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ABSTRACT

Urban planning guidelines and land use plans exist in Nepal, the difficulties lie in implementation. Specifically, who must follow the law and in which parts of the city must urban planning be implemented. This is being actively negotiated between newly elected local government officials and residents in rural areas of the city. This Urban Pulse essay presents an incremental logic of urban planning from the perspective of the local government as a negotiated practice in the aftermath of administratively created urbanization, municipalization and decentralization efforts. While Nepal is situated 'out of sight' in global urban debates, Nepal matters because similar processes are occurring in other ordinary, academically overlooked places throughout the world. The essay questions how urban planning incorporates urbanizing peripheries into its regulatory fold when the local government has not governed certain spaces in the past and residents do not understand what is expected of them.

KEYWORDS: Nepal, urban planning, incrementalism, municipalities, decentralization

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Abstract

Urban planning guidelines and land use plans exist in Nepal, the difficulties lie in implementation. Specifically, who must follow the law and in which parts of the city must urban planning be implemented. This is being actively negotiated between newly elected local government officials and residents in rural areas of the city. This Urban Pulse essay presents an incremental logic of urban planning from the perspective of the local government as a negotiated practice in the aftermath of administratively created urbanization, municipalization and decentralization efforts. While Nepal is situated 'out of sight' in global urban debates, Nepal matters because similar processes are occurring in other ordinary, academically overlooked places throughout the world. The essay questions how urban planning incorporates urbanizing peripheries into its regulatory fold when the local government has not governed certain spaces in the past and residents do not understand what is expected of them.

Key words

Nepal, Urban planning, Incrementalism, Municipalities, Decentralization

Newly Urban Nepal

Urban planning guidelines and land use plans exist in Nepal, the difficulties lie in implementation. Specifically, who must follow the law and in which parts of the city must urban planning be implemented. This is being actively negotiated between newly elected local government officials and residents in rural areas. This Urban Pulse essay presents an incremental logic of urban planning from the perspective of the local government as a negotiated practice in the aftermath of administratively created urbanization, municipalization and decentralization efforts. “Modes of urban planning practice are rooted in space and time, and we must begin by looking, listening and paying attention to the current instantiations of practice and their relationship to place” (Bhan 2019, 13). While Nepal is situated ‘out of sight’ in global urban debates, Nepal matters because similar processes are occurring in other ordinary, academically overlooked places throughout the world. This essay argues that Nepalese urban planning efforts are highly dependent on the local authorities’ relationships with residents in different geographical parts of the city. The essay questions how urban planning incorporates urbanizing peripheries into its regulatory fold when the local government has not governed certain spaces in the past.

Nepal, a small, landlocked country between the regional giants of India and China, has a population of almost 30 million and whose GDP is based on agriculture and tourism. Nepal has recently experienced a range of upheavals including a ten-year Maoist internal conflict (1996-2006) that killed 13,000 people, a natural hazard portfolio that includes an earthquake in 2015 that killed almost 9,000 people and left 800,000 homeless (Bracken et al, 2018) as well as annually occurring landslides and floods that impact significant portions of the population. In addition to the internal conflict and disasters originating from natural hazards, other political events such as the promulgation of a new constitution in September 2015 and a five-month economic blockade imposed by India impact Nepal’s development. These periods of prolonged tension and uncertainty are euphemistically known in Nepal as being in ‘transition’ (Byrne, 2018). Lastly, there is general consensus in Nepal that there has been a “profound failure by the [Nepalese] state to provide services and stable government” for its citizens (Nightingale et al 2018, 851).

Urbanization and decentralization

To give a bit of historical context, this formerly secluded Hindu kingdom opened its boundaries to the outside world in 1951 (Toffin, 2013). In the 1990s, there was multiparty democracy and in 1992, a newly elected government introduced legislation that provided for powers and responsibilities of local governments to be expanded (Acharya, 2018). In 1999, the government passed the Local Self Governance Act which stayed in effect for almost twenty years. In the midst of the Maoist Insurgency, in 2002, the government led by the king replaced locally elected officials with central government employees. In 2006, a comprehensive peace accord was signed and a republic was established in 2008.

Until 2014, Nepal was considered a rural country where 86% of the population lived in small rural communities (IFAD, 2014). Over 40% of the population needed to walk two hours to access a paved road. The country had a centralised form of government and minimal autonomy for centrally appointed government officials working in

municipalities. Due to power struggles between the Ministry of Federal Affairs and Local Development (MoFALD) and the Ministry of Urban Planning regarding who would manage the rapidly urbanizing cities of Nepal, the central government administratively transformed Nepal. The central government incentivised rural government units called Village Development Councils to amalgamate into larger entities or to be absorbed by municipalities. MoFALD won the power struggle. Two thirds of municipalities in Nepal were created in the 12 months before the April 2015 earthquake.

From 2008 until 2015, there have been ongoing political discussions about a new constitution. In the autumn of 2015, the constitution was promulgated and created a federal system with three levels of government: national, provincial and local. There are now seven provinces and the 753 local governments are comprised of six metropolitan cities (Figure 1), 11 sub-metropolitan cities, 276 urban municipalities (*Nagarpalika* in Nepalese language), and 460 rural municipalities (*Guanpalika* in Nepalese language). By 2017, 60% of the population lived in urban municipalities according to the government. In 2017, the national government introduced the Local Government Operation Act 2074 with the goal of strengthening management and operational capacity (Acharya, 2018). Local governments have received a wide range of powers from the 2017 Act including local planning, economic development, social development, the environment and community infrastructure. Understandably, the local governments are struggling to cope with the new and increased responsibilities (Asia Foundation, 2018). The “transition to federalism is profound and requires years to unfold” stated Dr. Khanal, Secretary of the Ministry of Finance (World Bank, 2019).

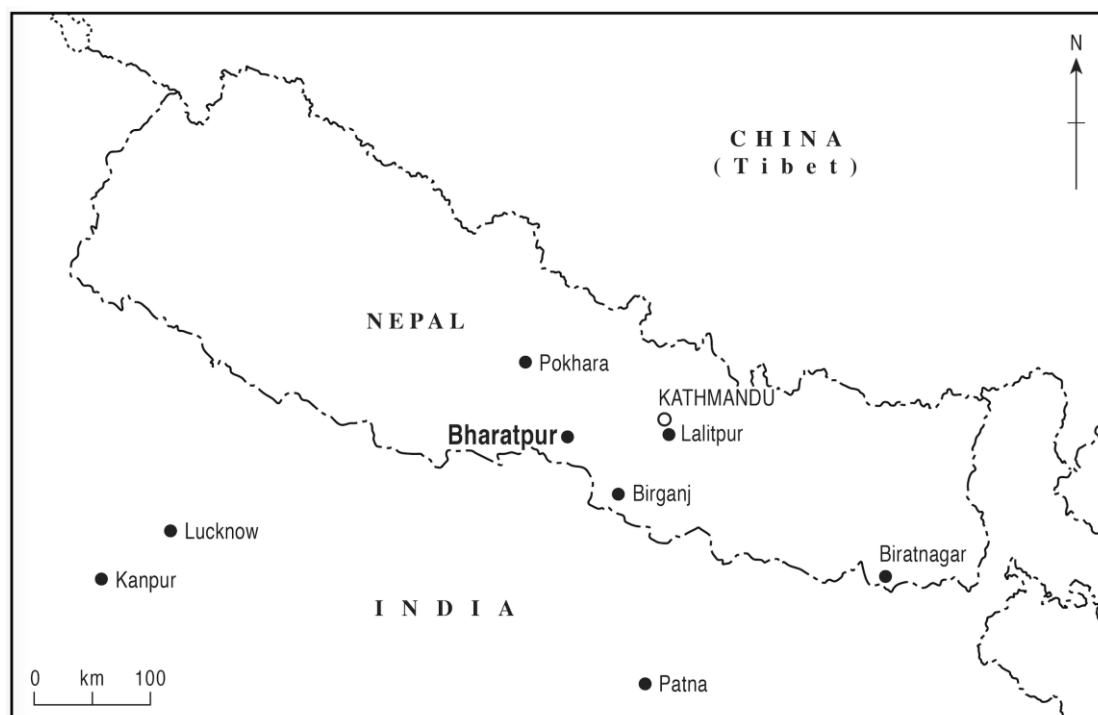


Figure 1 Nepal

Source: Cartographic Unit, Department of Geography, Durham University

An example of the complex and evolving changes taking place in Nepal is the city of Bharatpur (Ruszczyk, 2017). The administrative changes of Bharatpur over the past five years (2014-2019) have been staggering. Until November 2014, Bharatpur Municipality had 14 administrative wards and a population of 144,000. In December 2014, it became the Sub Metropolitan City of Bharatpur with 29 wards; its physical area increased by 50% and its population increased over 50% (to 210,000). This was due to the amalgamation of five villages. The budgetary allocation from the central government to the local government did not increase significantly although responsibilities did increase. In 2017, Bharatpur became a Metropolitan City, its geographic area was again expanded, and the population increased to 280,000 residents. These resultant administrative changes have transformed Bharatpur from a city with peripheral rural areas to a city that is very rural in terms of demographics, geographic area and physical attributes such as poor quality of roads, poor access to electricity, piped water and sanitation facilities. At the present time, the Metropolitan City of Bharatpur is one of the five largest cities in Nepal and second largest in geographic area. It has become an important city in Nepal due to its location, size and general perception as a 'safe' city with minimal political and social tensions between residents.

Restrictions of centralized local government

Until 2017, the most senior ranking official of the Municipality of Bharatpur (the chief executive officer) and other high-ranking officials of the Municipality were appointed by the central government and rotated to different municipalities on a periodic basis (between two and five years). This created a system of incentives organised toward pleasing Kathmandu superiors so as to secure promotion in another city or even in the capital city of Kathmandu. The line of vision of these bureaucrats was always upward to the central government. They were not particularly keen on managing their local portfolio of responsibility. At the same time, they were also keen to not upset local politicians and landowners because this could informally impact their career mobility. The central government appointees focused on maintaining consensus with the local political elite rather than governing the municipality.

In November 2014, during one of several fieldwork interviews with a senior Municipality of Bharatpur official, he discussed the difficulties the local government faced in relation to urban planning. The Municipality was in a quandary he explained:

“It has its hands tied. People purchase agricultural land and build homes and subsequently receive planning permission from the Municipality”.

Even in 2014, this was an illegal practice, but this official acknowledged his municipality was retroactively approving illegal construction. Residents did as they pleased. In the autumn of 2015, another official leading urban planning for the newly enlarged Sub Metropolitan City of Bharatpur, explained the tensions that the local government was facing after the devastating earthquake and a larger geographic area for the Sub Metropolitan City:

“Now that we have 29 wards, it is more complicated, the area of the Sub Metropolitan City is too big. In the near future, there will be a [new] Sub Metropolitan City master plan with a land use plan. At the present time there is no demarcation of land use. People will be angry that agricultural land cannot be residential”.

He continued by stressing that the local government did not have the human resources to fully implement its responsibilities, the local government did not possess the financial resources to purchase land for needed physical infrastructure projects nor the political power to effectively lead urban planning. “It is back to front”, according to this key respondent from the Sub Metropolitan City of Bharatpur. During my regular fieldwork trips over five years (2014-2019) in Bharatpur, I observed that the local government officials were acutely aware of the scale of urban development issues. They struggled to intervene in situations they observed to be haphazard and troubling. The Sub Metropolitan City was forced to follow the actions of residents rather than planning for the long term because the centrally chosen local government had “its hands tied” in multiple ways including human, financial, technical and political.

Incremental urban planning

After the decentralization project began in 2015 and after the first local elections were held in 2017, the new Metropolitan City of Bharatpur is required by the federal government and by its municipal by-laws to provide leadership on urban planning. In a regional city such as Bharatpur there are few large-scale commercial developments with the exception of this new shopping mall (Figure 2) located on the main highway that bisects Bharatpur in half. The situation in Kathmandu and Lalitpur (both located in Kathmandu Valley) will be different from Bharatpur. Historically, they received significant investment and attention from developers.



Figure 2: New Shopping Mall Photograph: Author, 2017

Instead, urban planning is being considered in a careful, incremental manner radiating from the historically geographic centre, the urban core, to the city’s periphery, the rural areas. The logic of urban planning is incremental because this is all the local

government is capable of implementing at the present time according to interviews with government officials on different levels and with residents. For the newly elected government officials, there is some attempt to utilise incremental urbanism in the hope to formalise, codify and institutionalise elements of urban planning (Datta et al, 2019). The local authorities are incrementally learning how to implement the law and they understand the need to tread carefully and slowly implement urban planning regimes in a staggered manner.

Based on my April 2019 interviews with officials from the Metropolitan City of Bharatpur, it is evident that urban planning and land use planning is being implemented in a different way compared to when the local government was central government led. Implementation now depends on spatial location. For the newly elected local officials, there appears to be a calculated decision to implement urban planning on the basis of whether the geographic area being considered is a 'core', 'semi' urban or rural part of the city (Figure 3). This decision to incrementally implement urban planning is based on whether the ward was part of the original boundaries of the Municipality (in the year 2014), Sub-Metropolitan City (in 2015) or Metropolitan City (in 2017). This geographic consideration reflects the quality and terms of the relationship between the local government and residents. Those wards that have been part of the municipality as of 2014 were more aware of what it meant to live in a city, what the rules were for being residents of the city and what was expected of them as residents. A relationship would have been built with the staff of the municipality. Some of the affluent residents would have been educated between 2014-2017 on how to build their homes to meet urban planning requirements such as earthquake resistant construction.



Figure 3: Core, Urban Bharatpur Photograph: Author, 2017

After the boundaries of Bharatpur were enlarged to amalgamate villages beginning in 2015, relationships between many residents and the local authority have not had the opportunity to be developed. It is in these geographic locations where the Metropolitan City of Bharatpur is incrementally deciding not to intervene, *yet*. They are scared of upsetting the rural residents who directly ask the Metropolitan City of Bharatpur why they should follow rules they are not aware of and do not understand (Figure 4). They question, why should they pay the local government a fee to get approval to build a house on their own land. The staff assigned to the ward offices (lowest level of local government) are insufficient in number, lack knowledge, social networks and capacity to implement the law (Datta et al, 2019; World Bank, 2019).



Figure 4: Rural Bharatpur Photograph: Author, 2019

In reality, the rural areas are tacitly being left to their own devices for the time being. This creates opportunities for residents located in these areas or those from outside Bharatpur who understand the current limitations of the local authorities to construct buildings in the way they chose (and not abide by government regulations). The local government is not powerful enough at the present time to stand firm in rural areas and implement the law after a nearly two-decade long vacuum in local governments which were led by central government appointees. In the Nepal experience, the metropolitan rural residents can *ignore* existing planning laws knowing that the metropolitan city does not dare to implement the law in their rural areas for the time being. It will be a few years before the formal urban planning regime and governing through more than just incrementalism will apply to them. There is a general awareness that the local government does not yet have control here. In Nepal, cities where rapid change is taking place, simultaneously must balance legal and illegal spatial practices while managing the needs of a range of constituents and trying to learn to govern. There is a tightrope to balance for the local authorities who were just elected in 2018.

Conclusion

While the national political project to create an urban, decentralised country is underway in Nepal, cities such as Bharatpur are trying to govern and incrementally implement urban planning. This urban pulse essay considered how urban planning incorporates urbanizing peripheries into its regulatory fold when the local government has not governed certain spaces in the past and struggles to make the rural areas part of the city. This careful, step by step approach in which the local government treads carefully deciding where and when to implement urban planning laws is noteworthy because it will resonate with other places throughout the world. It is vital to academic knowledge creation to generate inquiries, concepts, theoretical and policy language that can shape the way we think about the urban and practice from “here” (Bhan, 2019), the places where the world’s population lives. Incrementalism is a negotiated practice based on the geographic location and existing relationships between residents and the local government. Places that are rural and have only recently become part of the Metropolitan City are being intentionally ignored for the time being. The local government does not have the power and willingness to force these residents to follow urban planning and land use plans. For how long and what will be the unintended consequences of these actions remains to unfold.

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