

LAND MANAGEMENT AND HUMAN RESOURCE DEVELOPMENT POLICIES IN NEPAL

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ABSTRACT

Nepali life is closely dependent on land resources. Though small in size, Nepal is endowed with multiple land resources more than enough to provide good livelihood to the whole population if they are properly harnessed and utilized. Spatial diversity in terms of climate, topography and associated bio-domains is enough to illustrate Nepal's richness in resources. In order to utilize those resources, first thing for Nepal to do is to have a sustainable vision and mission based on reliable, disaggregated and organized information for harnessing of the resources towards sustainable livelihood. Such system can not be put into place in the absence of human resources capable of doing in-depth survey of lands in relation with human beings and understand inherent resources therein. Nepal has, however, not yet oriented its HRD policies towards this direction. Focus is still either on general education or engineering trades other than surveying. Whether it relates to land reform, natural resource management or agricultural development, the course of Nepal's development cannot be directed towards sustainable livelihood unless the HRD policies place due emphasis on developing quality land surveyors and land managers. This paper tries to analyse the present HRD policies of the country in the context of surveying and land management.

INTRODUCTION

Nepal is well known for diversity in resources such as climate, topography, land types, wild lives, water, forest, culture and ethnic composition within its small land area expanded in the east-west direction. Eight out of the 14 peaks that rise above 8000 meters from the mean sea level lie here. The country is gifted with diverse climates found in the world. It is the habitat of about 850 species of birds which constitute some 10 per cent of world's bird species and about two per cent of the world flowering plants. About five per cent (246 species) of the total flora is reported endemic to the country. Water resource-wise, it is one of the countries in the world with highest hydro-power potential. Amidst this bio-physical diversity, 60 caste and ethnic groups speaking 70 different languages and dialects live.

Despite the land offering rich alternative resources, land is still a prime resource of livelihood in Nepal. Until Nepal was opened to interact with outside world in 1950s, over 95% of the people depended on land for their subsistence. Even after about 50 years of planned development efforts, land is still a primary source of subsistence for over 80% of the people and working field for over 77% of economically active work force. Agriculture sector still holds 40% share in GDP.

In the course, land resource of Nepal has experienced an unscrupulous change. The agricultural productivity of the country has gone down to one of the lowest in South Asian countries which used to be highest until 40 years ago. Similar is the case with forested land. The coverage of land under forest has been reduced to around 37% from 45% in 1964. With the changes brought in the socio-economic patterns by the wave of modernization, many of the rural settlements have been shifted to urban settlements demanding innovative methods and strategies of land management and administration. Much of the agricultural land in and around urban centres has already been changed to urban residential and industrial use, mostly in an unplanned manner. The resultants of the process are congestion in the urban areas, increasing land related conflicts, squatter settlements, increasing number of people with less subsistence resources and disfigure of the beautiful landscapes.

Given the complex nature of the land and its close affiliation with life of the people, land has been a major factor in shaping the state polity of the country, too. Most of the political parties in Nepal, including the autocratic party-less Panchayat regime of pre-1990, have had constantly been according "land reform" a priority agenda in their political campaigning. Accordingly, all elected and non-elected governments in the past have made efforts, at least at the policy level, to posit land resource in the perspective. The efforts have, however, not been successful to achieve desired results. This paper tries to examine the land sector in the context of land policies, institutions and HRD policies. The paper is primarily based on published information and personal observations of the authors.

The authors have organized the paper in four sections. First section reviews the land policies followed by institutional arrangement in the second section. The third section discusses about HRD policies and fourth section sums up the findings and suggested course of actions for improvement.

LAND POLICIES

Land is a complex resource to manage and regulate as different forces keep interplaying on it. In the absence of keen understanding of interrelationship among the different natural features operating on the land and human life, sound and effective land policies can not evolve. The context of policy making becomes more complex when the demand for land increases requiring innovative strategies and methods to address the issues.

Looking at the history, Nepal has tried to address the land management issues through different policy measures at different periods. In the early periods, the governing bodies did not require strong regulatory policies to manage the land since the unavailability of land was not a problem and the land was basically a resource to produce subsistence. It has, however, been a primary source of subsistence to both the people and the state and basic element of establishing relationship between people and the state throughout the history of Nepal and has always received attention of the state. Although not in a comprehensive form, state land policies began to emerge in Nepal as early as 300 AD during Lichhabi era when a law for recording of land ownership records was introduced. Since then the state powers had introduced land policies to mostly regulate the agricultural and residential land use and raise land tax. Land administration in Nepal used to be very complex with different categories and sub-categories of ownership until modern system emerged. Now, there are only two forms of ownership namely Raikar (private ownership) and Guthi (Trust Land; normally owned by public institutions of religious groups). It should, however, be noted that the state is the de-facto owner of the land.

Drawing upon the experiences from the past, changing socio-economic and political context of the country, and increasing accessibility to the technologies, the first organized and more scientific policy relating to land management issue was promulgated in 1963. The Land (Measurement) Act 1963, first time defined land data and designated Survey Office as a responsible agency to collect data about the land parcels with ownership status, quality, measurement and prepare ownership records and provide to the Land Revenue Office. One major achievement of this Act is that the Survey Department has now cadastral data for whole country.

Following Land (Measurement) Acts, Land Acts (1964) was enforced to modernize the use of land resources. First time it recognized the necessity of transferring the inactive land capital into other sectors of national economy and tried to bring land resource in a perspective. It abolished Zamindari system, established and protected tenancy rights, fixed the upper ceiling of land holdings and set limit to the land a tenant household could rent for cultivation. At present, over 66 Acts and bylaws guide land management and administration in Nepal. They basically stipulate certain procedures, terms and conditions related with land ownership, tenancy, land registration, inheritance, land transfer, land revenue, mortgage agreements, leasing and renting of land. The Acts and bylaws have yet not conceptualized land management as engine of socio-economic transformation of the country. Many times they do not speak each other.

Apart from these laws and bylaws, the five year periodic plans and other development master plans set policies on land management. Development of appropriate land use system and promotion of land consolidation to control increasing fragmentation envisioned in the Ninth Plan can be cited here as examples.

INSTITUTIONS:

To implement the policies, a number of organizations have been set up and mechanism developed. The Parliament and Cabinet are the apex bodies responsible for making policy choices and decisions related to land reform, management and implementation. The National Planning Commission (NPC) acts as an advisory body. It provides philosophical and professional inputs, integrative perspective on land policies and framework for implementation. The Ministry of Land Reform and Management acts as sectoral in-charge. Its main responsibilities are to develop policy proposals, design strategies and make arrangements for implementation of the policies and provide subsequent/updated information to Parliament, Cabinet and the NPC as and when required and land related information to other Ministries and agencies. The Ministry has three Departments and one Land Management Training Centre, and Guthi Corporation under it to implement the policies, programs and projects related to land management and reform. They are Department of Survey (DoS), Department of Land Information and Archives (DoLIA) and Department of Land Reform and Management (DoLRM). Department of Survey is sole agency responsible for surveying and mapping activities, and support all Departments of the Ministry in their decision making process related to implementation of the land policies, programs and projects assigned to them by providing land information. Guthi Corporation is responsible for implementing government policies and programs related to Guthi land. All the Departments in turn operate through a network of regional and district offices.

All these institutions are staffed with technical and administrative personnel. Altogether 6240 positions have been created under MLRM and out of them 339 positions are fallen vacant. Out of the total vacancies 28 are officers and rest are non-officers and unclassified (Info 1999). The share of technical personnel accounts for 1878 all placed in Department of Survey excluding three persons placed at the Ministry. Out of the 1878, 138 are senior professionals and rest are junior and basic technicians (Survey Department 2002).

HUMAN RESOURCE DEVELOPMENT AND MANAGEMENT POLICIES

Translation of policies and programmes into reality is primarily a function of human power. In the absence of motivated and innovative human power, no policy and program can be materialized. Although there is no well articulated policy on HRD development for land sector management, Nepal has endeavoured to develop human resource through training programs and sending graduates to international universities under different scholarship programs. The training policies are mainly focussed on producing technical human resources in surveying rather than the whole sector. The Survey Training Centre, recently renamed as Land Management Training Centre (LMTTC), was established in 1968, primarily to produce technical human resources required for implementation of provisions and policies set by Land (Measurement) Act (1963). The decision was a milestone since without having people capable of extracting land information; it was not possible even to imagine implementation of land sector policies. All of the subsequent periodic plans have also emphasised on the production of land surveyors and none of them have set HRD policies specifically for land sector.

The main objective of the Centre is to produce survey technicians in the field of Surveying and Mapping. The Centre primarily runs three courses: Basic, Junior and Senior Surveying. The entry qualification for the courses is SLC, I. Sc. and B.Sc./MA Geography for Basic, Junior and Senior courses respectively. Apart from these courses, the Centre also conducts special courses in different trades of surveying such as Cartography, Geodesy and Photogrammetry. None of these courses have incorporated aspects, such as land dynamics, land economics and sociology, spatial analysis of different human and natural features, of land management other than surveying and mapping technologies, and related laws. The focus is on the land data acquisition, processing and management rather than land management. Since its establishment, the centre has produced 347 senior surveyors, 1308 junior surveyors and 2423 basic surveyors.

The liberal policies adopted by the government after 1990s have encouraged also the private sector to invest in land sector education. Now, there are four private institutions imparting basic surveying training courses. One of them has also started intermediate level academic course in the field. These courses have tried also to incorporate socio-economic aspects in the courses. Both courses include community and environment skills, land valuation, land management concepts and communication skills as parts of the course.

The graduates of these training/education courses are mostly employed by Survey Department. About 25% of the professionals in the senior post have also undergone foreign training. There is, however, not yet a single person with PhD degree in land surveying and management. This points to less academic attention to the sector. Most of those who got opportunity to get advanced study in the foreign universities have been consumed mostly by the respective countries.

Professionals in the Ministry and other Departments are from general education background having experience mostly either in personnel management or other sectors. At the same time there is no articulated policy and regular mechanism to develop their skills and knowledge about the dynamics of land management. A comprehensive HRD policy for the sector is yet to be developed.

HRD is also a function of human resource management policies. The Human Resource Management approach adopted in the government offices is basically based on the concepts of hierarchical order. The facilities and incentives provisioned by the Civil Services Acts and Rules apply invariably to all the personnel. Since the incentives and rewards are largely not provided based on performance, personnel normally are not motivated for innovation in their assignments. The motivation to work and innovation also depends on the degree of professional exposure to the subject. Land is a spatial concept. Various different forces operate on it in continuum showing a complex pattern of relationship. In the absence of such knowledge, the actors normally tend to meet the formal rituals. Professionals in the land sectors are not exception in this regard. As revealed majority of the personnel, excluding the technical professionals in Survey Department, in the land sector are from general education background and can be transferred to any other ministry, they generally take this field as a platform to other promising ministries and departments. This apparently does not match with the land reform and management policies.

Experience of Mr. Shambu Prasad Shrestha who spent over 33 years in the Ministry of Land Reform and Management in different positions and retired from the post of Joint Secretary would best illustrate the situation. He believes that land sector in Nepal is governed largely by the people who do not even know the "L" of land. The concept of land management in real sense is beyond their purview. There is, in fact, a dearth of quality human resource at all levels - data acquisition, processing, analysis, policy and decision making - of land sector management. The variables operating on the land are fast changing. They need to be monitored and studied on a regular basis and stock of knowledge and skills in the tools and technologies updated, some times innovated to address the upcoming issues. The present HRD/M policies have neither taken account of this aspect nor have they reflected the spirit of land sector management policies. Migration of 12 highly qualified surveying and mapping professionals including PhDs to other countries also substantiates the fact that the present HRM policy is incapable of attracting quality professionals. All these indicate that there is little innovation for better management of such a critical and important sector. This aspect of HRM has, however, received less attention from the concerned. He also believes that there is an acute need for mainstreaming all Acts and bylaws and institutions if land sector is to be managed for sustainable development of the country.

CONCLUSION AND SUGGESTIONS FOR IMPROVEMENT

Land sector is an important engine for socio-economic transformation of Nepal. Though a number of Acts and bylaws have been put in place, they have not been effective to develop land sector as basis to the development of the country. The problems partly lie in mismatching land sector management policies and HRD/M policies. Unless land is understood in its entirety and sound matching policies for HRD/M emerge, the issues of land management will continue to be on the backdrop. In order to get on to a more sustainable management of the sector, following activities are suggested.

- Assessment of present Acts and bylaws guiding land sector in the context of their usefulness and effectiveness in guiding land resource management and development of consolidated land Acts and bylaws;
- Assessment of present institutional mechanism and reforming them to match the context created by the consolidated land Acts and bylaws;
- Assessment of present concepts and theories of land as a resource, establishment of its components and preparation of comprehensive land management course for HRD required to meet the objectives of consolidated land Acts and bylaws;
- Assessment of present HRM approaches and policies and reform in the context of consolidated Acts and bylaws.

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