Governance

Governance ?

(शासन)

Governance

- Governance is the process of decision-making and the process by which decisions *are* implemented.

- The term governance can apply to corporate, international, national, local governance or to the interactions between other sectors of society

- Good governance is an indeterminate term (*not definitely or precisely determined or fixed i.e vague*).

- It is called "*सुशासन*" in Nepali meaning better, ideal and efficient ruling.

Contd…

- Governance is the process of governing

- It is the way in which society is managed and how the competing priorities and interests of different groups are reconciled.

- Concerned with the processes by which citizens participate in decision-making, how government is accountable to its citizens and how society obliges its members to observe its rules and laws.

Contd…

- राज्य संयन्त्रलाई जनमुखी बनाई नागरिकको अपेक्षाअनुरूप छिटो, छरितो र प्रभावकारी सेवाका माध्यमबाट नागरिकलाई शासनको सुखद अनुभूति दिलाउनु नै सुशासन हो ।
- असल
- कुशल
- जनमुखी

Why Good Governance

- for making proper use of the human, material, and financial resources.

- to meet the needs of people by mobilizing internal resources and controlling corruptions

- provide speedy and credible services, control bribery, irregularities and promote public confidence in the institutions,

Principles of good (Land)governance

- Participation, Representation, Fair Conduct of Elections (जनसहभागिता, प्रतिनिधित्व,निष्पक्ष आवधिक निर्वाचनको सुनिश्चितता).

- Responsiveness (जवाफदेहिता)

- Efficiency and Effectiveness (प्रभावकारिता र कुशलता)

- Openness and Transparency (कुशलता र प्रभावकारिता (खुल्लापन र पारदर्शिता)

- Rule of Law (विधिको शासन)

- Equity and Inclusiveness (समता र समावेशिता)

- Competence and Capacity (सामर्थ्य र क्षमता)

Contd…

- Innovation and Openness to Change (नव प्रवर्तन र परिवर्तन प्रति सकारात्मकता)
- Sustainability and Long term Orientation (दिगोपन र दीर्घकालिन अनुकूलन)
- Sound Financial Management (चुस्त आर्थिक व्यवस्थापन)
- Accountability (उत्तरदायित्व)

Contd…

- **<u>Participation</u>**

➢ As far as possible. the most vulnerable groups (सिमान्तकृत समुदाय) in the society should be included in decision-making.

➢ There should be freedom of association and expression (संगति एवं वाक स्वतन्त्रता) *and* organized civil society (व्यवस्थित नागरिक समाज)

➢ So, active participation of the people, the civil society and non-governmental organizations to maintain good governance.

Contd…

- Responsiveness

➢Good governance also means being responsiveness to the needs and expectations of the people. (i.e It is the duty of the responsible officials to serve and deliver services to the people within a reasonable time frame.)

❑Efficiency and Effectiveness

➢Good governance should ensure effective and efficient uses of available resources in the most transparent and accountable ways (सुशासनमा मानवीय, प्रविधिगत, आर्थिक, प्राकृतिक र पर्यावरणीय सबै श्रोतहरुको समुचित प्रयोगद्वारा संस्था र कार्य प्रक्रियाहरुमा उत्तम परिणामको सुनिश्चितता हुन्छ)

Contd…

- **<u>Openness and Transparency</u>**

➢Good governance can be promoted only where decisions are made and implemented according to rules and regulations in a transparent way

➢ public information is freely and easily made available.

➢Access to information on policy and decision making processes, rules and procedures, procurement, expenditures

❑<u>Rule of Law</u>

➢Rule of law means everyone in the country is under law, directed and controlled by law and every process is carried out as per law

➢Include fair legal framework

➢Protect human rights

➢Should have independent judiciary and incorruptible police force

Contd…

• **<u>Equity and Inclusiveness</u>**

➤It should be ensured that nobody feels excluded from the main stream of the society.

➤As far as possible, every section of the society should be represented proportionately.

❑**<u>Accountability</u>**

➤Good governance requires accountability on the part of every institution: government or private, and also civil society towards the people going to be affected by its decisions or actions (नीति निर्माणमा कुन कार्यका लागि को जिम्मेवार हुने भन्ने स्पष्ट निक्यौंल हुनु पर्दछ)

Contd….

- **Consensus-Oriented (Civic engagement)**

➢ Involve what is in the best interest of the whole community and how this can be achieved through active participation of whole society

➢ It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development.

Local Governance

- The complexities inherent in the socio-cultural and physical landscape of the country.

- Indicate that the architecture of local governance may determine the ways how and to what extent the rights and participation of people in governance are ensured.

- Main focus on Decentralization

- Different forms of Decentralization

1. Deconcentration

2. Delegation

3. Devolution

Contd….

- **<u>Deconcentration</u>**

➢which is often considered to be the weakest form of decentralization and is used most frequently in unitary states (authority to the central government)

➢redistributes decision making authority and financial and management responsibilities among different levels of the *central* government.

➢It can merely (no thing more than) shift responsibilities from central government officials in the capital city to those working in regions, provinces or districts, or it can create strong field administration or local administrative capacity under the supervision of central government ministries.

Contd….

- **<u>Delegation</u>**

➢ is a more extensive form of decentralization.

➢ central governments transfer responsibility for decision-making and administration of public functions to semi-autonomous (*acting independently to some degree*) organizations not wholly controlled by the central government, but ultimately accountable to it.

➢ Governments delegate (*the act of empowering to act for another*) responsibilities when they create public enterprises or corporations, housing authorities, transportation authorities, special service districts, semi-autonomous school districts, regional development corporations, or special project implementation units.

➢ Usually these organizations have a great deal of discretion (*power of free decision)* in decision-making. They may be exempt (set apart) from *constraints on regular civil service personnel* and may be able to charge users directly for services.

Contd….

- **Devolution.**

➢A third type of administrative decentralization is devolution.

➢When governments devolve (to pass on *something, such as responsibility, rights, or powers) from one entity to another)* functions, they transfer authority for decision-making, finance, and management to quasi-autonomous (*resembling or having some but not all the features*)units of local government.

➢ Devolution usually transfers responsibilities for services to municipalities that elect their own mayors and councils, raise their own revenues, and have independent authority to make investment decisions.

➢ In a devolved system, local governments have clear and legally recognized geographical boundaries over which they exercise authority and within which they perform public functions. It is this type of administrative decentralization that underlies most political decentralization.

Land governance

- Land governance means "the process by which decisions are made regarding the access to and use of land, the manner in which those decisions are implemented and the way that conflicting interests in land are reconciled (to restore to friendship or harmony" (FAO/UN-HABITAT)

- Land governance can be called "good" when this decision-making over access to and use of land as well as its enforcement and the resolution of conflicting interests is done in a fair and transparent way, allowing everyone to equitably participate and to receive an adequate share while at the same time guaranteeing economically, socially and environmentally sustainable land development.

Critical Land Governance Issues

- Land policy and the land policy development process
- State lands and customary lands management
- Slum upgrading and informal settlements
- Land use planning (भू उपयोग नीति)
- Land conflict resolution
- Land reform & land administration reform
- Expropriation and compensation
- Access to land in post disaster and post conflict situations
- Gender and inheritance rights

Source: UN-Habitat/GLTN

Effects - Weak and Good Governance

Weak governance

• Insecurity of tenure

• Land conflicts

• Social and political instability

• Erosion of ethics (नैतिकता) and standards of behavior

• Inequitable land distribution

• Reduced private sector investment

• Limited local revenues

• Unsustainable natural resources management

Effects - Weak and Good Governance

Good governance

- Protects the poor from illegitimate evictions

- Allows for rapid resolution of land disputes

- Brings the rule of law within the reach of the poor

- Reduces fraud and bribery

- Allows for more equitable access to land

- Provides incentives (boost) for investment

- Allows the state to benefit from land taxation

- Creates incentives (to move to action) for landowners
  to use their land in a sustainable manner

Examples of bad practices in Land Governance/Administration

SLAD

State capture

❑ systemic political corruption in which private interests significantly influence a state's decision-making processes to their own advantage

- illegal transfers of public/state land to private interests

- unfair compensation in case of expropriation

Administrative corruption

- Bribes to access different land services; frauds; favoritism; planning/building permits issued for informal payments, not on technical merit)

Discriminatory treatment

- Women, disable people, ethnic minorities, youth, etc

Lack of capacity

- Human, institutional, etc

Examples of good practices in Land Governance/Administration

Management of LIS

- Land Information System

- Setting service standards (time/output)

- Client surveys and hotlines

- State land inventory

- Community boundary mapping

Accessing Land Information via internet

Wireless/mobile accessing Land Information via Internet

Improving transparency in Land Administration

Tools

- Improving access to information for timely availability of reliable data/information

- Clear and simple effective procedures

- Public participation with awareness programme

- Promotion of ethics, professionalism, integrity

- Increased transparency through institutional reforms

- Monitoring and assessment systems

Supporting tools – Good practices in Land Governance/ Landaministration

Geo-Information Technologies and communication technologies (Geo-ICT)

- Modern data acquisition technologies such as total stations, Remote Sensing, GPS, Mobile technologies, Internet and Intranet;

- Modern management tools for GIS/LIS and reliable databases,

- Modern data visualization and dissemination tools

Domains of Governance