

# Issues and Concepts Related to Participatory Management: The Context for Nepal

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## 1. Introduction

In this paper, we would like to provide some background information on existing Nepali legal documents and policies that pertain to participatory irrigation management. We then try to tease out some of the critical issues regarding participatory management.

### 1.1 Policy and Legal Background

The Approach to the Eighth Plan (1992-97) produced by the National Planning Commission in November 1991 states that "the growing income and wealth inequalities in the face of meager economic growth has pushed more people below the poverty line. Between 8 and 9 millions of the total population are estimated to be below the poverty line and deprived of the basic minimum needs for human living. Population growth has outpaced the increase in food supply resulting in a declining per capita availability of food grains."

The government of Nepal views improved irrigation management as crucial to its rapid development program. Above all, it has chosen to focus on the users of irrigation systems as key elements in helping the government achieve its highly ambitious of having some of the largest farmer managed systems in the world, responsible for over half the country's irrigated area, better management is now being viewed in terms of progressively reducing the role of the state and enhancing farmer participation. In the same Approach to the Eighth Plan, a set of policies have been specified incorporating some sort of farmers participation. It outlines that "the management of large irrigation schemes is possible only if users are involved in the design of these schemes from the inception and planning stages. Therefore, it should be the norm for these projects to have user group participation early on. Locally available technologies and methods will be promoted in community irrigation schemes which will be constructed and managed by the users. Large irrigation schemes will be divided into smaller units for management of water and will be managed through a group of smaller, community units and organizations from within the command area for the collection of the water cess and for the repair and maintenance of secondary and tertiary canals."

In 1988, the Government introduced a Working Policy on Irrigation Development for the Fulfillment of Basic Needs, to facilitate urgent and effective action in the irrigation sector. This document provided new direction to Nepal's irrigation policy by mandating the participation of farmers at all levels of development, from project identification, design and construction to operation and maintenance of completed systems.

This new policy also reflects the government's acknowledgement of the relative success of existing farmer managed irrigation systems which constitutes a significant portion of Nepal's irrigated area. Studies have shown that farmers in Nepal are capable of constructing and managing irrigation systems 1000s of ha in area without government

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help. The Working Policy also spells out the sharing of costs by farmers in small and medium surface irrigation projects, STWs and deep tubewells.

This policy was to be implemented by means of two Action Plans - one for turning over some systems constructed and presently managed by the DOI to farmers for operation and maintenance, and the other to increase participation of farmers in the management of jointly managed systems.

The objectives of the Action Plan for Participatory Management program are "to share the system O&M responsibilities of large scale irrigation systems between the water users' organizations (WUO) and the irrigation agency. The decentralization of O&M responsibilities from the agency will attract the water users to actively participate in the improvement of O&M of sectors entrusted to them. This could be achieved by developing effective WUOs. The WUOs are strengthened by training their representatives and the water users thus enhancing their knowledge on participatory management. This will help the WUOs to assume greater O&M responsibility. This enables the agency to use allocated government resources on those works that WUOs are unable to carry out."

Nepal's difficult fiscal situation means that funds for operation and maintenance of DOI managed systems are also shrinking. With farmers sharing in these activities and in construction costs, the financial burden on the DOI is reduced. Overall, this policy facilitated a cost-effective solution to meeting Nepal's irrigation needs.

The various objectives of previous policy and action plan documents are currently being consolidated into a new irrigation policy document. The objectives of the proposed new irrigation policy (still in draft form) are:

- i) to promote irrigation development that is cost-effective, economical, technically viable, institutionally and environmentally sustainable contributing to a reliable increase in agricultural production and productivity.
- ii) to promote and support private sector development of irrigation development and expansion
- iii) to integrate all support services crucial to irrigation expansion
- iv) to maximize the involvement and participation of users so as to decrease government responsibilities in irrigation implementation and thereby promoting local resource mobilization and self-reliance.
- v) to support personal and community efforts in irrigation development.
- vi) to support and strengthen the capacity of other non-government and government agencies in irrigation development

There are provisions relating to contracts between the government and the WUGs, the types of systems for joint management, responsibilities and liabilities of both sides, sharing of resources by both parties, and guidelines for joint management are provided in this newly proposed irrigation policy.

The current irrigation regulations, directives, DOI directions (with reference and based on provisions made in earlier acts like the Canal, Electricity, and other related Water Resources Act 2024, Development Board Act 2013) pertain to the authority of irrigation officer, the procedures for irrigation distribution, formation of water users groups, associations, and coordination committee along with their functions, duties, and powers. Other provisions relating to water charge and incentives to WUGs in its collection, and licensing are also provided. The directives encompass provisions relating to registration of WUGs and eminent domain. Hopefully the proposed new Water Resources Act and the Regulations would also make provisions for mutual accountability

and rights of the WUGs. The Association Act has a legal recourse to possibly bringing about mutual accountability. However this has to be seen within the context of eminent domain. It is also hoped that there is institutional capacity within the government to implement and enforce these acts.

The proposed Water Resources act has a very important feature of setting up a hierarchy of water use rights. It also makes provisions for the complete ownership of systems that are turned over to the farmers. Yet, the proposed act is silent regarding the "co-ownership" of jointly managed systems. Furthermore, with the proposed repeal of Article 1 of the Law on Land Reclamation, Muluki Ain, existing customary and traditional rights seem to be in jeopardy. Likewise, the proposed regulations (as of April 1992) are abound by rights and duties from the point of view of the state or agency irrigation management rather than a balanced "rights and duties" on the part of Water Users Groups. The regulations bestow power to agency management but do not focus on rights of WUAs e.g., to defensible water rights, on to timely and reliable supply of water, etc.

## **2 Issues on Participatory Management**

With this background on the existing and proposed irrigation policies and regulations, let us turn to the concept and issues relating to participatory management. We would like to take the liberty of quoting some of the deliberations during a similar workshop on participatory management in Sri Lanka:

There was general agreement on what participatory management meant, and what its character was. There was general consensus that officials and farmers represented the two sides of the equation. However, there was a sharp difference of opinion on its boundaries and limits.

This disagreement in a way can be anticipated from the manner in which the participatory management equation was worked out. Its formulation at once raises the ideological and theoretical issues in which the conflicts of bureaucracy vs. peasantry, controllers vs. users, have become key debating points in the social sciences. The present workshop concern was fortunately more mundane. It boiled down to the question of defining the relative roles of the officials and farmers, and that was decided largely on their relative capacities. However, a residue of a paternalistic attitude, inherited from a bygone era of colonial administration, was evident in the way some officials wished to define the limits of farmer-participation. They preferred to confine the farmers to the downstream and the officials to the main system, with a possible concession in regard to the systems in between consisting of distributory channels, in which a combination of official and farmer control could be allowed. On the other hand, some researchers suggested a larger concession with officials confined to the head-works and its regulation and limited to the maintenance and law enforcement of the rest of the system. The officials were unduly apprehensive about the farmers' capacity whilst the researchers were overly confident.

While talking about either joint or participatory management, it would be important to address issues relating to farmer/agency partnership regarding their respective power relations, rights, responsibilities, sharing of activities, duties, and mutual trust and accountability. We believe it is the intention of this government to strive for a true partnership taking into account the strengths, weaknesses, and the potential of the partners involved with real ownership powers and the associated rights. This is in contrast to partners termed as "beneficiaries" and real ownership as "sense of ownership" (Ambler, 1992).

It is true that a series of legitimate reasons can be voiced in favour of participatory management as was done yesterday in the paper presentations. Those reasons relate to reducing cost, enhancing performance, enhancing agricultural productivity, shifting into newer roles for agency and to curb spreading itself too thin everywhere, etc. The question of the need for participatory management can be posed this way too: Is participatory management being promoted because of fiscal crisis and the inability of the government to shoulder all the administrative, financial, and logistical burdens of irrigation management and expansion or is it because of the genuine interest in partnership and support of local initiatives? This can also be seen from the aspect of resource mobilization crises and the legitimacy crisis. Is the government willing to support rather than supplant local initiatives and thereby not only augment its resource mobilization but also in the very process share power with the local/users, now partners, by empowering them to control resources that affect their own lives and thereby the government gain legitimacy in the eyes of the public? Thus as farmers become involved in the management of their "own" resources, they have more control over their own lives, both economically and socially. Shared participatory irrigation management has the potential for improving both agriculture production and social well-being.

### **3. Issues for Discussion**

Below are some of the issues pertaining to the implementation of participatory management program in irrigation development. It is hoped that these topics would act as an introduction to the issues to be deliberated during the individual sessions tomorrow in greater details. We can expand the number of issues to be tackled too. However, it is hoped that the deliberation of the issues agreed upon will lead to the formulation of certain guidelines regarding participatory management as well as a task force including farmers that would finetune these guidelines hopefully to be incorporated into the new irrigation policies and regulations. The tentative issues are:

#### **a) Law and policy**

Has participatory management in Nepal's irrigation schemes been accepted as policy, and if yes does it correspond with the existing Nepal laws and acts? Are there any contradictions in the existing laws?

What types of irrigation systems should have participatory management? What criterion, e.g., size, or technical or organizational complexity?

What policies or legal enactments ensure both parties, i.e., agency and water users/farmer organizations, as equal partners such that there are legal provisions for each other's: i) legal recognition, ii) accountability, iii) authority, iv) responsibility, and v) rights? What legal provisions safeguard and/or compensate local rights? Or, for that matter, are these legal enactments necessary in the first place?

How can flexibility in policies and laws be incorporated such that it can be adapted to the differences between old and new schemes, large and small

schemes, and to recognize the variations within and between individual projects?

What mechanism should be followed to incorporate farmers' involvement in policy and law reformulations towards participatory management in a more perpetual manner?

What mechanisms or policies/laws should be adopted for the government to support and encourage local efforts/participation rather than supplant them?

b) Data needs, research, and knowledge-building

Several papers this morning pointed out to problems relating to data collection, the need for information on existing systems, the need to distill lessons and issues confronted during participatory management endeavours.

Therefore, what are the data needs of participatory management? What types of baseline information, inventories, social and economic data, maps facilitate the introduction and refinement of participatory management?

What are the appropriate data collection methods? Who all should be involved? Is it possible to have participatory research with the farmers/water users such that research is also seen by farmers as the necessary input for information necessary for participatory irrigation management?

How can a participatory research process be institutionalized such that experiences from participatory management can be documented, analyzed, and inputs be provided for finetuning further participatory irrigation management?

c) Participation: at what level, where, and in what activities?

What level of the irrigation system should the two parties participate? (For example, main canal, secondary canals, tertiary canals, headworks, watershed, reservoirs, etc.) What is the meeting point? Is it different from one system to another? How is this "meeting point" decided?

Can the level of farmers participation in the irrigation system be enhanced so as to resume more responsibilities and therefore manage all that is possible by them? If it is possible for the farmers themselves to manage the whole system, should the agency pull out? Should such an objective be pursued and if yes, should this be carried out in phases?

In what activities should there be participatory management?

- decision making, including for main system management
- which irrigation activities e.g., construction, O&M, etc.
- mutual accountability such that both parties fulfill their respective responsibilities
- conflict resolutions

Would the involvement of farmers in the above activities enhance their organizational capacity and also would it enhance agency's capacity to deal with water users groups?

d) The formation of Water Users Groups (WUGs)

What has been our experiences regarding WUGs and need there be amendments in the existing laws and regulations given these experiences and lessons?

How can constitutions of WUGs be made to be flexible so as to adapt to local and historical conditions?

What are the rights of WUGs and are there legal enforcement that would make the various parties involved with WUGs in irrigation management accountable?

What should be the basis for the formation of WUGs? Hydrological or human settlement, or an element of flexibility taking into account local conditions and prior social relations?

What are the incentives for WUGs to organize and how can these be fostered or encouraged?

What procedures involving farmers themselves too have proven effective in organizing WUGs, e.g. peer (farmer-to-farmer) trainings? What organizational elements strengthen WUGs and therefore how can these be facilitated? What are the training needs of WUGs and how can these be made available to them?

What mechanisms should be adopted to inform farmers correctly and timely the various policies and laws relating to WUGs?

How can accountability on the part of WUGs be enhanced?

e) Institutional support for the implementation of participatory management

What types of support can be realistically expected from the centre and regional level for participatory management? Conversely, what types of information and input is expected from local level for finetuning the implementation of Participatory management?

What procedures are to be adopted to enhance the decentralization of management activities such that participatory management can occur at the local level?

What legal backing is available for agency staff to carry out their duties and authorities especially those that relate to punishing defaulters and resolving conflicts?

What would be the criterion for evaluating performance of agency staff involved in participatory management such that these staff members feel that they are being evaluated on the basis of the objectives of participatory management and not something else? Needless to say, how can their involvement with the formation of WUGs and staff's efforts in interacting with them be taken into consideration for the agency staff's performance evaluation and promotion?

f) Rights, responsibilities, and mutual accountability

Can both parties be co-owners of the irrigation system and therefore by this very provision facilitate other secondary rights?

What should be the local/water users rights and the agency rights? Should there be legal sanctions and backing to enforce these rights? How can local rights be made defensible? How can traditional or customary rights be made defensible?

How can mutual accountability and trust be fostered? What legal and institutional provisions are necessary for enforcing such accountability? What institutional activities are necessary for facilitating accountability on both parties concerned?

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