

## FIELD BULLETIN

### Land Seizure in three Mid Western Tarai Districts

#### Background

Land ownership patterns and its inequities are recognized as one of the root causes of the decade long armed conflict in Nepal, a period when large plots of public and private land as well as properties were seized by mainly the Maoists. Leading Maoists noted that the confiscation of property from feudal landlords and its distribution among peasants based on the principle of 'land to the tiller' was a basic policy<sup>1</sup>. The conflict ended in 2006 with the signing of the Comprehensive Peace Agreement (CPA). Together with the 12 Point Understanding reached between the CPA signatories, the CPA included the return of seized property, the formulation of policies for scientific land reform and a commitment to refrain from seizing new land<sup>2</sup>.

A Carter Center report published in 2010 noted that although much of the seized land in the *Tarai* had been returned, the Mid- and Far-Western *Tarai*, one of the most affected areas in terms of amount of land seized during the conflict, had seen less returns<sup>3</sup>. The relief package announced by Prime Minister Bhattarai in September 2011 committed to return all the seized property within three months<sup>4</sup>. The Seven Point Agreement reached between the major political parties on 1 November 2011, went even further and committed to have completed the return by 23 November 2011.<sup>5</sup> However, internal UCPN-M dynamics may pose a challenge to implement the agreement in the Mid Western Region (MWR) where much land remains seized.<sup>6</sup> The Chief District Officers (CDOs) in Dang, Banke and Bardiya districts have begun to hold consultations with political parties at the district level. However, due to the complexity surrounding the issue of land and land returns it will be a challenge to implement it by the set deadline.

This field bulletin explores the status of private land seized during the armed conflict in Dang, Banke and Bardiya districts in the Mid-Western *Tarai*.

#### The current state of affairs of seized land

The status of seized land in the Mid-Western *Tarai* varies from district to district and there is a lack of records of the amount of land seized as well as returned. There is a general perception that the numbers provided by the District Administration Offices (DAO) are not always accurate. For example, in one of the three districts, only four cases had been recorded with the DAO whilst the Local Peace Committee (LPC) had records of 25 cases, and a report prepared jointly by NC and UML identified 26 cases.

It would seem that a majority of small land holdings<sup>7</sup> in the three districts have been returned to their owners since the signing of the CPA, either conditionally or unconditionally. However, in many cases big

<sup>1</sup> <http://www.wprmbritain.org/?p=926>

<sup>2</sup> Comprehensive Peace Agreement, November 2006 and the 12 point agreement between the Seven Party alliance and the Maoist party  
<http://www.satp.org/satporgtp/countries/nepal/document/papers/peaceagreement.htm>;  
[http://www.satp.org/satporgtp/countries/nepal/document/papers/spa\\_maoists\\_agr.htm](http://www.satp.org/satporgtp/countries/nepal/document/papers/spa_maoists_agr.htm)

<sup>3</sup> The Carter Center: "Land Commitments In Nepal's Peace Process Only Partially Fulfilled", page 11,  
[http://www.cartercenter.org/resources/pdfs/news/pr/nepal-pr-land-rpt\\_062210-EN.pdf](http://www.cartercenter.org/resources/pdfs/news/pr/nepal-pr-land-rpt_062210-EN.pdf)

<sup>4</sup> <http://www.opmcm.gov.np/en/>  
<http://www.ekantipur.com/the-kathmandu-post/2011/09/13/top-story/peace-process-return-seized-property-pronto-pm-bhattarai-directs-partymen/226252.html>,

<sup>5</sup> [http://www.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=37799](http://www.myrepublica.com/portal/index.php?action=news_details&news_id=37799)

<sup>6</sup> Meeting with representatives of the Federation of Nepali Journalists in Bardiya and Dang, LPC Dang and NC representatives from Banke and Dang

<sup>7</sup> According to local understanding a 'small' land holdings generally means for 2-3 *bigha* and 'big' one above 3 *bigha*

plots remain unreturned. Though there are differences between the districts. In Dang, very few cases of seized land have been returned. In Bardiya land that was announced to have been returned has been re-seized again<sup>8</sup>.

According to a UCPN-M representative who spoke to FCO staff, private land seized during the conflict comes to 1,000-1,500 *bigha*<sup>9</sup> in Bardiya, 1,000 *bigha* in Dang and around 700 *bigha* in Banke. Although it needs to be noted that it remains difficult to establish the exact amount of land seized due to the inadequacy of the records, the above numbers were similar to those estimated by the LPC and civil society interlocutors. A UNCP-M representative claimed that 90% of the seized land in Bardiya had been returned and that only 10% remains under the control of the tillers. Although other interlocutors agreed that land had been returned, they disagreed on the amount of returned land. Similarly, interlocutors in Dang claimed that 60-65% of seized land has been released since the signing of the CPA. The figure in Banke is allegedly nearly 90%.

In January 2009, the then Prime Minister Pushpa Kamal Dahal instructed those who had seized property to return it<sup>10</sup>. Subsequently the district level UCPN-M in Dang and Bardiya made a similar announcement and launched a conditional land return programme<sup>11</sup>. During a land return programme in Dang in 2009, the UCPN-M formally announced that land belonging to 15 particular individuals would not be released, some because they were allegedly responsible for the killing of Maoist cadres during the insurgency and others because they had filed cases against party cadres<sup>12</sup>. After the UCPN-M-led government fell in 2009 there were widely publicized reports<sup>13</sup> that groups affiliated to the UCPN-M had started again seizing land in Bardiya. A UCPN-M representative<sup>14</sup> in Bardiya confirmed that new land seizures took place but denied that the party had been involved.

## Land changes hand: from the party to the tillers

Although the Maoists distributed land among landless poor and their supporters during the armed conflict, they did not maintain accurate records of what was seized or to whom it was distributed. Conversations with interlocutors revealed that most of those who received seized land were not informed that land seizure and distribution was a method used by the Maoists to press for their demands for land reform. They also seemed unaware that those who used the seized land might be required to return the land at some point. Consequently, this has led to a misunderstanding among some tillers, with many of them believing that they were permanently provided the land, and thus holding strong views on the issue of returning seized land.

### BOX 1: Land as compensation?

Land seizure at Bargati in Ghorahi Municipality of Dang was a widely publicized and complicated case. Eleven farmers who had been working the fields of local landowner for generations were shot dead by the Royal Nepal Army who accused them of being Maoist cadres.

The landowner was displaced after the killing as he was accused of being responsible for the killing. His 30 *bigha* of land remained seized until the signing of the CPA, when the UCPN-M returned parts of the land and distributed the rest amongst the families of martyrs and other supporters.

The wives of the deceased farmers spoken to noted that they would never return the land because they consider it a sort of compensation for having lost their husbands.

<sup>8</sup> Information provided by local civil society representatives, journalists and UCPN-M party members.

<sup>9</sup> One *bigha* is equivalent to 0.67 hectares.

<sup>10</sup> [http://archives.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=928](http://archives.myrepublica.com/portal/index.php?action=news_details&news_id=928)

<sup>11</sup> Conditions in Bardiya: 1) Landowner should commit to *Trikkur* under which s/he will receives one-third of the crop share and 2) land cannot be sold and tenants cannot be replaced before the implementation of a Revolutionary Land Reform Act. Conditions in Dang 1) Guarantee of tenancy right (50% of land) or 75% of crop share to the tenant and 2) tenants cannot be replaced before the implementation of a Revolutionary Land Reform Act.

<sup>12</sup> Meeting with Maoist district Secretary, LPC member and FNJ representative in Dang

<sup>13</sup> <http://m.ekantipur.com/2011/02/13/capital/maoists-grab-vast-chunks-in-bardiya/329536.html>

[http://archives.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=19617](http://archives.myrepublica.com/portal/index.php?action=news_details&news_id=19617)

<http://202.166.193.40/2010/05/21/headlines/Maoists-grab-60-ha-of-Bardiya-land/314778/>

<http://www.ekantipur.com/the-kathmandu-post/2010/06/20/nation/maoists-seize-private-land/209609/>

<sup>14</sup> Meeting with UCPN-M District in-charge in Gulariya, Bardiya

Interlocutors noted that party control over seized land has in the past couple of years shifted from district party leaders to the VDC level. For example, district level UCPN-M representatives denied that crop shares were collected from seized land, whilst VDC level party leaders admitted to doing so. In many places it was noted that those who had seized land during the conflict are in fact cultivating it along side with tenants who cultivated the land before the seizure. For example, in a western VDC in Dang, 21 families, including seven original tenants, have been cultivating 31 *bigha* of land together since it was seized in 2000. In 2006, UCPN-M VDC-level leaders, in the presence of other political parties and the media, announced that the land should be released. However, the tillers rejected this announcement and demanded to keep 50% of the land. The landowner, who has not received any crop share since the land was seized, blamed local leaders for provoking the tillers to hold on to the land. Confirming the above scenario, journalists interviewed in all three districts noted that the UCPN-M no longer always have authority over those who cultivate the seized land as they sometimes feel that the party has forsaken them and the agenda of “*land to the tillers*”. An LPC member spoken to in Banke noted that when a group of tillers were asked to vacate seized land by political party representatives, including the UCPN-M, they stated that “even if Prachanda tells us to leave we will not do so because we supported them during the war and now they are leaving us with nothing”.

### Lack of dialogue between landowners and tillers

Despite some formal and informal efforts<sup>15</sup> to release seized land following the signing of the CPA, there is a need for more dialogue between landowners, the UCPN-M and tillers on the issue. Tillers felt bypassed by previous discussions and negotiations which they claimed were held between political party leaders and the owners only<sup>16</sup>. Due to this, it was claimed that there are cases of land remaining unreturned despite the willingness of some tillers to return it or to share the crops with the land owners<sup>17</sup>. Tillers spoken to also claimed that because landowners were selling land without consulting the tillers currently on the land, those tillers who may want to buy the land are prevented from doing so. Following the signing of the CPA in 2006, the UCPN-M in Bardiya and Dang announced that seized land should be released<sup>18</sup>. However, the announcement was not followed by the return of land, possibly partly because the tillers were not consulted.

Tillers spoken to noted another case whereby the Maoists divided a large plot of land in a VDC of Dang during the conflict and shared it among local farmers with the condition that they give the Maoists 25% of the crop share. Following the signing of the CPA, a UCPN-M district level leader along with the landowner and other political party members announced that the land should be returned. However, because the announcement was made without prior consultation with the farmers it has led to tensions in the VDC.<sup>19</sup>

### Third party benefiting from unreturned land

A recent trend in all three districts is the reported<sup>20</sup> sale of seized land at a price of up to 50% below the market value. It was noted that landowners are being encouraged to sell their land by local brokers, many of whom have alleged links to the major political parties. A UML sympathizer interviewed in a VDC of Banke explained “I bought two *bigha* of land as the owner was selling it at a low price because he is afraid to come here. I am now helping him to sell the remainder of his land in the VDC”



Photo: 1 Plotting business at a plot of seized land

<sup>15</sup> According to various informants, formal or informal efforts to release seized land started after the signing of CPA. Formal process: some landowner have filed complain against tillers at the district court in Dang, whilst others have submitted applications to the LPCs. Informal process: An NC representative noted that land belong to Bhesh Raj Sharma of Dang was the firstland returned after the 12 point agreement in November 2006 through informal or personal negotiation with the UCPN-M.

<sup>16</sup> The tillers interviewed in the VDC West to the Tulasipur of Dang and Banke districts.

<sup>17</sup> Interviews with different interlocutors e.g. political parties and LPC during visits to VDCs in Dang, Banke and Bardiya

<sup>18</sup> Interview with civil society representatives in Bardiya and Dang

<sup>19</sup> Interview with LPC member, journalist and landowners in Dang

<sup>20</sup> Interviews with civil society representatives, journalist and landowners in Dang, Banke and Bardiya

## Conclusion

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Despite there having been repeated assurances since the signing of the CPA with regard to the return of seized land, the above examples suggest that there is a long way to go before this part of the peace process will be fully implemented. Unless addressed it is possible that tensions will grow, especially in districts such as Bardiya, Dang and Banke which saw large amounts of land being seized during the conflict. The recent Seven Point Agreement, promising that all seized land be returned by 23 November is noteworthy, but its implementation remains a challenge and will require the support of actors at all levels.

**Disclaimer:** This field bulletin is prepared following a brief field study and also uses secondary data. The information presented in this field bulletin does not imply official endorsement or acceptance by the United Nations. Although the RCHCO aims to confirm all information independently, occasional factual inaccuracies can occur.

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