

Formalization of land rights of landless and informal settlers in Nepal: A journey towards establishing social justice

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SUMMARY

Secure land rights for landless and informal settlers are recognized as foundational to establish social justice, equity, resilience, and adequate housing; thus, to have fair transition through shifting power to landless, land-poor, and marginalized communities. Meanwhile, rights to land have always remained at once controversial and contentious depending on the social, economic, political, and governance context, globally.

Land ownership and control over land resource emerged as a significant source of socio-economic inequalities and social injustices because, historically, land distribution is highly skewed to politically powerful and economically well-up families in Nepal. The government initiated various efforts towards reforming land governance, and redistributing land in the past, but land rights issues remained unresolved.

After adopting new Constitution in 2015, government introduced new policies, laws, and mechanisms to enhance land governance. However, around 25 percent of all cultivated/operated/occupied land is out of formal land administration and around 1.3 million families lack formal land rights over the land they have been residing on for decades. National Land Commission is working on formalizing land tenure rights following new legal and policy provisions for last 3 years.

Ongoing process of formalizing land rights in Nepal involves significant political, administrative, and technical challenges as it is the process of shifting power to communities. In this paper, efforts will be made to shed light to inspirational stories, underlying challenges, and learnings from past and present efforts related to land rights formalization process in Nepal, that may enhance discussions around safeguarding land rights and transitioning to social justice.

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