative, local strategies for their successful enforcement.**
- » **Facilitating NGOs or local leadership may organize regular meetings in the years following the bylaws' adoption to help community members analyze which rules are being implemented and enforced and which are not, and to then either amend these rules or create improved enforcement strategies.**

Impacts. The bylaws' implementation has led to the following mid-term impacts:

- » A cessation of pesticide use for fishing, with a resulting increase in the perceived health of local waterways;

- » In some communities, afforestation both within forests and on barren grounds, as well as stronger protections for forest resources;
- » Increased representation of women in local government, and stronger women's participation in land and natural resources governance decision-making at the local level;
- » A significant increase in the number of married couples applying for Joint Land Ownership certificates;
- » Greater prevalence of men and women being paid equal wages for doing the same work;
- » A significant reduction in the prevalence of forced unpaid labor by sharecroppers for landowners;
- » Perceived reductions in child labor, child marriage, and some aspects of caste discrimination; and
- » The invigoration and renewed enforcement of some beneficial customary rules that had fallen out of practice and were at risk of being lost.

One potential analysis of these impacts is that **the power of a community-wide process to adopt new, less discriminatory norms and practices can lead to significant changes at the individual and household level.** Every community interviewed described how, after learning about national laws supporting JLO certification, then discussing together as a community the advantages and disadvantages of joint land ownership for husbands and wives, couples went in groups to jointly register their lands. Some communities took the additional step of adding a bylaw promoting JLO registration. Such impacts point to the impacts of society-wide norm changes: after the community had debated and discussed the matter openly, it likely became easier for husbands and wives to speak about it in their homes, and for the couple to combine with other couples to take the necessary steps towards JLO certification. Similarly, in one community, after an extensive discussion about the benefits and drawbacks of women not having identity documents as proof of their citizenship, a group of women went together to apply for legal documents. Such stories indicate that community-wide norm changes concerning legal protections for women and other marginalized groups may lead to stronger rights and authentic behavioral changes at the individual level.

Similarly, the findings illustrate **the power of legal education: after learning about national laws protecting their rights or outlawing discriminatory practices, community members made local versions of these laws, bringing the “national” down to the “local” and aligning local practice with statutory laws.** Every community that took part in the project made rules to prohibit forced unpaid labor (outlawed nationally in 2000), end child marriage (outlawed in 1963) and child labor (outlawed in 2000), and establish quotas for women’s representation in local government (enshrined in the 2015 Constitution). These rules reflect the direct application of legal education on the bylaws: the communities interviewed were clear that they had not previously known about the national laws prohibiting or requiring such matters. Only once they had learned about the national laws, debated their application at the local level, and agreed to enshrine them locally in their adopted bylaws, did people begin to earnestly change local practice.

It may be concluded that **norm changes are easier when the wider community is made aware of national laws, decides as a group to change local practices to align with those national laws, and collectively commits to the necessary behavioral changes.** The existence of both national laws and local rules protecting their rights – and people’s knowledge of those laws – appears to have given members of more vulnerable groups the personal power to take a stand against injustice or demand that their rights are respected.

As such, the research seems to indicate that, paired with legal education, local bylaws drafting processes have the potential to lead to genuine norm changes, authentic protections for the rights of vulnerable groups, and the alignment of national laws and local, customary rules into one holistic, community-driven legal framework.

LAND USE PLANNING AND RESETTLEMENT OF LANDLESS FAMILIES

Community members reported that the process of mapping their land and making local land use plans helped them to see their communities as a whole for the first time and helped to awaken people’s understanding that they could be active participants in the local management of public lands. After making land use plans and thinking critically about their barren or unused public lands, some of the communities planted forests or started small agricultural cooperatives on these lands. Community member satisfaction with their renewed use of these lands was high. However, since the project ended, the land use plans have not been implemented; the only copies of the plans are reportedly with the new local governments, who have not yet taken action to operationalize them. **In the future, government technicians should be intimately involved in local land-use planning processes, and copies of the resulting land use plan should be left with the communities. With appropriate municipal support, ward-level committees should be empowered to oversee the plans’ local implementation and enforcement.**

In addition, CSRC’s central goal for the project was to support the settlement of landless families on community land identified as available and suitable for their resettlement. Because the project faced significant external challenges – and as there was not yet an elected local government to collaborate with – it did not succeed in achieving this aim. However, progress was made in some communities, where the few authentically landless families were identified and resettled on vacant lands by ward-level officials. **To ensure that local landlessness is properly addressed, the project should be supported by municipal government and have a flexible project timeline.**

Before, we didn’t care about the fallow land, public land, but now we are much more conscious about the best use of these kinds of lands at the community level – we used to think it was the responsibility of the government, but now we know we are also part of this process!”

CONFLICT RESOLUTION

In some communities, the conflict resolution work went beyond resolving four specific land conflicts: community members reported using the new conflict resolution strategies they learned during the project to mediate and resolve other, smaller land rights disputes as well. **Facilitating NGOs may consider pairing discrete conflict resolution efforts with community-level trainings on mediation and dispute resolution. The Community Land Reform Committees may be well placed to receive these trainings and take forward local land dispute efforts.**

PROGRAM MANAGEMENT

Future efforts might be strengthened by improved paralegal selection, followed by on-going training and mentoring of those paralegals; a more local management structure to allow for very close project supervision and support; and extensive context mapping designed to both gather information about the local community as well as benefit community members by raising their awareness of the structural challenges that impact their lives.

Community members unanimously felt that CSRC's continued support was critical to: the implementation and enforcement of the bylaws; the enactment of the land use plan; the resettlement of authentically landless families; and the provision of technical support to community leaders and local government officials alike. To ensure these outcomes, **future iterations of the program should anticipate a more flexible project timeline.** This will also allow time to circle back to the community's original future vision and transform it into an action plan that can support long-term community prosperity and wellness.

Even more than CSRC's continued involvement, **community members articulated the need for the new municipal governments to be intimately involved with the bylaws' and land use plan's implementation and enforcement** – and to help address emerging inequities and land-related injustices.

Government officials and administrators in both Bardiya and Kailali Districts expressed a desire to have been more directly involved in the program from its inception. When asked, "What could we have done better to ensure that the work of the project has lasting impact?" the newly-elected Deputy Mayor of



Bylaws adoption ceremony, Padanaha VDC. © CSRC

Bhajani Municipality answered quite generously, suggesting that:

“Before the design of the overall project, it would be good to discuss the project with the government before finalizing the activities. If an NGO comes to the government with activities already finalized, then there is less scope to co-create something that the government can help with. You have to show us your activities and your budget. And if your budget is not enough, we can add our funds to improve your budget; so it is good to discuss the project before it is finalized. After the activities and budget have been agreed and finalized with our inputs, the NGO should have an MOU with the municipality – we want to create the sense that the project is part of the municipality – that it is also a municipality initiative.”

In future efforts, implementing NGOs should work directly with municipal officials to co-design and co-implement local bylaws drafting and land use planning efforts, and the final products - drafted and agreed by community members at the ward level, then “federated” at the municipal level - should be passed as municipal policy. Nepal’s new constitution significantly devolves power to local government, and a 2017 Local Government Operation Act mandates that municipalities develop their own laws and policies. Meanwhile, the federal government recently decreed that within the next two years, every municipal government should draft a land use plan and laws to enforce that plan. The processes piloted by CSRC might be taken as a deliberative democracy approach to such efforts.

Bylaws should be undertaken hand in hand with local government officials at the ward and municipal levels, with clear, binding agreements that set out each actors’ roles and responsibilities and ensure that the bylaws drafting and land use planning processes are not co-opted by powerful officials who might stifle community deliberation and decision-making efforts. In addition to municipal officials, the paralegals notably urged that, “It is important to have better coordination with local government – but it is equally important to have a good relationship with the other government offices – like the forestry department, the women’s rights ministry, the land survey office, and the land reform office – it is equally important, to forge those relationships at the local level.”

CONCLUSION

The mid-term impacts of Namati and CSRC’s project illustrate that writing down a community’s customary rules for local land and natural resources management – and then adapting them to align with national laws and best address the challenges of today’s circumstances – is key to community land and natural resource protection. When community members are supported to critically reflect on the future they would like their grandchildren to inherit – and then to create rules and land use plans designed to help realize that future vision – it is possible to change even seemingly-entrenched unjust or unsustainable practices. Local rulemaking can empower communities to protect their lands, drive the course of their own development, create more equitable societies, and preserve ecological and cultural diversity for future generations.



Community meeting. © CSRC

ANNEX

1

BYLAWS

BHAJANI-TRISHAKTI MUNICIPALITY BYLAWS, KAILALI DISTRICT, DECLARATION DATE: 14 SEPTEMBER 2016, ENGLISH TRANSLATION

A. Land related policies

1. Agricultural land should not be left fallow.
2. Use of organic compost manure will be maximized instead of the chemical fertilizers while farming.
3. Agricultural land that can be operated by own labor will be taken.
4. Farmers doing sharecropping will not be used for other tasks except farming.
5. No one will encroach the land boundary of others. The boundraies will be clarified in consultation with the border-line people and the land used accordingly.
6. Efforts for small dike in the place of river-cutting will done.
7. Provision will be made for safer places for the residents of flood-prone areas to settle during the drowning season.
8. Regardless of the purpose, community discussion will be organized to decide whether to give or not community land to governmental, private and nongovernmental organizations in case they wanted to take community land.
9. Efforts will be made to solve issues related to land once surveyed but lacking a land certificate and map.
10. Campaigns will be undertaken to rehabilitate the communities and settlement in case they are evicted with no other options for their settlement.
11. Genuine landless and squatters will be identified at the community level and campaigns will be organized to rehabilitate them within the community.
12. Families having registered will make Joint Land Ownership Certificate applications and motivate others to do so.

13. Efforts will be made to register aailani land in the name of the current user.
14. Land use plan will be formulated to utilize community land.
15. Land for housing and agriculture will be categorized clearly.
16. In each ward of the municipality, public spaces for public functions will be specified.
17. Separate grazing lands for cattle will be determined. Outside of the grazing lands, grazing is prohibited.
18. Specific place to mine mud to dye house will be determind. Mining mud outside the specified areas is strictly prohibited.
19. Mining activities are strictly prohibited outside the specified locations.

B. Water related policies

1. Fishing using poisonous chemical and electric-shock are strictly prohibited, instead traditional and customary tactics can be used.
2. Throwing rubbish and mixing drainage into the source of water will be strictly prohibited.
3. The maintenance of canals should be done voluntarily according to the ratio of total area of land occupied by individuals.
4. Irrigation should be done turn-wise, according to the area and order of the land.
5. The cleaning and maintenance of canals should not hamper or destroy another's land and pathways.
6. No one will be allowed to poison water.
7. Tree plantation on both sides of the canal should be done ensuring no disturbance to surrounding lands.
8. Utilization of the water should be done as per need only.
9. Efforts will be made to provide each household with clean drinking water.

C. Forest related policies

1. Forest protection should be the responsibility for all. For this, fencing and trenching will be done. Forest fires are strictly prohibited. In case of forest fire, all community members should initiate immediate efforts to control the fire.
2. All community people will collectively do afforestation in the empty forest area.
3. Representation of the women and other marginalized communities will be maximized gradually.
4. 50% of the representation in both vital and minor positions in community forest user group by the women will be ensured. Meaningful representation of other marginalized and minority groups will also be promoted.
5. Membership renewal of the members of community forest user groups will be done on yearly basis.
6. While utilizing forest products, required permission must be obtained.
7. Stealing and smuggling of the forest products will be strictly prohibited. All members of the community will be responsible for controlling such activities.
8. Cattle grazing outside the specified areas will be strictly prohibited.
9. Excessive extraction of stone, mud and concrete will be controlled.
10. Weeds, medicinal herbs and fruits will be used sustainably.
11. Building new settlements and houses [inside the forest] is strictly prohibited.
12. Stealing and smuggling of wood from the forest is prohibited.
13. Economically poor and socially disadvantaged people will be prioritized to use the empty forest land on a contract basis.
14. Newly separated and migrated households within this community will be given membership of this committee with concession on the membership fee.
15. Those that do not abide by the rules of the forest will be punished as per the decision made by the Community Forest User Group committee.

D. Social policies

1. At least one member from each household should participate in the development and maintenance of community services voluntarily, as per the notice of the Bhalmansa circulated to the community by Priest. In case any household failed to participate that will be subjected to the specified fine.
2. Compulsory representation of the women or other marginalized communities in any committees at community level will be ensured.
3. Opportunities for women and other marginalized people to forward their voices while planning and implementing community level plans will be provided.
4. Husband and wife will be encouraged to consult adequately while deciding on household level issues.
5. Both mother and father will take care of their children equally.
6. Child marriage and polygamy in the community will be discouraged. Child marriage will be strictly prohibited. If the boy and girl below standard marriage age get married they will be returned to their respective homes and will be allowed to marry after they become eligible to marry.
7. Campaigns against bad culture and behavior will be initiated.
8. Customary system will be fully used to resolve small disputes. Serious cases will be referred to the local reconciliation center.
9. Anyone causing disturbance by drinking will be punished by the community.
10. Drinking outside the specified time will be strictly prohibited.
11. Provision of residing inside the house for female during the menstruation period will be promoted.
12. Discrimination based on caste will be prohibited. In cases of such discrimination, the community will inform related government agencies for further actions.
13. Discrimination between children based on sex is strictly prohibited.
14. Equal wages will be provided to men and women for the similar work with no discrimination.

15. Efforts to end the dowry system will be initiated. No one will give dowries, but daughters will be supported in times of difficulties.
 16. Single woman shall be marry as per their choice and the society will accept that without any question.
 17. Polygamy, child marriage and marriage of a couple having huge age gap will be prohibited.
 18. Genuine squatters, landless and other marginalized groups should be identified and rehabilitated within the community.
 19. No one will place their cattle on the paths.
 20. The abandonment of the bull causing serious incidents i.e. serious injury and deaths will be prohibited.
 21. Plastic use will be controlled.
- E. Good governance related rules and policies**
1. Each and every year a social audit will be conducted and it will be advanced accordingly.
 2. All the member of the community will be informed of all the activities and plans that are to be implemented in the community.
 3. Financial books of every plans and development activities carried out in the community level will be made public only after the completion.
 4. Committees and groups formed at community level will ensure inclusive representation of Dalit, indigenous, landless and other marginalized groups in decision-making vital positions. 50% of the representation will be women.
 5. The voices of women and other marginalized groups of people should be heard and included in the decision making process.
 6. Women, Dalit, Indigenous Peoples, landless, elderly, and other marginalized groups should be given priority while sharing community level resources.
 7. Every year there will be a selection of Bhalmansa [traditional leaders], assistant Barghar, community guards and priest following their own traditions.
 8. Every year there will be a selection of Bhalmansa in each community. Women should also be elected as Bhalmansa and should be given the same respect as the Male Bhalmansa.
 9. Bhalmans must be responsible and capable to lead the community for its betterment.
 10. The same wage will be paid for similar work to both men and women.



Valuation exercise in Bhajani, Kailali. © CSRC

POWER TO THE PEOPLE

A CASE STUDY
ON PARTICIPATORY
LOCAL LAND AND
NATURAL RESOURCE
GOVERNANCE
IN NEPAL

Impact assessment report / September 2018

“No one is now using pesticides in ponds and rivers – this has totally stopped – we made a very strong rule and have been enforcing it. Before this project, this practice was happening massively, but now no one uses pesticides to fish in the river and the pond. Now, as a result, we have no idea if the water quality is enhancing or not because we have not tested it, but we can say that now we are getting more fish. The water is more clean, there are more plants.”



Community bylaw discussion in Bardiya. © CSRC



Founded in 1993, the Community Self Reliance Centre (CSRC) evolved from a community-based organization into a national level NGO with a 25-year track record of working to ensure the land rights of land-poor farmers.

csrcnepal.org



Namati is an international organization dedicated to building a global movement of community legal workers—also known as community paralegals—who empower people to know, use, and shape the law.

namati.org