

EVALUATING LAND ADMINISTRATION SYSTEM FROM THE PERSPECTIVE OF GOOD GOVERNANCE: A CASE STUDY OF INFORMAL SETTLEMENT IN KATHMANDU VALLEY

LIYANG QIAN
February, 2014

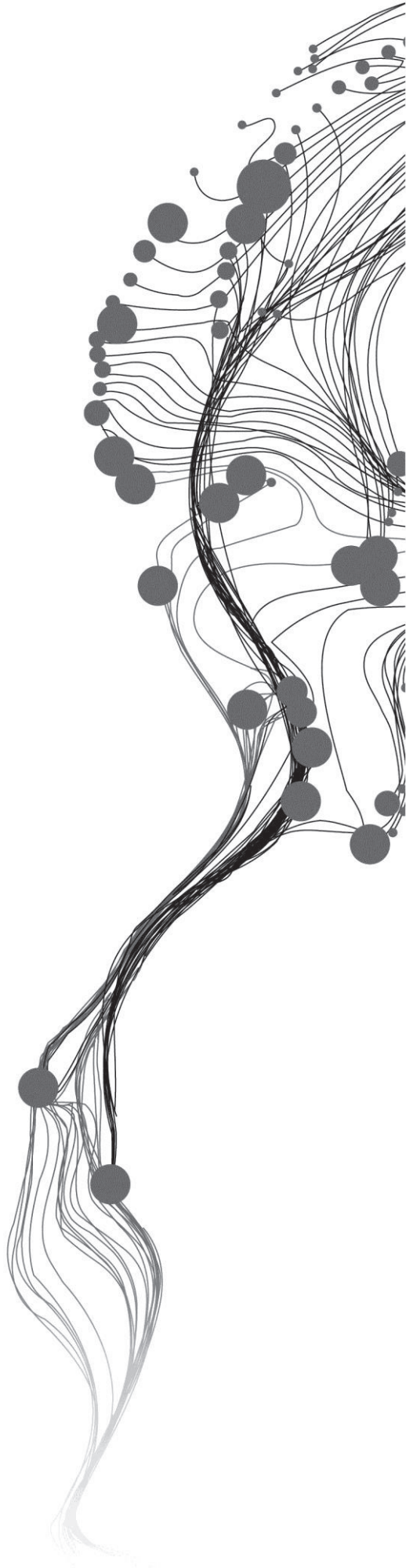
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Specialization: Land Administration

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DISCLAIMER

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ABSTRACT

Currently, there is an urgent need of evaluating land administration system from the perspective of good governance. Since the rapid urbanization seriously challenges the capacity of city, the continued existence of informal settlement has become a long-term problem in Nepal. However, existing land administration system cannot effectively resolve the problem, and the informal settlers are suffering from fear of eviction as well as natural disaster and poor living condition. Land administration system has been questioned that whether it is still qualified enough to fulfil its duty properly. One possible reason for the ineffective performance might be the lack of application of good governance within the system. Thus, this research is aimed to evaluate land administration system from the perspective of good governance in order to find out whether the system is complied with the principles of good governance and to identify the hidden weaknesses inside the system.

In order to carry out the evaluation, both desk research and empirical research has been applied. Governance within land administration system is generally evaluated by taking a series of indicators and weighing their scale to produce an aggregate measure. Firstly, the existing index and guideline of good governance has been studied to extract the principles and indicators for developing the evaluation framework. Secondly, individual interview and questionnaire survey had been conducted with different stakeholders during the fieldwork in Kathmandu Valley. The primary and secondary data extracted from the responses of participants and literatures has been analysed for verifying the scale of indicators. The result of evaluation shows that 16 out of 27 indicators are identified as the scale “very dissatisfied”. It implies that good governance is hardly recognized within current land administration system. There is still a huge gap needs to be improved from the aspects of equity, accountability, transparency, public participation, and effectiveness and efficiency. Further improvement strategies for filling the gap has been proposed then.

Key works: *Good Governance; Land Administration System; Evaluation Framework; Informal settler; Informal settlement.*

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ABBREVIATIONS

LGAF	: Land Governance Assessment Framework
UGI	: Urban Governance Index
DUDBC	: Department of Urban Development and Building Construction
NBBSS	: Nepal Basobas Basti Samrakchan Samaj
NMES	: Nepal Mahila Ekta Samaj
NGO	: Non-governmental Organization
CBO	: Community-based Organization

1. INTRODUCTION

1.1. Background

During the last 20 years, many cities, especially in developing countries, were growing rapidly due to the economic development and population migration (Nandi & Gamkhar, 2013). In the early 1990s, there was 40% of the world population living in the urban area. But by the end of 2010, more than 50% of world population were living inside the city (WHO, 2013). However, the process of urbanization in most of the developing country is still continuing. The statistical report from CIA (2012) shows that the urbanization rates in developing countries still ranged from 2% to 5% in 2011.

The rapid urbanization can bring both advantage and challenge to the society. The advantage consists of better job opportunities, public services, infrastructures, facilities, recreations and so on (Cohen, 2006). In terms of these advantages of living in urban area, the process of urbanization will not stop in a short time, especially in developing countries. However, the continued fast urbanization has generated a series of challenges to the city as well. Urbanization is always accompanied with many effects in the aspect of society, economy and politics such as restructuring and shifting of global industries, fast growth of floating population, urban social polarization and urban community environmental degradation (Wang & Gu, 2002). Unfortunately, most of the developing countries are not able to eliminate the effects of these challenges. One important consequence of rapid urbanization need to be considered is the unplanned urban growth. A large amount of haphazard built-up areas are sprawled within the city. The unplanned growth has already led to a series of negative influences such as continued existence of informal settlements, increasing gap between rich and poor, lack of tenure security, and unsustainable land use (Kötter, 2009). The conflict between unplanned urban growth and limited accessibility of land has been emerged frequently (R. Guo et al., 2011).

Up to now, there are nearly 30% of urban populations living in informal settlements or slums worldwide (UN, 2013). Inevitably, Nepal, as the case study area of this research, is facing the same problem during the process of urbanization. Nepal is a traditional rural country with only 17% population live in the urban areas (Haack & Rafter, 2006). Although the total urbanization rate is relatively low now, the annual growth rate remains 5% in some big cities such as Kathmandu Valley and Pokhara. Especially in Kathmandu Valley, as the economic and political central of Nepal, the population increase from 1,645,091 to 2,517,023 within 10 years (CBSN, 2012). The influx of millions of immigrants has challenged the city's capacity of accommodation seriously. Land resource becomes scarcer, and the living space of citizens has been reduced. Consequently, haphazard built-up areas have been sprawled in the city. The landless people who cannot afford to buy or rent a house choose to live in the open space and construct simple shelter on the land. But most of the open space belongs to the state. So these landless people are encroaching on the public land. As time goes by, the encroached areas have become the settlement of landless people, or so-called informal settlement. Such informal settlement without any permission and planning from government have already led to some problems such as environmental degeneration, conflict between residents and government, and loss of open space in Kathmandu Valley (Haack & Rafter, 2006).

However, instead of blaming the informal settlers, it is better to consider them as vulnerable group which need to be recognized by the society. It is the basic human right that everyone should have a shelter to ensure the decent life (Morsink, 1999). Informal settlers do not mean to squat on the state's land but there is seldom any alternatives for them. This certain group has been totally ignored by the state, and it is difficult for them to receive any support from government. Actually it is the responsibility of government to take care of the informal settlers. But it seems that government is not doing it well. Since the informal

settlement issue is directly related to the domain of land management, it is necessary to study on the current land administration system in order to find out the root of the problem.

1.2. Justification

In general, land has been recognized as one of the most valuable resource which needs to be carefully managed. Firstly, land is a kind of non-renewable resource required by all human beings. The rapid urbanization greatly increases the scarcity of land. Secondly, land related services have been ranked as one of the most corrupt part of public services. The statistic of UN shows that land ranks third in the list of bribery rates of public services. In terms of the characteristics of land mentioned above, managing land issues in an inadequate way is easy to cause negative effects. With regard to the existence of informal settlement, it is obviously the indication of inadequate management of land. Thus, it is of vital importance to ensure the performance of land administration system in order to reduce the negative effects. However, it is surprising that land administration systems in different countries always have some deficiencies. For instance, a case study of Bandung (Atterhög, 1995) shows that although the government provided land registration service to secure land tenure, 50% of land was still not registered, and people had to live without formal title or certificate due to the redundant procedures and high cost of land registration process. Inevitably, Land administration system in Nepal has also drawn sharp criticism about the performance of managing land related issue and resolving the problem of the continued existence of informal settlement.

Land administration system can be seen as a set of functions, which ensure the sustainable development of land matters. The main functions of land administration system consist of land registration, cadastre survey, land valuation and taxation, land use planning and land development. Land registration, as the core of land administration system, is able to provide formal title for the citizens, which can lead to better access to formal credit, higher land value, higher investments in land and higher outcome (Feder & Nishio, 1998). Cadastre, another important component of land administration system, is aimed to provide land record information for all kinds of land related activities (Renzhong Guo et al., 2013). Land development directly focuses on the upgrading or relocate project of informal settler. These main elements of land administration are elaborated in the next chapter. However, since land administration system is able to handle all these issues, why the informal settlement still exists all over the city? One important reason is that existing land administration system fails to meet the principles of good governance.

Governance has become a popular concept worldwide since early 20th century, but the concept is as old as human history (Weiss, 2000). It is a broader notion than government, which includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest (Magel & Wehrmann, 2001). The concept of governance can be applied to land sector as well. The governance within land sector is concerned with the rules, processes and structures through which decisions are made about access to land and its use; the manner in which the decisions are implemented and enforced; the way that competing interests in land are managed (Palmer, Friciska, & Wehrmann, 2009). As the increasing scale and complexity of land administration, vertical partnership between national, regional and local governments must be supported by horizontal partnership of stakeholders within cities. The new role of government should be a facilitator which depends more on negotiation and cooperation with private actors and civil society rather than the compulsory command (Louw, Krabben, & Priemus, 2003). Under this condition, land administration system has to follow the principles of good governance in order to remain the reliability of the system. The continued existence of informal settlement is apparently caused by weak governance within the land administration system.

Thus, it is of vital importance to evaluate land administration system from the perspective of good land governance. Only if the governance characteristics have been identified, it is possible to find solution to get rid of the deficiencies within the system. With the application of good governance, land administration system is able to make improvements such as broader local participation, efficient land management, transparent government activities and better urban services delivery, which could help the informal settler go through the existing troubles (FAO, 2007).

1.3. Research problem

In the previous section, it has been illustrated that the capacity of Kathmandu Valley has been challenged by the explosive population. Due to the increasing demand of dwelling place, a lot of landless people choose to squat on the state's land without any permission from government. As the process of urbanization goes on, more and more informal settlements have been spread within the city.

Since the state does not show enough recognition to the informal settlers, they have to suffer from the fear of eviction by authority as well as natural disaster because most of the settlements are residing along the river banks (Shrestha, 2013). Thus, the performance of current land administration system has to be questioned due to the difficult condition faced by the informal settlers. In order to find out the deficiencies within land administration system, the theory of governance has to be applied. By evaluating the good governance within land administration system, it is able to expose the hidden weakness inside the system. Thus, this research evaluates land administration system from the perspective of good governance in order to find out whether the system is qualified enough to improve current difficult condition faced by the informal settlers.

1.4. Conceptual framework

As shown in figure 1, the conceptual framework has three components, namely evaluation framework, land administration system and improvement strategy. The evaluation framework is the basic pillar of the research. It provides principle and indicators of good governance to pilot the evaluation. The evaluation framework consists of five principles, namely equity, transparency, accountability, public participation, and effectiveness and efficiency. The reason of selecting certain principle is illuminated in chapter 3. The second component is land administration system. As the target of evaluation, land administration system certainly plays an important role in the conceptual framework. Since land administration system is a complex system which has various functions, it is better to divide the system into separate domain of evaluation. In this research, the system is divided as land policy, land registration and cadastre, land use planning, and land development. Each domain is evaluated from different perspective of good governance. After the evaluation, the weaknesses within the system can be exposed, which is able to guide the way for developing further improvement strategies. Land administration system can be seen as the bridge to bring the advantage of good governance to the informal settlement.

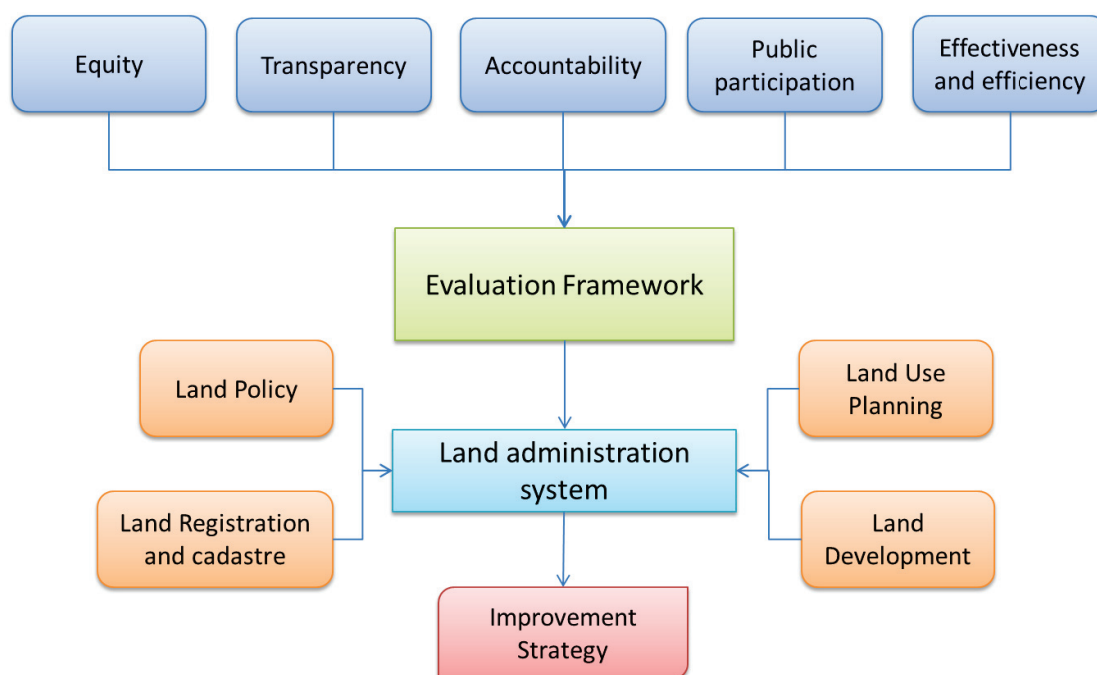


Figure 1-1: Conceptual framework

1.5. Research Objective

1.5.1. Main objective

The main objective of the research is to evaluate land administration system from the perspective of good governance in order to find out whether the system is complied with the principles of good governance and to identify the hidden weaknesses inside the system.

1.5.2. Sub-objective

1. To develop the evaluation framework for evaluating land administration system
2. To evaluate good governance within land administration system from different domain
3. To formulate a set of strategies for land administration system in order to improve the difficult condition faced by the informal settlers.

1.6. Research questions

1.6.1. Research questions of the first sub-objective

1. What are the components of land administration system?
2. What are the principles of good land governance within land administration system?
3. What are the indicators for each principle?

1.6.2. Research questions of the second sub-objective

4. How is the evaluation result of land policy?
5. How is the evaluation result of land registration and cadastre?
6. How is the evaluation result of land use planning?
7. How is the evaluation result of land development?

1.6.3. Research questions of the third sub-objective

8. What kind of improvement strategies can be formulated for the land administration system?

1.7. Research methodology

1.7.1. Research approach and method

According to the research objective, this research can be seen as the combination of exploratory research and constructive research. The purpose of exploratory research is to identify the weakness within current land administration system. And constructive research is aim to proposes some improvement strategies to fill the gap of good governance. In order to carry out the evaluation, both theoretical research and empirical research has been applied. Governance within land administration system is generally evaluated by taking a series of indicators and weighing their scale to produce an aggregate measure. For the theoretical research, the existing indices and guidelines of good governance have been studied to extract the principles and indicators for developing the evaluation framework. For the empirical research, qualitative method is utilized for exploring in-depth information from respondents. Individual interview and questionnaire survey had been conducted with different stakeholders during the fieldwork in Kathmandu Valley.

1.7.2. Data sources

The evaluation needs both primary data and secondary data to verify the indicators. The primary data is collected by fieldwork in Kathmandu through interviews with government employee, civil society employee, private developer, and academic, and questionnaire survey with informal settlers. The government organization includes Ministry of Land Reform and Management, Ministry of Urban Development, Department of Urban Development and Building Construction (DUDBC), Land Survey Department, Land Revenue Office and so on. The civil society employees are mainly from Lumanti, Nepal Mahila Ekta Samaj (NMES), Nepal Basobas Basti Samrakchan Samaj (NBBSS), and Community Self-reliance Centre. The questionnaire survey is conducted in three different informal settlements called Santinagar, Gairigaun and Jagaritinagar. During the period of fieldwork, secondary data is also collected from the library of Lumanti and DUDBC such as brochures of project, published book, article in journal, and project report. Others secondary data is collected by literature review through scientific paper and published book. The detail of data collection is elaborated in the chapter 4.

1.7.3. Fieldwork area

The fieldwork is conducted in Kathmandu Valley, the capital city of Nepal. Since the city has the most typical problem of continued existence of informal settlement, it is relatively easy to find proper fieldwork site for the research. Meanwhile, Kathmandu Valley is also the administrative centre of Nepal, and either national or local institutions can be found in the valley, which ensure the source of interview. The detail of fieldwork is elaborated in chapter 4.

1.7.4. Research design

This research starts with literature review, which aims to explore current problem, to understand previous findings, and to extract new ideas. The next phase is to develop evaluation framework. The principles and indicators of good governance will be extracted from desk research of existing governance framework and index. Then the fieldwork will be conducted to collect data for implementing the evaluation. The data is collected through both the desk research and empirical research. And the collected data will be analysed to extract useful information for the verification of indicators. Then the evaluation is able to be implemented based on the analyzed data. Finally after evaluation is conducted, the improvement area will be defined, and the improvement strategies are formulated for improving the current difficult condition faced by the informal settlers.

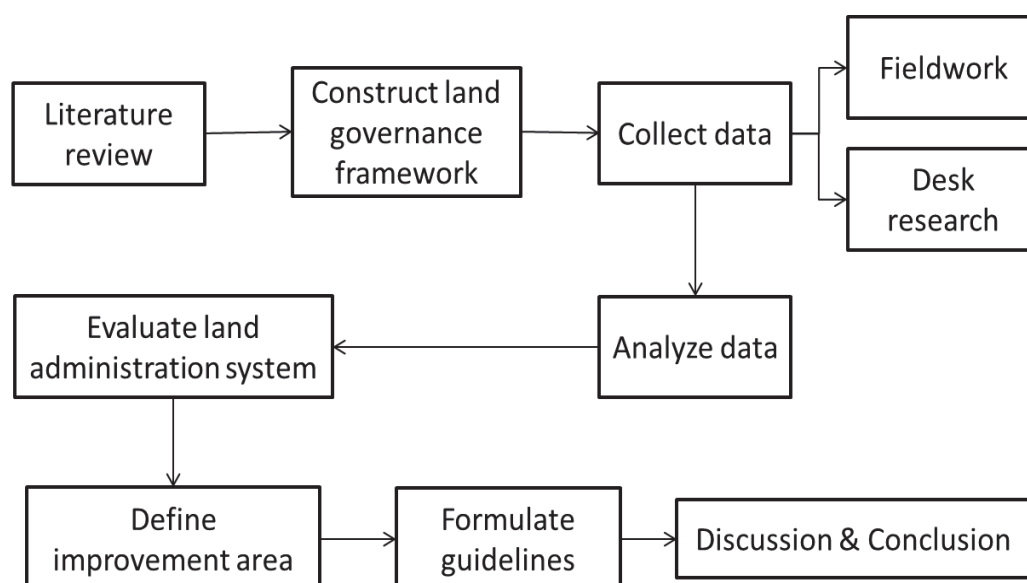


Figure 1-2: Research Design

1.8. Structure of thesis

Chapter One – Introduction: This chapter provides a general introduction of this research. It consists of the introduction of background, justification, research problem, research objective, research question, and methodology.

Chapter Two – Informal Settlement, Land Administration and Good Governance: a Literature Review: This chapter reviews the previous work done by different academics, which aims to investigate the main concepts used in this research and the relationship between those concepts.

Chapter Three – Developing evaluation framework: This chapter aims to extract principles and indicators of good governance which are most suitable for land administration system through comparative review of existing governance framework.

Chapter Four – Data collection and analysis: This chapter is concerned with the process of collecting and analysing data collected from fieldwork. It consists of the preparatory work of data collection, the process of data collection during the fieldwork in Nepal and the analysis and interpretation of the collected data.

Chapter Five – Evaluation of good governance within land administration system: This chapter is mainly concerned with evaluating good governance within land administration system. The data analysed in the previous chapter is used as the evidence of verifying the indicators.

Chapter Six – Discussion: This chapter is concerned with the findings of evaluation. Several improvement strategies have been proposed in this chapter.

Chapter Seven – Conclusions and recommendations: This chapter makes conclusion for this research and answers the research question proposed in the first chapter. And suggestions are recommended for the future research's purpose.

2. INFORMAL SETTLEMENT, LAND ADMINISTRATION AND GOOD GOVERNANCE: A LITERATURE REVIEW

2.1. Introduction

Currently, the rapid urbanization has led to serious problem of continued existence of informal settlement, and the informal settlers have been marginalized and suffered from fear of eviction. The performance of land administration system can directly influence the accessibility of land for the informal settlers. However, due to the general existence of weakness within the system, current land administration system is not quailed enough to manage the informal settlement issue in Nepal. Thus, it is necessary to apply the theory of good governance to land administration system.

This chapter is aimed to review previous works done by academics which are related to the theory of informal settlement, land administration system, and good governance in order to find out the interrelation among these concepts. Firstly, the influence of continued existence of informal settlement is introduced in the section 2.3. Then, section 2.4 is aimed to find out the factors which can affect the dilemma faced by the informal settlers. The main elements of land administration system are illustrated in the section 2.5. And section 2.6 introduces the concept of good governance and its influence on improving the performance of land administration system. Lastly, the theory of urban governance is introduced in the section 2.7.

2.2. Definition of informal settler and informal settlement

During last two decades, many urban areas in developing world have experienced dramatic growth (Cohen, 2006). The advantage of living in the urban area has been realized by more and more people. Due to the attraction of quality living condition, complete infrastructure and facility, and better job opportunities, numerous immigrants flood into urban area within a short period. However, the explosive population has challenge the capacity of city. Some low income immigrants who are landless and unable to afford any alternatives have to construct simple shelter on the open space in the urban area. Gradually, those built-up areas have become the informal settlements which are closely attached to the city (Srinivas, 2005).

The dweller that lives in the informal settlement is always called as squatter, which is defined as a person who settles on especially public land without title; a person who takes unauthorized possession of unoccupied premises (Soanes, Stevenson, & Pearsall, 2004). However, there is still dispute about how to call the “squatters” properly. Tanaka (2009) argued that some dwellers of informal settlement treat “squatter” as an offensive word which shows discrimination. But he also mentioned that some dwellers of informal settlement have already recognized the word “squatter” and organizing together to fight for their right. In order to avoid the ambiguity and bias, squatter is called as “informal settler” in this research, and the settlement of squatters is called as “informal settlement”.

There is always confusion about the term of “informal settler” due to the similar concepts such as slum and urban poor. The concept of slum refers to the long-established settlement which has bad living condition and limited access to public infrastructure (Sclar & Northridge, 2003). The most apparent difference between “slum dweller” and “informal settler” is the land ownership. Although the physical characteristic of informal settlement and slum is similar, slum dweller has the ownership of their land while informal settler does not have (UN, 2013). Urban poor generally means those people who are living in the urban area and having the income level below the poverty line, and the definition of urban poor

does not consider whether they have the ownership of land or not. The graphic presentation of the relationship between informal settler, slum dweller and urban poor is shown as follows. It clearly shows the similarity and difference of those three terms. In this research, the emphasis is placed on the informal settler. So it is necessary to distinguish the similar concepts in order to avoid misunderstanding and choose the correct respondents for data collection in the fieldwork. It should be noticed that not all the slum dwellers or informal settlers are urban poor. It is also possible that people who are rich but still squatting on other's land for their own interest.

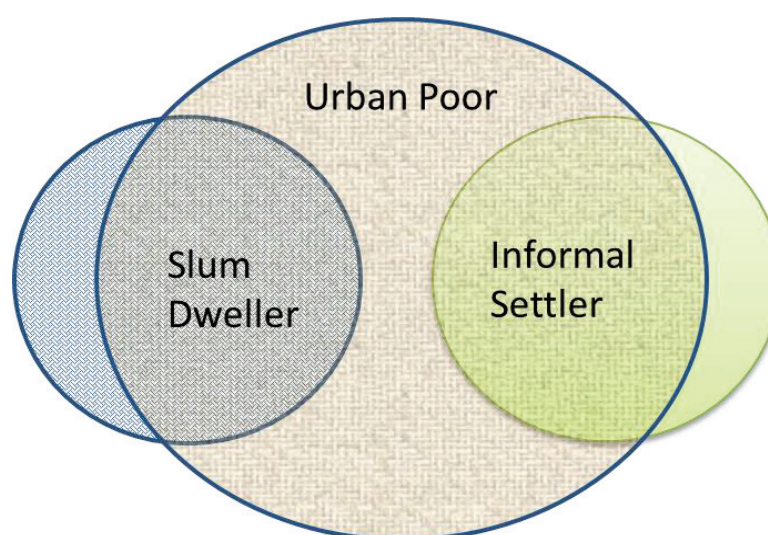


Figure 2-1: Difference among informal settler, slum dweller and urban poor (Derived from the concept of (Srinivas, 2005))

With regard to the definition of informal settlement, Srinivas (2005) has identified it from several aspects. Firstly, the feature of legal aspect is the key characteristic of defining informal settlement. As mentioned above, the informal settlers do not have the ownership of their land. Most of those settlement are constructed on public or government land. Actually the informal settlers have encroached on the state's property. So the existence of informal settlement is illegal and always out of the protection of laws. Secondly, the informal settlement can be defined from social aspect. In most of the cases, the residents of informal settlement come from all over the country. So the cultural diversity is one of the important characteristic. Meanwhile, due to the constraint of education level and personal ability, most of the informal settlers are working as wage labour, household servant, and retail seller. The similar working place and market requirement is another social characteristic. Thirdly, the definition should also concern about the physical aspect. Due to the illegal status of informal settlement, the settlement cannot access to adequate public infrastructure and service from government such as sanitation, water supply, electricity supply, and school.

2.3. Effect of the continued existence of informal settlement

Obviously, the continued existence of informal settlement will negatively influence the sustainable development of the city. Firstly, the existence of informal settlement may increase the social insecurity and conflict in the city (Smart, 2001). Poverty has always been considered as the hotbed and soil of crime. However, poverty is one of the main characteristic of informal settler. Thus, informal settlement has a higher potential of generating crime such as internal violence, theft, drug use, murder, robbery and so on. Meanwhile, due to the lack of enough education, the next generation of informal settler has the threat of committing crimes as well (Inciardi & Surratt, 1998). Secondly, Benneh (1994) argues that informal settlement can lead to the environment degradation. The environment is closely related to the effect of

human activities. The inadequate human activity can seriously damage the environment. Due to the defect of sanitation and drainage system, it is necessary to think about how to dispose garbage and excretion of the informal settlers properly. However, in many cases the informal settlers do not have any extra time and money to properly dispose the waste. They just simply throw the waste into nearby open space or river. Once the dwellers of nearby formal settlement feel the trend of social insecurity and environment degeneration, conflicts will be emerged between two communities.

Moreover, the existence of informal settlement may cause economic effect as well. The informal settlements are constructed without any formal land use planning and building pilot. So the pattern of settlement cannot bring out the maximum potentiality of land which may aggravate the scarcity of land (Maia, 1995). Moreover, many informal settlements are located in the areas which have a very high land value. Without resolving the problem of the existence of informal settlement, the large area of high value land is not able to inflow into the land market. Lastly, the existence of informal settlement can also cause legal and political problem. In most of the countries, encroaching on others property is strongly forbidden by the laws. The continued existence of informal settlement is an apparent violation of law. It can reduce the prestige of government if the informal settlement remains for a long time (Smart, 2002). Meanwhile, there are always some hidden deals under the counter between informal settler and political party. In many cases, the political party tries to gain the support from a certain informal settlement by protecting them from the forced eviction of government. The deal is a serious trample of the law.

Furthermore, the continued existence of informal settlement can damage not only the society but also the informal settlers themselves. According to the research of Tanaka (2009), informal settlers in Nepal have been experienced a tough time. First of all, due to the lack of recognition from the state, informal settlers cannot get any title or certificate to protect their tenure security. They are always under the threat of eviction. And there is seldom any supporting policy or project comes from the government. Secondly, due to the bad financial condition, informal settlers are living in a bad physical condition without proper facilities such as sanitation, drinking water, and electricity.

2.4. Factors to influence the development of informal settlement

Since the existence of informal settlement has so many effects on both the city and informal settlers themselves, the problem has to be considered seriously. In order to resolve the problem, it is necessary to study on the factors which can cause the formation of informal settlement. Srinivas (2005) illustrates that there are both endogenous factors and exogenous factors have been influenced the formation of informal settlement. The endogenous factors consist of lack of savings, lack of financial asset, lack of collateral for mortgage, and very low income of the informal settlers. Generally, the endogenous factors are all related to the poor financial condition. Informal settlers cannot afford any alternative but squatting on the public land.

The exogenous factors consist of rapid urbanization, scarcity of land and accommodation, and unqualified land administration system. With the process of rapid urbanization, land and accommodation in the urban area becomes scarcer and scarcer. Since accessing to land is the basic requirement of informal settler, the informal settlement will never disappear unless the settlers find the way to access to land. So land can be treated as the root of all the conflicts. Meanwhile, the role of land administration system has to be highlighted. Land administration system plays an important role on helping informal settlers to access to land. Without the supporting from the system, informal settlers are not able to enjoy the right as a normal citizen. An unqualified land administration system can seriously aggravate the dilemma faced by the informal settlers by marginalizing them from the society.

In this research, the emphasis is placed on the studying of exogenous factor, especially land administration system. The endogenous factors are more like the inherent attribute of any informal settler. Therefore, in consideration of the urgent requirement of resolving informal settlement issues, it is better to focus on the exogenous factors which are more related to the land sector. Meanwhile, exogenous factor can also affect endogenous factor in some cases. For instance, if land policy allows informal settler to use their land as collateral to apply for a mortgage from bank, it will relieve the financial difficulties of the informal settlers to some extent. So the study of exogenous factors especially land administration system is of vital importance.

2.5. Main elements of land administration system

As mentioned in the last section, land administration system is one of the key factors to influence the continued existence of informal settlement. So it is of necessity to study on the concept and ingredients of the system. According to the most accepted definition worldwide, land administration is the process of determining, recording, and disseminating information about the tenure, value and use of land when implementing land management policies (Dale & McLaughlin, 1988). An effective and efficient land administration system is of vital importance for the government to manage land related issues. Burns and Dalrymple (2008) illustrates that the typical essence of land administration system involves public land management, private land recordation and registration, land value assessment, land taxation, land use definition and development application support. Those essences can be concluded as land registration and cadastre, land use planning, land valuation and taxation, and land development. In consideration of the role of land administration system on managing informal settlement issue, land valuation and taxation will not be discussed in this research.

Land registration and cadastre is the core component of land administration system which is aimed to record and archive land information (Williamson, 2001). The terms of land registration and cadastre has to be distinguished to avoid the confusion (Zevenbergen, 2002). McLaughlin and Nichols (1989) define land registration as “the process of recording legally recognized interests in land”, and cadastre is defined as “an official record of information about land parcels, including details of their bounds, tenure, use, and value”. The foundation of a successful land administration system is reliable land records. The important land attributes such as ownership, value, and land use has to be carefully recorded and archived. Each of the attribute of land has its own necessity. The record of land ownership is the basic evidence of protecting tenure security, which is the most important function of land registration; the record of land value can ensure the equity of land taxation and land acquisition; the record of land use can be used to guarantee the efficiency of resource administration (Feder & Nishio, 1998). Meanwhile, land registration and cadastre is meaningful to the informal settlers. Currently, formal registration and cadastre process is always not open to the informal settlers. This condition is harmful to the management of informal settlement. Without official record, informal settlers are not qualified to involve in any land use planning and development project. Therefore, establishing a pro-poor land registration and cadastre system is an inevitable activity that must be done by every government.

According to the definition of FAO (1993), land use planning is the systematic evaluation of the potential of land, social economic situation and alternate land use for the sake of optimal land use selection. Generally speaking, land use planning is aimed at making the best use of limited and scarce land resources. Under the current context of rapid urbanization, land resource becomes very scarce. Since the informal settlement is always not involved in the land use planning, the shelters are constructed in a haphazard way. So it is urgently demanded to redesign the land use of settlement in a more scientific way.

Land development, as its name implies, is the process of converting raw land into constructed settlement. It mainly focuses on construction planning, permission, regulation, and implementation. SEMCOG (2003) describes the role of land development as protecting agricultural lands, preserving public open space, managing residential development and so on. Without the support of land development, any land policy or land use plan is not able to be implemented. The tools of land development are various such as land readjustment, land consolidation, land pooling and land sharing. Each of the tools is adapted to different development requirement. For instance, if government wants to upgrade certain settlement, land readjustment or land sharing should be a suitable choice. And if a certain settlement has to be relocated, land pooling is qualified for the task.

2.6. Good governance and land administration system

Since land administration system plays an important role in managing informal settlement issue, there are still many weaknesses hidden inside the system. In most of the cases, these weaknesses are caused by the lack of good governance within the system. Thus, in order to improve the performance of managing informal settlement issue, land administration system is necessary to comply with the principles of good land governance. Governance, as government, is an important political and empirical concept which aims to influence the political decision making (Rhodes, 1997). In order to understand the essence of governance, it is necessary to compare it with “government”. In consideration the relationship among government, civil society and private sector, Giersig (2008) argues that “government” indicates the clearly separation of those three institutions and shows a hierarchical relationship among them. The power is held by the formal institution of the state which shows the centralization of political authority. State power such as president, prime minister, and cabinet are authorized to dispose the entire important political decision making.

With regard to governance, it has three typical characteristics. Firstly, state is not the only representative of decision making, which promotes the diversification and equity. Secondly, the traits of representatives of decision making are temporary, project-oriented and mutual dependency. Lastly, the expert is neither elected democratically nor responsible for the public. Compare it with “government”, governance shows the conversion from centralized controller into facilitator which depends more on negotiation and participation.

Louw, Krabben, et al. (2003) illuminate that the changing position of local government is an irresistible trend. Local government have to depend much more on negotiations with private sector than the compulsory control they used to. Also it is necessary to cooperate with regional governments and different level of civil societies while implementing urban development, which shows the promotion of multilevel cooperation. It is evident that the shift from government to governance is inevitable due to the rapid change of environment.

However, under what conditions should governance be seen as “good”? FAO (2007) give a clear illumination to the question. Good governance means that government is well managed, inclusive and results in expected outcomes. Ideas about good governance are mainly extracted from the theory of human right, fundamental freedoms, and professional ethics. The principles of good governance consist of political stability, service effectiveness, rule of law, anti-corruption, accountability, transparency and etc. Certainly, the concept of good governance can be applied to land sector, which can be called as good land governance. Magel and Wehrmann (2001) argues that applying good land governance to urban land management can reduce the weakness of land administration system.

There are already various governance indices and frameworks developed by previous academics. The Land Governance Assessment Framework (LGAF) is one of the most well-known frameworks to pilot the good governance in the land sector (K. Deininger, Selod, & Burns, 2011). It mainly assesses the aspects of legal and institutional framework, land use planning, management and taxation, management of public land, public provision of land information, and dispute resolution and conflict management. Others widely spread governance assessment frameworks include Urban Governance Index, Transparency International's Corruption Perceptions Index, Worldwide Governance Indicators and so on. Meanwhile, Voluntary Guidelines also provide important guiding principles of responsible tenure governance (Seufert, 2013). These framework and indicators evaluate governance in different perspectives. The incorporation of the principles of good governance such as sustainability, subsidiarity, equity, efficiency, transparency and accountability, civic engagement and citizenship, and security will improve the performance of current land administration systems (Magel & Wehrmann, 2001).

2.7. Urban governance

Urban governance is an important extension of the theory of governance. Since the existence of informal settlement is a particular phenomenon in the urban area, the theory of urban governance needs to be discussed here as well. Urban governance can be defined as the cooperative plan and management of common issues of the city which includes both individuals and institutions, public and private (UN-HABITAT, 2004b). But why do we talk about this concept rather than the more familiar urban management? During the recent two decades, city governments have gradually lost their capacity of directing events, or can be called management. The concept of urban management becomes difficult to understand under current situation. Kearns and Paddison (2000) believe that under current urban context, urban management has been challenged while urban governance has been highlighted.

Urban governance can be considered as a continuing process which various interests can be adopted and joint activity can be conducted. One of the most important characteristic of urban governance is that it contains governmental activities as well as informal initiatives from different social level of citizens. Currently, the concept of urban governance is always connected with some other key words as devolution and decentralization (Giersig, 2008). In a society with centralized and monopolistic government, devolution and decentralization always means more effectiveness and efficiency which can positively impact the urban development.

Currently, good urban governance has been attracted massive attention. There is an urgent need to improve the power at the local level in order to achieve decentralization. Srinivas (2013) illuminates that good urban governance needed to be internalized urgently so as to develop the broader capacity of local stakeholders. He suggests that for the sake of achieving this objective, a lot of efforts should be made such as education and awareness development, broad partnership and participation, third-party auditing and assessment and so on. As mentioned above, urban governance mainly relates to managing urban development by cooperation with different stakeholders. However, it is not only concerning about the collaboration between government and private sector, but also the coordination of multilevel stakeholders. Numerous organizations from local, national, regional and international level have made significant efforts to meet the challenge of rapid urbanization (Srinivas, 2013). Therefore, understanding the theory of urban governance is essential for this research.

2.8. Summary

In this chapter, the major theory of informal settlement, land administration system, and governance has been studied to support the research. It is aimed to find out the interrelation between these three concepts. The result shows that land administration system has a great influence on the development of informal

settlement. The performance of land administration system is directly related to whether the informal settlers can access to land or not. Therefore, a qualified land administration system must be guaranteed. Meanwhile, the result implies that a land administration system which complies with the principle of good land governance can not only improve the effectiveness of the system, but also many other aspects such as transparency, equity, and accountability. Good governance plays an important role in piloting land administration system into the right track. Thus, considering the bad performance of current land administration system, it is of vital importance to evaluate good governance within the system in order to identify the weaknesses and pilot the further refinement. In order to conduct the evaluation, the evaluation framework is developed in the next chapter, which consists of a set of principles and indicators of good governance extracted from existing governance indices and frameworks.

3. DEVELOPING EVALUATION FRAMEWORK

3.1. Introduction

Land administration systems of developing countries have more or less similar kind of weakness such as redundant procedure, inconsistent regulation and policy, and ingredients absence (FAO, 2007). Most of the weaknesses are caused by the lack of good governance. Apparently, the management of informal settlement is seriously influenced by these kinds of weaknesses within the system. Weak governance can affect the urban poor especially by leaving them out of the recognition from the state (Burns & Dalrymple, 2008). Therefore, in order to extricate the informal settlers out of current difficult situation, land administration system has to comply with the principles of good governance. The evaluation of land administration system from the perspective of good governance is urgently needed. In order to evaluate principles of good governance within land administration system precisely, a well-defined evaluation framework is required.

As mentioned in the section 2.6, currently there are various governance indices and framework to evaluate good governance. However, there is no internationally accepted governance framework or index which aims to evaluate good governance within a certain land administration system (Steudler, Rajabifard, & Williamson, 2004). And land administration system is a dynamic system which varies from country to country and always under reform. Thus, to develop a reasonable evaluation framework has to be emphasized in the first place. The evaluation framework consists of a set of principles and indicators from the perspective of good land governance, which focus on the aspect of pro-poor. In this chapter, section 3.2 defines the components of land administration system as the evaluation domains. Section 3.3 derives several principles of good governance within land administration system as the evaluation dimension. The indicators for each dimension are formulated in section 3.4. The whole evaluation framework is presented in section 3.5.

3.2. Definition of evaluation domain

As mentioned in section 3.1, land administration system is a complex system which varies from country to country. There are no two exactly same land administration systems in the world. Since land administration system consists of various components, evaluating the whole system directly may lead to an ambiguous result. It is mentioned in section 2.6 that LGAF define the components of land related issues into six domains to improve the precision of evaluation, namely legal and institutional framework, land use planning, management and taxation, management of public land, public provision of land information, and dispute resolution and conflict management. Similarly, it will be more precise for land administration system if the whole evaluation is divided into several domains. In consideration of the purpose of managing informal settlement issues, land administration system is divided into four domains based on its core element mentioned in section 2.5, namely land policy, land registration & cadastre, land use planning and land development. Each domain is of vital significance to the informal settlement.

Generally, *land policy* is not one of the components of land administration system. However, land policy has the greatest effect on the condition of informal settlers. Land policy reveals the attitude of government towards informal settler. It decides whether government recognizes those informal settlers or not. Frequently, the conflicts between informal settler and government are generated by lack of recognition from the state (Mitlin & Satterthwaite, 2004). If someone is not recognized by the state, it means he has been deprived from the basic identity and social status. So the recognition from government is the prerequisite of changing the current difficult condition faced by the informal settlers. Meanwhile, land

policy has a significant influence on the land administration system as well. Land policy is the foundation of a country's land administration system (Burns & Dalrymple, 2008). And one important role of land administration system is to provide the basic infrastructure and service which enables the implementation of land policy (Williamson, 2001). Moreover, land policy is of fundamental importance to the good governance, sustainable development, and the well-being of human being, especially the poor (K. W. Deininger, 2003). Thus, without involving land policy, it is meaningless to evaluate good governance within land administration system for the purpose of pro-poor. So in this research, land policy can be seen as the extension of land administration system which needs to be evaluated as well.

Land registration and cadastre is mainly concerned with the record of the information of legally recognized land interest. As mentioned in section 2.5, informal settlers are always not accepted by land registration and cadastre system currently. Thus, tenure security is the most urgent requirement of informal settlers. Only if the informal settlers get the land title or certificate which is legally protected, they are willing to invest on land for better living condition (Feder & Nishio, 1998). Otherwise they are afraid of eviction so that they will rather choose to tolerate current condition. Payne et al. (2008) find that the providing land title to the poor people can positively influence the social, economic, environmental, and administrative issues. The influences consist of accessing to formal credit, investing on housing and infrastructure, stimulating land market, increasing government revenue, and so on. Meanwhile, the record of land information such as cadastre map must be ensuring the accuracy to guarantee the successful implementation of all the land related activities. If the important land record is missing or incorrect, it will delay the schedule of implementation. And in some cases, the absence of land record makes the government hard to identify whether the informal settler is qualified to involve in the list of beneficiary.

Land use planning is also an important domain that needs to be evaluated. The development of informal settlement does not follow any kind of systematic land use planning. So the pattern of constructing informal settlement is haphazard, and the construction does not show any promotion of efficiency. If suitable land use planning can be adopted in the informal settlement, land in the informal settlement will be utilized in a more scientific way than current situation, which can reduce the scarcity of land (Maia, 1995). Furthermore, land use planning can be used to protect the state's land from encroachment (Alphan, 2003). Once the land use type is fixed, there is no excuse for the informal settler to squat on vacant public or government land. The increasing scale of informal settlement can be controlled to some extent.

Land development is concerned with the direct activity to develop informal settlement. Currently, the common mechanisms of developing informal settlement are settlement upgrading and site-and-service (Srinivas, 2005). No matter which mechanism the government chooses, it has to be implemented by the tool of land development such as land sharing, land readjustment and land pooling. The core element of these tools of land development is to arrange the haphazard construction pattern of informal settlement into a more effective way and to provide better infrastructure and facility to improve the living condition of informal settlers (SEMCOG, 2003). Since land development plays an important role on the development of informal settlement, it has to be involved in the evaluation domain undoubtedly.

3.3. Good governance within land administration system

After defining the evaluation domain, the principles of good governance within land administration system has to be discussed. This section is aimed to find out the principles of good governance within different evaluation domains. The principles can be seen as the dimensions which need to be evaluated for each domain. The dimensions are important components of the evaluation framework. Indicators are developed for each principle in the next section as the benchmark to measure good governance within land administration system.

Up to now, various organizations and academics have developed their own principles. Worldwide Governance Indicators (WGI) categorize the principles of good governance into six dimensions, namely voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law and control of corruption (Kaufmann, Kraay, & Mastruzzi, 2010). Ibrahim Index of African Governance summarizes the principles into four overarching categories – safety and rule of law, participation and human rights, sustainable economic opportunity, and human development. Meanwhile, Urban Governance Index (UGI) has defined effectiveness, equity, accountability, participation, and security as the principles of the framework (UN-HABITAT, 2004b). Moreover, United Nation defines the principles of good governance as participation, rule of law, transparency, responsiveness, consensus oriented, equity and inclusiveness, effectiveness and efficiency, and accountability. Comparing with the mentioned principles from different frameworks, it is obvious that the content is similar to some extent. Due to the time limit and overlapped content, it is not possible to select all the principles for this framework.

In terms of the particular emphasis of certain land administration system, the selection of principle of good governance has different priority. For example, a land administration system which is aimed to promote economic development certainly has different priority of good governance than the system designed to improve the aspect of pro-poor. Thus, under the purpose of reversing the difficult condition faced by the informal settler, five most representative principles have been selected based on summarizing existing principles of good governance from different index and guideline. These principles are equity, transparency, accountability, public participation, and effectiveness and efficiency. The principles which are not closely related to the land sector and informal settlement issue have been removed such as safety, human resource development, political stability, and absence of violence. And some overlapped or similar principles have been combined. For example, government effectiveness and regulatory quality can be categorized into the principle of effectiveness and efficiency, while human right, inclusiveness, and control of corruption is included in the principle of equity. Meanwhile, responsiveness has been combined into the principle of accountability. And voice and consensus oriented is part of the principle of public participation. After doing the modification and refinement of existing principles, the selected five principles are representative and adequate enough to derive the good governance within land administration system. The relevance of each principle is illuminated below.

Equity implies that all the human beings, including economically weak groups, children or elderly, women, and minorities, have the right to unbiased access to basic necessities (UN-ESCAP, 2006). It is one of the most important principles that relates to informal settler. Frequently, the conflict between the government and informal settler is triggered by the unequal treatment. Once the informal settlers feel that they are marginalized and do not have any status in the society, they start to fight for their right. Therefore, whether the informal settlers are equally recognized by the state is the prerequisite of settling the dispute of informal settlement. Meanwhile equity refers to the institutional priority and financial subsidy for the poor people, and it also implies the prevention of illegal property grabbing by the elite groups (Graham, Amos, & Plumptre, 2009). In many cases, the informal settlers cannot get any support from the law or policy, and even their properties are under the threat of grabbing by the powerful local people. Thus, the significance of equity makes it become the first place principle.

Transparency implies that the process of decision making and implementation has to be done in an open manner, and the information of decision making and implementation should be freely and reliably accessible and available to those people who will be directly influenced by those decisions (Graham et al., 2009). A land administration complying with the principle of transparency can deter the corruption

effectively and improve the standardization of service procedure. Applying transparency can positively affect the condition of informal settler as well. If the informal settlers are able to receive the information about related policy or planning, they get the opportunity to negotiate with government and even involve in the process of decision making and implementation to defend their right. Furthermore, the acceptance of transparency can also show the promotion of anti-corruption. Once the process of land related service is transparent, the chance of asking for informal payment will be reduced.

Accountability is mainly concerned with that governmental institutions have to be accountable to the people who are influenced by their decision and activity (Scott & Wilde, 2006). The responsibility of government has to be clearly defined and government has to be answerable to its decision and activity. With regard to the significance of accountability to informal settler, if there is not any clearly mandate of who should take the responsibility of managing informal settlement, the governmental institutions will not have enough consciousness to take the initiative. Meanwhile, once the informal settlers are treated unequally or evicted without enough compensation, government has to be accountable for its misbehaved decisions rather than the negative act.

Public participation shows the promotion of representative democracy and decentralization of authority (UN-ESCAP, 2006). Public, especially the vulnerable groups, should be involved into the process of decision-making. It is necessary for the informal settler to take part in the important decision-making of planning or policy which is directly related to their community. Currently land administration system in most of the developing country is a centralized system. Government is the only institution to manage land related issue. However, with the increasing awareness of political involvement, government is shifting to governance which depends more on negotiation and cooperation with civil society and private sector (Louw, van der Krabben, & Priemus, 2003). In order to reverse the difficult condition faced by informal settlers, it is necessary for the government to initiate the participation among civil society, private sector, and informal settlers themselves. As mentioned in the chapter 2, only the coordination of public and private section is not enough. Public participation has to be extended to the broader multilevel cooperation. There should be more interflow between local, national, regional and international institutions (Kearns & Paddison, 2000). For solving the informal settlement issues, the “bottom-up” strategy shows more effectiveness than the traditional “top-down” strategy to stimulate the initiative of grass root level.

Effectiveness and efficiency implies that the services and results of land administration system have to meet the requirement of society while making the optimal use of social resources (Graham et al., 2009). It is reflected by the rapid reaction time of system, simple and short procedure, affordable service cost and so on. Once land administration system remains effective and efficient, government is able to improve the service delivery to informal settlers and reduce their service cost.

These principles of good governance within land administration system are the major dimensions of this evaluation. It can be treated as the benchmark to evaluate whether existing land administration system in Nepal is complied with good governance. And for each principle, several indicators have to be set up. The detail of formulating indicators is discussed in the next section.

3.4. Indicator formulation

In consideration of the cross-cutting nature of governance, the most recognized way of evaluating good governance has been through indicators (K. Deininger et al., 2011). Indicator is a type of measurable statement associated with corresponding variables which aims to evaluate the success of a specific activity (Soanes et al., 2004). The development of adequate indicator directly affects the quality of evaluation. In

this research, the indicator is even more important because the research is not only concerned with the development of evaluation framework but also the implementation of evaluation for a specific case. Thus, the formulation of indicators has to be carefully treated to guarantee the successful implementation of the evaluation.

In this research, the good practise in land administration can be seen as the indicators. As mentioned in the section 3.3, land administration system designed for different situation has different priority of good governance. Under the situation of the urban areas are occupied by informal settlements, the emphasis on the informal settler has to be highlighted. Thus, the indicators are not only concerned with the good governance in land administration but also the benefit of informal settler.

With regard to the type of indicator, it can be either quantitative or qualitative. In consideration of the coverage of this research, the research evaluates the whole land administration system from several domains. So it is not feasible to find out the precise quantitative indicator to define the value for all the variables. And in many cases, the respondent is not able to give a reliable number of a certain quantitative indicator. The inaccurate answer can lead to a contradictory result. Moreover, in consideration of the advantage of qualitative indicator, it can provide us a deep understanding of a specific issue rather than superficial description of numbers. Thus the qualitative indicator is more applicable and accessible for this research.

Currently, there are already various kinds of indicators which have been adopted by different governance frameworks. However, not all the governance frameworks are concerned with land sector. So it is not suitable to use all of them as the reference to formulate indicator for the research land sector. Land governance assessment framework (LGAF) is one of the most recognized frameworks which evaluate land issues from the perspective of good governance. Obviously, it is much more related to the domain of land administration system than other frameworks. Meanwhile, Urban Governance Index (UGI) is concerned with the issue of urban development which is close related to the informal settlement. Moreover, the tools to support transparency in land administration are important references for the indicator formulation. The tools consist of assessment and monitoring tools, tools to improve access to information and public participation, tools to promote ethics, professionalism and integrity, and tools to increase transparency through institutional reforms (UN-HABITAT, 2004a). The indicator for each principle is formulated as follows.

3.4.1. Land policy

For the domain of *land policy*, four principles of good governance need to be evaluated. And totally nine good practises in land administration have been formulated as the indicators.

● Equity

Firstly there should be a clear definition of informal settler in the policy. Providing clear definition to a certain group of people is the fundamental of recognition. It is mentioned in the section 3.2 that a lot of difficulties faced by the informal settler are caused by the lack of recognition from the government. Thus, whether there is clear definition of informal settler in the land policy is an important aspect needs to be evaluated for the equity within land policy. Meanwhile, there are also fake informal settlers who already have land or house but still squatting on others land. Thus the clear definition of informal settler in the policy is of significance to identify the genuine and fake informal settlers. Otherwise the existence of fake informal settler is obviously the denial of the principle of equity. Secondly there should have land policy or act providing support to the informal settlers. Since most of the informal settlers are the vulnerable group, more attention has to be put to support them for improving their difficult condition. Thirdly, it is important to regulate in the land policy that the informal settlers should have equal access to land. This

indicator shows the requirement of basic human right, which is also the most urgent requirement of the informal settlers.

- **Accountability**

The first indicator is concerned with the mandate of responsibility of managing informal settlement. If the responsibility is not well-defined, there will be confusion about which institution should take the initiative to manage informal settlement (Kaufmann et al., 2010). Dereliction of duty is a serious denial of the principle of accountability. Secondly, government has to be accountable for its decision-making. If the government's activity has damaged the profit of informal settlers, government has to be accountable for eliminating the effects. Thirdly, the indicator is concerned with whether the informal settlers trust on the government. Credibility of government is an important indicator to measure the accountability of government.

- **Transparency**

The first indicator is that the process of policy-making should be open to the public. The openness can stop the abuse of power to seek personal gain. Every movement of government will be exposed under the monitoring of public. Second, the indicator is concerned with the free access to the information of land policy. Making a clear understanding of current land policy can help the informal settlers to realize the government's attitude toward them. So they are able to plan for the further negotiation with government to strive for their right.

- **Public participation**

The indicator is that policy-making has to be approved by public consultation with different stakeholders. It implies the stakeholders of land policy, especially the informal settlers, have the right to raise their voice, negotiate with government, and influence the result in the process of policy-making to some extent (Graham et al., 2009). Achieving good governance in land administration requires a strong cooperation among different stakeholders. A well-communicated land policy helps to establish the good connection between government and stakeholders (FAO, 2007).

3.4.2. Land registration and cadastre

For the *land registration and cadastre*, two principles of good governance have been evaluated. Totally 9 indicators are formulated for this dimension.

- **Equity**

Firstly, the indicator should refer to whether the informal settlers are adopted by the formal land registration and cadastre system. Only if the informal settlers have the right to register their land, they can have legal basis to prove the ownership of their land. Secondly, the indicator is concerned with whether the registration system accepts the continuum of land rights. Accepting the continuum of land rights can provide a range of rights to the informal settlers such as group tenure, leasehold and joint right (Zevenbergen & Augustinus, 2011). Informal settlers can have more choices on their land rights. Sticking on the land ownership is not wise for the informal settlers to go through current difficult situation. Lastly, the indicator is concerned with the tenure security of informal settler. It also refers to the basic human right that everyone should have a shelter to ensure decent life. Government is responsible for protecting tenure security for the informal settlers.

- **Effectiveness and efficiency**

The indicators should be formulated from two aspects. One is whether the land information system is accurate, computerized and integrated. The other is concerned with the procedure of land registration. The accuracy of land record is the fundamental of all the land related activities. And an integrated and computerized land information system can improve the coordination between different institutions and increase the efficiency of sharing land information (K. Deininger et al., 2011). With regard to the process of land registration, fast and simple procedure has to be considered in the first place. Meanwhile, there should be separate "front-office" and "back-office" in the land registration office. Clients should be

avoided from accessing to the operational process of land registration. There will be more chance to ask for bribe if the clients can directly contact with the staffs during the process of registration. Lastly, “one-stop-shop” service should be available for the land registration and cadastre system. Successful land administration system should have all the land administration functions within one government institution (Williamson, 2001). It means that at the functions of cadastral mapping and surveying, land registration and valuation, are all in the one organization.

3.4.3. Land use planning

For the *land use planning*, three principles of good governance have been evaluated. And for each principle, one indicator has been formulated.

- **Equity**

Just as the informal settler is ignored by the state, the informal settlement is always excluded from the process of land use planning. Due to the exclusion, the potential of land in the informal settlement cannot be utilized effectively. Moreover, some informal settlements are located in the vulnerable area which is easy to be attacked by natural disasters. The basic security of their shelter cannot be guaranteed. Thus, adopting informal settlement into the land use planning is of vital importance to the equal recognition of informal settler. The indicator is that informal settlement should be involved in the land use planning equally.

- **Transparency**

The indicator is concerned with the process of changing land use should be made in an open way. This indicator is similar with the indicator of evaluating transparency in land policy, which shows the avoiding of abuse of power for seeking personal profit.

- **Public participation**

The indicator is that the change of land use has to be approved by public consultation with different stakeholders. It is frequently occurred that government changes certain residential area into commercial area and sell it to the real estate company without any formal reason but for personal profit (SEMCOG, 2003). This indicator is particularly important for the informal settlers to protect their property from illegal grabbing by the powerful groups. In some cases, the land of certain informal settlement has a very high commercial value. Therefore the land is always targeted by local powerful groups or large companies who are strong enough to influence the decision making of land use planning. So the restriction of authority is of vital importance for the development of informal settlement.

3.4.4. Land development

For the *land development*, there are two principles need to be evaluated. Totally seven indicators have been formulated.

- **Effectiveness and efficiency**

The first indicator is concerned with the successful implementation of land development project. The success of land development project is a direct benchmark of evaluating whether a certain land development tool is effective and efficient or not. The second indicator is concerned with whether the informal settlers are willing to comply with the land development project. In many cases, the informal settlers refuse to follow the procedure of development project. Shrestha (2013) mentions that the informal settlers moved back to the previous settlement just after a few months they were resettled to another area by a relocation project. If the informal settlers refuse to accept the project at first, it is not possible to implement the development project successfully. The third indicator for this principle is that there should be various land development tools to meet different requirement. It is not possible to develop land by only one single tool. Different tools have to be adopted in different condition. Applying various land development tools is essential for improving the effectiveness of land development.

- **Public participation**

The first indicator is that there should be cooperation with civil society. Civil society refers to the aggregate of non-governmental organizations and institutions that represent public interests and will of citizens (Mitlin & Satterthwaite, 2004). Currently, there are numerous NGOs working on the issue of informal settlement. Thus, those civil societies are the organizations which understand informal settlers most. Cooperating with civil society can improve the information collection, conflict dispute, and timely feedback for the government to make a better understanding of informal settler (Mitlin & Satterthwaite, 2004). The second indicator is that private developer should be encouraged to take part in the land development project. In many countries, land related projects are monopolized by the state. But in recent years, with the transforming from government to governance, authority decentralization is occurred in various industries. Absorbing the power of private developer can improve the performance of land development project. The third indicator is concerned with the cooperation with informal settlers themselves. Information from the grass root level is of vital importance for the implementation of land development project. Understanding the real requirement of informal settler can directly affects the result of project. Meanwhile, the cooperation also refer to the land development project has to hear opinions from the informal settlers. They should have the right to be involved in the decision-making. The first three indicators are considering the cooperation among different stakeholders. The fourth indicator is concerned with multi-level cooperation. It is the characteristic of decentralization which enhance the power of local authority.

3.5. Evaluation framework

The final objective of this chapter is to develop the evaluation framework for land administration system. This framework is aim to evaluate land administration system from the perspective of good land governance in order to improve the difficult condition faced by the informal settlers. The evaluation framework consists of evaluation domain, principles of good governance, indicators. Each of the ingredients has been specified in the previous sections. The full view of the evaluation framework is presented as follows.

Evaluation Domains	Principles	Indicators
Land Policy	Equity	Clear definition of informal settler
		Existence of land policy related to informal settler
		Equal access to land
	Accountability	Clear mandate for the land administration institutions
		Accountable for the decision making
		Credibility of government
	Transparency	Open process of policy-making
		Free access to information about land policy
	Public Participation	Public consultation of policy-making
Land Registration & Cadastre	Equity	Acceptance of informal settler within land registration and cadastre system
		Acceptance of continuum of land rights
		Tenure security of informal settler
	Effectiveness and Efficiency	Accurate land information
		Integrated land information
		Computerized land information
		Fast and simple process of land registration
		Separate “front-office” and “back-office”
		“One-stop-shop” service
Land Use Planning	Equity	Acceptance of informal settler in the land use planning
	Transparency	Open process of changing land use type
	Public participation	Public consultation of land use planning
Land Development	Effectiveness and Efficiency	Successful implementation of land development project
		Compliance of informal settler
		Various land development tools
	Public Participation	Cooperation with civil society
		Cooperation with private developer
		Cooperation with informal settler
		Multi-level cooperation

Table 3-1: Evaluation Framework

3.6. Summary

In this chapter, the evaluation framework is developed. The framework is aimed to evaluate the good governance within land administration system. As mentioned in section 3.4, the most recognized method to evaluate governance has been through a set of indicators. Thus, the evaluation framework is mainly consists of indicators and corresponding principles. The framework is formulated based on the theory of good governance and the purpose of improving the current difficult condition faced by the informal settlers. Firstly, the evaluation domains have been defined as land policy, land registration and cadastre, land use planning, and land development. Then the principle of good governance need to be evaluated is selected. Lastly, the indicators for each principle are formulated based on the existing governance indicators such as LGAF and UGI. Since the evaluation framework has been developed, a large number of data is needed to verify the scale of indicators. Both desk research and empirical research is required to provide enough data for the evaluation, thus the empirical research has to be conducted for data collection. The process of data collection and analysis is introduced in the next chapter.

4. DATA COLLECTION AND ANALYSIS

4.1. Introduction

In the chapter 3, the evaluation framework has been developed. However, secondary data from literature review is not sufficient enough for the evaluation. In order to obtain enough data to conduct the evaluation, empirical work in the field needs to be carried out. This chapter mainly focuses on the process of data collection and data analysis, which aims to extract evidence for verifying the indicators. Firstly, the preparatory work of data collection is introduced in the section 4.2. Then the process of data collection during the fieldwork in Nepal is described in the section 4.3. Lastly, the collected data is analyzed and interpreted in the section 4.4.

4.2. Preparatory work of data collection

The preparatory work for the data collection consists of selection of data source, fieldwork site, data collection method, and design of questionnaire. Firstly, it is important to ensure where to collect the data for indicator verification. Only if the indicators are verified, it is able to continue evaluating the principle of good governance within land administration system. Thus the selection of data source has to be decided at first. Then, data collection method has to be made in the second place in order to guide the process of data collection. Next, the fieldwork area of informal settlement is selected for the sake of implementing the questionnaire survey. Lastly, the design of questionnaire is presented. The quality of questionnaire can directly influence the precision and usability of collected data. These four steps of preparatory work are of vital importance for the successful implementation of data collection.

4.2.1. Data source

As is listed in the evaluation framework, there are dozens of indicator need to be verified. With regard to the variety of indicators, the data should be also collected from different sources to ensure a large amount of data can be collected. Meanwhile, in order to guarantee the reliability of the indicators verification, one-sided statement is not enough. Data sources from different positions can be triangulated in order to avoid the false information. The opinion from state's position can be extracted from the employee of different government institutions. The opinion from civil society can be collected through the interview with the employee of non-governmental organization, community-based organization and international non-governmental organization. They can provide more detailed information of their focused informal settler community than government. Private developers can provide the data from the market perspective. And informal settlers, as the direct target group of this research, can describe their real dilemma and requirement. The data source for each indicator is listed in the table 4-1 below.

Indicators	Data sources
Clear definition of informal settler	Document of land policy; Government employee
Existence of land policy related to informal settler	
Equal access to land	Informal settler
Clear mandate for the land administration institutions	Document of land policy; Government employee
Accountable for the decision making	
Credibility of government	
Open process of policy-making	Government employee; Different stakeholders; Informal settler
Free access to land information	
Public consultation of policy-making	
Acceptance of informal settler within land registration and cadastre system	
Acceptance of continuum of land rights	Employee of land registration and cadastre office
Tenure security of informal settler	
Accurate land information	Informal settler
Integrated land information	Document of land registration; Employee of land registration office
Computerized land information	
Fast and simple process of land registration	
Separate “front-office” and “back-office”	
Acceptance of informal settler in the land use planning	
Open process of changing land use type	Document of land use planning; Different stakeholders
Public consultation of land use planning	
Successful implementation of land development project	Government employee; Informal settler
Compliance of informal settler	
Various land development tools	Government employee
Cooperation with civil society	Different stakeholders
Cooperation with private developer	
Cooperation with informal settler	
Multi-level cooperation	Government employee

Table 4-1: Data sources

4.2.2. Fieldwork site

The target group of this research is the informal settler in Nepal. This research is aimed to evaluate the land administration system's performance of managing informal settlement issues. Thus, it is necessary to go deep into the informal settlement. However, due to the language barrier and bad physical condition, it is very hard for a foreigner student to collect data inside the settlement. Fortunately, under the assistance of my advisor, I finally get the opportunity to do the questionnaire survey in three informal settlements for three days. The name of these three informal settlements is Shantinagar, Gairigaaun and Jagritinagar. These settlements are all located on the bank of Bagmati River near the central region of Kathmandu Valley, the capital city of Nepal. Squatting along the river is the feature of informal settlement in Kathmandu. The fieldwork area is highlighted with yellow circle in the Figure 4.

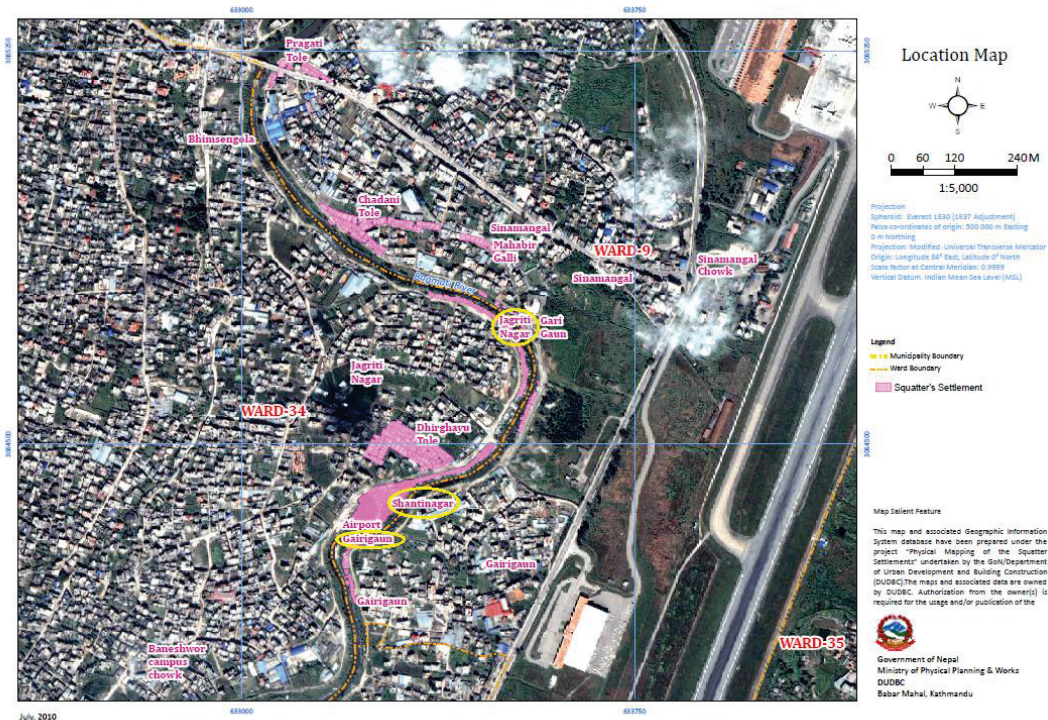


Figure 4-1: Fieldwork site

4.2.3. Data collection method

For this research, qualitative and quantitative data collection methods are adopted considering their type of indicators in the evaluation framework. However, most of the indicators are of qualitative nature. Correspondingly, the qualitative data collection method should be adequate enough for the data collection. Meanwhile, this research is the combination of explanatory and constructive research, and the objective is to evaluate the performance of land administration system and propose suggestions. Qualitative data collection method plays an important role in performance evaluation by extracting useful information behind the observed results and exploring people's perceptions (Silverman, 2010). Thus, the qualitative data collection method is most adequate to collect expectant information for this research.

The main methods for collecting qualitative data for this research are individual interview, questionnaire survey, observation and document review (Miles & Huberman, 1994). Individual interview is a good method to collect the information of in-depth attitudes and belief from an individual respondent (Miles & Huberman, 1994). Normally there are three types of interview method – face-to-face interview, telephone interview, and online interview. Face-to-face interview is the most time consuming one to manage, but it has the best performance of collecting data. So it is acceptable to use individual interview to extract information from employee of different department and organization. In contrast with interview method, questionnaire survey has less ability of extracting in-depth data but higher efficiency of collecting large amount of data. The verification of indicators also needs information from the informal settlers. With regard to the time limit and large amount of respondent, it is not suitable to use interview to collect data from the informal settlers. So questionnaire survey is a good choice to deal with the data collection from informal settlers. Meanwhile, observation is also an inevitable component of data collection. It is necessary to use our own observation to assure the validity of the collected data. You have to sharpen your eyes to see what is really happening around while collecting data. So observation method is adopted in this research as a significant complement. These methods mentioned above are mainly used to collect primary

data. During the period of individual interviews, some documents are available from the respondents as secondary data. Thus, the method of document review is applied for this research as well.

4.2.4. Design of questionnaire

A well-designed questionnaire is the essential element of successful data collection. It can directly impact the effectiveness and quality of information acquisition. In this research, questionnaire is not only prepared for the questionnaire method but also for the interview. Since there are four kinds of respondent, questionnaire has to be designed for them separately. The questionnaire is designed in the semi-structured way, and both open-ended and close-ended questions are involved. Open-ended question is used to improve the general understanding and explore in-depth information. Close-ended question is designed to identify the individual attitude of certain statement. Meanwhile, the questionnaire has to be designed based on the evaluation framework developed in Chapter 3. Only if there is enough data to figure out the answer of questions raised by indicators, the evaluation is able to continue. The questionnaires are listed in the Appendix.

4.3. Data collection

The process of data collection is accomplished during the fieldwork in Kathmandu Valley. The fieldwork starts from 20th Sept. 2013 for twenty five days. The objective of the fieldwork is to collect data about the current situation of informal settlement issue and performance of land administration system in Kathmandu Valley. Both primary data and secondary data are collected during the fieldwork. The detail of collected data is presented in the following sections.

4.3.1. Primary data

As it is mentioned in the previous section, the proposed respondents are government employee, NGO employee, private developer and informal settlers. With the help of my supervisor and advisor, 18 interviews have been successfully managed. And the content of interview has been recorded as the most important primary data for this research. The detail of respondents is shown as follows.

Respondent	Organization
Government employee	Land Use Project Office
	KVDA Office
	Ministry of Urban Development employee
	DUDBC
	Bagmati River Project
	DUDBC
	Land Management Training Center Office
	District land revenue office
	District land survey department
	Land survey department
	Ministry of Land Reform and Management
	Town Development Fund
CBO employee	Mahila Ekta Samaj (Nepal Women's Unity Society)
	Nepal Basabas Basti Samrakchan Samaj (NBBSS)
NGO employee	Community self-reliance centre
	Lumanti
INGO employee	UN-Habitat Office
Academic	Kathmandu University
Private developer	Astra Development Network Pvt. Ltd.

Table 4-2: List of interview respondents

Meanwhile, totally 54 questionnaires have been distributed to informal settlers who live in three different informal settlement. With the help of local assistants, all the distributed questionnaires have been filled and gathered. These questionnaires can reveal the reality of what is really happening to the informal settlers and their urgent demands. The detail of questionnaire collection is presented in the following table.

Informal settlement	Number of questionnaire
Shantinagar	10
Gairigaun	24
Jagaritinagar	20

Table 4-3: List of questionnaire survey respondents

4.3.2. Secondary data

Most of the secondary data is collected from the library of Lumanti for shelter groups. Lumanti is the most experienced NGO which aims to fight for the shelter right for the urban poor. So there is a lot of useful information about informal settlement issues in its library. A large number of brochures of project concerning about informal settlement, published book, article in journal, and project report have been collected in this library. The way to collect those data is to take picture for each page and transfer them into imagine the computer as electronic document. Meanwhile, I also collect a project report related to informal settlement in the library of DUDBC which mainly works on the urban development and building construction. Furthermore, the satellite image of Kathmandu Valley is provided by Genesis Consultancy Pvt. Ltd. The detail of secondary data is shown in the following table.

Source	Secondary data
Lumanti	Brochures of project; Published book; Article in journal; Project report
DUDBC	Project report
Land use department	Land use policy
Genesis Consultancy Pvt. Ltd.	Satellite image

Table 4-4: Detail of collected secondary data

4.3.3. Limitation of data collection

The first limitation comes from the phase of individual interview. During the fieldwork in Kathmandu Valley, the time of interview with government employee is always limited. Government employees are all very busy during the office hour. Especially if those employees are in the key position of the institution, the interview will be even shorter. And the employees will not accept the second appointment. Thus, some questions prepared for the interview are not able to be asked.

The Second limitation comes from the questionnaire survey. The questionnaires are collected from three settlements called Shantinagar, Gairigaun and Jagaritinagar. But these three settlements are located in the adjoining areas. Thus, the questionnaires are collected in a small scale. The research draws conclusions for the entire country based on a very limited study area. So the degree of validity of the result is therefore very modest.

4.4. Data analysis

Data analysis is a process of transforming, modelling, coding, and cleaning data, which aims to find out useful information to solve the research problem. There are numerous methods to analyze data. But since the data is collected by qualitative data collection method, it should be analyzed by qualitative data analysis method. The most important feature of qualitative analysis is the emphasis of text. The text is always extracted from the transcript of interview record and responses to open-ended questions from questionnaire. The interview record and questionnaire collected in the fieldwork can provide a lot of text data for analysis. So the qualitative analysis method is suitable for this research. The process of data analysis is done by Microsoft Office software such as Microsoft Word and Microsoft Excel. In this section, two kind of data need to be analysed. One is the data recorded from individual interview, and the other is the questionnaires collected through questionnaire survey with informal settlers.

4.4.1. Analysis of interview

4.4.1.1. Data transcribing

With regard to the qualitative data analysis, text or so-called narrative data is the main source of analysis. Thus, the first thing we need to do is to extract enough text for the analysis. As is mentioned in the section 4.3.1, eighteen individual interviews have been initiated with different stakeholders in Kathmandu Valley during the fieldwork. The processes of all the interviews have been audio taped. In order to obtain the source of qualitative data analysis, each of the interview tape has been transcribed into text literally. The transcriptions of interview tape are the main source of following analysis.

4.4.1.2. Data coding

Since the interview tapes have been transcribed into text, the next step is to code the transcripts. Coding is a necessary phase to group the findings extracted from the text of interview into different categories for further interpretation. For this research, the transcripts are coded using the open coding technique. The open coding technique is a process of deriving the property of concepts included in the interview. During the process of coding, various data segments, which mean the responses of participants, are derived from the transcript of interview tape. Each data segment is labelled with a so-called “code”, and it could be either a word or a sentence which shows how the data segment is related to a certain domain of land administration system.

It is mentioned in section 4.3.1 that there are four groups of participants selected for the individual interview, namely government employee, civil society employee, private developer and academic. Different groups will provide different perception about certain phenomenon. Thus, the coding is carried out separately based on the participant groups. Then, summarizing and comparing the result of coding from different groups can improve the consistency and trustworthiness of the result.

a. Coding data from government employee

During the course of data collection, 11 government employees from different government institutions have been interviewed. Various perceptions of the performance of current land administration system have been provided. These perceptions are coded into several categories in order to labelled phenomena. The coding list is shown in the table 4-5 at the end of this section.

According to the extracted response of government employee about the domain of land policy, the coding list is: 1) absence of national land policy, 2) lack of recognition to informal settler, 3) lack of clear mandate. Currently, national land policy is not available in Nepal. Due to the long-term instable political situation, the national land policy is still vacant. The absence of integrated land policy in a national level will hinder the management of land related issues. Meanwhile, existing land related policy does not show the

recognition to the informal settler. In the land related policy such as Land Act, 1964 and Land Revenue Act, 1978, there is no clear criteria of how to define an informal settler. This certain group of citizens has been legislatively ignored. Meanwhile, the mandate of which institution should take the responsibility of managing the issue of informal settlement is not clearly regulated in the existing land policy.

The coding list of the response related to land registration and cadastre is: 1) efficient process of land registration, 2) lack of promotion of pro-poor, 3) unsatisfactory land information system. According to the response of the employee of land revenue office, Nepal has one of the most efficient processes of land registration in the world. The process of land registration only has three steps, and it just takes 1 or 2 days to finish the whole process. However, the registration system does not have the feature of pro-poor. The continuum of land rights is not accepted by current registration system. The right of ownership still plays the dominant role in formal registration system. The respondents also point out current land information system is not effective. Current land information is recorded many years ago, and the accuracy cannot be guaranteed. The cadastral maps are in ruin condition because of the continuously used and inadequate archiving (Dev Raj, 2007). And digital cadastre is not popularized in the whole country. Meanwhile, the land information systems between different government institutions are not linked together.

The coding list of the response related to land use planning is: 1) Ineffective land use planning 2) introduction of integrated land use policy, 3) land use change is made in a transparent way. Due to the lack of inter-agency coordination and disordered land use, the previous land use planning has been implemented successfully. Thus, there is a requirement of integrated land use policy to guide the land use planning. According to the response of the employee of Land Use Project, national land use policy is published in 2012. Being accompanied by the announcement of national land use policy, the preparation of land classification in the national scale has been launched. The whole territory has been classified into different categories in order to utilize the scarce land resource in a more effective way. Meanwhile, the newly published national land use policy shows the recognition to the informal settlers. Informal settlers have been mentioned in the policy.

The coding list of the responses related to land development is: 1) ineffective land development project, 2) lack of cooperation with stakeholders. According to the responses of the employee of DUDBC and Ministry of Urban Development, current land development project is not accepted by the informal settlers. In some cases, the informal settlers move back to the original settlement after they are relocated. And due to the limited financial support, land development project for the informal settler is not able to be implemented in a large scale, which cannot solve the problem of continuously existing of informal settlement effectively. With regard to the cooperation with different stakeholders, government only has cooperation with civil society. The resource of private developer and informal settler is not well used during the process of land development project.

Domain	Open code	Responses
Land Policy	Absence of national land policy	No national land policy available
	Lack of recognition to informal settlers	Lack of clear criteria of defining informal settler
	Lack of clear mandate	Lack of clear mandate for the land administration institutions
Land Registration & Cadastre	Efficient process of land registration	Simple procedure of land registration
		Fast processing of land registration
	Lack of the promotion of pro-poor	The registration system does not accept the continuum of land rights
	Unsatisfactory land information system	Lack of effective mechanism to identify the informal settler
		Land record is collected 60 years ago, and the result is not accurate.
		Land information system is not linked between different institutions.
Land use	Ineffective land use planning	Lack of inter-agency coordination
		Disordered land use
	Introduction of integrated land use policy	National land use policy has been published in 2012.
	Land use change is made in an open way	Informal settler is mentioned in the policy.
Land development	Ineffective land development project	Open consultation for the land use change.
	Lack of cooperation with stakeholders	Most of the development project related to the informal settlement is not successful.
		Lack of cooperation with private developer.
		Lack of cooperation with informal settler.

Table 4-5: Coding the response from government employees

b. Coding data from civil society employee, private developer and academic

Four employees from different civil society organization have been interviewed. They are the employees of a community-based organization called Mahila Ekta Samaj, an international non-government organization called UN-HABITAT, a non-government organization called Lumanti, and another non-government organization called Community Self-reliance Centre. The transcripts of employee of civil society are coded as follows. Meanwhile, the academic is a professor of Kathmandu University and the private developer is the director of Astra Development Network Pvt. Ltd. The result of coding is shown in table 4-6 at the end of section.

The coding list of the responses related to land policy is: 1) lack of recognition to the informal settlers, 2) inadequate criteria to identify real informal settler. The employees of civil society also points out the informal settlers are not highly recognized by current land policy. They are not mentioned in any land acts or amendments. And the definition of informal settler is still unclear. Meanwhile, government is using an inadequate criterion to identify the informal settler. Most of the informal settler will be excluded from the supportive policy or project if sticking on current criteria of identification.

The coding list of the responses related to land registration and cadastre is: 1) Lack of effective mechanism to identify the authenticity of informal settler, 2) unequal treatment of informal settler. Government is not able to identify the real informal settler precisely now. Due to the unreliability of current land information system, it is difficult to enquiry the status of land ownership of certain informal settler. Especially most of the informal settlers are not involved in the registration system, and it is even

more difficult for the enquiry. Meanwhile, informal settlers do not have method to access to land. There are

There is seldom any useful information about land use planning can be from the interview with these groups of respondents. The coding list of the responses related to land development is: 1) unacceptable land development project, 2) cooperate with government on the development project. The response from NMNS shows that informal settlers do not want to accept the land development project due to the requirement is not satisfactory. The provision of the project is not sufficient. With regard to the cooperation with government, Lumanti has successfully initiated a relocation project for informal settler under the assistance of government. Meanwhile, several NGO or CBO such as NBBSS and NMES are working on the identification survey in order to provide certificate to the informal settlers. This kind of certificate is an important evidence of the government's identification of genuine informal settler.

Domains	Open codes	Responses
Land policy	Lack of recognition to the informal settlers	Informal settler is not recognized in any land police
		Unclear definition in the policy
	Inadequate criteria to identify real informal settler	Current criteria of identifying informal settler is unreasonable
	Public consultation of policy-making	Some respondents have been involved in the public consultation of policy-making.
Land registration and cadastre	Lack of effective mechanism to identify the authenticity of informal settler	Land information is not reliable and accurate
		Informal settler is not involved in the formal registration system
Land development	Unacceptable land development project	Land development is not accepted by the informal settler
		Requirement of informal settler is not satisfied
		Unsatisfied with the identification of genuine informal settler
	Cooperation with government	Cooperate with government during the process of land development
		Provide certificate to informal settler to support the government's identification
		Lack of cooperation between private developer and government.

Table 4-6: Coding the response from civil society employees

4.4.1.3. Data interpretation

Since the interview transcripts have been coded, the result of coding has to be interpreted. The responses from different groups are summarized together and compared with other secondary data in order to extract governance elements.

According to the coding list of table 4-5, all the participant groups show the same opinion about informal settler is not recognized by the land policy. After checking the document of Land Act, 1964 and Land Revenue Act, 1978, the finding shows that these two acts do not have any provision for the informal settlers. Informal settler, as an important ingredient of society who has lived in the city for several decades, has been marginalized by the state. And until now the definition of informal settler is not clear in the policy. These characteristics show the violation of principle of equity obviously. Meanwhile, the mandate of who should take the responsibility of managing informal settlement is not clear. According to the introduction of the organizational structure of government institution on the government website, Ministry of Land Reform and Management is responsible for the land related issues, and Ministry of Urban Development is responsible for the urban construction. But the structure does not mention that which subordinated departments is responsible for the informal settlement issues. Without clear mandate,

the process of managing informal settlement cannot be standardized. The institutions are not accountable for the requirement of informal settlers.

With regard to the coding result of land registration and cadastre interpreted in section 4.4.1.3, the finding shows that both advantage and disadvantage exist in the current land registration and cadastre system. The process of land registration shows the promotion of effectiveness and efficiency. Comparing with other developing countries, Nepal has a really fast and simple process of land registration which enables the whole process to be finished in 1 or 2 days. However, the informal settlers cannot enjoy the fast service of land registration. They are excluded from the right of formal registration. Thus, without any formal land title, the land tenure security of informal settler cannot be guaranteed. Meanwhile, pro-poor is an important characteristic of the principle of equity. A land registration system with the characteristic of pro-poor has to accept the continuum of land rights. Unfortunately, the right of ownership is still the priority of current land registration system in Nepal. The registration system does not allow any other kind of land right to be registered. Another disadvantage is that the performance of current land information system is not satisfactory. Digital cadastre is only applied in a small scale of several municipalities, and most of the cadastral map is paper-based with bad condition due to years of usage. And the inaccuracy land record in the cadastral map has hindered the implementation of land related activities. Meanwhile, spatial database of different land institutions is not integrated. Sharing land information among different institutions is not convenience in Nepal now.

According to the coding result of the responses of land use planning, many problems have been observed, which may hinder the appropriate utilization of the scarce land resource in the country. Due to the lack of inter-agency coordination, provisions in sectorial policies and existing acts are always inconsistent. And these provisions and acts have not been implemented effectively. Meanwhile, land is not utilized in the regulated way. In many cases, agricultural land has been used for non-agricultural activities. Under the pressure of these problems, there is a strong need for an integrated land use policy to guide the process of land use planning. Nepal government starts to introduce National Land Use Policy in 2012, and the followed implementation phase will be finished in the next several years. It is regulated in the policy that the land in Nepal is classified into seven zones, and any violation of vested land use will be strictly forbidden. However, the accumulative problems in the process of land use planning are not able to address in a short time. Thus, the effect of newly published policy still needs to be examined in the coming future. But at least informal settlers have been noticed in the process of land use planning. It is clearly written in the chapter 8.1.6 of National Land Use Policy that *“State shall identify the special areas and programs to ensure residence for people including squatters and those who don’t have access to land”*.

Comparing the coding list of the responses of land development, we can find that the government employees are not satisfied with the performance of land development project. They feel that the project is not accepted by the informal settlers. However, according to the response of the employee of NGOs in table 4-6, the opposition of informal settler is mainly caused by two reasons. Firstly, the community is not satisfied with the identification of qualified settlers which have the right to receive support from the project. In a land relocation project related to the settlement called Thapathali, only 23 families are qualified to move to the newly constructed settlement. Thus, the community decides not to move to anywhere unless government provides homes for all the families in the community. Secondly, the development project does not fulfill the requirement of informal settlers. Land is not the only requirement of them. Livelihood is also an important factor need to be considered. Meanwhile, the result of coding also shows that NGOs are cooperated with government during the process of land development. The cooperation is two-sided. The NGOs either negotiate with government for the profit of informal settlers or help the government to implement the project in the grassroots level. Lumanti, the most active NGO

of striving shelter right for the informal settler, has successfully launched a relocation project for the informal settlers in 2004 on account of the cooperation with government. However, private developer has not been embraced in the process of land development. Due to the profit-driven characteristic of private developers, it is difficult to persuade them to involve into a non-profit project for the informal settler.

4.4.2. Analysis of questionnaires from informal settler

As mentioned in the section 4.3.1, 54 questionnaires are collected from three informal settlement communities. 10 questions in the questionnaire have been selected as the source of analysis due to their relevance to the evaluation objective. Firstly, the responses of these 10 questions from 54 informal settlers are entered in the spreadsheet, which is operated in the software Microsoft Office Excel. Then, the frequency of each option for each question is calculated and presented. Lastly, the presented information is interpreted with the supporting of other data sources.

4.4.2.1. Data entry

Since the questionnaires are paper-based collected, the responses need to be transferred from the questionnaire into spreadsheet manually. Each question is numbered as a column heading, and use one row to insert each person's responses. Then each answer has to be assigned a code in order to simplify the entry process. For example, if the answer is "strongly agree", the code should be "SA". And so on, "agree" is coded as "A", "neutral" is coded as "NE", "disagree" is coded as "D", and "strongly disagree" is coded as "SD". For those questions that the answers consist of "yes", "no", and "not sure", they are coded as "Y", "N", and "NS". After assigning the code, go through each questionnaire and enter the data into spreadsheet.

4.4.2.2. Data presentation

After entering all the data into the spreadsheet, by adding a filter to each question within the spreadsheet, the frequency of how many people selected each response can be calculated. The result is set up into graphic format in order to display the data clear. The calculated data is presented below.

Question 1: Do you agree that you are recognized by government?

The result shows that 52% of respondents disagree that they are recognized by government, and even 22% of them show the strongly disagree opinion to the statement. Only 17% of respondents choose the option of agree and strongly agree.

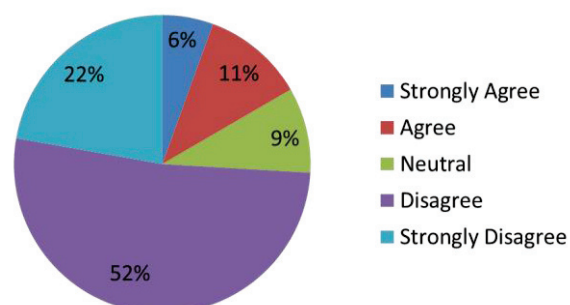


Figure 4-2: Do you agree that you are recognized by government?

Question 2: Is there any supporting policy or subsidy from government?

56% respondents claim that they are not getting any supportive policy or subsidy from government. Only 24% of respondents provide the positive answer.

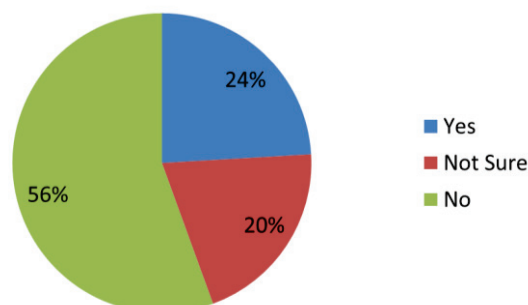


Figure 4-3: Is there any supporting policy or subsidy from government?

Question 3: Do you agree that you have equal accessibility to land?

For this question, 74% of the respondents give the negative answer. They think they cannot get the equal treatment as the other citizens. Only 20% of respondents agree that they have equal accessibility to land.

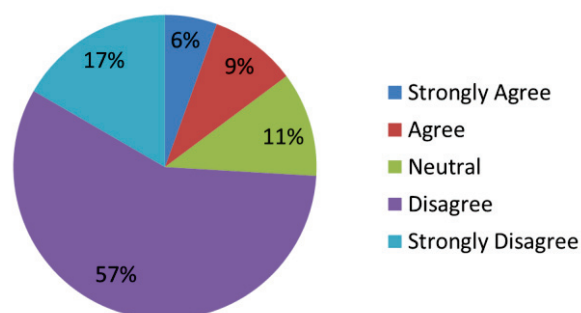


Figure 4-4: Do you agree that you have equal accessibility to land?

Question 4: Which institution do you trust for protecting your right?

With regard to question 4, 24% of respondents think NGOs are protecting their right. But only 20% of respondents trust on the government. Moreover, more than 30% respondents do not trust anyone.

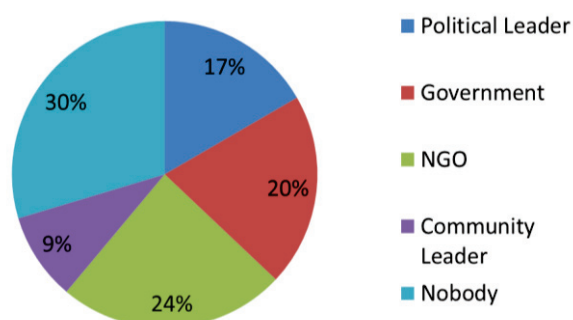


Figure 4-5: Which institution do you trust for protecting your right?

Question 5: Do you agree that you clearly know the information about the land policy related to your community?

53% respondents show the positive response. But except the neutral response, there are still 41% of respondents do not have a clear understanding of what is happening to their community.

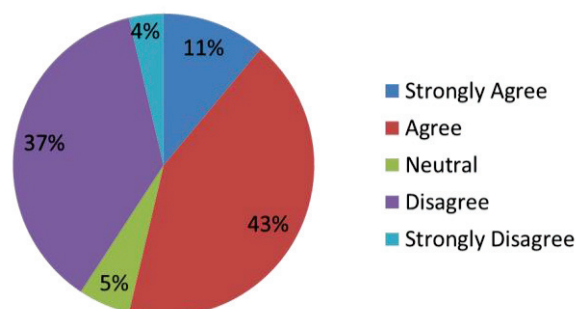


Figure 4-6: Do you agree that you clearly know the information about the land policy related to your community?

Question 6: Do you have any formal title or certificate of your land?

The result of question 6 shows that 74% of the respondents do not have any formal title or certificate of their land. The 15% respondents who choose the answer of “yes” mention that municipality has provided temporal certificate to them.

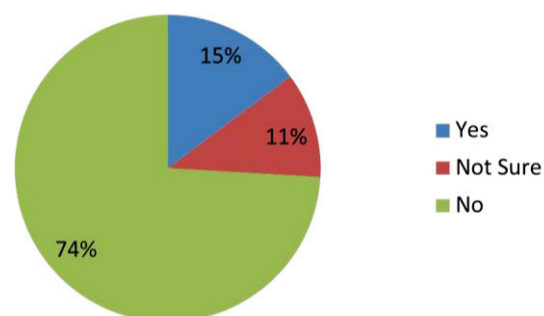


Figure 4-7: Do you have any formal title or certificate of your land?

Question 7: Do you agree that you have tenure security of your land?

With regard to the question 7, the response is not satisfactory. 73% of respondents show the negative opinion to the statement. Many respondents say that they have been threatened to leave their land.

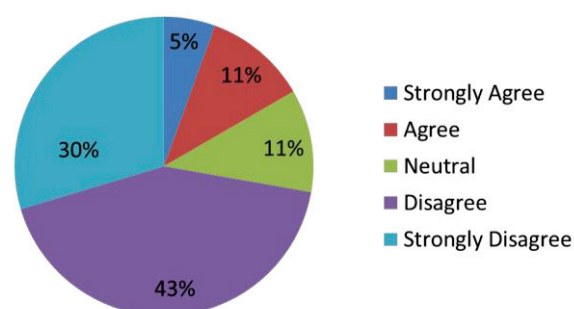


Figure 4-8: Do you agree that you have tenure security of your

Question 8: Do you agree that you are involved in the process of land use planning?

For the question 8, 61% of respondents show the negative response. Only 28% of respondents say they have been involved in the related important decision-making. And some of them mention that the participation is just a few times.

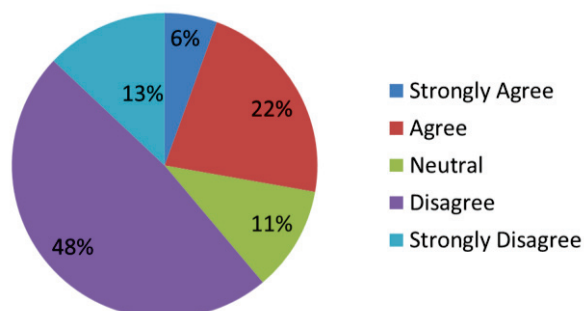


Figure 4-9: Do you agree that you are involved in the process of land use planning?

Question 9: Do you agree if government wants to relocate you to another settlement?

According to the result, 62 of respondents agree with the relocation. They are eager to get rid of current bad living condition. Only 29% of respondents provide the negative response.

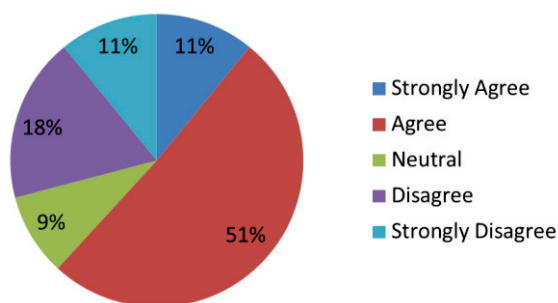


Figure 4-10: Do you agree if government wants to relocate you to another settlement?

Question 10: Which is the most urgent problem needs to be resolved for the settlement?

For the question 10, 41% of respondents think livelihood is the most important requirement. And drinking water, sanitation and electricity is also desired by the respondents.

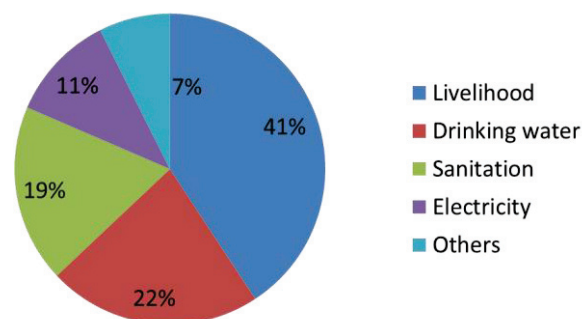


Figure 4-11: Which is the most urgent problem needs to be resolved for the settlement?

4.4.2.3. Data interpretation

The questions 1-5 are related to the domain of land policy. According to the figure 4, informal settlers themselves also realize that they are not recognized by the current policy. Most of respondents claim that they are not getting any support from government. The result is similar with the analysis result of interview tape in section 4.4.1.3. One of the respondents mentions that it is difficult to apply for a citizenship certificate. Due to the provision of Nepal Citizenship Act of 1964, land ownership certificate has to be provided in order to apply for a citizenship certificate. This provision makes 50% of Nepalese informal settler cannot access to citizenship card, and 60% of them have no electoral card as well (Toffin, 2010). This is another evidence of lack of recognition from policy.

Meanwhile, 74% of respondents show negative response according to the result of figure 6, which can be deduced the informal settlers do not have equal accessibility to land. In the current situation, provision of land to the urban poor is still not attached enough importance. Kathmandu Valley Town Development Committee (KVTDC) is developing land through land pooling focusing on the middle or upper income people on a small scale (Anonymous, 2003). There is seldom any policy or development project which is aimed to help the informal settlers to access to land. Under this circumstance, informal settlers certainly cannot trust on the government. This deduction is corresponded to the result of question 4. Question 5 is concerned with the transparency aspect of land policy. More than half of respondents know the policy related to their community on the basis of figure 8. But some of them mention that the understanding of related policy is not received from governmental publicity. And there are still nearly 40% of respondents do not have a clear understanding of related policy. Thus, the result shows that government still has to improve the publicity of important policy in order to promote the principle of transparency within land administration system.

Question 6 and 7 is concerned with the domain of land registration. The result of question 6 shows that most of the respondents do not have the formal title or certificate of their land. As is mentioned in the section 4.4.1.3, since the informal settlers are not involved in the formal registration system, they cannot get any title or certificate to verify their ownership. Some respondents mention that they have temporal certificate from the municipality. But they do not feel safety about the temporal certificate, the certificate cannot guarantee their land tenure security. Once the government wants to evict the informal settler, the temporal certificate will be demolished. Without effective land title or certificate, it is not surprising that 72% of respondents claim that they do not have tenure security of their land. Many respondents say that they have been threatened to leave their land. The result shows that current land registration system cannot guarantee the tenure security of informal settlers effectively.

Question 8 is related to the participation aspect of land use planning. There can't be effective implementation of land use planning unless there is cooperation from all the stakeholders. For the question that whether the informal settlers have been involved in the important decision-making of land use planning related to their community, 61% of respondents show the negative response. Only 28% of respondents say they have been involved in the related decision-making. And some of them mention that the participation is just a few times. The result reveals that public participation is not fully applied in these three informal settlements. At least the participation is not adopted in a large scale.

For the question 9 that whether informal settler will agree if government relocate them to another constructed settlement, it can be seen from figure 12 that most of the respondents agree with it. But they have some prerequisites such as no extra money needs to be paid, new settlement has to provide better facility, and easy to access to market. The result reveals that informal settlers do not mean to stick on the public land, but they need an adequate alternative. If they feel the development project cannot improve

their living standard, they will not choose to accept the plan. Question 10 reveals that the most desired requirement of informal settlers is the maintenance of livelihood, while drinking water and sanitation also draws great attention. So when government wants to implement a land development project for informal settlers, satisfying their real demand is the key point for the successful implementation of the project.

4.5. Summary

This chapter is mainly concerned with the process of data collection and analysis. Since the evaluation framework has been developed in chapter 3, a large amount of data needs to be collected and analysed for verifying the scale of indicators. Firstly, the preparatory work of data collection had been done. The work consists of selection of data sources, fieldwork site and data collection method, and design of questions for individual interview and questionnaire survey. Then, the fieldwork was carried out in Kathmandu Valley for 25 days. A lot of data had been collected during the period, which mainly includes interview record and filled questionnaires. After the fieldwork, the collected data had been coded and analysed to extract useful information for indicator verification. Based on the result of data analysis, the evaluation is conducted in the next chapter.

5. EVALUATION OF GOOD GOVERNANCE WITHIN LAND ADMINISTRATION SYSTEM

5.1. Introduction

The previous chapter has analyzed the data collected through fieldwork in Kathmandu Valley. A large amount of data about the current situation of land administration in Nepal has been interpreted. Most of the required data for verifying the indicators has been extracted. The gap of vacant data is filled through literature review. Thus, it is able to carry out the final evaluation based on the scale of indicators. The evaluation result of each indicator has been classified into five scales, namely very satisfied, somewhat satisfied, neither satisfied nor dissatisfied, somewhat dissatisfied, and very dissatisfied.

This chapter is aimed to evaluate good governance within land administration system in order to improve the current difficult condition faced by the informal settlers. The evaluation is conducted based on the evaluation framework developed in the chapter 3. The evaluation of the domain of land policy is presented in section 5.2. The evaluation of the domain of land registration and cadastre is described in section 5.3. Then, section 5.4 evaluates the domain of land use planning. Lastly, the domain of land development has been evaluated in section 5.5.

5.2. Evaluation of land policy

As mentioned in the section 3.2, land policy normally is not a part of land administration system. But in the context of this research, land policy has a strong influence on the informal settler issue. Thus, the evaluation of land administration system has to involve land policy as an important evaluation domain. According to the evaluation framework in table 3-1, the evaluation of land policy can be implemented from four dimensions as equity, transparency, accountability, and public participation. The evaluation is detailed in the following sections.

5.2.1. Equity

Equity within land policy is mainly reflected as the recognition to informal settlers. There are three indicators need to be verified. The scale of each indicator is listed in the table 5-1. The detail of the indicator verification is illuminated below.

Principle	Indicator	Scale
Equity	Clear definition of informal settler	Very dissatisfied
	Existence of supporting land policy related to informal settler	Very dissatisfied
	Equal access to land	Very dissatisfied

Table 5-1: Evaluation result of equity within land policy

a. Clear definition of informal settler

The first indicator is that there should be clear definition of informal settler written in the land policy. It can be seen from the data in table 4-5 that different groups of respondents all show the negative response. Currently, an integrated land policy is not available in Nepal. One individual stated in the interview that government is still formulating the draft of National Land Policy, and the legal framework of current land issue mainly consists of Land Act, 1964 and Land Revenue Act, 1978. After checking the documents of two acts, the definition of informal settler does not exist. Thus, the scale of this indicator should be “very dissatisfied”.

b. Existence of land policy related to informal settler

The second indicator is concerned with the existence of land policy for the informal settler. It is mentioned in the last section that Land Act, 1964 and Land Revenue Act, 1978 is the current legal framework of land related issues. But after reviewing the content of these acts, no provision for informal settler has been found. Although this group of people has been living in the city for several decades, it seems that they have been totally ignored by the state. Informal settlers in Nepal have been marginalized from the society. In the society with rule of law, everything should have a legal basis from the laws. Without the support from policy, the existence of informal settler becomes illegal. Inexistence of supporting policy related to informal settler cannot show the promotion of equity. Thus, the scale for this indicator can be identified as “very dissatisfied”.

c. Equal access to land

The third indicator is concerned with the accessibility of land for informal settlers. As shown in figure 4-4, most of the respondents mentioned that they do not have the equal access to land. It can be seen from the data interpreted in section 4.4.2.3, provision of land to the urban poor is still not attached enough importance. Most of the policy and plan for land development is served for the middle or upper income class. One individual respondent from Lumanti has mentioned that Lumanti has proposed a suggestion that it should be regulated in the policy that 5% land of the development project should be assigned to the informal settler in order to improve their accessibility to land. But there is no further result of this proposal. And this suggestion is even not known by some of the respondents from government organization. Therefore, this indicator is scaled as “very dissatisfied”.

5.2.2. Accountability

There are three indicators need to be verified for this principle. The scale of each indicator is listed below. The detail of the indicator verification is illuminated in the following sections.

Principle	Indicator	Scale
Accountability	Clear mandate for the land administration institutions	Very dissatisfied
	Accountable for the decision making	Very dissatisfied
	Credibility of government	Very dissatisfied

Table 5-2: Evaluation result of accountability within land policy

a. Clear mandate for the land administration institutions

With regard to the mandate of managing informal settlement, the evaluation result is not satisfactory. As shown in the table 4-5, the responsibility of managing informal settlement is unclear in the land policy. There is no clear regulation in the existing policy about which institution should take the responsibility and in which way the institution should manage the informal settlement. The current situation is that both the Ministry of Land Reform and Management and the Ministry of Urban Development are taking some initiatives to manage the informal settlement. Department of Urban Development and Building Construction (DUDBC), as a sub department of Ministry of Urban Development, is responsible for most of the land development project. And in the local level, municipality is the main institution to manage the issue of informal settlement (Toffin, 2010). It reveals that the structure of informal settlement management is not consistent. Different institutions initiate different development projects for certain informal settlements. There is no systematic mandate for the land administration institutions. Thus, the indicator is defined as “very dissatisfied”.

b. Accountable for the decision-making

The result shows that government does not take the initiative to eliminate the effect of its harmful decision-making. During the past several years, there were always decisions about eviction of informal

settlement. The eviction without any alternative provided to the informal settlers is obvious the violence of basic human right. According to the report collected from Lumanti, in 2 February 2012 Nepalese government decided to evict thousands of informal settlers. However, the compensation was only a three-month rent subsidy without alternative accommodation. Vociferous and widespread objection had been raised from the society, but government did not react on it. At last, under the mediation of several international organizations, government cancelled the decision unwillingly. It reveals that government is not accountable for its misbehaviour. Thus, this indicator is identified as the scale “very dissatisfied”.

c. Credibility of government

Since accountability is reflected as the respond to the needs of the community they are meant to be benefiting, the credibility of government is an important indicator to measure accountability. It can be seen from figure 4-5 that only a small percentage of respondents believe that government is protecting their rights. An employee of NMES stated that government is not responding to their issues and problems. Government does not provide any assistance such as drinking water, electricity, and shelter right to her community. Thus, the scale of this indicator can be defined as “very dissatisfied”.

5.2.3. Transparency

Transparency within land policy is mainly reflected through open process of policy-making and free access to information about land policy. The scale of each indicator is listed below. The detail of the indicator verification is illuminated in the following sections.

Principle	Indicator	Scale
Transparency	Open process of policy-making	Somewhat dissatisfied
	Free access to information about land policy	Neither satisfied nor dissatisfied

Table 5-3: Evaluation result of transparency with land policy

a. Open process of policy-making

Since current land related policies are formulated several decades before, it is difficult to find out effective data for the evaluation. Thus, this indicator is mainly evaluating the National Land Policy which is still under drafting. It can be seen from table 4-6 that some respondents have attended the discussion or consultation workshop of formulating National Land Policy. But the openness still needs to be evaluated in the future when the policy is formally published. Up to now, the openness of the process of policy-making can be scaled as “somewhat satisfied”.

b. Free access to land information

Transparency within land policy can be also reflected as the free access to the information about land policy. As shown in the figure 4-6, more than half of the respondents understand the policy related to their community. But there is one thing need to be noticed that some respondents do not get the information about policy from the government’s channel. Government still needs to improve the policy publicity. This indicator can be scaled as “Neither satisfied nor dissatisfied”.

5.2.4. Public participation

The scale of each indicator is listed below. The detail of the indicator verification is illuminated in the following sections.

Principle	Indicator	Scale
Public participation	Public consultation of policy-making	Somewhat dissatisfied

Table 5-4: Evaluation result of public participation with land policy

a. Public consultation of policy-making

This indicator is aimed to evaluate public participation within policy making. As mentioned in the section 5.2.3, several government employees and academic has been participated in the policy-making activities. Meanwhile, Nepal Policy Research Network (NPRN) is working on the public participation issues. According to the introduction from its official website, NPRN is a network of Nepalese organizations that strive to contribute to public policies that are developed in democratic and inclusive manner and work for the poor and disadvantaged groups and at the same time safeguard national interest. NPRN always launch public policy discussion series, focus group discussion and workshop involving researchers, policy makers, civil society and other stakeholders to absorb opinions for policy-making. However, the only problem is that informal settler is not involved in the list. Without hearing opinions from the grassroots level, there is less influence on the improvement of difficult condition faced by the informal settlers. Thus, this indicator is identified as the scale “somewhat dissatisfied”.

5.3. Evaluation of land registration and cadastre

Land registration and cadastre is the core component of land administration system, which provide the basic land information and protect the tenure security of land. In Nepal, land revenue office is responsible for land registration, and land survey office is responsible for cadastre mapping. The two offices are always located in the same building due to the requirement of registration process. The country is using so called “improved deed system” for land registration now. In order to evaluate the land registration system and cadastre, two dimensions are developed as the benchmark of good governance, namely equity and effectiveness and efficiency.

5.3.1. Equity

The scale of each indicator is listed below. The detail of the indicator verification is illuminated in the following sections.

Principle	Indicator	Scale
Equity	Acceptance of informal settler within land registration and cadastre system	Very dissatisfied
	Acceptance of continuum of land rights	Very dissatisfied
	Guaranteed tenure security of informal settler	Very dissatisfied

Table 5-5: Evaluation result of equity with land registration and cadastre

a. Acceptance of informal settler within land registration and cadastre system

The first indicator is concerned with whether the informal settlers are adopted by the formal land registration and cadastre system. According to the response of employee of land revenue office shown in table 4-5, current land registration system does not allow informal settlers to register their land. It means the informal settlers do not have any title or certificate to proof that they have the right to live on their land, even though they have lived there for several decades. Without the recognition of formal registration, the tenure security of informal settlers certainly cannot be guaranteed. Meanwhile, the response from land survey office stated that the informal land tenure system is neither formally accepted by the registration system nor recognized by the cadastral system of Nepal. The absence of important land information of informal settlement increases the difficulty of developing the settlement. Thus, this indicator is scaled as “very dissatisfied”.

b. Acceptance of continuum of land rights

Certainly, there is still dispute about whether the informal settlers have the right to get the ownership of their land. However, ownership is not the only choice. Accepting the continuum of land right gives the

land registration system more options to guarantee the tenure security of informal settler. Unfortunately, it can be seen from the table 4-5 that current land registration system in Nepal does not accept the continuum of land right. According to Land Revenue Act, 1978, only ownership and tenant right can be registered by the citizens. Accepting a continuum of land right is the basic characteristic of pro-poor land administration system. So it is hard to say the current system shows the promotion of equity. This indicator is verified as the scale “very dissatisfied”.

c. Guaranteed tenure security of informal settler

The evaluation result shows that the informal settlers do not feel safe about their tenure security. Human rights regulate that all people should have a degree of tenure security which guarantees legal protection against forced eviction (Alston, 1992). Lacking of tenure security of land is apparent the violation of equity. The same evidence of forced eviction mentioned above can be also applied for verifying this indicator. Although the informal settlers can escape from the eviction once, the threat of eviction will still be enveloped on them if the land registration and cadastre system remains the same. The indicator is scaled as “very dissatisfied”.

5.3.2. Effectiveness and efficiency

With regard to the effectiveness and efficiency within land registration and cadastre, there are six indicators need to be verified. The scale of each indicator is listed below. The detail of verification is described in the following section.

Principle	Indicator	Scale
Effectiveness and efficiency	Accurate land information	Very dissatisfied
	Integrated land information	Somewhat dissatisfied
	Computerized land information	Somewhat dissatisfied
	Fast and simple process of land registration	Very satisfied
	Separate “front-office” and “back-office”	Very dissatisfied
	“One-stop-shop” service	Somewhat dissatisfied

Table 5-6: Evaluation result of effectiveness and efficiency within land registration and cadastre

a. Accurate land information

Accurate land information is the fundamental of all the land related activities. It can be seen in the response of private developer which shown in table 4-6, there are a lot of errors exist in the cadastral map. She mentioned that when they were buying land for the development project, the land information in the map was always not coincident with the reality. It seriously influences the schedule of their work. Extra time and money has to be spent for changing the building certificate. Cadastral map provides the basic information of land which ensures the operation of all kinds of land related activities (Hackman Antwi, Bennett, de Vries, Lemmen, & Meijer, 2013). According to the response from the employee of land survey department, the national cadastre survey in Nepal was finished in 1997. After numerous land transactions and subdivisions in the past 16 years, it is hard to guarantee the timely and accurate update of changed land information in the instable political situation.

Meanwhile, the inaccurate land information system also has serious influence on the informal settlement issue. As mentioned in the table 4-6, government does not have an effective mechanism to identify who are the real landless people. The inaccurate land information system is the main reason of the problem. Government cannot confirm whether certain people already have land inside the city or at any other areas by searching corresponding land records. In some cases, people just sell their land and claim landless again

in order to seek for personal interest. It is difficult for the government to trace the record of previous transaction if the land information is incomplete. To sum up, this indicator is scaled as “very dissatisfied”.

b. Integrated land information

As shown in the table 4-5, an employee of land survey department stated that spatial database of different land institutions is not integrated. Sharing land information among different institutions is not convenience in Nepal now. In 2000, National Geographic Information Infrastructure Program has been launched in order to develop an integrated platform to facilitate the data sharing among Survey Department, Central Bureau of Statistics and participating agencies. Up to now, the platform is still under development. Thus, the indicator is identified as the scale “somewhat dissatisfied”.

c. Computerized land information

According to the data shown in table 4-5, digitization of cadastral map is under transition. Up to now, cadastral map has been digitized in 53 survey offices. However, the computerization of other land information such as national topographical map, ortho-photo map, and land resources map is still under development. This indicator is scaled as “somewhat dissatisfied”.

d. Fast and simple process of land registration

This indicator is aimed to evaluate the effectiveness and efficiency during the procedure of land registration. Nepal is using so called “improved deed system” for land registration now (Haack & Rafter, 2006). It can be seen from the data in table 4-5 that the process of land registration is concise and clear. The detail of process and fee is clearly written on the front wall of district land revenue office. People only need to bring citizenship certificate, ownership certificate and tax clearance certificate to do the land registration. Then fill the form and submit the form with those 3 certificates to the office. The office will check the validation of the application such as whether the land has been registered or whether the land area is the same as it mentioned in the application. If there is requirement of subdivision, the office will send the requirement to the land survey department. After the surveyor subdivides the land, the final application will send to the chief for approval. The whole process will be implemented in the same building and it only needs one or two days to finish the registration. But due to the limitation of existing system, government cannot guarantee the accuracy of land information. The buyer should be able to verify it by himself. Thus, if only consider about the effectiveness and efficiency, the indicator is scaled as “very satisfied”.

e. Separate “front-office” and “back-office”

With regard to the “front-office” and “back-office”, these concepts are still not applied in Nepal according to the data shown in table 4-5. Currently, there is no separate “front office” and “back office” in land registration office. Modern land registration system typically uses the concept of front office and back office to reduce customer accessing to the actual registration processes (FAO, 2007). Allowing customer access to the office may influence the efficiency and transparency of the system. For instance, officers can be interrupted continually by the clients, and the chance of asking informal payments will be increased. It is possible for officers to provide some extra services in order to seek for informal payment such as helping customers to jump the long queues. According to my own observation in the land registration office, clients can directly contact with the officers without any block. Thus, this indicator can be scaled as “very dissatisfied”.

f. “One-stop-shop” service

According to my own observation after visiting the land revenue office and land survey office, “one-stop-shop” service is not available for land registration in Nepal. Although these two offices are located in the

same building, which can reduce the time of land registration to some extent, the clients still have to go to two offices for implementing the process of land registration separately. Thus, the indicator is identified as the scale of “somewhat dissatisfied”.

5.4. Evaluation of land use planning

Generally, land use planning can be summarized as making the best use of limited land resources. Its purpose is to plan the land use in the manner of meeting the requirements of the society while protecting resources for the future. There is no national land use policy until 2012. Before that, land classification has been ignored for a long time. Once people have the ownership of the land, they can do whatever they want on it. So it is not strange to see a building in the middle of arable land. The only classification is the private land, public or government land, and religious land. Obviously, the rough classification cannot show any promotion of optimal utilization. After the publicity of national land use policy, the land has been classified and the land use zoning map has been made. The territory has been divided into six different classes, namely agricultural land, residential land, commercial land, industrial land, forest, and public land. There are three dimensions need to be evaluated in the domain of land use planning.

5.4.1. Equity

With regard to the equity within land use planning, there are one indicator needs to be verified. The scale of each indicator is listed below. The detail of verification is described in the following section.

Principle	Indicator	Scale
Equity	Acceptance of informal settler in the land use planning	Somewhat satisfied

Table 5-7: Evaluation result of equity within land use planning

a. Acceptance of informal settler in the land use planning

Informal settler, as an integral part of society, should have the same right as any other classes. Thus, to evaluate the equity part of land use planning, it is necessary to check whether the informal settlers are involved in the land use planning.

According to the response of an employee of Land Use Project, they have thought about the informal settler. In Kathmandu Valley, most of the informal settlements are built along the river bank. They are always under the threat of flood in the raining season. Those areas have to be regarded as the risk zone, and the informal settlers living in those areas have to be relocated to the other residential areas. Meanwhile, it is written in the National Land Use Policy that state shall identify the special areas and programs to ensure residence for people including informal settlers and those who don't have access to land. However, the land use policy still needs a long time to be implemented. Thus, the indicator can be identified as “somewhat satisfied”.

5.4.2. Transparency

With regard to the transparency within land use planning, there are one indicator needs to be verified. The scale of each indicator is listed below. The detail of verification is described in the following section.

Principle	Indicator	Scale
Transparency	Open process of changing land use type	Somewhat satisfied

Table 5-8: Evaluation result of transparency within land use planning

a. Open process of changing land use type

One condition must be met if the land use planning is to be useful. The condition is that the need for changes in land use must be accepted by the people involved. It means the change of land use has to be restricted on the basis of public interest.

The indicator is concerned with the change of land use has to be made in a transparent way. In the recently published National Land Use Policy, it is written that *“there should be policy level and policy arrangement to be sought for taking approval in cases of changing the use of land with valid reasons. If the change in land use is found to be taking place without due process, it shall be restored for the original use and lawful punishment shall be meted”*. Obviously, this regulation shows the promotion of transparency in the process of land use change. Any change of land use has to have a reasonable reason which is accepted by the public interest.

However, since the national land use policy is first introduced to the public in 2012, the policy cannot be well implemented in this short time. According to the response from the employee of Land Use Project, the backup infrastructure and legal provision will be developed within two years. And during the next three years, the land use mapping will be implemented. After these five years, the land use policy will start to be implemented in the whole country. There is still a long way to go. Thus, currently we can only conclude that land use planning shows the promotion of transparency in the initial stage. The indicator is scaled as “somewhat satisfied”.

5.4.3. Public participation

With regard to the public participation within land use planning, there are one indicator needs to be verified. The scale of each indicator is listed below. The detail of verification is described in the following section.

Principle	Indicator	Scale
Public participation	Public consultation of land use planning	Somewhat satisfied

Table 5-9: Evaluation result of public participation within land use planning

a. Public consultation of land use planning

According to the response from Land Use Project, different respondents have been involved in the process of land use planning. And it is written in the National Land Use Policy that it is necessary to ensure participation of all the stakeholders in the process of preparation and implementation of land use plan. The policy also mentions that participation of private sector along with government and public bodies shall be ensured while formulating land use plan in a coordinated manner. However, informal settler is still excluded from the decision-making of land use planning. There is seldom any information about the involvement of informal settler. Thus the indicator is scaled as “somewhat satisfied”.

5.5. Evaluation of land development

Land development is concerned with the development project which can directly influence the informal settlers. The evaluation is mainly executed from the principle of effectiveness and efficiency, and public participation. There are seven indicators need to be verified for this domain.

5.5.1. Effectiveness and efficiency

With regard to the effectiveness and efficiency within land development, there are three indicators need to be verified. The scale of each indicator is listed below. The detail of verification is described in the following section.

Principle	Indicator	Scale
Effectiveness and Efficiency	Successful implementation of land development project	Very dissatisfied
	Compliance of informal settler	Very dissatisfied
	Various land development tools	Very dissatisfied

Table 5-10: Evaluation result of effectiveness and efficiency within land development

a. Successful implementation of land development project

It can be seen from the table 4-5 that government employees are not satisfied with the performance of land development project. Recent land development projects related to the informal settlers are always interrupted due to the opposition of informal settlers. Thus indicator is scaled as “very dissatisfied”.

b. Compliance of informal settler

The effectiveness and efficiency of land development is directly related to whether the informal settlers are willing to comply with the development project. However, there was always news in Kathmandu about the informal settlers showed the strong opposition to the related land development project. Once a land relocation project is executed, the relocated informal settlers will move back to the previous settlement just within a few months. Actually, the informal settlers are not willing to stick on the current land. According to the result of figure 4-10, 69% of respondents agree if the government want to relocate them. It is not a good feeling to live with putrid smell emanating from nearby rivers. However, the informal settlers refuse to accept the land development project because their real requirement is not fulfilled. Only providing land is not the right solution. Thus, the indicator is scaled as “very dissatisfied”.

c. Various land development tools

The third indicator is that there should have various land development tools. Although the government has tried a lot of development tools such as guided land development, land titling project and road widening, the practice has proved that the results were not satisfactory. Some informal settlers sell their land and claim landless again, and some still stick on the previous settlement. Currently, the most popular mechanism for managing informal settler issue is “land pooling”. Government is mainly referring the experience from Japan which has very successful outcomes of land pooling. The main theory is that government constructs a new settlement and resettles people into it. But the key point is that the resettled people will contribute about 35% to 40% of their land as the cost of better infrastructure and facilities. Government will use 19% for road, 5% for open space, 8% to 10% for infrastructure development, and 4% for administrative cost (OLI, 2010). Thus, the choice of land development tool is not various in Nepal now. The indicator can be identified as “very dissatisfied”.

5.5.2. Public participation

With regard to the public participation within land use planning, there are three indicators need to be verified. The scale of each indicator is listed below. The detail of verification is described in the following section.

Principle	Indicator	Scale
Public Participation	Cooperation with civil society	Somewhat satisfied
	Cooperation with private developer	Very dissatisfied
	Cooperation with informal settler	Very dissatisfied
	Multilevel cooperation	Very dissatisfied

Table 5-11: Evaluation result of public participation within land development

a. Cooperation with civil society

With regard to the cooperation with civil society, government is doing it well. It can be seen from table 4-6 that government has a close cooperation with the most active NGO called Lumanti. Lumanti is a non-government organization dedicated to alleviate urban poverty through improving shelter conditions. In 2004, Lumanti initiates a housing project to provide shelter for those evicted informal settlers under the cooperation with government. Totally 44 families get the house in that project, which is the most successful land development project for the informal settlers in Nepal ever. Thus, this indicator is scaled as “somewhat satisfied”.

b. Cooperation with private developer

In contrast with the cooperation with civil society, there is not so much cooperation with private developer. As shown in the table 4-6, a private developer stated that they do not have any plan to cooperate with government on providing affordable house to the informal settler. Since the private developer is working for profit, it is hard to mobilize them to involve in the non-profit project for informal settlers. Although the cooperation is hard to achieve, it is still worth to try. The cooperation with private developer can vastly improve the efficiency of the projects. The indicator is identified as scale “very dissatisfied”.

c. Cooperation with informal settler

With regard to the informal settler, there is no deep cooperation with government in land development project. According to the response from civil society, during the process of land development, informal settler is negotiation with government through the NGOs. They cannot directly contact with government for discussing the issues related to them. Thus, the indicator is identified as “very dissatisfied”.

d. Multilevel cooperation

With regard to the multilevel cooperation, it seems a little bit early to be considered. Multilevel cooperation is now a popular concept within Europe where the urban is highly developed. In consideration of current urbanization condition of Nepal, there is hardly any characteristic of multilevel cooperation. Thus, the indicator is scaled as “very dissatisfied”.

5.6. Summary

This chapter is mainly aimed to achieve the second sub-objective of this research. The answer of research question 4-7 formulated in section 1.6 can be extracted after the evaluation. In this chapter, Nepal's land administration system has been evaluated from the perspective of good governance. The evaluation is implemented based on the empirical data collected from fieldwork in Kathmandu Valley and the secondary data collected from literature review. The result of evaluation shows that current land administration system can hardly reflect the characteristic of good governance. Its performance is not qualified enough to resolve the problem of continued existence of informal settlement.

With regard to the evaluation domain of land policy, the result shows that the land policy does not show any recognition to the informal settlers, which is obviously the absence of equity. And the result also implies the policy is not accountable for the informal settlers, which does not meet the principle of accountability. But the process of policy-making of the drafting national land policy is transparent and participatory to some extent.

For the domain of land registration and cadastre, the result shows that current land registration and cadastre system does not involve the informal settler, which does not show the promotion of pro-poor. And the land information system is not accurate and integrated. However, the procedure of land

registration is effective and efficient, but it still contains some defects such as lack of separate “front-office” and “back-office”.

With regard to the domain of land use planning, there were a lot of deficiencies in the process of previous land use planning. But since the National Land Use Policy is formulated, things begin to get better. It is regulated in the land use policy that the change of land use has to be approved through public consultation, and the informal settlement is involved in the future land use planning. The principles of transparency, public participation, and equity have been reflected by these regulations.

According the evaluation result, current land development project related to the informal settlement is not effective and efficient enough to be accepted by the informal settlers. Only if the requirement mentioned in the section 4.4.1.3, the development project can be successfully implemented for the informal settlement. With regard to the cooperation with different stakeholders, government only has a good cooperation with civil society. The cooperation with private developer and informal settler still need to be improved. Thus, the principle of public participation within land development is not satisfactory. Since the evaluation of land administration system has been conducted, the current weaknesses within land administration system have been exposed. In the next chapter, the improvement suggestions for these deficiencies are proposed and the further finding of evaluation is discussed.

6. DISCUSSION

6.1. Introduction

In the previous chapter, we have evaluated land administration system in Nepal from the perspective of good land governance. This chapter is focusing on the findings of the research and the implications of these findings, which are mainly concerned with the improvement strategies to improve the accessibility of land for the informal settlers. Meanwhile, further finding has been discussed in this chapter as well.

6.2. Improvement strategies for the current deficiency within land administration system

According to the evaluation presented in Chapter 5, the results of evaluation are rather disappointing. 16 out of 28 indicators are identified as the scale “very dissatisfied”. It means there is a huge gap between current land administration system and ideal result. The land registration system is not able to ensure the adequate management of informal settlement. In order to improve the performance of land administration system and to assist the informal settlers, several improvement strategies are formulated to improve the performance of land administration system to some extent.

6.2.1. Design reasonable criteria of identifying informal settler

Currently, government and informal settlers always have conflict about the identification of informal settler according to the response of NGO employee in table 4-6. The main reason is that government always identifies certain people as fake informal settlers so that they cannot involve in any supportive policy or project. However, those people do not recognize the identification. An employee of Lumanti claims that the criterion of identification is not reasonable, and under current identification most of the informal settlers in Kathmandu Valley can be defined as fake informal settlers.

Although some informal settlers may have land already, the land is too small for them to maintain their livelihood. Meanwhile, some informal settlers may have land in the remote area or in infertile condition. It is also not possible for them to maintain their livelihood with such land. Moreover, some informal settlers may have land but cannot work on it such as single mother and disabled people, so they can only abandon the land and go to the city for more job opportunities. Those kinds of “fake informal settlers” should also be protected by government based on different standard. They should have equal right to access to the land and service.

An employee of land survey department suggested that the criteria of identifying informal settlers can be referred to a previous project which aims to free Kamaiya people. Kamaiya is a kind of traditional bonded land labour in Nepal. In the project, the Kamaiya people are categorized into four classes. The first class is defined as the people who have land and house but work as bonded land labour for the land lord. The second class is defined as the people who fully depend on others land and work for land lord. The third class is defined as the people who have informally built house on others land and work for land lord. The fourth class is defined as the people who have land but no house. The first class people can only get the minimum support while the fourth class can get the full assistance. This kind of mechanism of classification can be also applied to the identification of informal settlers. Informal settler cannot be simply defined as real or fake but a continuum of classification. However, for those people who are rich but still squat on government or public land, government should identify them and strictly force them to leave (Tanaka, 2009). Their existence is the damage to both government and informal settler.

6.2.2. Development of pro-poor land registration system

According to the finding of evaluation in section 5.3.1, informal settler is not recognized by the official land registration system. This kind of situation is not uncommon in the developing world. Over 70% of the land in many developing countries is not involved in the formal register (Augustinus, 2010). In order to solve this kind of problem, Global Land Tool Network has proposed the use of a continuum of land rights in order to develop pro-poor land registration system. It is aimed to protect the tenure security for the majority of people, including the poor (UN-HABITAT, 2008).

Currently, the right of ownership plays the dominant role within registration system in Nepal. Informal land tenure is not protected by the system. Government refuses to provide land ownership to the informal settlers because it is possible that the informal settler sell the land and claim landless again. If government does not want to give the land ownership to the informal settler, it means they will be certainly excluded from the registration system. Once the registration system accepts the continuum of land rights, there will be more options for the government to resolve the informal settlement issues. Without the constraint of ownership, a range of right can be provided to the informal settlers such as group right, usufruct and community right. The threat of reselling land will be cleared. Once the informal land tenure has been accepted by the registration system, the informal settlers are able to get tenure security of their land.

6.2.3. Application of point cadastre

As shown in the finding of evaluation in section 5.3.1, informal settlement is not recognized by the cadastral system of Nepal. Policies and programs which aim to upgrade and regularize the areas will be constrained due to the lack of reliable data of informal (Shrestha, 2013). Due to the poor financial condition of informal settler, it is not afford for them to apply the parcel-based cadastre. There is a need of low cost and fast speed cadastral survey. Thus, point cadastre can be introduced for surveying the land information for the informal settlers.

Point cadastre is aimed to use a single geographical coordinate to display a parcel instead of the complete coordinates of its boundary (Hackman Antwi et al., 2013). In the point cadastral map, a certain parcel is represented as a point. The information of land and owner is stored in that point. Point cadastre is not focused on the accuracy of the boundary, but to provide the basic land record in a relatively low cost and fast speed. The accuracy of boundary can be adjudicated in the future when the financial condition becomes better. Once the point cadastre of informal settlement is implemented, the basic function of land administration system can be applied to the informal settler, which ensures the informal settler can be involved in land registration, land taxation, land use planning, and other land related activities.

6.2.4. Refinement of land development tools

Currently, land development tools are all concerned with the provision of land or shelter only. But the result is always unsatisfactory. It is because current those projects do not meet the real requirement of informal settlers. Providing land only is not the solution of the continued existence of informal settlement. The real requirements can be categorized into three types -- maintenance of livelihood, social attachment, and convenience service (Shrestha, 2013).

It can be seen from figure 4-11 that maintenance of livelihood is the most important requirement of the informal settlers. Due to the lack of education, most of informal settlers do not have a decent job. They always work as physical labour, household servant and retail seller to maintain their livelihood. The prerequisite of those jobs is the market. But normally the new settlement constructed for the development project is located in the remote area which is far away from the market. It will cost a large amount of transportation fee to go to the market, which is not affordable for those informal settlers. A respondent gives the reason of sticking on the land as "government cannot guarantee us the job and it's our

helplessness that we cannot travel everyday paying Rs50 to search work in the city”. Without enough resource to maintain their livelihood, they will not choose to leave their home. Meanwhile, some informal settlers have already lived in the settlement for several decades. So they have a strong social attachment with the certain land. Their whole relationship and social network is built on that land. It is hard to choose to leave emotionally. Lastly, some informal settlements are locating near the city center, and if the informal settlers are relocated they cannot enjoy the convenience facilities of the city. It is another reason that they do not accept the land development project.

Thus, current pattern of land development project has to be refined. The opinion from an university professor suggests that the problem of informal settler cannot be solved in isolation. The land development project has to be applied to the informal settler with a whole package of services. Providing land to the informal settler is just like giving a plate to a beggar. The other services such as education, infrastructure, job opportunity, and other facilities have to be provided to the informal settler within the development project. Obviously, the provision will substantially increase the government’s fiscal expenditure. But comparing with a relatively low cost but ineffective development project, a higher cost but effectiveness project which can solve the problem is the better choice. The investment is worth to pay.

Meanwhile, an academic also proposes another mechanism which is different with current land pooling project. The mechanism is called land sharing. Instead of relocating the informal settlers to the other settlement, the land sharing mechanism ensures informal settlers to stay in the current settlement. But around half of the land of the settlement has to be shared with government. Government will use the part of land to provide public infrastructure and preserve the natural resources, and the other part of land will be used to relocate the informal settlers. In Kathmandu Valley, most of the informal settlements are located along the river bank. Squatting at the river bank is vulnerable to be damaged by flood and will pollute the river constantly. The land sharing is able to ensure the river bank is controlled by the government while the informal settlers get rid of the risk of natural disaster and can keep staying at the same area. And in this condition, government does not have to consider the influence of the above-mentioned requirements. However, this seeming win-win solution needs the compromise from both government and informal settlers. The performance of land sharing still needs to be verified by the practice in the future.

6.3. Further finding

During this research, the most unexpected finding is that there is strong cohesion within the community of informal settler in Kathmandu Valley. Since the informal settlers are ignored by the state, they start to strive for rights to help themselves. Until the early 90’s, the difficulty of informal settler did not draw any attention from the society. And the informal settlers are lacking spirit of cooperation. However, just within 20 years, a lot of organization and federation of informal settlers have been established and great attention has been drawn from either international or national.

According to the response from the employee of Lumanti, Lumanti is the initiator of the supportive organization for the informal settler. The NGO was first established in 1993, and started to work on the shelter issue of informal settler since 1996. During the early years, Lumanti helped the formation of a lot of groups of informal settlers. However, two of the groups have become the main pillars of driving the activities of informal settler, namely Nepal Basobas Basti Samrakchan Samaj (NBBSS) and Nepal Mahila Ekata Samaj (NMES). During the fieldwork, interview with employee of NMES was held, but the information of NBBSS is extracted from literature. NBBSS is focus on the shelter right of informal settlers while preventing the illegal land transaction without formal certificate. NMES is worked on the housing right issues of female informal settlers, and the English name of the organization is Nepal Women’s Unity

Society. However, both of these two organizations are working on the same issue – identifying informal settlers and distributing family certificate card. Since the government is always questioning the facticity of the informal settlers, providing certificate card is of vital importance to increase the credibility of informal settler.

During these 20 years, the NGOs have made surprisingly achievements (Tanaka, 2009). Firstly, NGOs have made great effort on the negotiation with government about the forced eviction. For instance, in 2002, a road-building project was launched and 142 informal settler households had been involved in the project. After the tough negotiation with government, finally 44 households were identified as genuine informal settlers which are qualified to be relocated to the other settlement free of charge. Although the result seemed to be not satisfactory, it was an uncommon feat under the stressful instable political condition at that time. Secondly, NMES has formed several cooperatives to provide small loan to the informal settlers without any collateral. Meanwhile, long-term loan is also available to support the transaction of land.

Although the population of informal settler in Kathmandu Valley is only 17,000, which is a small part of total urban population, the informal settlers still united together to fight for their right and raised a loud voice successfully. Even in the period of turbulent political scene, they were not surrendered. The informal settler communities have made a great effort for fighting the right for themselves.

7. CONCLUSION AND RECOMMENDATION

7.1. Introduction

The finding of the research has been discussed in the previous chapter 6. The possible improvement strategies have been proposed. In this chapter, the results of all the research questions raised in chapter 1 are provided in the section 7.2. Then the recommendation for the future research is described in the section 7.3.

7.2. Conclusion

This research evaluates the land administration system from the perspective of good governance. It is aimed to improve current difficult condition faced by the informal settler in Kathmandu Valley. The evaluation is carried out based on the evaluation framework developed in chapter 3, which consists of principles and indicators of good governance. Since the evaluation has been implemented, the research questions are able to be answered as follows.

1. What are the components of land administration system in Nepal?

Land administration system is a complex system which varies from country to country. There are no two exactly same land administration systems in the world. Since the structure of land administration system is not fixed, it is necessary to divide the system into several domains, and then evaluate good governance within each domain. In consideration of the theme of managing informal settlement issue, land administration system has been divided into four domains based on its core element mentioned in the chapter 2, namely land policy, land registration and cadastre, land use planning, and land development. Each of the domains is essential for the management of informal settlement.

2. What are the principles of good land governance within land administration system?

After summarizing existing principles of good governance, five most representative principles have been selected as the principle of good governance within land administration system. These principles are equity, transparency, accountability, public participation, and effectiveness and efficiency. The principles which are not closely related to the domain of land administration and informal settlement issue have been removed such as safety, human resource development, political stability, and absence of violence. And some overlapped or similar principles have been combined.

3. What are the indicators for each principle?

Totally there are 28 indicators designed for evaluating different principle of good governance. In order to avoid the redundant, the indicators are not going to present separately here. The whole list can be found in the evaluation framework.

4. How is the evaluation result of land policy?

With regard to the evaluation domain of land policy, the result shows that the land policy does not show any recognition to the informal settlers, which is obviously the absence of equity. And the result also implies the policy is not accountable for the informal settlers, which does not meet the principle of accountability. But the process of policy-making of the drafting national land policy is transparent and participatory to some extent.

5. How is the evaluation result of land registration and cadastre?

For the domain of land registration and cadastre, the result shows that current land registration and cadastre system does not involve the informal settler, which does not show the promotion of pro-poor. And the land information system is not accurate and integrated. However, the procedure of land registration is effective and efficient, but it still contains some defects such as lack of separate “front-office” and “back-office”, and “one-stop-shop” service.

6. How is the evaluation result of land use planning?

With regard to the domain of land use planning, there were a lot of deficiencies in the process of previous land use planning. But since the National Land Use Policy is formulated, things begin to get better. It is regulated in the land use policy that the change of land use has to be approved through public consultation, and the informal settlement is involved in the future land use planning. The principles of transparency, public participation, and equity have been reflected by these regulations.

7. How is the evaluation result of land development?

According the evaluation result, current land development project related to the informal settlement is not effective and efficient enough to be accepted by the informal settlers. Only if the requirement mentioned in the section 4.4.1.3, the development project can be successfully implemented for the informal settlement. With regard to the cooperation with different stakeholders, government only has a good cooperation with civil society. The cooperation with private developer and informal settler still need to be improved. Thus, the principle of public participation within land development is not satisfactory.

8. What kind of improvement strategies can be formulated for the land administration system?

Four improvement strategies have been proposed. 1) Design reasonable criteria of identifying informal settler, 2) Development of pro-poor land registration system, 3) Application of point cadastre, 4) Refinement of land development tools.

7.3. Recommendation

The recommendations for further research are listed below.

1. *Refinement of the evaluation framework.*

There are numerous principles and indicators of good governance within land administration system. Thus, I cannot guarantee current framework can bring out the best practice of evaluation. There must have some principles and indicators which are more related to the research objective. Thus, if future researchers want to do the similar evaluation, it is better to refine the evaluation framework for the better performance of evaluation.

2. *Further research on the improvement strategies.*

Since the main objective of this research is to evaluate the good governance within land administration, the improvement strategy is not studied deeply. Thus, the detail process of those strategies is not discussed. And it still needs further research about whether the strategies are feasible for the country. Therefore, in order to resolve the trouble faced by the informal settlers, further research for certain specific strategy has to be carried out.

3. *Improvement of fieldwork plan.*

Firstly, since the research is mainly depended on the empirical data, more interviews and questionnaire surveys need to be carried out for ensuring the validity of data. Secondly, as mentioned in the section 6.4, the questionnaires are only distributed in a small area. In order to increase the validity of the result, it is better to visit more informal settlement to ensure the distribution is scattered in a random scale. Lastly, the

fieldwork of this research is implemented inside Kathmandu Valley. However, a lot of cities outside Kathmandu Valley are also facing serious problem of informal settlement. Thus, it is necessary to collect data from different cities for the further research.

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APPENDICES

APPENDIX-1: QUESTIONNAIRE FOR GOVERNMENT EMPLOYEE

Questionnaire for Government Employee

Interview No.:	Date of Interview:	Interviewee name:
Duration:	Organization:	Government level:
Organization name:		

Introductory questions:

1. Since when are you working in this organization?
2. Could you please specify your task in this organization?
3. What is the role of your organization on managing land issues?
4. How many employees are there in your organization?

Questions relate to land registration:

1. Which type of land registration system is adopted in Nepal?
☐ Title system ☐ Deed system ☐ Others:
2. How many percent of land has been formally registered in the urban area of Kathmandu?
3. How much is the registration fee of a single parcel in Kathmandu?
4. Will the price change in terms of gender or social class?
☐ Yes ☐ No ☐ Not sure
5. If yes, what is the difference of price?
6. Can the low income group afford the registration fee?
☐ Yes ☐ No ☐ Not sure
7. If they cannot, is there any preferential treatment for them?
8. How long does it take to implement the process of registration?
9. Do you have one-stop service for the registration? If so, please specify it.
10. How many procedures are involved in the process of land registration? Please specify them.
11. Is the information about those procedures open to the public?
☐ Yes ☐ No ☐ Not sure
10. Is the information about the registration fee open to the public?

☐ Yes ☐ No ☐ Not sure

11. Do the squatters have the right to formally register their land?

☐ Yes ☐ No ☐ Not sure

12. If no, what is the alternative method to protect their tenure security?

13. How is computerization popularized in the land registration system?

14. Do you have a monitoring system to monitor the performance of land registration?

☐ Yes ☐ No ☐ Not sure

15. If yes, please specify it.

Questions relate to land policy and land use policy:

1. Does Nepal have a set of formal national land policy and land use policy?

☐ Yes ☐ No ☐ Not sure

2. If yes, please specify the policy. If no, what is the alternative?

3. Are those policies well implemented?

☐ Yes ☐ No ☐ Not sure

4. If no, what are the main obstacles?

5. Is the information of land policy and land use policy open to the public?

☐ Yes ☐ No ☐ Not sure

6. Are the public participated in the decision-making of land policy and land use policy?

☐ Yes ☐ No ☐ Not sure

7. If yes, what are the processes adopted for the public participation and who are the stakeholders?

8. What is the definition of squatters in the policy?

9. Is there any land and land use policy concerning about the squatters?

☐ Yes ☐ No ☐ Not sure

10. If yes, please specify the policy?

11. Is there any obstacle while implementing the policy? If so, please specify the obstacle.

12. Is there any cooperation with other organizations or stakeholders while implementing land and land use policy? If so, please specify the cooperation.

13. What is the role of government while implementing land and land use policy?

Questions relate to land development:

1. How many percent of Kathmandu urban population have their own land or house?

2. What is the average housing price in the city?

3. What is the tax rate for buying a house?
4. Can the poor people afford the cost of buying a house or a piece of land?
☐ Yes ☐ No ☐ Not sure
5. If no, is there any preferential treatment for those poor people?
6. Is there any development project that aims to help the squatters?
☐ Yes ☐ No ☐ Not sure
7. If yes, what are the results?
8. Is there any cooperation with government or other stakeholders while implementing those projects?
☐ Yes ☐ No ☐ Not sure
9. If yes, what is the type of cooperation and who are the stakeholders?
10. Do you think there are problems on managing land development? If then what are the problems?

Questions relate to individual perception:

Land Registration

1. Do you agree that current land registration system is suitable for the country?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
Please justify:
2. Do you agree that the registration fee is reasonable for citizens of low income groups?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
Please justify:
3. Do you agree that the time of registration is appropriate?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
4. Do you agree that current land registration system can guarantee the tenure security of squatters?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
Please justify:
5. Do you agree it is good to accept different types of registration form for the squatters?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
Please justify:
6. Do you agree a good land registration system is able to improve the management of squatter settlement?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
Please justify:
7. Do you agree the squatters will benefit from doing land registration?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

Land policy and land use policy:

1. Do you agree current land policy is adequate for the country?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
Please justify:
2. Do you agree current land use policy can bring out the maximum potential of land?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
Please justify:

3. Do you agree adequate land policy and land use policy can positively impact the development of squatter settlement?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

Please justify:

4. Do you agree the public clearly know the content of current land policy and land use policy?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

Please justify:

5. Do you agree the public take part in important decision-making of land and land use policy?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

Please justify:

6. Do you agree current land policy and land use policy shows the promotion of equity?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

Please justify:

Land development:

1. Do you agree it is necessary to develop the squatter settlement?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

2. Do you agree it is a good way to control unplanned urban growth by upgrading the squatter settlements?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

3. Do you agree it is a good way to control unplanned urban growth by removing the squatter settlements and providing formal settlement to the squatters?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

4. Do you agree the average housing price in the city is reasonable?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

5. Do you agree NGO is helpful for the development of squatter settlements?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

6. Do you agree it is necessary to cooperate with different stakeholders inside the city while implementing development projects?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

7. Do you agree all the squatters can benefit from the development project?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

APPENDIX-2: QUESTIONNAIRE FOR CIVIL SOCIETY EMPLOYEE

Questionnaire for the Employee of Civil Society

Interview No.: ____ Date of Interview: ____ Interviewee name:

Duration: ____ Organization: _____ Position:

Address:

Introductory questions:

1. Since when are you working in this organization?
2. Could you please specify your task in this organization?

General questions:

1. When and how was the NGO/CBO established?
2. What is the overall objective of your organization?
3. How many staffs are there in your organization?
4. How is the operative structure of the NGO/CBO?
☐ paid staff ☐ volunteer staff ☐ others:
5. How is the organization funded?
☐ self-funded ☐ funded by government ☐ funded by private donors
☐ others:
6. What is the main field the NGO/CBO working in?
7. Which types of target group will benefit from programs / projects initiated from your organization?
☐ Children ☐ Women ☐ Disabled people ☐ Squatters ☐ Others:
8. Is the organization recognised and respected by the target group?
☐ Yes ☐ No
9. Are representatives from the target groups involved in the NGO?
☐ Yes ☐ No
10. If yes, what is the form of participation?
11. Have they been directly or indirectly involved in the design and implementation of the project? How?
12. Has your organization implemented or plan to implement any program / project related to the squatter settlement?
☐ Yes ☐ No
13. If yes, could you please specify the program / project?
14. During the program / project, what is the biggest obstacle?
15. Does your organization have any cooperation with other organizations or stakeholders?

☐ Yes ☐ No

16. If yes, how is the cooperation?

17. What has been the role of the national government in the design and implementation of projects?

18. In your opinion, what is the better role that government should play?

Individual perception questions:

1. Your organization has gained considerable achievement till now.

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

Please specify your reason:

2. Government has paid enough attention in your working field.

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

Please specify your reason:

3. It is necessary to solve the land and housing issues of squatter settlement soon.

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

Please specify your reason:

4. Current land registration system is effective and efficient to address the problem of squatter.

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree ☐ Don't Know

Please specify your reason:

5. Current land and land use policy address the problem of squatters.

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree ☐ Don't Know

Please specify your reason:

6. Current management of squatter settlement performs well.

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree ☐ Don't Know

Please specify your reason:

7. Squatter should get ownership of the land.

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

Please specify your reason:

8. Squatter settlement should be relocated rather than upgrading.

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

Please specify your reason:

APPENDIX-3: QUESTIONNAIRE FOR INFORMAL SETTLER

Questionnaire for Informal Settler

Interview No.: ____ Date of Interview: ____ Interviewee name:

Duration: ____ Interviewee age: ____ Name of squatter settlement:

Address:

General questions:

1. Since when are you living in here?
2. What is the reason that you choose to live here?
3. How many people are living in this area?
4. What kind of infrastructures is missing in this area?
5. How can you live without those infrastructures? Do you have any alternatives?
6. Do you have any title or certificate of the land?
☐ Yes ☐ No ☐ Not sure
7. Do you have tenure security of your land?
☐ Yes ☐ No ☐ Not sure
8. Have you ever been threatened to leave your land?
☐ Yes ☐ No ☐ Not sure
9. Is there any help from government to improve your tenure security, living condition and livelihood? If yes, please specify it.
☐ Yes ☐ No ☐ Not sure
10. Is there any help from civil society to improve your tenure security, living condition and livelihood? If yes, please specify it.
☐ Yes ☐ No ☐ Not sure
11. Do you clearly know the information of the plan or policy related to your community?
☐ Yes ☐ No ☐ Not sure
12. Have you ever been involved in the important decision-making of project or policy related to your community? If yes, please specify it.
☐ Yes ☐ No ☐ Not sure
13. Do you accept if government wants to relocate you to another constructed settlement? Please specify the reason.
☐ Yes ☐ No ☐ Not sure

14. In your opinion, what is the most important problem which needs to be resolved immediately?

Individual perception questions:

1. Do you agree that you should get the ownership of your land?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

2. Do you agree that government has recognized your community?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

3. Do you agree that your living condition has been improved by the help of government?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

4. Do you agree that your living condition has been improved by the help of civil society?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

5. Do you agree that you have the equal accessibility to the land?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

6. Do you agree that you are living a proper life?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

7. Do you agree that you are involved in the decision making of the project or plan related to your community?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

8. Do you agree that government is doing a good job?

☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree

APPENDIX-4 QUESTIONNAIRE FOR ACADEMIC

Questionnaire for Academic

Interview No.: ____ Date of Interview: ____ Interviewee name:
Duration: ____ Organization: _____ Government level:
Address:

Introductory questions:

1. Have you been involved in the study of land related issues? If so in which aspect (social, economic, environmental, and legal) of land issues you have focused on?
2. Since when are you working in this area?

General questions

1. In your opinion, what are the causes of unplanned urban growth?
☐ Lack of land policy and land use policy
☐ Weakness of land registration and cadaster
☐ Other issues:
2. Would you please specify the causes?
3. What are the effects of unplanned urban growth in terms of social issues, environmental issues, and economic issues?
4. Do you have an idea, how many squatter settlements are there in Kathmandu?
5. Does the scale of squatter settlements keep increasing?
☐ Yes ☐ No ☐ Not sure
6. What is your suggestion of improving the management of squatter settlements?
7. What is your opinion about the performance of land registration system / land policy and land use policy / land development in Nepal?
8. If you are not satisfied, what kind of aspects needs to be improved?
9. Do you think applying good governance to land administration is able to improve the performance of managing informal settlements and slums?
☐ Yes ☐ No ☐ Not sure
10. In consideration of the principles of good governance, which principles are most needed for resolving the current problem? Provide the options by yourself
11. In your opinion, when and how the country can tackle the issues of unplanned growth.

View on current land administration system

1. Do you agree current land registration system is suitable for the country?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
2. Do you agree current land policy is suitable for the country?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
3. Do you agree the principle of transparency is necessary to be applied to land administration?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
4. Do you agree the principle of participation is necessary to be applied to land administration?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
5. Do you agree the principle of equity (especially pro poor) is necessary to be applied to land administration?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree
6. Do you agree applying land governance can positively impact unplanned urban growth?
☐strongly agree ☐agree ☐neutral ☐disagree ☐strongly disagree