Review

Exploring the Scope of Public Participation for Risk Sensitive Land Use Planning in Nepal: A Policy Review

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Abstract: Risk Sensitive Land Use Planning (RSLUP), a process that has implications for Disaster Risk Reduction (DRR) as well as Urban Planning and Development, requires the participation of the public and wider stakeholders. Public participation has been conceptualized in Nepal's disaster governance after the country transitioned into a federal democracy. It has undergone decentralization as part of the federal reform process, including its undertakings towards DRR. However, it remains unclear what this redistribution of authority means for public participation in relation to RSLUP. It is important to ask whether the current institutional set up and policy instruments are conducive for public participation. Therefore, this article examines how participation is construed within relevant federal and local policies in Nepal. The article presents a thematic analysis of leading policy instruments. The research reveals that participation emerges as a constitutional principle but the concept of participation itself is characterised by definitional ambiguity. Although most policies encourage the creation of spaces for public participation, this research reveals that these spaces are limited in implementation and impact. Lack of clear guidelines on how to design and implement public participation can hinder effective practice. Non-binding language within policy documents makes it difficult to understand the intended outcome of participation. This paper illustrates the extent to which participation has become a malleable construct that can have repercussions for ways in which RSLUP is enacted and enforced, in both Nepal and other countries who share similar socio-political context.

Keywords: public participation; risk sensitive land use planning; policy review; thematic analysis; disaster risk reduction; governance

1. Introduction

1.1. Public Participation

Public Participation is recognized as an essential element of planning and policymaking and is enshrined as a legal prerequisite within planning systems of several countries [1]. The concept of public participation has also appeared in a wide range of fields and the term 'participation' itself has a number of definitions. For this paper, we borrow the definition of public participation from planning, which suggests participation as a direct interaction in the planning process between an establishment and interested non-governmental participants as opposed to involvement through elected representatives in any political or administrative processes. Participation is thus defined as "involvement in the planning process of all the affected individuals and parties, to influence planning decisions and outcomes" [2]. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process [3]. Public Participation can be exercised through direct or indirect involvement of stakeholders. Stakeholders are defined as people, interest groups or organizations that may influence policy decisions or be affected by policy decisions [4]. Public participation can be a means to implement projects by governments or development agencies, or a goal of development that allows people

to take part in public policy making [5]. Therefore, public participation appears as both a process and an outcome, which makes it challenging but also a 'go-to approach'. Public participation aims to increase public awareness, reduce conflict by encouraging consensus amongst diverse stakeholders, and increase the legitimacy of decisions or actions taken [6].

Given public participation's significant increase in popularity, several conceptual frameworks have been developed to assist with the design and implementation of participatory spaces. For example, in 1969, Arnstein published the 'ladder of citizen participation', that defines different degrees of public engagement in decision-making [7]. Arnstein's ladder has been influential in providing a conceptual framework of public participation. The ladder depicts an upward graded movement through eight steps (rungs) from manipulation of citizens, through consultation to citizen control. However, Arnstein's ladder is often criticized for being linear and static [8]. Ref. [9] point out that the ladder depicts participation as "a power struggle between the public trying to rise up the ladder and decision makers or authorities limiting the public's ascension to the 'top' and their ability to claim control or power for themselves". According to [10], Arnstein herself had acknowledged that the concept behind the ladder is that 'participation is a categorical term for power'.

The practice of participation has changed considerably since Arnstein's ladder first appeared [11]. One such example is the International Associate for Public Participation (IAP2)'s spectrum of public participation (Figure 1) which recognizes that distinct levels of public engagement will have different degrees of impact on the decision [12].

INCREASING IMPACT ON THE DECISION →				
INFORM	**CONSULT**	**INVOLVE**	**COLLABORATE**	**EMPOWER**
PUBLIC PARTICIPATION GOAL To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Figure 1. IAP2 Spectrum of Public Participation, Reprinted from IAP2 (2018) Source: [13].

Yet, IAP2 is also not without its flaws. Participation is considered as a way of incorporating public values into a decision-making process. However, who is meant by 'public' remains ambiguous. We often notice terms such as 'public', 'civil society' and 'community' being used interchangeably to refer to ordinary citizens, categorically different from agency and people –governmental or non-governmental, who orchestrate participatory spaces [14]. In case of 'invited' participatory spaces, it is at the discretion of these agencies to constitute the 'public' in particular way, decide who they consider appropriate to participate and what they consider as their scope of engagement [14,15]. We notice this ambiguity in the IAP2 spectrum as well, along with an undertone of power dynamics between the public agencies who orchestrate participatory spaces. For example, the participation goal for 'empower', is 'to place the final decision-making in the hands of the public'. The language here suggests

a transfer of power between two unequal actors/groups. Similarly, the promise to the public states 'We will implement what you decide'. With implementing agencies having the power to describe 'who' the public is, this promise simply means they will implement what is decided by the people they describe as public. In addition, they will implement their interpretation of what the public wants. The disparity of the powerful and the powerless is present, and it suggests that it is the agencies that give public the power to decide; and not the other way round, where the power should rest in the public who give it to these agencies to implement a process. In this way, these conceptual frameworks of participation such as Arnstein and IAP2 have not been able to address the complex dynamics of power relations and inequality that are inevitably part of the governance relationships. This has also been observed by ([16], p. 38), who states that these participatory governance frameworks "fall short in addressing power relations in their approaches to deepening citizen influence in governance".

Participatory spaces are intended to be inclusive and to ensure that each member of the public has the same opportunity to participate as any other member. However, the power dynamics across different actors compromises the ability of public participation to produce effective output [17]. Nonetheless, participatory methods continue to spread around the world across several disciplines, in many forms and diverse socio-political contexts [18]. Planners and policy makers are often urged to use strategies to involve diverse public in decision-making processes so that the decisions reflect diverse needs and perspectives [19].

1.2. Contextualising Public Participation in Disaster Risk Reduction and Risk Sensitive Land Use Planning

Within disaster literature and practice, there is widespread acknowledgement about the importance of public participation in Disaster Risk Reduction (DRR). As early as 1994, Yokahama Strategy and Plan of Action had encouraged community participation to get more insight on individual and collective perceptions of development and risk. It placed a strong emphasis on encouraging people to actively participate in disaster reduction, prevention, and preparedness, leading to improved risk management [20]. Twenty-one years later, the United National General Assembly signed the Sendai Framework for Disaster Risk Reduction (SFDRR), an agreement that considers 'all of society engagement' as one of its guiding principles. It states that DRR requires public participation that is inclusive, accessible, and non-discriminatory, and pays special attention to people disproportionately affected by disasters, especially the poorest [21].

The decisions and policies around DRR can have significant implications for communities both in their everyday life as well as at the time of disasters. Public participation is therefore increasingly being applied in DRR with the ambition of bringing local knowledge, needs and capacities to the centre of decision-making [22,23]. The local communities usually have a deep contextual understanding of their environment and hazards associated with it. The communities' experiences of dealing with past disasters, and insight into their everyday lives and viewpoints can be vital in understanding the complex context-specific and constantly changing risk [24]. In contrast to DRR approaches that are top-down and externally driven, public participation presents an opportunity to achieve more effective multi stakeholder collaboration. [25] cautions that DRR solutions that are offered by external actors are often based on technical expertise without consideration of local context, and thus have a greater chance of failure. Furthermore, these solutions often disregard local needs, both within DRR and wider development. Therefore, in recent years DRR practitioners have tried to pay more attention to designing and employing participatory approaches. Public participation in disaster governance is also known to increase the legitimacy in policymaking and implementation [26].

DRR efforts comprise of wide a range of activities, including reducing exposure to hazards, improving land use planning, and increasing capacities of local communities. [24] suggest that the breadth of activities targeted at reducing the impact of disaster makes DRR inherently a process that is intricately associated with wider development issues. Apart

from explicit frameworks and policies on DRR, other policy areas also have significant implication on reducing the impacts of hazards, especially urban planning, and development. In fact, international frameworks such as Hyogo Framework for Action (HFA), SFDRR advocate public participation in DRR, encouraging provision of entry points and incentives for locally generated solutions to feed into urban development policy planning [21,27]. This is because the adverse effects of hazards can be observed across different domains of the urban setting (physical, social, ecological, and economic) due to the complex interconnections that exist among various subsystems that can lead to a disaster [28]. Therefore, it is imperative that future urban development planning is influenced by multi-stakeholder collaborations that consider cities as complex systems, accepting risks as an integral component in overall urban planning. Risk Sensitive Land Use Planning (RSLUP) is a promising approach to this end. RSLUP is a process of mainstreaming DRR in land-use planning. RSLUP aims to ensure sustainable development by considering vulnerability to relevant hazards (such as earthquake, landslide, and floods) prior to formulating urban development plans [29]. RSLUP allows decision makers to identify safe areas to prioritize short-term and long-term investment in urban development and infrastructure [30].

Public participation may take various forms within RSLUP processes; some examples include public hearings, dialogue meetings and workshops between public, decision makers and experts [31]. Participatory mapping is also a prominent participatory tool used across many countries. It allows communities striving for DRR mitigation options to demarcate areas that they perceive as vulnerable and prone to hazards [22,31]. Successful RSLUP calls for collaborative and deliberative arrangements that place more emphasis on stakeholder participation and partnership between various actors and across various policy levels [32]. A larger group of stakeholders is needed for such a coordinated effort, including the federal, state, and local governments, ministries, agencies, municipal offices, practitioners (such as urban planners, engineers, and risk specialists), the private sectors, NGOs, and public [33].

2. The Nepali Context

2.1. Constitution and Federal Restructuring

After 60 years of political struggle, including an armed conflict and abolishment of constitutional monarch, Nepal promulgated a new constitution through an elected Constituent Assembly in 2015. The constitution restructured Nepal into a federal republic. The country has since established a three-tier government system: federal, provincial, and local level. Nepal now has 7 provinces (Figure 2) and 77 Districts. There are 753 local level units (*Palika*) across the provinces, out of which there are 6 Metropolitan Cities (*Mahanagar Palika*), 11 Sub metropolitan Cities (*Upamahanagar Palika*), 276 Municipalities (Nagar *Palika*), and 460 Rural Municipalities (*Gaun Palika*). The ambition of this federalism was to transition the country from a centralized form of government towards one where subnational governments, particularly provinces and municipalities, have more power and authority.

Historically, Nepal was under a centralized political system where national ministries and the National Planning Commission (NPC) oversaw policymaking and allocation of funds. [34] state that proposals for programmes for different sectors (for example health, environment, etc.) were prepared by relevant ministries and then sent to NPC for endorsement. Then, the proposal and budget requirements would be forwarded to the Ministry of Finance for approval. Once the proposal and budget were approved, the funds would pass down to implementing bodies at regional and local level. In this way, national bodies had full autonomy in setting the priorities of certain policy agendas along with the fund allocation to the local bodies. Nepal's 2015 constitution has now redistributed the responsibility of budget allocations, policy legislation, and service delivery across all governmental levels. Municipalities are now responsible for allocating funds, formulating and implementing local acts and policies, and annual, mid-term and long-term development plans on any issue that falls under their authority. The demand of federalism was driven by the "desire

of local self-governance, improved service delivery, true political and economic empowerment of people through participatory grassroots democracy" [35]. In this regard, one of the objectives of federal reform was to promote people's participation in order to strengthen public ownership in the local governance systems.
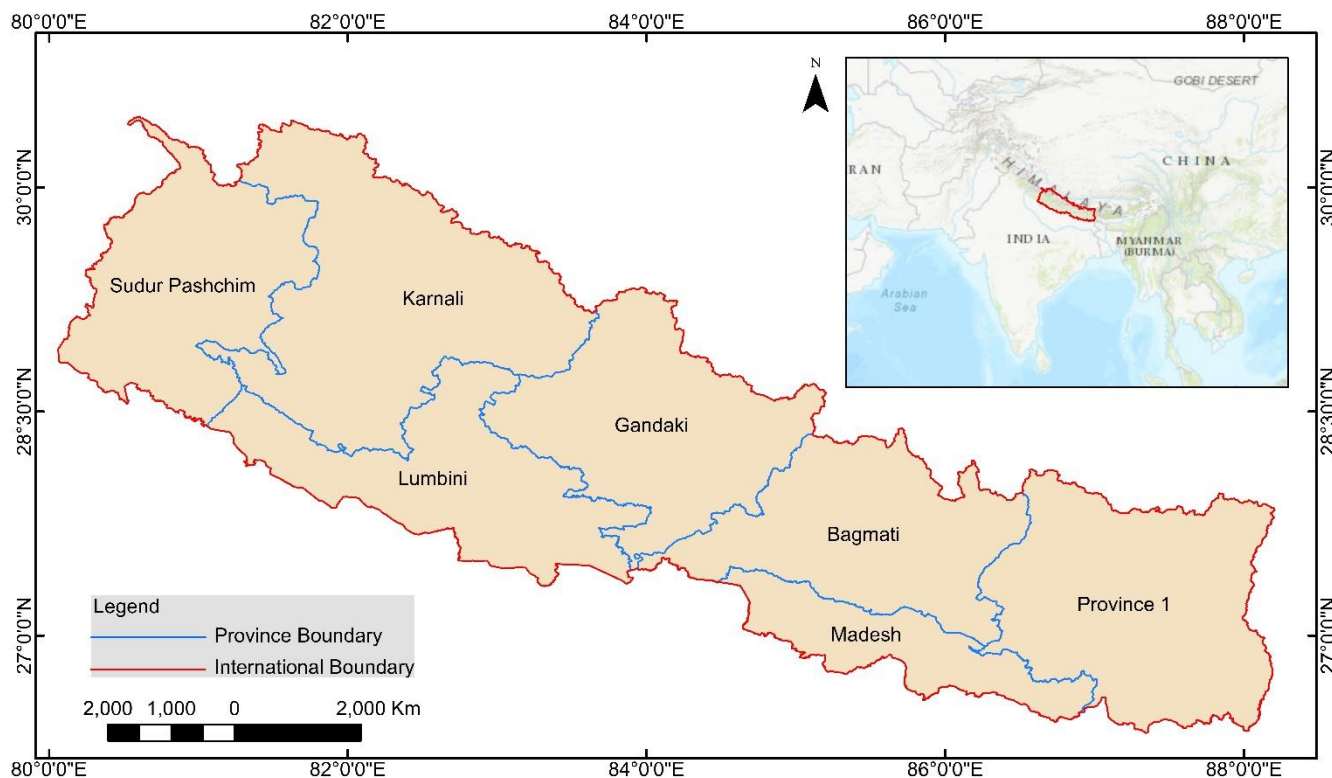

Figure 2. Location Map of Nepal. Source: Author's own.

In many countries, local governments represent government units at the grassroots level, which are the most accessible to the public. They are responsible for institutionalizing the local governance system, while simultaneously promoting democratic values and public participation in decision making at the local level [36]. Drawing from studies in Latin America, South Asia, Oceania and Africa, [36] state that since local governments operate closest to communities are they are likely to have greater capacity for grassroots involvement. A report from The Asia Foundation ([37], p. 20) found that the political reform in Nepal has raised the expectation of the population for improved public services and more citizen participation in local governance. Against this backdrop, it is important to explore if these new institutions and policy instruments enable an environment that is conducive to public participation.

2.2. Decentralized Disaster Governance in Nepal

The 2015 political reform has had direct and indirect implications for all sectors and governance in Nepal, including DRR and the capacity of local governments to deal with current disasters and proactively mitigate future risks. In contrast to decades-old unitary and centralized institutions, DRR authorities now have been formed at sub-national level, allocating more financial and administrative powers to provinces and municipalities (Figure 3). Subsequently relevant acts have also been formulated across these government levels.

For DRR, the redistribution of authority means that local and provincial governments are now responsible for formulating and implementing local DRRM (Disaster Risk Reduction and Management) acts and policies, and annual, mid-term and long-term development plans. According to [38], DRRM plans, policies, and acts are currently being formulated for the three government levels to align with the recent amendments in the constitution across

all municipalities and provinces. Yet, it remains unclear what this devolution of power and authority means for public participation for RSLUP, a process that has implications for DRR as well as urban planning and development. There is a growing body of literature where decentralization is depicted as having an immense potential for strengthening disaster risk management [39]. Since government actors at the local level are close to the problems 'on the ground', they are expected to facilitate risk management solutions suited to the unique requirements and capacities of local communities [40]. Across many developing countries, decentralization has been promoted as a mechanism to encourage public participation and provide spaces where marginalized people can engage in decision-making processes, so that governance can be fostered at different levels of governing structure [36]. This is relevant for disaster risk governance as well. However, [41] argue that gradual growth in municipal powers and responsibilities emerging through legal and other reforms does not necessarily translate to greater public participation. The devolution should be accompanied by provisions of resources and legislations to conduct public participation for which the local governments have now been made responsible. Therefore, the question remains as to whether and how the current policy instruments and institutional setup enables the implementation of public participation at the local level for RSLUP in Nepal.
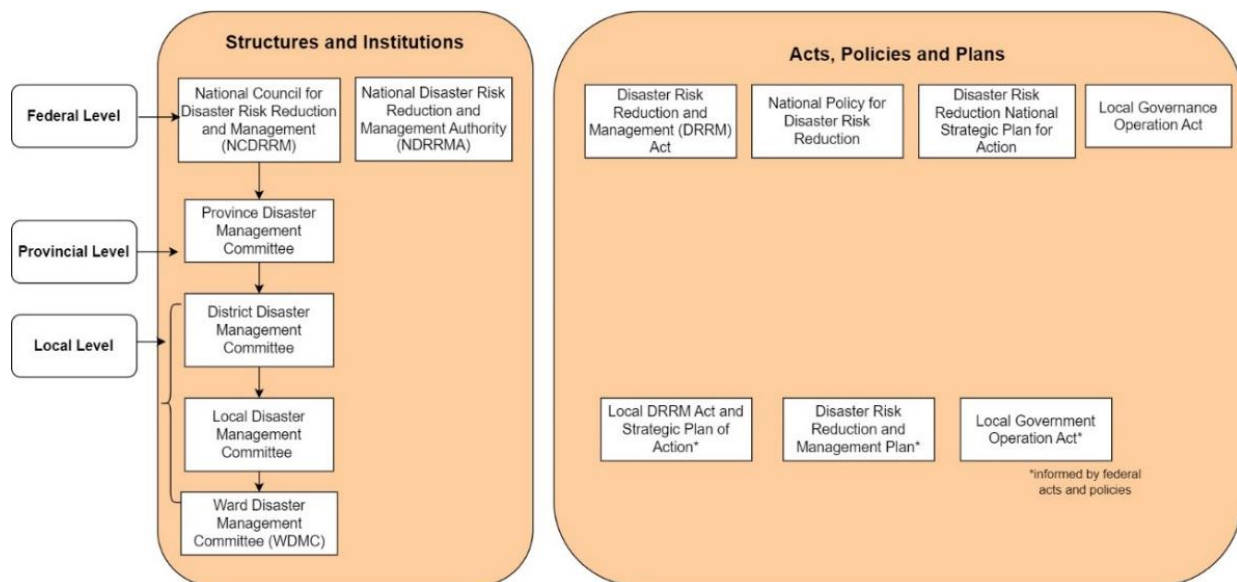

Figure 3. Disaster Risk Reduction and Management Authorities and relevant acts in different tiers of the government.

2.3. Nepal-Hazard Context

Nepal is exposed to multiple natural hazards that cause loss of human lives, and environmental and property damage. Active tectonic plates, steep slopes, rugged topography, variable and extreme climatic conditions, and severe monsoons can trigger several natural hazards in Nepal [42]. The most significant among them are earthquakes, floods, and landslides. The 2015 Gorkha earthquake in Nepal resulted in a loss of 7 billion USD (US Dollar) [43]. In August 2017, Nepal experienced heavy rainfall that triggered floods across 35 out of 77 districts and resulted in a loss of 187.9 million USD [44]. Nepal is susceptible to independent and compounded hazards [45]; therefore, future losses are also expected to increase. Furthermore, inadequately planned cities and overpopulated settlements can exacerbate the impacts of disasters [46]. Although Nepal is regarded as one of the least urbanized countries in Asia, it is one of the top ten fastest urbanizing countries in the world [47]. Cities that are poorly planned without adequate consideration of natural hazards can lead to increased exposure and risk, and impede sustainable urban development goals [48]. Furthermore, disengagement between local communities and

decision-makers may lead to uninformed decisions and unsuitable plans that increase future risk and disempower communities. If policy makers are informed by expert knowledge only, and lack local understanding of development and natural hazards, important considerations for reducing future risk could be overlooked. Participation of stakeholders is therefore vital throughout decision-making processes.

Among many other disaster resilience-planning techniques, RSLUP has gained prominence as an evidence-based tool to understand, plan for, and reduce risk. In a multi-hazard prone and rapidly urbanizing country such as Nepal, it becomes imperative to look at evidence-based land use planning approaches that consider natural hazard risk as a core element for future urban development. The need to integrate information from hazard risk assessment in land use planning has been acknowledged by many in recent years [49]. To this end [29] emphasise the need for municipal governments to understand risk while undertaking land use planning, and to integrate RSLUP into the municipal planning process. They also recommend that there should be a collaborative, participatory, and interactive approach for RSLUP which should be integrated into a mandatory planning process. In addition to urban planning literature, sustainability studies also identify public participation as an effective decision making process [50]. However, participatory decision-making will only be possible if there are policy instruments and institutional setups that favour public participation in its governance efforts.

Previous studies in public participation suggest that understanding the context would contribute to making participatory processes more effective [50,51]. However, there are few directives for how such contextualization might be achieved. More specifically, critical reviews of public participation for DRR or urban planning post-federalism have not surfaced yet. This paper aims to contribute to this research gap by exploring how public participation is conceptualized in Nepal's present context by addressing the following research questions:

How is public participation envisioned in Nepal's policy environment and what provisions have been made for public to participate in RSLUP processes?

3. Methods

Our approach for this paper includes three tasks. Firstly, we gathered national policies from government websites. Secondly, we conducted a content analysis to identify the spectrum of policy targets by reading the texts from policy documents. Finally, we conducted a thematic analysis to understand how public participation is construed within and across relevant federal, local policies.

3.1. Policy Selection

Risk informed urban planning is a relatively new approach for urban planning which gained momentum in Nepal following the 2015 Gorkha earthquake. At the time of drafting this paper, there were no policies specific to RSLUP in Nepal. Therefore, we have examined cross-sector policies from urban planning and DRR.

Over the last thirty years, there has been an up rise of DRR policies and plans in Nepal as a part its efforts to reduce the impacts of natural hazards. While we do acknowledge the existence of several historical DRR policies (e.g., National Strategy for Disaster Risk Management, 2009) as well as cross sector policies that touch upon DRR (e.g., Water Resource Act (1992), Climate Change Policy (2011), National Adaptation Plan for Action (2010), etc.); we have not considered these for our analysis. This is because the 2015 Constitution gave rise to a new paradigm for disaster governance that is focused on decentralizing DRR planning and implementation in Nepal as a part of the federal administration [52]. Therefore, we have chosen to focus on policies that are compliant with the new constitutional arrangements for decentralized disaster governance. Additionally, we focus on policy documents that are most likely to have a compliance requirement or directly inform, influence, and guide public participation practices in risk informed urban planning and development.

In addition, the disaster policies and plans of Nepal make several references to annual development plans and other sectoral policies. The annual development plans outline policy goals for every five-year period. They also outline financial and legislative instruments to reduce the impact of disasters. Therefore, we have incorporated these documents in our analysis to make the analysis robust.

We began by downloading policies from relevant ministries and departmental websites. Eight relevant documents, see Table 1, were identified that include policies, acts, guidelines, action plans and strategies. Most policy documents were in Nepali, but official translations of the policies are also available online. Relevant web sources are listed in Appendix A, along with the description of each website. We have used the official English translations of the policy documents for this analysis. The extracts of the policies that are presented in Section 4 of this paper are from the official English translations of the documents.

Table 1. List of documents analysed for the policy review.

Document Type	Date	Title	Acronym
Constitution	2015	Constitution of Nepal [53]	
Policy	2015	Land Use Policy [54]	
National Development Strategy	2017	National Urban Development Strategy [55]	NUDS
Act	2017	Local Governance Operation Act (2017) [56]	LGOA
Policy	2018	National Policy for Disaster Risk Reduction [57]	
Act	2017	Disaster Risk Reduction and Management Act [57]	DRRM Act
Plan	2018	Disaster Risk Reduction National Strategic Plan of Action (2018–2030) [58]	
Plan	2019	The Fifteen Plan (2019–2023) [59]	

3.2. Content Analysis

We conducted a qualitative content analysis of the text in the eight policy documents. Content analysis refers to a method that can be used to identify patterns across qualitative data [60]. Content analysis is more than just counting of words and can be used for close reading of texts based on driving research questions [61]. We read purposefully chosen sections of texts to identify themes that served as primary instruments to sort qualitative texts into categories. We then selected relevant lines of texts to be sorted into themes, for our thematic analysis. We were interested to explore both the explicit and implicit representation of the word 'participation'. Our intention was to look closely at the context in which 'participation' is understood and approached in various policy documents.

Nepali translation of the word 'participation' is Sahabhāgitā pronounced Sahabhāgitā. The meaning of Sahabhāgitā is to 'take part'. In simple understanding, the word gives a sense of being involved in an activity, not necessarily to take part in decision-making. Due to the lack of a common language, and the use of the closest translation of the word, questions remain for us to understand the normative understanding and procedural standards for such participation.

3.3. Thematic Analysis

Following the content analysis, thematic analysis was undertaken to examine how public participation is construed in different policy instruments of DRR in Nepal. Further, we analysed the extent to which existing policies in Nepal support public participation in risk informed urban planning and development.

The aim of a thematic analysis is to identify themes, which are patterns in the data that are important or interesting. These themes can be used to address the research questions or say something about an issue [62]. Additionally, Braun and Clarke [60] distinguish

between two levels of thematic analysis: (a) sematic, and (b) latent. Semantic thematic analysis focuses on identifying the explicit meanings of the data. The analyst does not look beyond the surface meaning of data or any kind of interpretations of what has been said or written. The latent thematic analysis, on the other hand, looks beyond what has been said or written. In this case, the analyst identifies or explores the underlying concepts, assumptions, and ideologies that are speculated to shape or inform the semantic content of the data [62]. An inductive approach for the thematic analysis was undertaken for the study. While conducting an inductive analysis, the analyst codes the data without attempting to fit it into a pre-existing coding frame or their own analytic presumptions [60,63].

4. Findings

In this section, we report back on the research questions and highlight the findings from our policy analysis and discuss the context where participation appears in the policy documents; first at a federal scale, then local government, and finally relating to DRR and urban planning which are cross scalar.

4.1. Public Participation as Envisioned by the Constitution

The Constitution of Nepal protects the right of the individual to exercise its human rights. The constitution contains a series of articles relating to the right to public participation. The most significant of these are right to freedom of opinion and expression (article 17, 2a), right to equality (article 18, 1), right against discrimination (article 18, 3), right to information (article 27), right to social justice (article 42, 1–3), and right to vote (article 84, 3) ([53], pp. 8–20).

The preamble of the Constitution establishes "the determination to create an egalitarian society based on the principles of proportional inclusion and participation to establish equitable economy, prosperity, and social justice" ([53], p. 6).

Article 50(1) of the constitution outlines the political goals of the state. Some goals that are relevant to our study are (a) consolidating a federal democratic republican system of governance; (b) establishing a governance system that is just in terms of basic human rights, gender equality, inclusion, participation and social justice; and (c) establishing local autonomy and decentralization, along with insuring proportional participation in the system of governance ([53], p. 22).

Article 42(1) ensures the right of women, indigenous groups, people with disabilities, and minority groups such as Dalit (1. Dalit: Dalit refers to those Hindu castes that are considered and treated as untouchables by so-called 'upper-castes' and therefore, placed at the bottom of the social hierarchy. Dalit communities face historic discrimination and are underrepresented in Nepal's public bodies), indigenous communities, Madhesi (2. Madhesi: communities that face historic marginalization and discrimination, underrepresented in Nepal's public bodies; an ethnic identity pre-dominantly based in the southern plains 'Madhesh' in the country), Tharu (3. Tharu: indigenous tribal communities pre-dominantly scattered in the southern-foot hill of the Himalayas. Tharu communities face historic marginalization and discrimination, underrepresented in Nepal's public bodies), Muslims, gender and sexual minorities, etc. to participate in the state bodies based on the principle of inclusion ([53], p. 19).

According to the Article 51 (b4) of the constitution, the state government is required to ensure that the public have equal and easy access to the services provided by the state, while ensuring the public administration is "fair, competent, impartial, transparent, free from corruption, accountable and participatory" ([53], p. 24). In similar spirit, Article 51 (f3) establishes that public participation should be enhanced in different phases of development works ([53], p. 27), and Article 51 (j8) establishes that indigenous communities should be a part of the decision making processes that affect them ([53], p. 31).

The Constitution also establishes the electoral system based on proportional representation. The principle behind proportional representation is the participation of groups in various levels of the state bodies in proportion to their overall share in population. It states

that proportional representation will be achieved by including women, Dalit, Adibasi-Janajati (1. Adibasi-Janjati: Nepali translation for indigenous), Khas Arya (2. Khas Arya: communities who have historically benefitted from their proximity to state power, e.g., Bahun and Chhetri ethnic groups), Madhesi, Tharu, Muslim, and other minority groups (article 84b) ([53], p. 46). It mandates that a balance of representation be achieved based on geography and provinces [53].

Within these articles of the Constitution, it is important to underline three things. First is the decentralization, i.e., devolution of power to sub-national governments, to enable a space for democratic practice in local government bodies to increase public ownership and accountability in local-level planning. Second is the ambition to establish a governance system through laws, principles and standards of human rights, gender equality, inclusion, participation, and social justice. Third is the recognition of the rights of different sections of the population to participate in development works and particularly in decisions that affect them. We notice that within these texts, inclusion and proportional representation are envisioned to ensure participation of the public in governance. Furthermore, participation of traditionally marginalized groups in state bodies is particularly emphasized. To this end, the electoral system also ensures proportional representation. The constitution mandates public administration to be participatory. Though the 'Right to Participation' is not an exclusive item on the list of fundamental rights, participation appears as a principle multiple times within the fundamental rights and the constitution emphasizes that traditionally marginalized groups should be included in the pursuit of establishing an egalitarian society. While current provisions, as stipulated by the constitution, are quite extensive, they provide stakeholders or the public with little influence on political decisions. In addition, the Constitution provides a legal framework for local governance, policy formulation and participation. There are formal procedures in place for preparing and endorsing legal acts following an extensive discussion in the parliament. The sector specific ministries can then formulate needed policies, regulations, and guidelines to align with relevant acts. In this way, the Constitution lays the foundations for other sector-specific policies that we discuss in the next section.

4.2. Provision of Public Participation in Local Governance Context

The Local Government Operation Act (LGOA) of 2017 was prepared by the federal government as a guidance framework legislation for the operation of local governments. Local governments are expected to draft their respective operation acts drawing from LGOA. The LGOA specifies the functions and responsibility of local governments and outlines the standards that should be followed while developing short-term and long-term development plans for their respective jurisdiction [56]. A seven-step planning process has been defined for the preparation of local level Annual Work Plan and Budgets. This process is called Participatory Budgeting. The seven-step planning process is outlined in Figure 4.

Figure 4. Local level participatory budgeting in Nepal: Seven step-planning process Source: [64].

Within the participatory budgeting process, Step 3 is targeted for local government bodies to engage with the public. The LGOA (Article 24, 5) encourages the participation of diverse groups while preparing development plans. Particular emphasis is given to the involvement of local experts, women, children, marginalized communities, people with disability, elders, and youth that reside in the area ([56], p. 35). The planning and participatory budgeting process should address several policy areas. The projects can address several policy areas. The notice of the meeting should be disseminated at neighbourhood and ward level three days prior to the meeting. It is the responsibility of the Ward Office to ensure that the meeting participants reflect the nature of the community and to encourage different sections of the population to attend. In these meetings, the public can express their opinions, give suggestions, and compare potential development projects for the upcoming year. Participatory budgeting only allows the public to have an influence in how to spend annual municipal budget for development, we cannot say with certainty how much control, if any, do public have in influencing decisions that could address DRR and urban planning initiatives. In terms of IAP2 ladder, these meetings function more as instruments of 'informing' and 'consultation', level 1, and level 2, respectively, which makes us believe that these are token gestures on the part of the state rather than serious processes with greater and long-term implications. Apart from participatory budgeting, we did not identify any process within the local governance that enable public participation in decision-making.

4.3. Provision of Public Participation in Nepal's National Disaster Risk Reduction and Management Context

Nepal's current landscape of disaster governance is coherent with the new constitutional arrangements for federalization. According to the Constitution, local governments are responsible for disaster risk reduction and management. Furthermore, some responsibilities are also shared amongst federal, provincial, and local governments. The local governments are also guided by LGOA (2017). In this context, we explore whether there have been any changes in the plans and policies to align with the structure of local governments. Further, have participatory spaces been transformed by local governance structures and DRRM policies?

The DRRM Act (2018) recommends the role of public and private actors along with the passing references of engaging communities in disaster awareness, capacity building and voluntary mobilization during disaster response [57]. The concept and mechanism of public participation, where the communities can voice their opinion and affect decision-making, does not appear within the DRMM Act.

The National Policy for Disaster Risk Reduction (2019) indicates its intention to ensure that women, children, elderly, people with disability, and communities that face marginalization because of socio-economic background, have access and representation in all processes and structures of disaster risk reduction ([57], p. 14).

In 2018, DRR National Strategic Action Plan (2018–2030) was prepared with the aim of guiding government agencies, development partners, NGOs (Non-Governmental Organisation) and private sectors to adopt plans to mainstream DRR into the national development processes. The DRR National Strategic Action Plan echoes the SFDRR agenda on "all-of society engagement and partnership" [21]. One of the guiding principles of the Strategic Action Plan (SAP) is to ensure increased accessibility, representation, and meaningful participation of communities in DRRM related activities. Another guiding principle puts emphasis on risk-informed planning based on scientific as well as traditional knowledge, particularly from at-risk populations ([58], p. 30). One of the planned activities of the SAP is to develop and enforce guidelines for participation and collaboration between local authorities, NGOs, and Civil Society Organization for DRRM ([58], p. 151). However, such guidelines as proposed in the action plan have not been developed so far.

The DRRM Act and Policy both emphasise the development and management of safer settlements, and the promotion of risk sensitive land use plans at the local level. The

SAP goes a step further by including the preparation of risk-sensitive land use maps and requires them to be publicly available. It also defines which ministry or department of the government will be responsible for doing this. However, it does not mention the role of public or community efforts in this endeavour.

4.4. Provision of Public Participation within National Urban Planning and Development Context

The Land Use Policy (2015) was prepared in line with the current urban landscape and institutional setup. It states its intention to prepare and execute land use plans at local, provincial, and federal levels. The policy claims that it will achieve this through stakeholder participation, and local community involvement ([54], p. 7).

Another important document for Urban Planning and Development is the National Urban Development Strategy (NUDS) prepared by the Ministry of Urban Development (MoUD). This document indicates intended milestones for urban planning and development for Nepal for a period of 2015–2030. Strategies have been conceived to achieve desirable output for different urban development sectors such as infrastructure, environment, etc. Each strategy is backed by several activities recommended for each lead and supporting agency [55]. The NUDS talks about the notion of 'inclusive cities', 'just cities' and 'right to the cities' and emphasizes the role of public in shaping their cities, along with increased ownership of communities in the development works. It highlights the importance of youth participation for these endeavours. Inclusive participatory planning is advocated as a mechanism to internalize this ownership in the NUDS. However, this is not reflected later in the actions planned. 'Participation' appears frequently within the NUDS document, sometimes in reference to youth participation in community initiatives, public-private sector partnership, political participation, collaboration with local bodies and NGOs. The concept of community participation is stated to serve consultation and consensus building.

The NUDS also emphasises internalization of disaster resilience in urban development. One of the planned actions in this regard, is the preparation of risk sensitive land use plans. The NUDS delineates this responsibility to respective municipalities (local government bodies) and the Ministry of Urban Development (MoUD). It has outlined responsible and supporting agencies for preparing different hazard and risk maps. However, there is no mention of community participation, engagement, and knowledge exchange during the process [55].The NUDS talks about measures to assess participation in quantitative forms such as the number of people attending a meeting or workshop ([55], p. 101). The dilemma here is that attendance does not indicate effective participation. People can attend several meetings, but they might not be committed to the purpose or might not understand what is going on. This poses a question of how we can assess participatory processes and the results they deliver.

In this section, we outlined different narratives and interpretation of participation within the selected policy documents. Given that participation can be difficult to define; closer attention needs to be paid to provide a conceptual clarity and clear implementation pathway for public participation. From our study, it is evident that within current urban planning and DRR policies, there is no agreeable definition or purpose of participation as envisioned by these policies. Thus, participation is characterised by definitional ambiguity. The lack of clarity on how participation is understood and applied can impede the full potential of participatory approaches. The legitimacy of participatory processes currently rests on inclusion and representation only, and the focus on public participation is limited. Despite general acknowledgement that participation in decision-making is essential across all policy documents, there is no clarity on what purpose participation should serve in decision-making process, and what the results should deliver. This contextual information establishes a base for the second phase of our analysis, which will discuss some of the interesting insights in detail.

5. Discussion

The notion of public participation is undoubtedly gaining prominence within Nepal's policy instruments. Frequently used terms such as 'citizen engagement', 'collaboration', and 'community participation', emphasize the idea that the public should be a part of disaster governance, or even local governance in general. However, different uses of the word participation show that the discourse around participation is varied. We discuss this in detail in this section.

5.1. Participation as a Malleable Concept

In our analysis, we found that none of the policies discussed in this paper provide either a conceptual or an operational definition of public participation. In the constitution, the term participation is located along with inclusion and representation. These terms are used interchangeably, confusing the concept of participation, inclusion, and representation. Inclusion and representation practices demand formal incorporation of all individuals and groups to enter the political process. Inclusion and representation are a term often used to infer concerns related to marginalized population. Yet, [65] suggest that these are different dimensions of public engagement and locating them under the overarching category of 'participation' muddles the theory and practice engagement. For example, the constitution has clear language ensuring the representation of marginalized communities like women and Dalits, for example. The LGOA, NUDS, NDDR Act, and DRRM policy have similar texts underpinned by the constitution. This representation is ensured in government roles, but representation and inclusion does not explicitly appear in public participatory spaces that support planning and decision-making. Moreover, there is no clear guideline about which section of the population or what representative proportion of the population are to be involved. While the general understanding is that different communities must be involved, without clear guidelines it is not possible to ascertain the scale of participation envisioned by these policies.

Similarly, 'partnership', 'collaboration', 'involvement', and 'engagement' are used to infer 'participation'. Participation had been used with different attributes such as 'community', 'public', 'citizen', 'experts', 'youth', and 'stakeholder' participation. The above considerations of concepts and phrases open a vast sematic field with several meanings. Different policy instruments have different interpretations of what participation is, what it is expected to achieve, and what issues are at stake.

The above discussion demonstrates the extent to which participation has become a malleable construct within Nepal's policy instruments. This was also observed by [66], in her attempts to unpack the meaning, models and practices of public participation, stating that 'participation has been used to infer almost anything that involves public'. We notice similar narrative in our policy review as well. This leads to conceptual confusion in the intentionality of participatory spaces as envisioned by Nepal's policy instruments. Within DRR and urban planning documents, participation is considered as a solution in many instances. However, it remains unclear what is the nature of the problem that they intend to solve. We also noted that none of the policy instruments give an account of the motivation, criteria and processes they rely on to design and implement participation, which they claim are essential to solve certain problems. We caution that combining different intentions into an overarching category of 'participation' can leave implementation vague. Therefore, it is necessary to make rationales explicit when designing participatory processes so that they are fit for purpose.

5.2. The Policy Language Is Non-Binding

The framing and language around participation in the policies analysed show that in national federal policies, participation is statutorily required, but in local level policy, it is at the discretion of the municipalities. For example, the LGOA mandates public participation at community and neighbourhood level, with the ambition of involving public to identify and prioritise their development needs. LGOA has been prepared by

the federal government and thus mandated only at a federal level. LGOA is designed to serve as a guidance document for the provincial and local governments to prepare their respective operation acts. However, the federalism has also given municipalities the autonomy to decide how want to set up their institutions and processes, and they are free to develop policies and programs based on their capacity and will. This leniency associated with the phrases such as 'based on capacity and will' leaves certain processes such as public participation at the discretion of local governments. Since the policies are non-binding, their implementation depends upon the political will of the local government. In this regard, the policies have failed to communicate to what degree local governments are obliged to follow processes that have been established through acts and laws formulated by the federal government. This also raises the question, what are the repercussions when municipalities do not adhere to public participation as a part of their decision-making processes?

Secondly, the policy documents do not have methodological guidelines on how to conduct or facilitate public participation. Without any specific guidelines in place, they are free to conduct participation based on their understanding of public participation. The change in Nepal's government structure has widened the scope for citizens to access governance. Municipalities are now best positioned to ensure community rights to engage in decision-making and to create frameworks for participation. However, without creating guidelines and frameworks for public participation, the benefits of engaging with stakeholders in planning can be counterproductive. This is also reflected in [67], who compare several case studies of participation that had been conducted without guidelines, and observed instances of tokenistic, and overly open participation, that resulted in unrealistic action plans, formulation of goals that did not reflect the needs of community members, and conflicts between local stakeholders and authorities.

Additionally, there is also no requirement for local governments to act on public views and opinion. There are no mechanisms on roles within these structures that are allocated the responsibility to reflect back on public comments and suggestions and incorporate them into the decisions that are being made. There are no institutions of governance, at present, that can delegate power over decisions directly to the public. This raises a question; do other policies that were readjusted to align with the Constitution really embody the spirit of the Constitution in terms of creating a society based on the democratic ideals of social justice, participation and inclusion? Further, it substantiates the argument in [41] that growth in municipal powers and responsibilities, as a result of legal reforms, does not necessarily translate to greater public participation. The devolution of authority would need to be accompanied by legal frameworks and guidelines to deliver the services, in this case public participation, for which the local governments have been made responsible.

6. Conclusions

This paper explores the scope of public participation within Nepal's local governance for Risk Sensitive Land Use Planning. A thematic analysis was conducted to understand how participation is construed within and across policy instruments. Public participation itself is in principle enshrined in the Constitution of Nepal. In spirit of the constitution, several federal and local acts and policies recognize the importance of participation. The salient point that emerges from this policy review is the recognition that different policies seem to link participation with the constitutional agenda of representation and inclusion. For example, there are mechanisms in place that allow municipal governments to explore the interests and demands of the public, through participatory budgeting. These spaces seek to ensure a wider representative participation of people from diverse ethnic groups, socio-economic backgrounds and different policy sectors. Representation of diverse groups, policy areas and interests can be regarded as a way of increasing the breadth of participation; although we caution that representation and inclusion alone cannot fulfil the intended goals of participation. This is not a characteristic of governance narrative solely, but also urban planning and DRR narrative, where participation is used as metaphor to invite underrepresented groups to inform them of policy agenda, rather than include them in

a rigorous framework to solve problems. The policy review above has revealed that across policy instruments, there is ambiguity in how participation is understood and approached. Not only is there a lack of clear guidelines on how to design and implement public participation, but the non-binding language within policy documents also makes it difficult to understand the intended outcome of participation.

We recommend that the local government bodies in Nepal build on current understanding and rationale of participation and develop clear guidelines that clarify appropriate rules and roles of participation between communities, government authorities and wider stakeholders. The implications of the choices made in participatory processes can be different depending upon the rationales. Therefore, we emphasise the need for DRR practitioners and policy makers to be aware of these interpretations if they intend to use participatory processes, and to be clear about what they aim to achieve through public participation.

Even though the focus of the paper is on participation within the Nepali context, this research highlights a bigger challenge for risk informed development in particular for newly formed institutions and government bodies that have limited resources and capacities. We highlight that public participation is a missed opportunity for Nepal's DRR efforts and these lessons are applicable to other countries. In general, recommendations can be made in favour of clear and binding language in public participation policy documents, and in being mindful that representation and inclusion does not equal participation. This research contributes towards the criticality of understanding how context influences public participation in RSLUP.

The policy review did not shed enough light into how the participatory process is structured and implemented for RSLUP, hampering our ability to produce evidence-based recommendations for designing participatory spaces. The implication of current shortcomings require further exploration and observation of how these policies are being translated into practice.

We found that the democratic environment in Nepal is conducive for public participation, subject to formulation of proper guidelines. At the time of writing this policy review, we witnessed the second local level elections across 753 municipalities since the promulgation of the Nepalese Constitution in 2015. The first election of local government in the federal context was held in 2017. The concept of federalization was new to Nepal and came into operation after the 2017 elections. It was the first time in Nepal's political history that an entirely new system was instituted from grassroots level. For the first time, local governments were allowed to draft new laws and provisions of service delivery. We anticipate a number of local policies and federal policies being formulated in the upcoming years across different policy areas in Nepal. We hope that some of the early shortcomings and gaps that have been identified by our analysis may be progressively addressed in new policies that are emerging in urban sustainability. We believe that public participation has the potential to create a truly democratic environment while empowering local communities to find urban planning solutions that are both innovative and sustainable yet this requires dedicated resource, a clarity of language and local capacity building.

Institutional Review Board Statement: Not Applicable.

Informed Consent Statement: Not Applicable.

Data Availability Statement: Publicly available policies were reviewed for this study. The policies are available on the wesite as listed on Appendix A.

Conflicts of Interest: The authors declare no conflict of interest.

Appendix A

Table A1. List of documents analyzed and its source.

Policy	Website	Description of Website
Constitution of Nepal	Nepal Law Commission https://lawcommission.gov.np/en/?lsvr_document_cat=existing-law-constitution (accessed on 23 August 2022)	Nepal Law Commission is Nepal's statutory authority that is responsible to draft laws, conduct legal research, and initiate legal changes in Nepal.
Land Use Policy	Ministry of Land Management, Co-operatives and Poverty Alleviation official website https://molcpa.gov.np/department/page/246 (accessed on 23 August 2022)	Nepal's ministerial body that is responsible for land administration and management
National Urban Development Strategy	Ministry of Urban Development official website https://moud.gov.np/pages/publications (accessed on 23 August 2022)	Nepal's ministerial body that is responsible for overseeing development of urban areas, housing, building construction, etc.
Local Governance Operation Act (2017)	Ministry of Federal Affairs and Local Administration official website https://mofaga.gov.np/news-notice/1697 (accessed on 23 August 2022)	Nepal's ministerial body that supervises local governments in carrying out its roles on local development, service delivery, policy making, etc.
National Policy for Disaster Risk Reduction	National Disaster Risk Reduction Portal http://drrportal.gov.np/uploads/document/1476.pdf (accessed on 23 August 2022)	Nepal's official Website for disseminating any updates and information on DRR, including directives, disaster events, etc.
Disaster Risk Reduction and Management Act	https://bipad.gov.np/uploads/publication_pdf/DRRM_Act_and_Regulation_english.pdf (accessed on 23 August 2022)	National Disaster Risk Reduction and Management Authority's official Disaster Information Management System website.
Disaster Risk Reduction National Strategic Plan of Action (2018–2030)	National Disaster Risk Reduction Portal http://drrportal.gov.np/uploads/document/1475.pdf (accessed on 23 August 2022)	Nepal's official Website for disseminating any updates and information on DRR, including directives, disaster events, etc.
The Fifteen Plan (2019–2023)	National Planning Commission Website https://npc.gov.np/en/category/periodic_plans (accessed on 23 August 2022)	Nepal Law Commission is a statutory body formed in order to draft laws, conduct legal research and initiate legal reforms in Nepal.

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