

CIVIL SOCIETY SUPPORT PROJECT ON RIGHT TO FOOD

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# ADVOCACY ACHIEVEMENTS

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A REVIEW REPORT





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Advocacy Achievements: A Review Report

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## TABLE OF CONTENTS

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<b>Executive Summary</b>	<b>6</b>	<b>3. Conclusion</b>	<b>27</b>
<b>1. Introduction</b>	<b>8</b>	3.1 Favourable Political Context	27
1.1 Objective of the Review	9	3.2 RtF Partnership and Strategy	27
1.2 Methodology of the Review	9	3.3 Project's Rights Approach	28
<b>2. Review Findings</b>	<b>10</b>	3.4 Focus on Governance	28
2.1 Preparatory Processes	10	3.5 Partners' Advocacy Skills	29
2.2 Significant Changes and Processes Leading to Them	15	3.6 Way Forward	29
2.3 Key Learning	26		

# Foreword

CARE Nepal is proud to present this in-depth analysis of its advocacy achievements of The Civil Society Support Project on the Right to Food Project. This report comes at an important time. Nepal's Government is observing a major shift in its implementation structure to a decentralised federal structure where the county will, for the first time ever, establish a central, provincial and local level Government. During this transition period, it is crucial for CARE to analyse our advocacy tactics and realign and hone our strategies to ensure that we are better equipped to advocate for our the most poor and vulnerable populations. .

52% of Nepal's population is still food insecure (Nepal Demographic and Health Survey 2016) among which the poor and marginalized women small holders, tenants and landless subsistence farmers and agricultural laborers with little or no means to access adequate food are the most vulnerable. This is evidence enough to highlight the need for reform in the various acts, policies and plans that affect the food security of the country.

The Right to Food project has contributed to formulation, revision or implementation of several

important policies and plans which has been showcased in this report. However, there are still a number of policy responses, which, despite their good intent and potential to significantly benefit a large number of poor and marginalized people, are yet to be converted into implementation action. This report also highlights a way forward for the project and CARE's advocacy efforts to ensure that we achieve our policy advocacy goals in regard to food security.

None of this work would be possible without partnerships and strong collaboration at different levels. So I would also like to take this opportunity to thank all the partners of the Right to Food project for their role in achieving our advocacy successes. We hope that this report proves to be a useful contribution to a growing evidence base on what is needed to effectively address food insecurity and all its underlying problems. I would like to thank everyone who directly or indirectly helped make this report a success.



**LORA WUENNENBERG**

Country Director  
CARE Nepal



# Abbreviations

<b>AFA</b>	Asian Farmers Association
<b>AWRC</b>	Agriculture and Water Resources Committee
<b>CSRC</b>	Community Self Reliance Centre
<b>CSO</b>	Civil Society Organization
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>DLRF</b>	District Land Rights Forum
<b>ESCR</b>	Economic, Social, and Cultural Rights
<b>FIAN</b>	Food First Information and Action Network
<b>ILC</b>	International Land Coalition
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>INSEC</b>	Informal Sector Service Center
<b>ILO</b>	International Labor Organization
<b>ICERD</b>	International Convention on the Elimination of all forms of Racial Discrimination
<b>JURI Nepal</b>	Justice and Rights Institute Nepal,
<b>LI-BIRD</b>	Local Initiatives for Biodiversity, Research and Development
<b>MoLRM</b>	Ministry of Land Reforms and Management
<b>MoAD</b>	Ministry of Agricultural Development
<b>MoFSC</b>	Ministry of Forest and Soil Conservation
<b>NLRF</b>	National Land Rights Forum
<b>NFGF</b>	National Farmers' Group Federation
<b>NPC</b>	National Peasants' Coalition
<b>NRA</b>	National Reconstruction Authority
<b>RtFN</b>	Right to Food Network
<b>RtF</b>	Right to Food
<b>VAT</b>	Value Added Tax
<b>VDC</b>	Village Development Committee
<b>YAC-Nepal</b>	Youth Acting for Change-Nepal

# Acknowledgement

CARE Nepal, with financial support of CARE Danmark and DANIDA, is implementing The Civil Society Support Project on Right to Food (RtF) since July 2013 to Dec 2017. The project aims to have a representative civil society organizations have contributed to the realization of the 'right to food' to the benefit of the impact groups. The project reflects role of civil society in influencing and monitoring state obligations related to the realization of the right to food and contributes to its gradual realization.

The project contributed to strengthen an interface between civil society organizations and duty bearers to review, revise and implement land, agriculture and food security related policies from the perspectives of poor, vulnerable and socially excluded. This document consolidates the main learning of the project on advocacy including an effort to stocktaking policy contributions and achievements made by the project with a synergy among the partners.

This document has been prepared through a joint collaboration between CARE and its strategic partners: Community Self Reliance Centre (CSRC), National Land Rights Forum (NLRF),

Right to Food Network Nepal (RTFN) and National Farmers' Group Federation (NFGF).

I would like to express my sincere thanks to all the partners for their generous support and effective collaboration to achieve the results. The generosity and support of various CARE Nepal colleagues primarily Thakur Chauhan-Program coordinator for SUSTAIN program and his team, Hansh Raj Joshi, Jyoti Baidya, Rahamat Hussain and Raju Karki have been instrumental in preparation of this report.

Finally, I would like to express my sincere gratitude to Mr. Binay Dhital, independent consultant who carried out this study. I would also thanks to CARE colleagues, Tonya Rawe, Flemming Gjedde-Nielsen, Maria Ploug Petersen, and Richa Uprety for editing and technical support.



**Popular Gentle, PhD**

Assistant Country Director- Program Quality  
CARE Nepal



# Executive Summary

Nepal's poor food security data underline the need for wide and deep reforms in various sectors. At the forefront of the to-do-list lie agrarian and land reforms as they are directly linked with food security and livelihood of a large section of the Nepalese population engaged in subsistence farming in the rural areas. Discriminatory social practices leading to exclusion and non-participation is an underlying cause of food insecurity because it prevents, especially women from marginalized backgrounds, to access and own productive resources such as land, or accessing resources, services, opportunities and knowledge for improving the availability, access, stability, and utilization of food. Among the most vulnerable are the poor, marginalized and vulnerable women small holders, tenants and landless subsistence farmers and agricultural labourers with little or no means to access adequate food. The scale of the necessary reforms can be judged by the ongoing transformation of almost every aspect of government- from legislative to bureaucratic to procedural to even social arrangements. In all these wholesale efforts, a vital task is awareness creation among the stakeholders about the issues involved. There are many such efforts being made by various actors throughout the country. This document is the product of a review of the achievements made by CARE's civil society partners in one such effort, particularly their policy advocacy work, as part of the Civil Society Support Project on Right to Adequate Food (RtF) Project 2013-2017, the

impact goal of the project is: Representative civil society organisations have contributed to the realization of the 'right to food' to the benefit of the impact groups. The impact goal reflects the important role of civil society in influencing and monitoring state obligations related to the realization of the right to food and contribute to its gradual realization.

Discussions with CARE's three current strategic partners—Community Self Reliance Centre (CSRC), National Land Rights Forum (NLR) and

National Farmers' Group Federation (NFGF) - showed that there are evidences of good coordination among them while carrying out their advocacy. They shared the responsibility of leading the prioritized agenda based on their mandate and strategic priorities, expertise and experience. While one of them took the lead role, the others provided full support. CARE's role in this project was not limited to providing funding and other project administrative formalities. It was engaged from the very beginning of the planning phase, working hand in hand with the partners intermittently, to make the policy advocacy work effective, including supporting strategic partners realizing their strategic plans, investing in their capacity building, generating evidence from the field etc. The partners also sought and received support from like-minded organizations to achieve their targets. They included, among others; Right to Food Network (RtFN), National Peasants' Coalition (NPC); Agricultural Alliance for Food, National Farmers Network, Food First Information and Action Network (FIAN Nepal) and partners Care Nepal, Action Aid Nepal, OXFAM, Asian Farmers Association (AFA) and International Land Coalition (ILC).

The strategic partners were aware of the existing policies and gaps. They were able to identify core common issues, set the advocacy agenda, develop and apply suitable strategies and tactics, and jointly advocate on the food rights issues. CARE's prime role was to support core strategic partners to implement their strategic plans. The initiative contributed to mobilizing poor, marginalized women and men farmers (including landless farmers) to participate in decision-making and claim their rights. CARE provided support to the civil society organisations to become more representative, inclusive, accountable and effective in the whole process. Their ability to use evidence and facts for policy advocacy in addition to their local to national and international links, and systematic engagement in policy intervention on the issues of right to food for landless, small holders and tenants focusing marginalized women are evidenced in the findings of this review.

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CARE partners worked closely at various levels to get clear constitutional provisions spelled out on right to food (RtF), and land rights and agrarian reforms, as demanded by the country's RtF and land rights movements. They devised an appropriate approach bringing together actions including evidence generation, research, advocacy strategy, popular mobilization, working with allies, taking policy positions, and lobbying and negotiating designed to achieve changes in policy and practice. They pushed for the drafting of all the Acts, policies and other regulations warranted by the newly introduced rights provisions in the Constitution, besides getting existing ones amended and pressuring for their implementation. They were not only quick to respond to opportunities provided by emergent events like the 2015-earthquake and the resulting destruction of settlements to push for land rights issues, but also sought wide-ranging reforms during the historic constitution-drafting process.

Thanks to the continued CSOs movement, significant positive changes have been realized in the Nepali Constitution and legal framework. The Constitution speaks clearly about the right to food and other land rights issues. Article 36 of the Constitution guarantees the citizens' right to food including security against risks arising from unavailability of food and right to food sovereignty in accordance with law. Further, the significant changes in the legislative and institutional arrangements that the civil society movement helped bring about include: inclusion of the issues of right to food, and land rights and agrarian reforms including 'Scientific Land Reform' provisions in the new Constitution.

Regarding laws, following the project partners' advocacy, a clause has now been included in the Land Act, 1964 to resolve the much-awaited cases related to the distribution of land, under formal tenancy, between landlords and tenants. A new Land Use Act was formulated where the movement's input was sought. Now, the local government can also lease out fallow land - both under government and private ownership benefitting at least 60 % of landless and land-poor and unorganized settlers of Nepal.

The national Land Policy was drafted in 2013, during the partnership period. It covers inclusive distribution of land, optimum utilisation of land, community/people-led land administration and access to land for marginalized communities. Two separate working policies on land-lease were drafted benefiting the landless Dalits, Haliyas and freed kamaiyas, who can now receive on lease up to five kattha (0.16 hectare) of land. The government pays for such lease and bears 50% of the agricultural input costs- seeds, fertilizers etc.

CSRC facilitated a review of national and international practices, provisions and policies on planned settlement by involving government officials which proved very useful in drafting a ToR for the newly formed Planned Settlement Commission. The government has also come out with a workable joint land ownership Working Guideline after a lot of advocacy and pressuring from the civil society movement.

Similarly, achievements have been made on various issues: bringing about the resumption of land-sharing between land-owners and tenants, classification of farmers for a workable welfare scheme, new insurance arrangements for crops and livestock, provision of accessible agricultural credit, institutional representation of the farmers' federation in various relevant government bodies, formation of a farmers' commission, provision of an agriculture technician for every Village Development Committee and having the Local Government Act recognize the farmers groups as a medium of agriculture extension.

The review is an opportunity to examine policy positions on the issues of land rights, agriculture, climate change resilience, women's rights and gender equality. CARE and its partners will seize this opportunity to refresh its analysis, strategy, policy positions, and partners. It would be prudent for CARE and partners to rethink on their stands on the issues, and determine their future positioning, scoping of the changed actors as well as policies and strategies that are instrumental in meeting the renewed goals.

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# 1. Introduction



Nepal's food security status ranked 81 among 113 countries in the Global Food Security Index of 2017, making it one of the most food insecure and vulnerable countries in the world, despite 66% of its population being engaged in agriculture. However, the overall score has increased in comparison to previous years. What is more, the country is becoming increasingly food insecure. The official statistics show that currently, 33 out of 75 districts are in a state of food deficit (MoAD, 2011). Available evidence indicates that about 60% of the households in Nepal have only six months of food sufficiency from their own production. Furthermore, poor families in Nepal spend about 60% of their household income on food. Thus, any sudden price hike of food staples forces poor families to cut back on their expenditure on food, resulting in food insecurity and malnutrition. There are several immediate causes of food insecurity: insufficient production, inadequate extension services and inputs, inadequate and inappropriate (sub-quality) availability of seeds, an unfair and ineffective food distribution system and limited access and utilization of food at the inter- and intra-household level. Land ownership is an aspiration to many in Nepal since it ensures economic security and

social status. In addition to this, it has significant productive value linked to livelihoods and food security. For marginalized farmer communities in Nepal, land ownership often becomes the determining factor between a life with dignity and security and exposure to different vulnerabilities and uncertainties. Yet in addition to existing challenges, outmigration of farm labor is leaving large tracts of cultivable land fallow which is further feminizing an already highly gender skewed agricultural labour force.

Nepal's commitment to international human rights treaties obligates it to respect, protect and fulfil not only the right to food but also related rights (to non-discrimination or to political participation) that support an individual's ability to realize this fundamental right. They include conventions like the International Covenant on Economic, Social and Cultural Rights (ESCR), International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and International Labor Organization (ILO) Convention. However, turning these obligations into the desired outcome is another story altogether. The government's inability to meet these ob-

ligations is made clear by the food security data. The underlying causes can include issues of policy formulation with little or no consultation with civil society and farmers, policy implementation which suffers from prioritization issues, underinvestment in agriculture, or poor coordination among sectoral policies and institutions. An absence of strong CSOs representing the farmers renders the problem even more complicated.

It was to address these issues that CARE and its partners began implementing The Civil Society Support Project on the Right to Adequate Food (RtF Project) on a national scale from 2013-2019. The project aimed to enable representative CSOs to contribute to the impact groups' - poor and marginalized women farmers' realization of their right to food. It intended to do so mainly by strengthening civil society capacity to mobilize and organize their constituencies. By demonstrating effective, equitable and sustainable ways to address food insecurity, the CSOs were expected to enable groups to effectively claim their rights and monitor implementation of related policies, to engage with the government, and to build local government capacity.

Community Self Reliance Centre (CSRC), National Farmers' Group Federation (NFGF) and National Network on Right to Food (RtFN) were the strategic partners engaged in achieving the overall goal during the RtF Project period 2013-2016. In 2017, National Land Rights Forum (NLRF) came on-board as one of the strategic partners of the project. RtFN then became an issue based (event based) partner. Local Initiatives for Biodiversity, Research and Development (LI-BIRD) worked as a knowledge partner for generating knowledge on climate smart agriculture, gender friendly technologies and climate change resilience opportunities among smallholder farmers.

### 1.1 Objective of the Review

The first phase of the partnership between CARE Nepal and CARE Denmark for the project is ending in December 2017, and an extension to a second phase is anticipated. CARE Nepal/RtF Project is conducting this review bearing that in mind to document the advocacy achievements, to assess whether the project has been able to contribute to effective policy advocacy on the right to adequate food, and to generate learning to further build on those achievements. The findings of this report will inform a process to update the RtF Project's strategy and policy positions. The questions also included whether civil society actors strengthened their linkages and coordination and whether they carried out joint campaigns at local, district and national levels. The intent is to institutionalize and share the learning with a wider set of stakeholders.

### 1.2 Methodology of the Review

This document is primarily the outcome of project literature reviews and meetings with CARE and its partners to collect information. The reviewer developed a questionnaire which was handed out to each of the CARE strategic partners for their inputs. The questionnaire focused on extracting information about the achievements made by the partners in their quest to contribute to achieving food security and land rights for the most vulnerable farmers-smallholders, landless farmers and women. It sought answers on the achievements the strategic partners made, the strategies they employed for the purpose, and the lessons they learned. The reviewer also sat with the RtF Project partners and CARE to further discuss the responses to the questionnaire and collect more information necessary for the review. The following chapter is a presentation of the findings.

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The findings of this report will inform a process to update the RtF Project's strategy and policy positions.

## 2. Review Findings

### 2.1 Preparatory Processes

#### 2.1.1 CARE's Role

CARE's role in this project was not only to provide funding and other project administrative formalities but also to engage directly, working hand in hand with the partners, especially in making the policy advocacy work effective. In doing so, CARE supported the partners in preparing a joint advocacy plan based on common priority issues, such as right to food, land rights and access, and status of current positioning. The plan included specific roles for the partners in leading or supporting the advocacy work on particular policy issues based on each partner's expertise and experience. CARE and its partners also made efforts to bring on board different allies who worked on those issues, even though the task did not materialize as expected. The advocacy plan was updated on a semi-annual basis in order to keep abreast of change in context, actors or priorities given the interim nature of the political process in Nepal. Also, for this purpose, CARE introduced the practice of occasionally inviting concerned experts to give talks on new developments and emerging issues and possible roles for development organizations. All partners and CARE staff participated in the events that helped them increase their knowledge and keep pace with the changes.

CARE also facilitated the assessment of partners' advocacy capacity and resourced activities to address their capacity gaps. On an annual basis, it facilitated the review of the joint advocacy plan engaging all partners. This helped them revisit their activities and, at times, strategies, and take corrective measures, if needed. For example, NFGF was content with simply informing the impact groups about what the government was doing about the farmer ID card distribution process. However, discussion during one of the reviews prompted them to assess the ground reality and effectiveness of the government initiative with CARE's support. They found a totally different reality as the elites and influential "farmers" were benefitting from the ID card scheme. Those who needed it most were almost entirely left out. This small research provided them enough evidence to lobby with the government authorities

concerned and influence them to correctly categorize the farmers based on practical indicators and distribute the cards accordingly.

Together with the partners, the CARE RTF team participated in policy dialogues with senior government officials, lawmakers and politicians. To make such dialogues effective, CARE supported the partners in generating evidence through research to be presented for discussion, such as in the farmer ID card case. It also provided technical support and guidance to partners to develop briefing and position papers in preparation for lobbying and policy dialogues.

CARE contributed to organizing the strategic partners' constituents, building village–district–central level links, enhancing partners' legitimacy and equipping them with necessary knowledge and skills. This was done through support in such areas as federating the farmers' groups and land rights forums at different levels- Village, District and National; strengthening their structures and institutional governance; and building their advocacy capacity. However, much remains to be done to ensure the advocacy skills and capacity cascade down to the village and district chapter levels of NLRG and NFGF. The flexible nature of CARE's funding for this project helped in utilizing the budget as per the emerging needs within the project mandate e.g. This is a very important aspect of advocacy work, given the potential for unexpected changes in the policy and political context. The CARE team's involvement in monitoring changes helped bring to light critical issues to be improved and enabled the necessary measures to be taken accordingly.

#### 2.1.2 Institutional Preparation and Planning

Good institutional governance and capacity provide a partner with legitimacy and, thereby, enable it to effectively and efficiently mobilize its impact groups for constituency-based policy advocacy. This in turn allows a partner to constructively engage with the government and other stakeholders to influence policy. Then and only then can an organization's advocacy and other goals be achieved. As such, RfT Project's sup-

port to its strategic partners, especially NFGF, CSRC (CSRC's role was to mobilize the Village and District Land Right Forums), and the federations of farmers groups and Village Land Right Forums was, therefore, directed toward improving their legitimacy, transparency and accountability. The advocacy agendas were shaped and led by the very people and organizations who were disadvantaged by discriminatory policies and provisions. CARE introduced a dialogue tool to improve governance capacities of the CSO partners in the areas of representation, inclusion, legitimacy, transparency and synergy (RILTAS). RILTAS, one of the outcome mapping tools, tracks changes in the behaviour of the partners along such progress steps as 'expect to see' (early positive response), 'like to see' (active engagement) and 'love to see' (deeper transformation in behaviour). Dialogue sessions focussed on those progress markers. CARE Nepal and its partners jointly analysed the results and developed and implemented joint capacity building plans. The application of RILTAS and the subsequent capacity building support brought about encouraging progress in governance related indicators among the partners.

**Gender and Diversity:** CSRC and NFGF demonstrated remarkable progress in this area. Gender balance and diversity is now well reflected in CSRC's staff structure and decision making. CSRC facilitated and encouraged women and people from marginalized and excluded groups to be in VLRFs and DLRFs. The organization's land and agrarian rights movement has prioritized women's access to and control over land. It has assigned a senior staff member as the gender focal person to ensure representation of gender and social inclusion at all levels of the organization. CSRC has also ensured gender balance and social inclusion in organization's structures, executive committees as well as in VLRF and DLRF while conducting regular participatory review and reflection workshops and annual social audit. CSRC provides training and exposure, and encourages women and marginalized groups to participate in different programs/activities of CSRC and NLRF mainly due to poverty, social and cultural barriers. As a result, there has been increased and active participation of women in the land rights movement. NFGF has formulated and started imple-

mentation of, among others, a gender equality and social inclusion policy. The policy focuses on mainstreaming gender equality and social inclusion at all levels of the federation. Currently, women constitute 32% of its central committee and 42% of staff with key positions. An increased inclusion of women and marginalized groups has been observed at all levels of NFGF. NFGF has fixed the quota of women members in meetings, trainings, etc. to equal that of the male members. The objective is to ensure their participation and develop their leadership capacity. Partners have made a provision for supporting baby caretakers for mothers to enable them to participate in programs.

**Legitimacy, Transparency and Synergy:** The partners have also progressed well in strengthening their legitimacy. CSRC's acceptance by government and other stakeholders as a resource organization on land rights and non-violent movement has been widely established. It was consulted by government and non-government organizations as a resource organisation on land issues. CSRC was able to mobilize different national and international networks it is affiliated to. NFGF's acceptance as a genuine farmers' federation has also started increasing. NFGF collaborated with other national and international organizations, including the government, to advocate for farmers' agenda; NFGF prepared and implemented advocacy plans together with other CSOs and mobilized government resources to support different agriculture activities, such as access to agriculture inputs, extension services, funding etc. at district and VDC levels. Collectively, the partners established a formal feedback and complaint mechanism to promote their transparency. They organized a social audit at different levels (district and national) to ensure transparency and accountability. They also successfully created intra and inter-organizational synergy to make their activities more effective. The government sought inputs and suggestions from partner CSOs while drafting or reviewing different policies and Acts. E.g. Land use policy, establishing farmer's commission etc. The partners were, thus, equipped well to effectively roll out the project.

Following the deliberate efforts of the project on planning and capacity building, CSOs turned their focus to influencing policy. The CSO part-

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CARE contributed to organizing the strategic partners' constituents, building village - district-central level links, enhancing partners' legitimacy and equipping them with necessary knowledge and skills.

ners' initial efforts were aimed at working with farmers' groups, government officials, political parties and other stakeholders to make sure that the burning issues of rights to food, land rights and agrarian reforms were reflected well in the Constitution. Since the Constitution was promulgated in 2016, the emphasis has been to ensure that the new provisions on the right to food and land rights bear fruit. Hence, the immediate need was to see that the necessary laws, policies and regulations were being formulated to translate the constitutional provisions into action. At the same time, continuous pressure needed to be exerted on government and social institutions for proper implementation of the existing legal arrangements on food and land rights. In other words, to implement this phased advocacy effort, their activities included those discussed in the following sections:

### **2.1.3 Identification of Burning Issues**

The strategic partners has a discussion to identify their burning issues. First and foremost, partners identified the need for the new constitution to reflect food and land rights. Beyond that, however, the CSO partners recognized that the lack of a clear land policy had led to haphazard land management and denial of the right to land and housing among marginalized farmers. Policies also needed to be in place to remove existing provisions that were a barrier to proper land management. Additionally, legal arrangements were necessary in the Local Government Act, which was being drafted in the context of on-going state restructuring efforts, to empower small farmers. A policy for compensating crop and livestock losses was equally crucial.

In the absence of clear constitutional provisions, the demand for land reforms, one of the major demands of the country's land rights movement, would have been in vain. Likewise, given the country's food insecurity situation, a constitutional guarantee of people's right to food was imperative. What is more, once the constitutional void was filled, all the Acts, policies and other regulations warranted by the rights provisions in the new Constitution needed to be drafted anew, or existing ones amended, for implementation of those provisions.

Due to the lack of a clear land-use Act, cultivable land was being turned into unmanaged and

risky housing plots and it was also making development costly. Similarly, an increasing acreage of fallow land in rural areas had narrowed villagers' employment opportunities, thus pushing them to emigrate to seek jobs abroad. The possibility of landless communities getting restless and violent in despair, because of extreme poverty, was increasing. Since 66% of the population is engaged in agriculture, for occupational security, farmers needed to be classified based on their status along set standards, provided with ID cards and social security according to the ID card classification.

The existing provisions on transfer of land to tenants by landlords had been stalled for ten long years. Their rights to partial ownership were being expropriated in the name of out-of-court settlements by land owners. The owners rather kept their fields fallow fearing that giving them out for tenant farming would ultimately rob them of their land ownership. It was, therefore, necessary to discourage non-cultivation of land if only to reduce agricultural imports. A policy on land leasing would solve the problem. Also, while an effort had recently been introduced to distribute joint land ownership certificates [to couples], the initiative was proving too onerous, resulting in an insignificant number of such ownership papers being handed out highlighting the need for an improved process/policy design.

Crop insurance was another crucial need identified for investment security in agriculture. There was further a need to address small and marginalized farmers' access to crop and livestock insurance, study its effectiveness and benefits to make fact-based efforts towards that end. Evidence-based advocacy was required to establish marginalized and women farmers' access to agriculture loans, both grant-based and other forms of lending. NFGF's institutional representation was necessary at different levels for the formulation of smallholder and marginal farmer-friendly policies and programmes. Such representation would ensure that they benefit the actual farmers. Additionally, only a powerful farmers' commission would be able to take policy-level initiatives on behalf of the marginalized farmers. Last, but not the least, farmers' access to agriculture services centres needed to be enhanced. Farmers had not been able to benefit from them in

the absence of technical knowhow to use those services, which then existed in name only. Therefore, initiatives were required to ease the accessibility to and availability of those services.

#### 2.1.4 Agenda-setting

The RtF Project partners identified their land reform and right to food agenda for the run-up to and beyond the Constitution promulgation period. NLRF Nepal, with strong support from CSRC, took the overall lead in ensuring the inclusion of land rights and agrarian reforms issues in the Constitution, while RtFN, in collaboration with several other concerned CSOs, led the right to food agenda. RtF partners advocated for a constitutional provision that guaranteed secure housing and tenant farmer's right to land.

Besides the efforts to influence provisions in the constitutions, RtF partners also urged policymakers to endorse the National Land Policy draft by the Council of Ministers only after wide consultations at different levels starting with the community level. They also focussed on formulation and implementation of Land Use Act, advocating for provisions guaranteeing the use of unused land for those excluded from land rights and arrangements for the long-term use of unused but cultivable land. They also called for legal provisions for keeping land records at the local level and formation of a settlement commission for systematic plotting for settlements and, if available, allocation of cultivable farmland to landless farmers and squatters. Equally important were both an amendment to the Land Act enabling it to deploy surveyors to the field, and implementation of joint land ownership regulations.

RtF partners' advocacy agenda also included government services outreach to the farmers, identification of marginalized and commercial farmers and their specific needs, and recognition of their farming occupation and facilitating government services delivery to marginalized farmers. Other policy priorities included guaranteeing social security to farmers in accordance with their contributions to the state, incentivizing farmers by providing security to their investment and increasing access of landless, women, small and marginalized farmers to government services. A part of the agenda also included guaranteeing NNGF's representation in the related govern-

ment committees at different levels, formation of a farmer commission and seeking a guarantee that the Local Government Act recognizes farmers' groups.

#### 2.1.5 Strategies and Tactics

RtF partners shared the agenda and collaborated with each other at all levels of their organizations and with other civil society organizations to prepare the strategies.

In order to sensitize key stakeholders, especially political parties, to the issues, they took various measures to have them on board for the campaign. One of the tactics the RtF Project partners aptly employed in their advocacy strategy, for example, was holding dialogues on their agenda with top political leaders. They even conducted events in the meeting-halls belonging to the respective political parties, instead of external venues. This ensured a greater presence and participation of the leaders in the events. The politicians were also made aware of the issues through slogan-chants and using taglines. The partner organisations utilised the media to have their agendas and their importance highlighted. Action-oriented meetings with District Land Rights Forums (DLRFs) and lobbying to get Constituent Assembly (CA) members in their campaign were also part of the strategy. NLRF took the overall lead in advocacy for inclusion of land rights issues in the new Constitution, while CSRC came forward in leading studies, research, policy consultation and writing position papers. To achieve these, Village and District Land Rights Forums contributed through the required mobilization in their respective areas.

CSRC secured spaces and dedicated its time to working with policymakers and supporting them technically to shape drafts of new and revised policies. Some of the effective advocacy tools they used included preparation of policy briefs and lobbying on the basis of the briefs, dialogue with government officials and policy makers, submission of written suggestions to Ministry of Land Reforms and Management (MoLRM) and cooperation with policy draft committees. Report submission, after consultation and collection of suggestions, to concerned authorities or advocacy targets, participation in regular meetings and discussions of the Policy Formulation Work-

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RtF partners' advocacy agenda also included government services outreach to the farmers, identification of marginalized & commercial farmers and facilitating government services delivery to marginalized farmers.

ing Committees, exchange of learning from policy studies of other countries, consultations with experts, cooperation with mass media and popular mobilization were additional advocacy tools both CSRC and NLRF used. Taking government officials, legislators and others related with policy making on a tour of the district level government offices and local communities facilitated consensus building on related policy. Video and audio recordings of the election commitments made by constituents Assembly Member candidates and actual written commitments from candidates were helpful for holding officials accountable, especially as such commitments were published with cooperation from the mass media.

RtFN, which was RtF Project's strategic partner from 2013 to 2016, played a crucial role in raising awareness on the issues and concerns related with the Right to Food, facilitating capacity building of CSOs on the issues of food sovereignty and mainstreaming of the human right to food in government policies, and sharing relevant information and learning among different stakeholders. It also used the evidence gathered through the grassroots links of CSRC and NFGF in its policy level advocacy and lobbying.

NFGF was active in awareness activities at all levels, from the grassroots to the national, pushing for the necessary reforms. Need-based studies on many issues raised by NFGF were taken to the concerned agency- ministries, departments and district based government offices. Demands were made, interactions and debates were held based on ground-facts, memorandums handed over and regular follow-ups carried out. Forty Musahar (one of the most marginalized ethnic Dalit groups) households of Siraha were allocated two Katthas of land, as a model of contract farming under the RtF Project. The findings of the studies and interactions on crop and livestock insurance implemented by insurance companies, held between farmers and other stakeholders at the district level, were shared with the stakeholders. These findings were then submitted to the authorities concerned.

The partners also sought and received support from each other and like-minded organizations to achieve their targets. They included, among others, RtFN, Agricultural Campaign for Food, National Farmers Network, FIAN Nepal and partners Care Nepal, Action Aid Nepal, OXFAM, Asian Farmers Association (AFA), International Land Coalition (ILC) etc.

### **2.1. 6 Advocacy Opportunities**

The RtF Project partners took advantage of certain advocacy opportunities or 'disruptive moments' to gain mileage in their advocacy agenda. For example, during the constitution-drafting process, the RtF partners together with their allies successfully influenced the Constituent Assembly to have them included in the new Constitution. The farmers' issues were collected through a dialogue between farmers from 40 districts and top leaders of the major political parties. Farmers' issues were also handed over to political parties during the 2017 local elections to be included in their election manifestos. A pre-election press conference was organized to alert the farmers.

Awareness papers were handed out to farmers to make them aware of their issues. NFGF routinely mobilized its organization to raise funds and distribute relief to victims of natural disasters like earthquakes and floods. CSRC and NLRF closely worked with National Reconstruction Authority (NRA), which is responsible for post-earthquake reconstruction, particularly to push the agenda of right to land and housing for landless people and joint ownership of land to be made available to the landless survivors. The partners have also been actively participating on special occasions like the World Food Day, International Day of Rural Women, International Women's Day and the National Rice Day. The CSOs were all operating at a time of drafting of the Constitution. So, the CA elections and the consequent drafting of the Constitution were opportune moments to raise awareness and advocate for policies to address key issues. NLRF screened a documentary showing the commitments made by political leaders during elections and used it to ensure their accountability once they held office. The film also motivated people to be part of the NLRF movement.

## 2.2 Significant Changes and Processes Leading to Them

During the partnership period, a battery of significant changes in the legislative and institutional arrangements have taken place. How they came about has been succinctly explained hereunder.

### 2.2.1 Inclusion of Land Rights and Agrarian Reforms Issues in New Constitution

On 20th September 2015, Nepal received its new Constitution. Thanks to the continued CSO movement, which was further reinforced by the RtF Project's activities since 2013, the Constitution speaks clearly about the right to food and other land rights issues. Article 36 (1), (2) and (3) guarantee every citizen's food related rights, their right to be secure against risks arising from unavailability of food and their food sovereignty rights in accordance with law. As part of the directive principles, the Constitution guarantees "scientific land reform" in the interest of the farmers by ending dual ownership of land, discouraging absentee land-ownership to increase production and productivity by integrating fragmented land into single plots, and protection and promotion of farmers' rights while carrying out land management and commercialization, industrialization, diversification and modernization of agriculture to increase agriculture production and productivity. The label of "one of the most significant changes" can be applied to the inclusion of the "scientific land reform" issue in the fundamental law of the land. CSRC and NLRF had long advocated for its inclusion and it was finally adopted during the 2014-2015 RtF partnership period. This has, indeed, instilled a sense of victory among the land-poor farmers, their leaders, activists, ardent professional supporters of land rights and agrarian reform activists, women farmers, staff of the CSRC and members and functionaries of all chapters of the NLRF.

Similarly, Article 42 (4) on 'Right to Social Justice' says: "Each farmer shall have the right



*National Movement, Kathmandu*

to have access to land for agricultural work, select and preserve traditionally used and adapted local seeds and agricultural species". The emphasis on farmers' access to land for farming has been the main agendum of NLRF - CSRC campaign right from the beginning.

Both CSRC and NLRF had reviewed the new constitutional provisions on land rights and agrarian reform and presented it to the stakeholders, the feedback from which was then submitted to the Agriculture and Water Resources Committee (AWRC) of the Legislature- Parliament. In doing so, position papers were developed based on the feedback to submit to the Parliament.

On the international front, CSRC led the task of preparing a note for the civil society lobby to be presented at the final hearing of Economic, Social, and Cultural Rights (ESCR), a UN treaty, in Geneva in November 2014 for Nepal. This was done in order to leverage the global level conversation to increase pressure on the government around land rights. This resulted in ESCR specifying land rights for land-poor people as requiring protection measures.

Back home, CSRC held nine national and regional activities with major political parties and other stakeholders during the partner-



World Food Day Program celebration

ship period. It was during a dialogue with AWRC that it was revealed that the new Constitution would guarantee land rights and that new laws relating to land use and land acquisition would be drafted. Another dialogue with senior political leaders was jointly organized by NLRF and the Ministry of Land Reforms and Management on “Registration of Birta (grantee) land, problems and solutions”.

At the grassroots level, NLRF launched the campaign for constitutional inclusion of land rights. About 35,000 land-poor farmers took part in the campaign in 44 districts calling for clear-cut provision on land rights for land-poor farmers. Meetings were held with political leaders at multiple levels to push the reform agenda. A non-violent protest of 154 members of LRFs from 49 districts (61 women and 93 men) was organized by NLRF in Kathmandu in November, 2014. Sixty CA Members visited them to express solidarity for their cause. It was here that they committed themselves to addressing the land rights issues. This resulted in the formation of the Land Reform Sub-committee under the AWRC of Legislature-Parliament to take the issue of land reform forward.

### 2.2.2 Right to Food as Fundamental Rights

RtFN along with other RtF Project partners and like-minded CSOs led a joint campaign in 2013 to get the right to food included as a fundamental right in the new Constitution. Their campaign included networking with likeminded organizations, dialogue and interaction with CA members, rallying in front of the CA building, submission of memorandum to various prime ministers and ministers, and other government officials. The RtF Project provided technical and financial support to RTFN members to participate in South Asian RtF conferences and the ESCR Convention in Geneva to reinforce their campaign. These partner efforts were met with success: the new Constitution includes the right to food as a fundamental right under Article 36, guaranteeing every citizen’s right relating to food, to be safe from the state of being in danger of life from the scarcity of food and the right to food sovereignty in accordance with law.

As policies and a law should be the next step to meet the Constitutional guarantee, another campaign followed to ensure that. The campaign was for a Right to Food Bill in conformity with the constitutional provision. FIAN Nepal led a team comprising Justice and Rights Institute (JURI) Nepal, RtFN, NFGF, Informal Sector Service Center (INSEC) and Youth Acting for Change (YAC) Nepal to draft a civil society version of the Right to Food Bill. The team submitted to Nepal Law Commission, the responsible government body for drafting the Bill, a position paper on the Right to Food Bill. The paper contained inputs related to the concept of the right to food, food security and food sovereignty, ways of making Nepal hunger-free and the effective implementation of the Right to Food Act throughout the country. The bill is, however, yet to enter the parliament.

Even amidst a full advocacy agenda, the civil society partners also responded to changes in context, both opportunities and threats. RtFN

had also organized a protest against genetically modified organisms (GMO) by seeking a stop to Monsanto seeds entering Nepal. RtFN worked closely with lawyers and other CSOs to ban GMO seeds in Nepal. The Supreme Court responded to a Nepali CSO's public interest litigation by intervening with a stay order to the government preventing their import.

### 2.2.3 Sixth Amendment to Land Act, 1964 and other land law reforms

One of the major advocacy achievements of NLRF, with institutional support from CSRC, was its contribution to the amendment of the Land Act, 1964. According to the amendment, the government is to deploy official teams to study and resolve long-standing tenancy cases related to the distribution of land, under formal tenancy, between landlords and tenants. The decision was published in Nepal Gazette, the government's official bulletin. Likewise, similar contributions led to the amended Act's implementation. It took a considerable amount of lobbying by the members of both organizations to get the support of Members of the Legislature-Parliament (particularly AWRC) for its inclusion in the amendment bill. The two also developed the position paper on land reform for settling the tenancy cases. After the resolution was passed by AWRC, it was presented by the then Minister for Land Reforms and Management to the Legislature-Parliament. It was passed on 6 September, 2015. About 250,000 families are expected to benefit from this new amendment.

During the campaign, an NLRF team met the Minister for Land Reforms and Management, the Director General of the Ministry's Department and CA members from different political parties, including an ex-prime Minister from the Communist Party of Nepal (United Marxist-Leninist) and an ex-deputy Prime Minister from the Communist Party of Nepal (Unified Maoist). Parties involved in the discussions committed themselves to address-

ing the issue of unregistered tenants and the amendment proposal. It was also here that the NLRF team shared their nine-point declaration letter, developed from their earlier demands on *Guthi* (trust land), *Birta* (grantee land) and landlessness issues.



*Birta Interaction Program*

This campaign and outreach to government officials led to an agreement between MoLRM and NLRF for: (i) the amendment of the 1959 *Birta* Abolition Act; (ii) passage of the Sixth Amendment of 1964 Lands Act; (iii) imposition of ban on pledging tenanted land as hypothecation (by the owner until the case was resolved); (iv) issuance of direction and order against the entry of retired government officials (except for personal work) at land revenue and land reform offices (to prevent them from acting as brokers to dissuade tenants); (v) study tenancy problems under *Birta* land in Rasuwa and Nuwakot districts for a solution, which was to be done by MoLRM; (vi) amendment of 1959 *Birta* Act; (vii) study of the tenancy issue regarding *Guthi* land; (viii) appeal to Supreme Court seeking review of its previous verdict rejecting tenancy of *Guthi* land; (ix) request to Ministry of Home Affairs (MoHA) for compensation for the death of an activist in Bardiya district during the campaign and (x) withdrawal of the agitation led

by DLRFs. CSRC officials say that, except the third and eighth points, the government has addressed all others.



Sit-in Protest in Parties Office, Kathmandu

#### 2.2.4 New National Land Policy

CSRC made significant contributions in the formulation of National Land Policy. It pressured the government to develop a long-term policy covering inclusive distribution and optimum utilization of land, community-led land administration and access to land for marginalized communities. All this began in 2012 with the objective of dealing with the contradictory laws on these issues. This finally led to the Council of Ministers forming a steering committee led by the MoLRM secretary with NLRF and CSRC representation. It also included representatives from Ministry of Agricultural Development (MoAD) and Ministry of Forest and Soil Conservation (MoFSC). The committee further formed a working committee headed by a MoLRM joint secretary with members representing CSRC, CARE and several other INGOs.

The working committee drafted the National Land Policy in 2013. In 2014, the government shelved the draft to wait and see if the related provisions of the new Constitution would be agreeable to it. When the new constitution was promulgated two years later, the working

committee started the process of finalizing the draft policy. There were challenges along the way, including disagreement by the secretary at the Ministry of Law and Justice with the inclusion of NGO representatives in the committee. The MoLRM secretary intervened to resolve the issue and help the secretary of the Ministry of Law & Justice to understand the benefit of having expert NGO representation. For a wider consultation, the draft was discussed at the province and district levels and inputs from the discussions and international experts were incorporated. The final draft has been submitted to MoLRM for further steps and to bring it into implementation.

#### 2.2.5 New Land Use Act



Community Land Reform

CSRC and its allies also contributed to the formulation of the Land Use Act. There were a number of crucial flaws in the Land Use Policy formulated in 2069 BS (2012). For example, in a natural disaster-prone country like Nepal, it did not even foresee such situations that required community land for safe open spaces. After the 2015-earthquake, MoLRM itself noticed the weaknesses in the policy and sought CSRC's independent expert input for improvement. After a revision, the policy was finalized and approved by the Cabinet. Based on the revised policy, a committee formed by MoLRM, representing the Department of Land Survey, Department of Land Management, the Land Use Project and also MoLRM and CSRC, drafted the Land Use Bill. The committee received feedback from different quarters. Inputs from

international experts and a Vietnam visit organized by CSRC for the concerned government secretaries and other officials were also used. The Vietnamese officials stressed the need for a land use plan for proper land management and protecting marginalised farmers' right to land. The Bill is now finalized and ready for the Ministry to submit to the Council of Ministers for approval. The Bill requires land use councils at central, provincial and local government levels. The councils would meet every year for review and planning of land use. It is supposed to form land use implementation committees, with CSO representation, in all 753 local level units. Once the bill is endorsed, the local government can then lease out fallow land, both under government and private ownership, to landless and land-poor farmers for long periods. This is not a freehold right but a use-right. The Bill stipulates that every municipality and rural municipality has to develop a land use map and plan. The implementation of the Land Use Act, once enacted, is expected to benefit at least 60 per cent of landless and land-poor and unorganized settlers of Nepal.

### 2.2.6 Working Policies on Land Lease

The RtF project partners and their allies made a significant contribution to the formulation of policy on land lease. In Nepal, large areas of cultivable land were lying fallow in many areas, be it under government or private control, while landless and land poor farmers did not have land to sustain their livelihood. Given this situation, civil society organizations, particularly NLRf and CSRC, have sought a policy that would allow leasing out of such land to the poor.

MoLRM and MoAD have come out with two separate working policies on land-lease. MoLRM's 2071 BS (2014) working policy provides for leasing out government land, not to individuals but to landless and land-poor farmers' groups, cooperatives and companies, for farming for 5 to 30 years. CSRC and NLRf provided comments on the draft MoLRM's



*Leasehold Farming Practice*

working policy, disseminated it widely and explained the benefits to the land right forums (LRFs). MoAD's working policy that came out the same year provides for grants to communities interested in commercial farming by taking land on lease. Landless Dalits, Haliyas and freed kamaiyas can receive on lease up to five kattha (0.16 hectare) of land. The government pays for such a lease and bears 50% of the agricultural input costs— seeds, fertilizers etc. These working policies, however, remain unimplemented so far. This is unfortunate as they would significantly contribute to landless and land-poor families' access to land and discourage absentee farmers from leaving their land fallow for fear of having to give away their land to tenants. At least 50,000 landless families, mainly in the Terai plains, would benefit from these policies if they were implemented.

In one of the RtF Project VDCs, Bhagwanpur, in Siraha district, NFGF has been supporting Dalit Women Farmers Group since 2015 to do model contract farming. The Group comprises 40 Musahar households and the farm extends to 2.6 hectares of land. The initiative has helped them earn 5,000 to 60,000 rupees a year by selling vegetables. This proves the rationale behind the urgency of bringing the government's working policies into implementation. Had the government policy

been implemented, thousands of such needy groups would have already benefited. The Musahar group also demonstrated its ability to claim government support they are entitled to. The group was initially provided with two irrigation motor pumps and five sprayers by RtF Project and Bhagwanpur VDC. Now it has been able to buy a mini tractor with grant assistance from District Agricultural Development Office (DADO). Inspired by this group's success, farmers' groups in Bhadaiya and Ganeshpur VDCs of the same district have replicated the practice of contract farming.

### 2.2.7 Planned Settlement Commission

The government announced that it would form a commission for planned settlement through its annual policy and programmes in 2016. CSRC, which was involved in addressing the problems of landless squatters, saw the need to redefine landless squatters using indicators of poverty, income and other socio-economic factors. CSRC did not see any solution to squatters' problems by merely distributing small housing plots for them. This led CSRC to facilitate a review of national and international practices, provisions and policies on planned settlement involving some government officials. The report that followed proved very useful in drafting a ToR for the Planned Settlement Commission.



Local Level Campaign for Land Rights

The commission formed at the central level does not collect settlement applications. The District Settlement Commission visits the settlements and prepares a record of the people in need and the land available. While distributing the land for both housing and farming purposes, the government takes into account the land-use plan. CSRC and its allies are now encouraging the commission to work together initially with a couple of municipalities to collect realistic land data, settle the landless squatters there, and thus generate a good model for replication.

### 2.2.8 Working Guidelines for Joint Land Ownership



Joint Land Entitlement

CSRC played a crucial role in the formulation and implementation of a provision for joint land ownership. In 2009, CSRC supported a successful women's movement for access to land in Sindhupalchok District. Yet, when the government finally agreed to give them land, the plots were registered in the names of their male spouses, much to the women's dismay. CSRC stepped in and facilitated discussions on the issue, and the men and women agreed to register the land as jointly owned. Since there was no provision in law to allow that to happen, an application was filed at MoLRM asking for joint registration facility. However, the process did not go forward as expected. To speed up the process, CSRC supported a demonstration by more than 1,000 women from different parts of the country in Kathmandu in 2010. A series of dialogues

followed, leading to the then Minister for Finance announcing the provision for joint land ownership in his 2011- annual budget statement. But the procedures were too cumbersome for the illiterate and barely literate couples and women to fulfil. Again, CSRC lobbied for a simple guideline for that purpose. Duly, the Joint Land Ownership Working Guidelines came out on the MoLRM website in 2015/16. The print copies were distributed widely by CSRC. Today, a joint ownership distribution team visits any village, which has at least 20 couples who can write their own applications for joint ownership certification. CSRC alone has helped over 6,000 couples to obtain the joint land ownership certificates.

Whether 'Joint Land ownership' has been achieved in the true sense is still a big question. However, if it is meaningfully practised, it enhances women's access to their civil and political rights and empowers them both in the domestic and public spheres. Women will be able to challenge gender inequality, develop access to financial resources and feel the worth of their hitherto ignored role in agriculture and household welfare.

### 2.2.9 Tenancy Land Claim

In 2052 BS (1995), the government announced a Land Sharing Act allowing registered tenants to claim and apply for their share of land within two years. As it took a long time for the tenants to be informed about or understand the provisions of this Act, not all tenants could apply within the deadline. Hence, amendments extending the deadline came one after another. During the royal takeover by the then King Gyanendra, the process came to a halt. Land owners started expelling tenants and cases were filed at the courts. Finally in 2073 BS (2016), MoLRM resumed the stalled process of allocating the respective shares of land between land owners and tenant farmers. The sixth amendment to Land Act, 1964 has stipulated one year for receiving applications and another year to settle the cases. If a tenant wants a share of the land



Tenancy Land Rights Campaign

s/he is tilling, therefore, s/he has to make an application at the Land Reform Office or, where there is no such office, at the Land Revenue Office, by 21 August 2017. After the application is reviewed and a decision made in the tenant's favor, the tenant will receive access not legal title to half of the land from the owner. Sharing of land between legally registered tenants and land owners will benefit 119,685 registered tenants. So far 15,000 applications have been filed at the initiative of CSRC of which 1,293 of the applicants have already obtained their shares of land.

### 2.2.10 Working Procedure on Grants for Building Private Houses and Land Registration Guidelines

In 2016, CSRC and NLRP worked closely with National Reconstruction Authority (NRA), seeking amendment to the working procedures for post-earthquake reconstruction grants, and facilitating interactions between the earthquake survivors and the NRA authorities so that the survivors can directly submit across their concerns and grievances. The amendment was crucial because the initial procedure had made it mandatory for the survivors to produce land ownership certificates to be eligible for the government's



Consultation with Ministry of Land Reform and National Reconstruction Authority

reconstruction grants (NPR 300,000). However, a large number of survivors were landless, hence 'not eligible' for the grants.

At the same time, CSRC carried out lobbying to have the NRA draft and implement Land Registration Guidelines and extend the deadline for land registration by earthquake victims by one month. NRA endorsed the guidelines as desired and extended the deadline. The guidelines helped address the issues of resettlement and relocation of earthquake survivors by allowing registration of Guthi and Birta land. The Gazette, the government's official bulletin, has provisioned the registration of even government and forest land in the name of identified landless families should there be no other alternative.

After the NRA drafted the Land Registration Guidelines and amended the Working Procedure and the Guidelines, the two RtF Project partners supported 12,955 families in submitting their land registration applications in their respective District Land Revenue Offices. Affected families residing in Guthi land, Birta land and other land types, who do not have land ownership certificates, are now eligible to sign the grant agreement to rebuild their houses. This policy change is expected to benefit at least 94,481 families living in all earthquake affected districts. NRA has also made it mandatory for all couples to jointly register the land they acquire as per the Guidelines.

**2.2.11 Farmers' Classification and Pension Scheme**

Since 2068 BS (2011), NFGF has been advocating for a government provision to define and classify farmers based on realistic indicators. This would open the way for providing them with ID cards and social security according to the classification. Along with NLRF and CSRC, NFGF started advocacy work by submitting a memorandum to the then Minister for Agriculture Development in 2068 BS (2011). As things did not move, they also submitted the memorandum to the then Prime Minister about a month later and, again, to the Chairperson of the Constitutional Committee under the CA in 2071 BS (2014). After relentless lobbying, finally, the government issued the Farmer ID card (distribution and use) Directives, 2071 BS. Duly, when the government announced its annual policy and programme of Fiscal Year 2071/2072 BS (2014/2015), the provision for farmer ID cards was also included. It aimed to classify farmers in the small, medium and big commercial categories. The classified ID cards would help the government provide services and facilities to the farmers according to their needs. The same year, the government piloted the farmer ID card project in one district each of the five development regions.

The partners then studied the effectiveness of the new ID card in the districts and found



Interaction Program on Farmers ID Card

that the classification by the government was illogical and that genuine smallholders, who needed it most, were not benefiting from the system. Therefore, NFGF publicized a report, along with its position on the issue, in the presence of all concerned stakeholders. Regular dialogues, lobbying and follow-up continued. The government was finally obliged to stall the issuing of the cards and form a committee on farmers' classification and pension scheme. The body was to be headed by a MoAD joint secretary. The committee came up with a concept paper that reflected the 2073 BS (2016) feedback provided by NFGF. Thereafter, MoAD called for consultancy proposals to study the farmer ID card issue and a pension scheme along with a 27-point letter of commitment.

NFGF, together with RtFN and other CSOs, were also able to influence the RtF Bill in the interest of landless and land poor farmers. The Bill addresses the farmers' classification and social security issues. It says: "The Government of Nepal shall classify all landless and landed farmers according to their economic status and wellbeing and provide ID cards to all."

### 2.2.12 Crop and Livestock Insurance

NFGF used advocacy to also push for making crop and livestock insurance easily available to poor and marginalized farmers. In order to substantiate the agenda and support marginalized farmers to have access to and benefit from agricultural credit and insurance policy, a study was carried out to explore the barriers of crop and livestock insurance targeting landless, women, small and marginalized farmers. The project partners strategized and carried out their advocacy and lobbying based on the study's findings. People were mobilized, from the district to the central level. Memorandums were submitted to MOAD and the Prime Minister.

Continued follow-up and pressure resulted in the government announcing a VAT waiver and 75 per cent discount on insurance premium. This came about through the budget



*Interaction Program on Crop and Livestock Insurance*

statement of Fiscal Year 2073/2074 BS (2016/2017). NFGF utilized the mass media to encourage farmers to benefit from the insurance schemes. NFGF is currently carrying out lobbying to guarantee that the concerned authorities implement the insurance arrangement to benefit the landless, smallholder and marginalized farmers. NFGF also conducted a study on the effectiveness of the insurance scheme in the 14 earthquake affected districts. Based on the findings, more informed dialogues have started and the authorities concerned are committing themselves to make improvements in the arrangements. The National Insurance Committee has now begun monitoring the insurance companies' performance.

### 2.2.13 Agriculture Loan

Landless, women, smallholder, and marginalized farmers did not have access to agricultural loans for a lack of surety. After three long years of advocacy and lobbying, including submission of memorandum to the then Minister for Agricultural Development and dialogues at different levels, the government finally announced an agricultural credit provision for them. The credit policy, with an interest rate of six per cent, was announced through the FY 2071/2072 BS (2014/2015) Policy and Programme. The government also directed the Nepal Rastra Bank to mandatorily invest 10% of the bank's total investment



NFGF's Campaign for Agriculture Loan

in the agricultural sector. The central bank for its part instructed the commercial banks to make sure that the annual interest rate on agricultural loans does not exceed 10%. The NFGF lobbying, based on a study on the agricultural loan's effectiveness, also resulted in the government increasing the volume of agricultural loan by one percent. This brings the total volume of agricultural credit to five per cent of the entire lending. This was announced in the government's FY 2072/2073 BS Policy and Programme.

**2.2.14 Institutional Representation of NFGF**

NFGF's tireless struggle for ensuring its representation in all relevant government committees has finally paid off. At VDC level, they are represented in the town and integrated plan formulation committees; agriculture, forest and environment committee; local peace committee; and disaster management committee. At the district level, they sit on the finance and district development committees; district agri-

cultural committee; agriculture development committee; agriculture information committee and compost fertilizer committee under the district agricultural development offices; livestock development working team and district projects advisory committee. At the national level, NFGF is a member of household farming decade national steering committee; national implementation committee and the national secretariat under MoAD. They are also represented in the forest, farm facility programme advisory committee under the MoFSC and the national committee on formulation of strategy for conservation of natural resources under the National Planning Commission. The Federation's representation in the committees—from the village to the central level—has created an atmosphere for formulating farmer-friendly programmes. All the VDCs of project districts, Udaypur, Siraha and Okhaldhunga, have begun disbursing their budgets prioritizing agriculture.

**2.2.15 Formation of Farmers' Commission**

NFGF along with other RtF Project partners advocated for a farmers' commission with NFGF representation in it. This was an effort to create a space for landless and marginalized farmers by securing an influential role in policy and decision making for them. After about two years of struggle, the government's FY2073/2074 BS Policy and Programme made an arrangement for such a commission. The Agricultural Development Strategy



Capacity Building Training on Advocacy and Program Management



NFGF's Campaign for Landless and Marginalized Farmers Right

(ADS) 2015 too mentions such an arrangement. The commission has now been set up to take the necessary initiatives.

**2.2.16 Local Government Act Recognizes Farmers' Groups**



*Community Level Discussion in Farmers Group*

When the Local Government Act was being drafted to meet the new state restructuring requirements, NFGF and other partners worked to ensure that the Act addresses the issues of the agriculture sector and farmers as well. The institutional identity of farmers' groups and their mobilisation was a crucial demand. Advocacy and lobbying resulted in the Act recognizing farmers' groups as a medium of agriculture information dissemination.

**2.2.17 One-VDC-One -Technician**

Farmers have been unable to benefit from government services, as Agriculture Services Centres around the country mostly remained locked. Advocacy initiatives to facilitate farmers' access to the services were successful:



*Small Holder Farmer showing the Plants*

the government, in its FY 2072/2073 BS Policy and Programme, announced deployment of agriculture and livestock technicians in all VDCs and municipalities. As a result, farmers technical needs can be met.

Out of the 450 farmers' groups that NFGF is working with in Okhaldhunga, Udayapur and Siraha districts under the RtF Project, 245 groups have been able to access various services worth about 13,498,560 rupees from different agriculture and livestock service providers. They have received supports such as mushroom, paddy, ginger, grass and cardamom seeds, livestock vaccinations, small irrigation mini-kits, some relevant skills training, etc. Access to such services has contributed to increasing agriculture and livestock activities in the project VDCs. The farmers' groups have also started visiting the service centres to speak up about their needs and demand measures to overcome challenges facing them in accessing government services.

**2.2.18 Land Reform in Agriculture Development Strategy**

As a result of continued lobbying with the Ministry of Agriculture and Cooperatives, CSRC secured space in the land thematic group in the process of developing the new Agriculture Development Strategy (ADS), which is a national document that paves the path for progressive reforms on the agricultural front. The land reform issue was partially included



*Policy Dialogue on Agriculture Development Strategy*

in the draft ADS. CSRC stood up for measures of land reform within the strategy. Full implementation of the ADS will benefit all landless, small and large scale landholder farmers.

### 2.3 Key Learning

- **Focus and continuity:** To yield an achievement in any policy level issue, continuous campaign activities need to be performed in various phases, but centralised on one issue.
- **Realistic planning:** Advocacy can only be fruitful provided that the annual planning of activities is realistically done. This requires a critical review of the strengths of existing human resources to see if they can carry out timely and effective monitoring for generating feedback to strengthen the campaign.
- **Evidence helps influence:** Evidence-based advocacy through dialogues and negotiations with government officials, political parties and other stakeholders (who often hold adversarial stances at the beginning or in some issues) yields better results. On the one hand, it has enhanced the power of both CSRC and NLRFs to negotiate (because evidence helps convince the stakeholders with opposite views) and on the other hand, it has played an instrumental role in getting the agreements reached and implemented on time.
- **Flexibility in advocacy methods:** Efficiency of the advocacy initiative is much higher when local level frontline leaders are institutionally allowed to function independently as per both local context and urgency and immediacy of a specific issue, rather than per the imposition of an advocacy initiative. Efficiency is also enhanced through regular institutional support to local level frontline leaders.
- **Good documentation:** The institutional culture of assigning clear responsibility for documenting cases of 'land and food rights violations' has, indeed, been a very effective means of recording evidence on various advocacy issues simultaneously. This

evidence, in turn, has been instrumental for initiating and accelerating the pace of evidence-based advocacy at all levels.

- **Get to-the-point:** Advocacy documents, including suggestions to policymakers, very succinctly articulated reasonable changes needed (provisions added or removed) in a policy draft. This not only made the suggestions clear and to-the-point but also increased the likelihood they would be included.
- **Strong relationships:** Good advocacy is grounded in good relationships. In particular, through the RtF project, it was found out that informal relations with policy makers were particularly effective
- **Influence the key influencer:** Advocacy is most efficient and effective if the main decision makers can be convinced of the need and importance of issues while working on policies and guidelines.
- **Identify area of work:** Insurance companies were found to be urban centred even while the need is to get them focus on farmers [in the rural areas]. Though the farmers are aware of the government scheme for crops and livestock, they find the schemes overwhelmingly complicated and difficult to understand. To solve this issue, the Ministry of Agricultural Development (MOAD) needs to implement training and awareness raising program targeting rural areas.
- **Available services may not mean accessible services:** Just because existing provisions have solved an issue does not mean that they help people in need. For example, the system of [government] compensation [for agricultural losses] was already there, but accessing that assistance was found to be onerous.
- **Educating:** Advocacy may result in making services available. But there are other aspects to service delivery, like access, which require awareness among farmers. For example, farmers need to be a lot more informed about insurance than they are.
- **Know where you stand:** Debates were found to require as many facts as possible to prove your point.

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Advocacy is most efficient and effective if the main decision makers can be convinced of the need and importance of issues while working on policies and guidelines.

## 3. Conclusion

### 3.1 Favourable Political Context

Nepal promulgated a new Constitution, with the widest possible participation of people's representatives so far, through a Constituent Assembly. In spite of the acceptance hiccups immediately after its promulgation in the fall of 2016, signs of improvements have been noticed a year later. Duly, the much needed local bodies were elected to implement the provisions of the new statute in a three-phase election. This fills a long-standing void at the grassroots promising to speed up development at the local level. Even though voices of dissent had not all been quelled, by the fall of 2017, the constitution was being implemented in earnest by the political parties represented in the legislature. New laws are being drafted and outdated ones updated to meet current aspirations. This also opens up avenues for those seeking legislative changes to make their presence felt. Since there are many fundamental issues that need addressing in any least developing country, not just Nepal, NGOs have seen this as an opportune moment to ratchet up their advocacy and lobbying activities aiming for a better deal for poor populations at large. It is in this transitory context that the current review of CARE's civil society support project has been done.

### 3.2 RtF Partnership and Strategy

CARE's choice of strategic partners and its decision to support the work of partners to work on aspects related to the realization of the "right to adequate food" is one of the key reasons why the RtF Project has been able to make remarkable achievements through advocacy. The "key" here was CARE's decision to go along with the partners' own strategic plans on the issues, instead of trying to shape those plans to CARE's own past experiences. As the strategic partners had been

working on the RtF Project's focal issues for a long time there was no problem of ownership, nor did the partners feel RtF to be just an externally imposed "project". They could own it with ease, as part of their continued movement. CARE's role was to XYZ.... In other words, the RtF Project complemented very well and contributed to increased participation of landless, women and marginalized farmers in decision-making to claim their rights. All this made it possible to contribute to bringing about a number of policy responses through engagement with the government, political parties, the law makers and other stakeholders.

#### CAREs role in relation to partners

**Coach, trainer and guide:** CARE has played a role of a coach and trainer. CARE staff visits partner office regularly and coach partner's members and staffs in documentation and financial vouching etc. Similarly, CARE has been facilitating training sessions as resource person. CARE has supported partners with inputs, new ideas, tools and training to develop and execute partners' capacity development plans (CDP), advocacy plans and annual work plan. The project guided NFGF on accountability by facilitating the development of compliant mechanisms and zero tolerance policy. The support is also extended to share templates for preparing Terms of Reference (ToR) for hiring consultants and assigning focal persons in different thematic areas.

**Technical advisor:** CARE Nepal shares international and national best practices and experiences of organizational development, human rights programming and other institutional instruments to the partners. Similarly, CARE has been facilitating partners to adopt the best practices of governance, accountability, new dimensions of monitoring

mechanisms like outcome mapping and periodic capacity assessment to advance their organizational capacity and network capacity.

**Resource partner (funder):** CARE has been providing financial support to the strategic partners to execute their strategic plans to bring about positive changes in the impact groups. Preparation of joint advocacy plan by the partners and its execution, organizing training events based on the identified needs, incorporation of identified activities in new plan including budget are some of the examples how CARE support partners to implement the identified needs.

**Process and meeting facilitator:** CARE has played a role of contact facilitator between partners and district and national government and non-governmental stakeholders. They include national NGOs, INGOs, bilateral and multilateral donors and networks. CARE introduced the partners with other stakeholders, requested government and non-government offices for inviting the partners in their programs. CARE provided spaces for partners to interact and communicate by organising different types of meetings and workshop with strategic partners and government and non-government actors. These meetings and approaches has been more beneficial for NFGF as they are growing organization and would like to relatively engage more with various stakeholders

**Fellow Activist:** CARE has been working closely with the partners in achieving their advocacy objectives and in influencing policy makers. In the time of preparing and submitting the memorandum to the government authority and preparing position papers, CARE staffs worked closely with the partners. The project in close partnership with partners worked with CA members and the political parties

### 3.3 Project's Rights Approach

Based on the review findings, it can be safely said that the RtF Project has effectively ap-

plied the human rights principles of non-discrimination, participation, empowerment and accountability throughout the implementation process. Despite the impediment posed by the government's Development Cooperation Policy 2014, which focuses more on infrastructure, agriculture projects and other 'hardware activities' with less prioritization on human rights, democracy and inclusion, the RtF Project and its partners did not depart from their rights approach. There are ample examples of the partners working hand in hand with landless farmers, women and squatters—a lot of them Dalits, freed kamaiyas, Haliyas, and Musahars. The buy-in of these populations was vital if they are to be empowered and supported to launch campaigns, lobby the authorities concerned for their rights and entitlements, and hold the duty bearers, from the local to the central level, to account. After all, the issue here is about promoting the impact groups' rights and equal access to decision-making, resources and opportunities.

### 3.4 Focus on Governance

Despite the limitations of this review, which prevented a detailed assessment of all aspects of the project, the scope of work does, at least, allow the deduction to be made that the project has maintained a focus on institutional governance. The partners are equipped with proper systems, procedures and policies for accountability, representation, inclusion and transparency, although their full implementation might take some more time. They have made gender equity and social inclusion mandatory in their organization. Despite being a new organisation, NFGF's capacity to influence policy is gradually improving. Their engagement with the government has led to the formulation of some pro-poor agriculture policies and programs. CSRC's focus on good institutional governance is noteworthy. CSRC is well recognized by the government and other stakeholders as a resource organization for land related issues. NLR activities have

also contributed to increasing its acceptance and recognition on the issue of landless and tenant farmers. Both CSRC and NFGF have established formal feedback and compliant handling mechanisms. CSRC is organizing an organization-wide social audit annually and publishing reports and bulletins in the Nepali language which enables its impact groups to read and reflect. The NFGF learned how to do social audits from CSRC, a good example of capacity building— through peer/partner to partner capacity building facilitated by CARE.

The RtF Project has contributed to strengthening the civil society movement, building active citizens and empowering them to exercise their citizenship, either by utilizing the available space, or even by creating new ones (e.g.: NFGF representation in government committees at all levels, formation of farmers' commission). When rights holders raise their voices, too often they fall on deaf ears. This led the civil society partners to focus their activities on duty bearers' obligation to respect, protect and fulfil the right to adequate food. They have, to a large extent, been able to draw the attention of lawmakers, the ministries concerned and political parties and make them gradually realize the problem in the area of right to food and food security and respond to the needs and aspirations of landless and marginalized women and men farmers.

### 3.5 Partners' Advocacy Skills

While particularly looking at the advocacy part of the project, and through discussions with the three current strategic partners (CSRC, NLRF and NFGF), there are evidences of good coordination among them. They shared the responsibility of leading the prioritized agenda based on their mandate, strategic priorities, expertise and experience. While one of them took the lead role, the others provided full support. Most importantly, they were aware of the existing policies and gaps affecting their constituencies; were able to identify core common issues; set the ad-

vocacy agenda; develop and apply suitable strategies and tactics; and jointly advocate on the food rights issues. Although they have not done a power analysis as such, they have conducted stakeholder mapping, which is built into their strategic planning. They are well aware of whom to influence for which agenda. Their ability to use evidence for policy advocacy, their local to national and even international links and systematic engagement in policy intervention on the issues of right to food for landless, small holders and tenants are evidenced in the findings of this review. They have also been able to utilize advocacy opportunities and disruptive moments such as the Constituent Assembly elections, the constitution making process, the local level elections, the mega earthquake of 2015 and international days and global forums to gain extra mileage for their agenda.

Despite NFGF's and CSRC/NLRF's work to support advocacy planning and its implementation at the group level, with specific roles for the district, federation and central level members, the required level of knowledge, skills and capacity for effective advocacy work is yet to reach to the village/local level. So far, it is the district level federation members who are aware of the advocacy skills (not to mention central level members) who are supporting the village level farmers groups and land rights forums.

### 3.6 Way Forward

The RtF project did not take place in a vacuum, but rather reinforced the continued civil society movement, led and nurtured by the project partners and many other CSOs and networks. At the same time, it can be concluded that the project significantly contributed to bringing about impressive achievements.

The project has contributed to formulation, revision and implementation of several important policy provisions. However, a number

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**RtF Project has effectively applied the human rights principles of non-discrimination, participation, empowerment and accountability throughout the implementation process.**

of policy responses, despite their good intent and potential to significantly benefit a large number of poor and marginalized women and men, are yet to be converted into actions to actually impact positively on the lives of the rights holders. Hence, continuity of the initiative taken by RtF Project and its partners is surely called for. Partners' focus now should be more on the implementation of the policy responses and monitoring and documenting the changes they brought about in the lives of impact groups and their communities, against the impacts anticipated by the project.

CARE and its strategic partners can continue to utilize the constitutional transition and the subsequent emergence of federal structures, such as province and municipalities and rural municipalities, as a crucial advocacy opportunity. The recently elected local government bridges the long standing state-people gap and presents an opportunity to serve citizens better. While this is a great opportunity, it also poses some challenges. The actors or the advocacy targets have changed. So has the formal institutional structure. Now that the local and provincial governments are mandated to, among others, formulate and implement policies on various areas such as food, land, agriculture and resilience to climate change on their own, a shift in advocacy focus from the centre to the local and provincial levels seems imperative. Therefore, were the RtF Project to receive an extension, scoping of the changed actors as well as policies and strategies that are instrumental in meeting the renewed goals is equally crucial. This calls for fresh stakeholder and power analyses, assessment of the advocacy capacity of province and local level chapters of NLRF and NFGF, measures to address capacity gaps, and scoping of support of central level NLRF/CSRC and NFGF as per the change in their roles in the changed context.

As felt by the partners, there is a need to identify a set of potential but committed leaders at local, provincial and national levels in the changed context. This would make investment in their knowledge and skills related to advocacy and campaigns effective and also make them responsible for addressing the advocacy capacity gaps through transfer of knowledge and skills at all levels. Areas of investment could include tailored courses, studies, exposure etc. Partners feel that their advocacy work so far has been of a reactive nature (when the government announces a certain plan or policy, they react to it), but they have not been able to provide any convincing proactive alternative. This, therefore, calls for action research and generation of ideas, models and evidence that help one become proactive in formulating policy solutions to the barriers that impact populations face in realizing their right to food.

Finally, based on the learning and experience gained so far, if the project were to receive an extension and attention were to shift to policy implementation at a local level, the time would also be right for CARE and partners to revisit their policy stands on issues of land rights and agriculture, and on their focus on women's rights and gender equality. Refreshed analysis and consideration would help CARE and its partners determine future positioning on these issues in order to target resources at the most needed policy change for more effective advocacy work based on reality and evidence.

The achievements of the RtF Project demonstrate that CARE and its partners are well positioned to build on the solid ground they have prepared and practical learning generated, to seize opportunities to further the advocacy agenda from national to local level to achieve impact at scale.

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RTF project has contributed to formulation, revision and implementation of several important policy provisions.





FOR FURTHER INFORMATION

CARE Nepal Central Office  
4/288 - SAMATA Bhawan  
Dhobighat (Opp. DAV School)  
P.O. Box 1661, Lalitpur, NEPAL  
Tel: 977-1- 5522800  
Fax: 977-1- 5521202

Email: [carenepal@np.care.org](mailto:carenepal@np.care.org)  
[www.carenepal.org](http://www.carenepal.org)