Local Communities' Responses towards Land Dispossession in Nepal: Contradictions, Perception and Resistance

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Abstract

No land development is achieved without the support of local people. Ongoing politics of land commercialisation and strategic land deals can sometimes underestimate the impact on locals. This article thus examines the dominant concentration of land by emerging actors in Nepal, often resulting in dispossession. It studies its continuum consequences through identifying the nature of contradiction on land induced by dispossession, how it shapes the locals' perceptions and in turn shaping ways of spatial and cultural resistance in their daily lives. Despite some positive aspects, the article reflects on how resistance stems from outweighed negative consequences, often from the strategic nature of land deals, intrusion of local resources and cultural spaces and irreversible damage of agriculture land.

Keywords

Land dispossession, local community, perception, resistance

Context

Land-based contestations have always been shaped by various actors, processes and mechanisms. The crux here lies in the change of property relation and control over land between diverse actors through a range of land deal methods. This fertile ground nurtures the land conflict, drawing various contradicting groups whose ideologies, goals and intentions are different. It is this dynamic of conflict

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that the article is exploring on how contestation is shaped between those who dispossess the land and those who confront and resist against dispossession.

Global land deal trends of land commodification have set off many forms of land transactions that have altered the property relation, especially over land of agricultural communities. Various land controlling terms have been used to denote this phenomenon such as 'land grabbing', 'land acquisition/alienation', 'large-scale land investment' and 'land dispossession' etc. in various literatures like Cotula and Leonard (2010), Hall (2011), Borras and Franco (2012) and Harvey (2003). These words are also used interchangeably in literatures, however, signifying the underlying notion of land controlling mechanisms. This article adopts the concept of liberal market-based fostering of land commoditisation and investment that perpetuate shift of property rights from agricultural communities to dominant land actors as the form of land dispossession. This tendency of concentration of property, including expansion of land control through legal land deals, leads to enclosure of land resources, displacing the agricultural community, some way or the other, which in Harvey's concept (2003) can be understood as 'accumulation by dispossession'. Borras and Franco (2012) present a notion of land '(re)concentration' with a matrix showing flow of land-based wealth and power. The concept implies that when the property relation gets transferred, the access and control of land are re/concentrated towards dominant social group especially landed classes, corporate entities and capitalists, thus creating a continuous cycle of enclosures and dispossession and urge to resist it (ibid.).

Literatures on power have identified the form of dominance is always accompanied by resistance. In the book *Entanglements of Power*, Sharp, Routledge and Paddison (2000, pp. 1–2) have highlighted that domination and resistance are 'couplet of power'; with the ability to dominate, there is also ability to resist. They conceptualise resistance as 'attempts to set up situations, groupings and actions which resist the impositions of dominating power' (ibid., p. 3). Hence, increasing accumulation of resources and domination in dispossessing land is the manifestation of power and people resists to this power structure of dominance. In Singur and Nandigram in West Bengal, India, peasants' resistance against building industry and establishing Special Economic Zone (SEZ), and in West Kalimantan, locals resisting oil palm cultivation are some examples of resistance against dispossession. Polanyi (1944) asserts that traditional societies resist these kinds of commodification of land. Besides these kinds of active resistance, James Scott, in *Weapons of the Weak: Everyday Forms of Peasant Resistance*, asserts that people also resist covertly, which he generally termed as resistance occurring at 'off stage' (Scott, 1985). One of the expressive reflections of such off-stage resistance can be observed in the work of Hancock-Barnett (2012). He made an effort to explore indigenous music of Zimbabwe's African communities as part of resistance to colonisation. It presented *Shonambira* music as a symbol of covert form of resistance and how the music has been used to challenge colonial resettlement programmes. It is the clear manifestation that people are likely to resist with external agencies for the identity and culture intrusion as claimed by Hancock-Barnett (2012) and Pred (1986) or in the form of 'collective resistance' (Donald, 1998; Sharp et al., 2000). Hence, Peluso (1992, p. 19) observes that forms

of resistance are determined by the nature of dominations. The change of property relation is also one of the important variables in studying land contestation as it determines who will get benefit from what resources. Some land tenure concept like 'public goods', 'private goods', 'free ride' etc. are critical in analysing land contestation as scholars (Hardin, 1968; Schlager & Ostrom, 1992) claim that problem arises when property rights over goods and services are not well defined. These issues highlight the fact that resistance is the manifestation against domination and the property relation provides the basis for shaping jurisdiction over land.

In the context of Nepal, land deals have been moving towards the direction where domestic actors, especially real estate and agro-based companies, have been rising as a dominant land actors who adopt tactful characteristics of land dispossession. This phenomenon has raised huge concern on rapid change of land ownership of agrarian communities and the causal impact on them. This is why the article is dedicated to explore the growing trend of land dispossession as a process of dominate concentration of property by real estate and agro-based companies and see how it develop contradictions on land between locals and land dispossessing agents, shape their perceptions and local's resistances towards these dispossessing projects and agents. 'Local people' in this article refers to aboriginal inhabitant residing near the land dispossession locations, whose land has been dispossessed through legal or strategic property transfer. Term also includes newly resided people living near those locations for more than one generation, who are likely to be impacted by the dispossession. Similarly 'agent' is conceptualised to indicate the land dispossession actors, including the brokers they mobilise to influence the land deals. Nepal has witnessed various peasant-led movements against land feudalism and domination, especially in the Tarai region, and these issues have been documented by many, including Regmi (1963), Upreti, Sharma and Basnet (2008), Wily, Chapagain and Sharma (2008) and Pyakuryal and Upreti (2011). However, there have been lesser studies like CSRC (2012) and FIAN Nepal (2013) that explored the new phenomenon of land controlling actors and mechanisms compared to traditional practices of feudalism. Further, those literatures lack academic lens and still do not dedicate their analysis on how real estate and agro-based companies are playing role in land dispossession, nature of conflict it triggers and the local's resistance towards dispossession. The article is an attempt to address this gap.

Problem Statement

The recent trend of land dispossession in Nepal is by real estate and agro-based companies controlling especially agriculture land for capital accumulation, ignoring the implications to the local people. It has led to degrading of agriculture land through concretisation, land plotting and building commercial homes. Further, these growing land dispossession deals have also raised the questions about the rapid transfer of property and ownership from local farmers to corporate/ higher class, making more skewed distribution of land resources, as identified by

ILC (2011) and Borras and Franco (2012). In spite of some literatures identifying positive effects of these land deals like technology transfers and infrastructure development (Cotula et al., 2009), negative impacts overweigh positive impacts leading to landlessness, increased poverty and intensifying land conflicts (Aabø & Kring, 2012; Borras & Franco, 2010; Salerno, 2011). This new form of land contestation due to land dispossession poses a serious threat to national land reform agenda, indigenous land rights and resource equity. Understanding which aspects of land dispossession is shaping the contestations and how local communities or locals whose land have been strategically transferred, perceive and act towards the land dispossession phenomenon, would serve the basis to address this land conflict at the policy level. Thus, it would be imperative to explore and describe how land dispossession has been shaping local's perception, producing conflict and eliciting local's responses towards it. This article problematises land dispossession as one of the factors that attempt to control land resource, change land property relation and intrude on local resources and traditional practices of locals, and that locals tend to resist these land dispossession projects and acts.

Conceptual Framework

Land dispossession phenomena have been framed in this article utilising Johan Galtung's (1958, pp. 105, 1969) ABC Conflict Triangle. He terms A as 'attitude' of people, B as 'behaviour' of people and C as 'contradictions' over the phenomena. Galtung sees 'contradictions' as perceived incompatibility or clashing of goals between two or more parties, which are the origin of conflict. This clash over people's perceived goals, in turn, shapes their 'attitude' towards the phenomena. This article thus sees contradictions between locals and land dispossessing agents and links how it shapes the local's perception. Lowe (1982) and Friedman (2010) claimed that social perception is culturally constructed, and there is a link between people's thoughts and structure of the society. On the basis of perceived views, people make judgements and attribute their position of assumption. Based upon those judgements, people behave and respond in the form of action. For the purposes of the article, perception will be viewed as the position of the local's outlook towards land dispossession phenomenon. Further, this position of people's attitude or perception developed by their outlook towards land dispossession leads to behavioural expressions that are manifested in conflict, which Galtung termed as a 'behaviour' in his conflict triangle. Wiesmann (1998) observes that perception shape actors' state by giving a rationale for their actions. This process shows that the perception of people is the key influencer in their subsequent behaviour. In this scenario, the article regards local's cognitive and behavioural manifestations as a form of 'behaviour' in resisting the ongoing land dispossession phenomena. This local's resistance towards dispossession will further be analysed as domination and resistance within the framework of power.

Rather than studying resistance in a form of mass movement, revolution or genocide act, this article studies local's resistance as their daily confrontation and

contestation, which Scott (1985) terms 'everyday forms of peasant resistance'. It provides empirical evidence on complex processes and contestations (resistance) of peasants against threats and pitiable situation. Their everyday forms of resistance have symbolic and ideological underpinnings against the powerful or dominant groups and are rooted in everyday material goals rather than revolution consciousness. Further, in 'Domination and the Arts of Resistance', which is related to the theories of peasants, Scott (1990) argues that any subordinate or subaltern group resists dominance in direct or indirect way in day-to-day lives. He identifies these subordinates as those who are oppressed by the powerful to speak and act on their own. He devised the terms 'public transcript' and 'hidden transcript' (ibid., pp. 2–4) to denote that these groups show their resistance 'offstage' or 'covert'— behind the backs of the dominants—to 'publicly' or 'overt'—collective movement in front of the dominants. Meanwhile, the powerful also simultaneously constructs the private dialogues to tactfully respond to the resistance in their own way. Thus, he writes there is a constant 'frontier between public and the hidden transcripts is a zone of constant struggle between the dominant and subordinate' (ibid., p. 14). Scott's resistance framework is adopted in the article as the view is aligned with the article's frame of analysing the land dispossession of agricultural community and their individual level/undeclared day-to-day manifested forms of resistance.

Methodology

This study conceptualised the land dispossession and resistance through literatures and contextualises it with Nepalese ongoing land transfer mechanism and outcomes. Purposive locations were selected with study sites: Dhapasi and Sitapaila locations representing Kathmandu district, Harisiddhi and Thecho locations representing Lalitpur district, and Bhojad, Krishnapur and Hakim Chowk locations representing Chitwan districts of Nepal. The first and second district locations were selected as it has high involvement of national and international real estate companies, growing urbanisation and higher residence of indigenous people as locals. Similarly, third location as a high concentration of land plotting by domestic private investors and government with also existing commercial agro-based company cultivating Stevia and Aloevera in a large scale through contract farming and land leasing. Both qualitative and quantitative methods were implemented to collect and analyse the evidences on contradiction, local's perception and resistance. Since the study focuses on local's perception and their responses towards land dispossession, qualitative inquiry helped to explore these concerns. Personal narratives of experiences of affected people through land dispossession, struggle with the power structure, coping with resource vulnerability etc. were gathered. Research design was framed in such a way that it gathered information from both sides and other stakeholders. Understanding how contestations generated, how they perceived the land dispossession, and how locals reacted to the threats to their livelihood and food security as a result of land dispossession etc. was the major interest on key informant (KI) and focus group discussions (FGDs). A survey method was

employed to generate quantitative data. Simple random sampling method was used to select altogether 208 respondents from the above-mentioned research sites, who were locals residing near the land dispossession projects. Structured questionnaires, refined after pre-testing, were utilised to gather information. The data set was then analysed in relation to the theoretical framework and literature. Further, triangulation of data was obtained through presenting preliminary findings and conducting policy debates with identified stakeholders.

Empirical Evidences and Discussion

Contradictions Arise Due to Land Dispossession

There was a wide range of confronting issues between locals and land dispossession agents. In all three districts, it was found that most of the contestations surrounded towards (i) local resource use pattern, (ii) resource tenure and (iii) cultural and traditional identities. There were also conflicts about perceived negative socio-political impact on the locals by the agents. This section presents the contradictory issues seen in the field during the study.

The Local Development Committee (*Tole Suthar Samiti*) from the study site Harisiddhi, Lalitpur district, managed to build roads and blacktopped at local initiation. With increasing commercial housings in their localities, newly residing people and newly construction projects are using the same roads. One of the locals representing the local community claimed that the *quality of the local roads got degraded due to their [construction companies'] use of heavy vehicles during the construction period*. The locals perceive that the newcomers are using the resources without bearing any cost. Similarly, local committee members were also furious about the drainage system of the real estate. They constantly monitor the drainage to make sure that the drainage of real estate does not get connected to the public river nearby. They also shared that there was no proper coordination between housing companies and locals, and bypass them in planning process of their project. Locals think that planning and action taken by the companies in their local areas would be unsustainable if locals are excluded from the planning process. However, agents argue that they are using public property and claim that it should be accessible and usable to all the public. They insisted that people cannot obstruct their projects based upon local's arguments. Agents claim that locals are demanding and manufacturing new issues that actually do not exist on the ground as problems.

Another type of resource contradiction seen was about the use of groundwater in the study sites of Kathmandu and Lalitpur. Groundwater is depleting in these urban areas, and one of the reasons is the growing concretisation of agriculture land. Real estate housings are pumping water through deep boring, which locals claim have decreased and drying out local water wells, other water sources and aquifers. This huge exploitation of water resources by new settlers is giving rise to water-related conflict. Water-related problems were also seen in study sites of Bhojad and Krishnapur in Chitwan district where, due to an increasing trend of plotting and decreasing agriculture land, irrigation facilities are slowly

shutting down, which is directly limiting irrigation of cultivated land. Hence, in Chitwan, agrarian communities are in opposition to this the tendency of plotting. Chitwan is identified as one of the districts having the most fertile agriculture land and an important breadbasket district in Nepal. Compared to Kathmandu and Lalitpur, Chitwan district has large-scale commercial housing projects for land plotting. Around 34 hectares of agriculture land has been used in land plotting in a single place.

Unlike in Chitwan district, high-storey apartments are situated in Kathmandu and Lalitpur. Locals who are living near these apartment housings in Kathmandu and Lalitpur districts claim that they are facing fear due to the high-storey building near their residence. Most of those apartments are 15–17 storeys high, and locals fear that in any natural disaster[2] the apartment would be a threat to nearby residence, as these apartments are built so near to the local communities, without leaving enough open areas. In the case of Dhapasi, Kathmandu, locals claimed that one of the apartments initially proposed for 13 storeys during the Environment-Social Impact Assessment[3] (EIA) was later constructed into a 17-storey building. This apartment even lacks enough open space and lies straight aside the local's houses. The locals living near this apartment in Dhapasi even approached the company to buy their houses and land and merge it into the project due to that continuous fear. However, the company did not give the appropriate market value for their assets and the local house owners did not sell their land. While approaching real estate companies from all districts, they claim that they have conducted EIA before the construction phase and the assessments were positive. They complain that after approving EIA and during construction phase locals would make many additional demands to linger the project, including financial grand for social issues (*chanda*[4]), compensation for their newly created demands, and road blockages if agents do not listen to their demand. The agent from agro-based company in Chitwan claimed that they were assisting in creating income-generating activities to the locals and that both locals and the company were getting economic benefits by their projects. It was found that there existed constant clashes between locals and land dispossessing agents based upon their own direction of goals.

There were also disagreements about changing the traditional local names of the places into new names by newcomers in Harisiddhi, Lalitpur. Harisiddhi is an ancient indigenous village of the Newar community. With growing numbers and influence, the newcomer, non-Newars changed the native name *Melbhu* into *Shanti Nagar*. This interference on communal identity became a source of ethnic conflict.

The cases above show that locals and agents have different arguments, which can be linked to what Scott (1990) termed 'zone of constant struggle between

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[2] After 25 April 2015 earthquake in Nepal, out of 16 high-raised apartment buildings surveyed by government, 11 have been declared unsafe. Hence, these kinds of apartments pose threats to local communities living nearby.

[3] EIA is assessment of environmental and social consequences of proposed project prior to the decision to move forward with the proposed action.

[4] A financial grant that is usually asked by certain people or group for certain purposes rather than voluntarily offering the money by the giver.

the dominant and subordinate'. It is the opposing relationship between the dominating land dispossessing agents and resisting local communities about how they perceive their goals with respective to their position and power. The study found that agents have economic goals of land dispossession, that is, immediate profit from land deals, concentration of property and future rise in value of land and housing as their interest. On the other, locals based their argument upon their prior rights over resources. Sterner (2003, p. 60) defines the prior rights doctrine as giving the rights firstly to the people who have initially settled or used the resources in certain space and time because of their generations of engagement, management and protection of land resources.

There was also contradiction over the free use of resources. Locals perceive newcomers as free-riders on their local resources, where someone obtains benefit without bearing the share costs (Hardin, 1968; Olson, 1965). In contrast, there are counterarguments that certain resources are 'public property' (Sterner, 2003; Stone, 2001), which should be accessible to all for public use. These and various other socio-political, livelihood-centred and local resource-centred goals shape the contestations. Such clashes and incompatibilities of goals between the parties in the form of 'contradictions' are what Galtung (1958 and 1969) claims to be the origin of conflict. He further explains that such contradicting issues shape the local's ideological state, which he terms 'attitude' in his ABC conflict triangle. According to it, the contradiction of goals influences people's attitude, which is explored in the next section.

Local's Perception towards Land Dispossession Phenomenon

Contradictions between locals and agents over the land dispossession have shaped local's attitudes. Locals evaluate and judge the related effects of land dispossession in positive or negative ways and develop their ideologies and attitudes accordingly.

Household survey, KI interview and FGD were conducted in all three districts as primary sources of information. Similarly, secondary sources related to land use change by these land dispossession projects were used to link the local's perceptions on these changing land use pattern.[5] Through household survey, it was found that most of the locals (around 66 per cent) were against the forced and strategic land deals that lead to dispossession and irreversible change of agriculture land in the three research sites. Among these people, 30.2 per cent depended on agriculture, 30.2 per cent on business and 22.8 per cent on the service sector and other occupations.

It shows that still a high percentage of people depend upon agricultural land for their livelihood. Hence, they think that this kind of land dispossession would lead to local food insecurity, irreversible land use, market dependency, demotivation

[5] Study of Rimal (2011) on land use change in Kathmandu metropolitan city and Lalitpur sub-metropolitan city identified around 14.74 km² of cultivated land area being changed into urban/built-up lands (houses, industrial areas, roads, airports, institutional areas, government secretariats, etc.) between the year 2001 to 2009. Shrestha (2011) reports a growth of 300 per cent in urban area from 2003 to 2008.

of small farmers, and displacement and livelihood vulnerability of agriculture dependent community. One of the locals of Harisiddhi remarked

> It [commercial booming housings and plotting] is bad because fertile agricultural land in the Kathmandu Valley is decreasing and foods have to be imported from outside the valley. It is the major cause of increasing food price in the valley. Further, large numbers of population are living and utilizing certain area of land, which puts increasing pressure on the certain area of land.

This statement emphasises the household-level vulnerability of people living in the Kathmandu Valley regarding food security because Kathmandu, the capital city of Nepal, is highly dependent on the Mahendra Highway, the only major road access to Tarai and India for importing goods, including foodstuff. Any road blockage due to strikes or natural calamities on this highway will directly impact the food stock and market of the valley, usually in the form of increasing food prices. In addition to this, locals in Kathmandu and Lalitpur districts have also developed the perception that the haphazard concretisation, dense residential, exploitation of groundwater and constant pressure on land resources and overutilisation will also be an environment unfriendly.

Locals from Chitwan highlighted more technical aspects of impacts on agriculture due to these land dispossession projects, especially mushrooming real estate and land plotting projects. They shared that three different crops (rice, wheat and maize or a similar other combination) can be produced in one year in Chitwan, meaning cropping intensity of 300 per cent. However, the transfer of agriculture land into unmanaged real estate and land plotting hampers this agriculture pattern due to the irreversible nature if change into non-agricultural land. It was also seen a through household survey in all three districts that there was an occupational shift of farmers. More than half of farmers interviewed (52.8 per cent) claimed the change of their farmer occupation to other occupations like working as labourers in the service sector and some in small businesses due to their land disposition through strategic land deals. Locals, especially who used to be farmers before land dispossession in all study sites, shared that with this occupational shift it is sometimes difficult to sustain their livelihood as they have limited knowledge and skills into the new occupation. Hence, they view that agriculture land should be protected and commercial housings/land plotting are to be undertaken in areas where there is less fertile or marginal land. They perceive that this effort will serve to save the displacement of their traditional farming occupation.

Most of the locals were furious towards land dispossessing agents and brokers because of the forceful and trap sales[6] of agriculture land. It was found that most of the mechanisms and pathways for these land deals were informal, tactful sales

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[6] Generally in Nepal, middle-end and tail-end farmlands have limited access to fixed and wider roads compared to head-end agriculture land. Thus, brokers first buy all the periphery land attached with the land which the landowner does not want to sell. Then, when the agriculture land has limited or no access to roads and mobility, the landowners are compelled to sell their land. Finally, the brokers sell all the land to the real estate companies. These kinds of trap sales were found to be one of the mechanisms of land deal.

and sometimes even illegal sales.[7] Thus, even after they have sold their land, these locals are not pleased with the land deals and expressed their disagreements and anger towards such deals. The survey showed that 31.7 per cent of land deals occurred through trap sale; 31.3 per cent by offering higher price than market value; 24 per cent through offering attractive economic scheme; 16.8 per cent through compulsion and 4.8 per cent through physical threats to landowners by local brokers, investors and real estate agents together. Further, there were seen weakening social relationships in the community of all the field sites because the brokers tend to trigger the internal family conflict just to make them sell their land. In this study, different family conflicts instigated by the brokers were seen where family members fought for their parental properties to sell the land to commercial housings. Different conflicts related to property rights were also equally in the forefront. In some cases, the landowners sold their land without noticing or getting the permission from the tenants and vice versa. These kinds of land deals were seen in all field sites, which are highly driven by local brokers. In in-depth interviews in all three districts, respondents also claimed that there were many land deals done with the help of fake paperwork and were numerous court cases filed against these acts by the locals. This rapid land dispossession is resulting in increased number of landless indigenous people, especially in the case of Thecho and Harrisiddhi. Thus, locals tend to be developing the position of different perceptions shaped by the clashes based upon different issues discussed above. As a result, locals, especially the previous landowners, had very pessimistic outlook towards these land dispossessing agents and their projects. Locals developed their perception of land dispossession phenomenon through such experiences.

On the contrary, the agents claimed that they had purchased the land when the aboriginal community, especially the Newar community in the locality, sold their land. One of real estate agents from Thecho site of Lalitpur District insists that 'It is them who are selling the land. They are the first actors in the land deal. If they do not sell it, we will move to other places to seek the land that is suitable to a real estate project like ours.' Hence, the agent argues that the land deals have been legally undertaken without any strategic land deal. When asked about the social implications of these kinds of land deals that could displace the indigenous community, they made it clear that they were there to make a business. They also responded that if the indigenous community feared displacement, then why they were selling their land; and if the state was responsive to this problem, then why there were no proper policy and plan to manage the land resource and maintain social cohesion. According to them, the landowner themselves and the state should also be accountable for this social responsibility question.

However, it was also identified during the study in all districts that land dispossession not only brings negative impacts but also positive influences. Around one-third of the locals shared that these kinds of real estate projects

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[7] Land owners sell their land without notifying or getting the permission from tenants and vice versa, using fake papers for land deals, illegally changing public property land to private tenure and selling those private land etc.

fostered development in the local area, such as the expansion of markets, better transportation facilities, systematic residential infrastructures, increase of new hospitals and schools and job opportunities. Nevertheless, other locals perceive that these positive results, such as job opportunities for locals during construction of housing projects, are only temporary. They also think that even if there are growing systematic infrastructures and good security issues, these facilities and services are enjoyed only by those who have access to them and only by people who can afford to purchase these real estate properties. In FGDs in Lalitpur and Kathmandu, local participants claimed that there were no positive spillover effects on the local communities in these kinds of projects as expected. They argue that these housing complexes have all the facilities inside, such as supermarkets, recreational facilities and other basic facilities. Hence, people living inside such housings do not rely on the local market and have no formal connection and contact with outside communities. Thus, they believe that even if there are few positive aspects of these projects in the community, it is largely skewed towards economically well-off groups who live inside those commercial housings and apartments.

On the socio-political side, especially indigenous Newars from Harisiddhi and Thecho in Lalitpur were worried about the growing commercial housings and new people residing in their traditional areas. They were fearful about the displacement of their traditional culture and political rights from their own location and at the village development committee (VDC)[8] level due to rise of population belonging to other caste and ethnic groups. The locals think that vital positions in the VDC could be influenced by these newly dwelling people in the future. It may marginalise their political capital and access to decision making power in their community. They shared that the increasing domination of non-Newar outsiders will in the near future turn them and their community into minority. They even fear that there is a gradual fading of 'we' feeling in their community.

There was even some concern that people purchase these housings with dishonest intentions. One neighbourhood in Harisiddhi, Lalitpur, charged that

> these commercial housings are being used as a hub and transaction point for many informal/illegal businesses because these kinds of housings are safe for those people where outsides are not allowed to enter inside the housing compound. It provides further security and relief for undertaking or operating many illegal businesses living inside those housings.

Local now also felt inferiority in their own local place because of the status difference between their own and the people who come to reside in those housings. People who choose to settle in those expensive real estate property tend to be elites and economically well-off, and their lifestyles are lavish. The locals compare themselves with these newcomers and feel personally inferior. From

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[8] A VDC in Nepal is an autonomous institution and village-level local government body assigned for administrative and mediatory role with centralised institutions of governance.

various interviews and observation in all three districts, it was seen that these economically and professionally well-off people hardly socialise with the local native people.

Analysis of perceptions of locals towards the land dispossession phenomenon shows that negative perceptions outweigh positive ones. Locals were offensive and claimed that they do not have positive attitude towards these projects. A section of locals with negative perception have developed the 'attitude', as suggested by Galtung (1958 and 1969), that the real estate agents and all land dispossession process are driven highly by economic motives, giving a handful of positive effects to locals, and with it there is socio-political domination, intrusion into local resource and irreversible environmental costs. Land was transferred from local farmers to elite groups by tactful land deals. It has led to what Borras and Franco (2012) pointed out about as skewedness of land property and intensification land conflict. During FGD and KI interviews, locals also highlighted that local brokers are the major actors in strategic land deals, which are similar to the claim of Deininger et al. (2011) that domestic actors are at the forefront and play influential roles. These land-based contradictions have made the locals aware of potential future risks towards their identity, community resources and political access. This gradual development of their ideologies evidences that perceptions are socially constructed as identified by Friedman (2010). These negative perception-driven ideologies will be the triggering point for the counter-discourses in resisting (Mittelman, 2000). Hence, local's communal negative perception that developed from their daily life activities is the first stage that initiates and shapes the resistance of people, as it is rooted in 'everyday material goals' (Scott, 1985). As identified by Wiesmann (1998) and Galtung (1969), cognitive and behavioural expressions driven by people's perception are termed resistance. In the next section, these manifested cognitive and behavioural actions of locals towards land dispossession are studied as resistance to the land dispossession phenomenon.

Local's Resistance towards Land Dispossession

Local's negative outlooks weigh more than positive ones on land dispossession based on the field reflection. Because, based on the analytical framework, attitude shapes people's behaviour, this negative position of local's perception and attitude has shaped their action towards land dispossession phenomenon. In all three districts, locals are resisting it in various forms. This section deals with different defiance acts of locals in their daily lives as their resistance towards these agents and projects.

Locals have taken different approaches in hindering the land dispossession projects, such as by locking housing project's gate and giving physical threats. For example, one of the locals from Dhapasi, Kathmandu, shared, 'Physical threat should be given to get things done, and we have done it for the sewage system in our community.' The locals claimed that company agents and officials do not use the main road but use an alternative road network to enter and exit their project site as a result of bad relationships with locals. Locals also claimed that the housing

companies apply physical threats to keep the locals away from their projects. This, further, made the resistance worse. In their daily struggle, they have understood that their problems will not be addressed through only individual efforts and complaints. Thus, they are organising and using local groups such as users groups (*upabhokta samuha*), community development committee (*tole sudhar samiti*), resistance groups (*sanghar sasmiti*) to formally put their grievances, demand and negotiate with the land dispossessing agents and local brokers who engage in land deals They think that when locals approach with 'one voice' about their demands, agents tend to address them. These types of groups were seen in Harisiddhi in Lalitpur and Dhapasi in Kathmandu.

One resident from Hakim Chowk, Chitwan, claimed that agents generally dilute and divert the issues. Locals shared,

> Whenever conflict arises, they pretend to do minute actions in favour for the raised issues, but they don't try to address the real problem and as a whole. They also try to shift the interests from the main issue by monetary or non-monetary incentives to the land brokers. All the demand agreements between the real estate company and locals are limited only in the papers.

In interviews with some agents, some have accepted that they contact the local leaders who are leading or can influence the situation and influence them to dilute the issue by giving them some economic incentives (money, goods, facilities). Such internal transactions and communications between the local leader and agents will be unknown to the outsiders. They expect, in principle, that when the leaders are controlled, the locals can be controlled. They also accept that in extreme conditions they have also mobilised some groups to physically threaten some locals. When interviewing about the local's demands, the agents seemed to be irritated by the type and intensity of the local's demands, which they term as irrational. They shared that locals make the issue out of anything like fading colour of the house due to the dust of constructions and frequent demands for financial support for religious activities in the community, and claimed that 2–5 per cent of the whole housing project's cost goes towards fulfilling the local's demands.

While looking over the negotiation between these real estate companies and locals, resistance by both groups can be seen clearly. Both sides have equal arguments and strategies to take their stands. Some conflicting issues are negotiated and bargained in the form of monetary compensation and others kept unaddressed for a long time. There were many cases, like the issue of encroachment of *Raj Kulo* ('royal water canal'), sewage problem, road damage and house damage by heavy construction. One of the sewage systems of housing project was affecting the *Raj Kulo* in the site of Harisiddhi, Lalitpur. Land dispossessing agents compensated this damage by purchasing additional land for the *guthi*[9] of the Newar community to manage it. Similarly, during the whole study period, it was

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[9] Guthi is a social institution that involves network, values, norms and social precedence at three different levels of caste, patrilineal grouping and territory among Newars. Land related to *guthi* is the land endowment made for a religious or philanthropic purpose.

also observed that the agents have reconstructed the damaged roads and provided monetary compensation to those whose houses were damaged. In general, it was seen that these kinds of conflicts and contestations are solved by bargaining with each other. This shows that the flow of resources is determined by the bargaining power of both the parties (locals and land dispossessing agents).

Additionally, locals were also found to be giving misinformation or wrong information and exaggerated the adverse sides of land dispossession. It was found that they intentionally gave some incorrect information to us about the land dispossession projects to indicate that they are resisting. They wanted to indicate that the project had more negative sides compared to positive ones. For example, one of the locals of Harisiddhi informed that the agents did not compensate anything for the damage that they had made to the *Raj Kulo* by their sewage system. It was subsequently revealed that the agents had compensated by purchasing additional land to protect the *Raj Kulo*. Interestingly, the same interviewee was found to have been engaged in negotiation with the agents and had agreed on the agent's compensation. However, he was not satisfied with the scale of compensation.

Most of the locals were interested in sharing information about financial profits that certain groups like brokers and business persons made through land deals. Some were even cursing and using foul language to those companies, agents and brokers for the current displacement situation and dispossession of their land resources through strategic land deals. In all the study sites, locals were seen to be gathering the like-minded people in the local tea shops or in a *falcha*,[10] and discussing the strategic land deals and nature of agents, and comparing the past and present status of community, and foreseeing their future. These community discourses of the old settlers about land dispossession and the outlook developed onto the local's perception are the latent conflict and undeclared struggle of their unsatisfied issues. Locals feel that the new people residing in those housings are economically well-off and have high status compared to the local people. So, they ironically say that 'people living in those housings show off their economic superiority as a civilized group and even don't want to socialize with locals for any social relationships like talking, sharing, engaging'. This directly points to the local's inner thinking and perception and indirect resistance by sharing these negative expressions to the researchers during the study.

One of the central overt or publicly found resistances in this research was seen in Harisiddhi, Lalitpur. The local community fears over the growing multi-ethnic groups in their localities that results in gradual displacement of Newar communities from their land, culture and resources. As indicated in the earlier section of contradictions, it was found that change of traditional place names with new names by the new residing people was one of the intrusions into the local community. Thus, aboriginal locals of Harisiddhi came to the conclusion that they have to preserve their community and culture; hence, they have devised

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[10] *Falcha* is the traditional venue of resting places that also served as venues for different kinds of social activities like meetings, celebrations and festivities.

internal local polices. Architecturally, the core Newar community in Harisiddhi is surrounded by long and high walls with four gates facing in four geographical directions. The agreed policy is that if any Newar within the four walls has to sell his or her land or physical property, then they are only allowed to sell it to the people from the same community or of the same ethnic group within the four walls. According to them, it was framed to overcome the growing displacement of their communities and traditional cultures.

There is a persistent zone of struggle between locals and land dispossessing agents and brokers, which Scott (1990, p. 14) expressed as a struggle between dominant and subordinate. Locals feel that strategic land deals; one-way initiation of projects without consulting the locals residing near those projects; increasing intrusion towards limited local resources like water, roads and sewage systems; hampering of agriculture land and related infrastructures like irrigation canals; infringement on traditional practices of indigenous community like religious locations and occasions; change of traditional location names into new names; and display of socio-economic superiority to locals are some aspects of agents' superiority to and dominance against them. The agents are using material sources of power in the form of financial and social networks to stay superiority over the locals are shaping the domination. On the other hand, this exercise of power by agents, which locals perceived as dominance against them, is accompanied by the act of uniting and fighting back by locals against the power structure of dominance, and they form the couplet of domination and resistance (Sharp et al., 2000). These collective and organised actions of locals are driven by principle and selflessness, which is one of the general characteristics of resistance. Malseed (2008) has also explored the involvement of locals in organising *inter-community action and solidarity in order to resist the state's control over people's land* in Burma, which has, to some extent, been successful. Hence, formation of various users and resistance groups can be seen as unsatisfied locals grouping together a collective solidarity to resist. Tarrow (1994) also believes that the basis of people's common action to get together to mount against is for common purpose and due to overlap interests and values. These forms of collective action are the product of continuous confrontation and bargaining and are socially constructed (Melucci, 1989). Further, citing Melucci, Sharp et al. (2000, p. 9) write that collective actions are based on cultural codes and are the expressions of symbolic challenge that produces meaning. These culturally driven codes are seen in the Newar community where they have invented and adopted the communal policy to protect their identity and cultural displacement. This state of resistance driven by collective actors is based upon their identity-oriented approach of structural and cultural developments within a particular society, that is, indigenousness, in the case of this study. These collective emotional experiences and identity shape the spatial dimension of resistance (Donald, 1998). The natural capital and property of indigenous peoples like traditional land, house and community resources has become the 'material source of power' (Sharp et al., 2000, p. 10) to locals, through which they are giving the message that they are reacting boldly in resistance. They assume that the approach of selling land within the ethnic community would help

to preserve their community, culture and their resources. It is also a symbolic resistance against indifference towards their identity, tradition and culture, which Rackham (1968) terms as 'cultural incompatibility'. Similarly, critical responses towards land dispossession from institutions like community development committee and resistance groups are also the empirical cases seen in this study. These defiance manifestations are hooked in spatial dimensions of cultural resistance (Donald, 1998; Hall, 1981; Hancock-Barnett, 2012; Pred, 1986).

It was found that locals are exaggerating or giving incorrect information to the researchers and using foul language towards the land dispossessing agents and their projects during the field study. Such manifested cognitive and behavioural responses are what Scott (1990) sees as offstage or covert forms of resistance. In the present study, it was found that these covert forms of resistance existed more, compared to publicly forwarded resistance. Adnan (2007) argues that *forms of resistance by poor and weak groups go beyond covert, towards overt forms of resistance.* However, overt forms of resistances seen in this study are different from the violent resistance that occurred in West Bengal, India, due to land dispossession phenomenon mentioned in study of Guha (2007). In the present study, locals were aggressive in nature yet were not violent. They just tended to act violently in some situations to balance what they call the nature of land dispossessing agent's supremacy. This constant contestation, struggle and bargaining between these actors fit Peluso's (1992) assumption that the type of domination shapes the type of resistance. Indigenous locals at Harisiddhi are publically resisting but in a non-violent approach. Similarly, locals at Dhapasi in Kathmandu were aggressive enough to block the roads leading to project sites but yet not violent enough. In Chitwan, some locals have used legal support as a mechanism of resistance by filing a case in the district court against land deals undertaken by agents. Thus, these cases are powerful evidence of resistance, suggesting that the local communities are not happy with the intrusion, dominance and encroachment of outsiders through land dispossession phenomenon.

Conclusion

Land dispossession in Nepal, mostly caused by real estate and agro-based companies, has entered the stage where these projects and their consequences are increasingly being questioned for their intentions. Despite having both positive and negative sides, the destructive aspects of land dispossession outweigh the positive ones. Local resource use pattern, resource tenure systems and cultural and traditional identities are the most contested issues seen in the study. These contradictions and contestations have shaped negative attitude and outlook of locals towards land dispossession phenomenon. The use of material sources of power by the agents, strategic land deals and consequences of their projects like increasing accumulation of resource, intrusion on local resource, infringement on traditional practices, have made the locals to perceive the agents and the projects as threats to local communities. Against this direction of domination and encroachment through land dispossession, there are local-level defiance acts

(individual or group), developing a culture of resistance in daily lives. It shows the chain linkage of how contradictions shape perception and lead to various behavioural form of resistance, representing the struggle for political-economic resources like land.

Ongoing politics of land commercialisation and strategic land deals can sometimes underestimate the impact occurred on locals. Internalisation that no land development is possible without the support and compatible to local people is wise insight. It is worth mentioning that some progressive aspects may have achieved by some locals, and have also developed collaboration and cooperation with agents, however, outweighed locals' suffering from the dispossession. Nepal is already facing multiple contestations on land in the forms of land reform agendas, land feudalism and indigenous land rights. This new form of land contestations will further strike on existing complicated land agendas, especially on national land reform and indigenous land rights issues. Though these local contestations and resistance are not violent, they hold symbolic form of spatial and cultural resistance in daily lives and seed of hatred and constant tension that leaves society unhealthy and uncertain. The article sees the concept of 'land zoning' concept forwarded by the Ministry of Land Reform and Management, Nepal through Land Use Policy, 2012[11] as a viable option to address this dispossession and local resistance. It administers haphazard concretisation of agricultural land and ensures small land holder farmers to secure their land ownership and access. It will also minimise strategic land deals leading to reduce land dispossession. It will ultimately direct housing and contract framings projects based on the scientific suitability of residential and commercial contract farming areas. It is also important to keep in mind the tolerability and resiliency of the local community and make companies and agents accountable and morally bind to be sensitive towards the local culture, sentiments and compatibility.

Acknowledgements

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[11] The policy aim for scientific planning of land and land governance and has classified land under seven categorical areas: residential, agriculture, industrial, commercial, forest, public and identified areas, as required by the Nepal government (for details, see National Land Use Policy, 2012, Nepal).

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