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National Integrity Policy (NIP)¹

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Nepal's government plans to introduce guidelines to ensure national integrity. The 23-page draft is aimed equally at parliamentarians, party leaders and cadres and the diplomatic corps, as well as I/NGOs, the private sector, cooperatives, schools and universities, etc.

The I/NGOs, in other words, civil society, are particularly affected by the draft, which has so far only been available in Nepalese and has in some cases been formulated in unclear language. It is said that they should base their work on the goals of the government and not pursue their own strategies on their own authority. At the same time, however, the government has revived the public funding of projects by elected members of parliament in their constituencies (Constituency Development Program), that had been banned by the Supreme Court.

Obstacles for I/NGOs

In future, INGOs will no longer be allowed to initiate projects on their own initiative. They must submit a concrete four-year programme including budget to the Ministry of Finance and must not attempt to influence the legislation and policies of the country in the interest of their programme. All reports and publications of INGOs require prior approval by the government. The number of foreign employees is also to be limited and they may work in the country for a maximum of three years in the same function. In particular, INGOs must not implement religious and social programme content. If they are even convicted of missionary work, they will be disqualified with immediate effect. The same applies if they fail to renew their authorisation within three months of its expiry.

The currently 47,000 NGOs are to be classified on the basis of their funding sources. In the case of donations, they must inform the Ministry of Finance and the local administration within seven days. Its administrative costs may not exceed a percentage of its budget to be determined. They also lose their registration if they do not renew it within three months. No more than two persons from the same family may serve on the board of an NGO. No one shall hold such a position for more than two years. Members of an NGO may not be active in any public functions. Finally, the NGOs should be prohibited from encouraging INGOs to take a critical stance towards Nepal.

NGOs see their work hampered by the planned regulations and speak of a violation of their constitutionally guaranteed fundamental rights. This particularly affects the commitment to human rights, freedom of expression, freedom of association and freedom of assembly. Democracy and the rule of law would be restricted. Named are, for example, the commitment to environmental protection, social research and advocacy for the rights of Dalits and women. After all, organisations that are committed to this do not receive any state support, i.e. they are dependent on international support.

¹ A German version of this article has been published in the journal Südasiens, 2/2018, June 2018

The government's unconvincing argumentation

For its part, the government stresses that the NIP aims to promote integrity and transparency in all areas of public life. It should provide a guideline for public servants and regulate the activities of Western aid organisations, INGOs and civil society groups in the fields of democracy and human rights.

Some of the provisions mentioned are necessary to prevent corruption and conflicts of interest. In reality, however, the control of NGOs should be in the foreground. A different view of development and society than the official state view is to be prevented. Everyone knows that a prosperous civil society is an important part of democracy. Civil society organisations can hold the state responsible and help to prevent state excesses. A detailed control of what these organisations actually do makes them a mere appendage to the state apparatus.

The draft pays particular attention to important bodies such as the security forces, the judiciary, constitutional bodies and general government institutions. In the past, these institutions have received large amounts of foreign aid. Government agencies in Nepal have long seen this as a danger of foreign influence.

The new Minister of Justice, Sher Bahadur Tamang, has pointed out that in 2016 alone the judiciary has received around 4.5 billion rupees from the donor countries. However, a larger part of this sum had been used by judicial officials for trips abroad. In future, such trips will require state approval. Similarly, this should apply to members of constitutional bodies and ministry officials. Even leading politicians and officials of the new provincial level must have planned foreign trips approved by the central government. At the end of May 2018, for example, the Chief Minister of Province 2 was forbidden to travel to the USA to participate in an event organised by an American Madhesi Association. Attempts are also being made to prevent dependence on political parties. For example, anyone proposed for a judicial office or for a function in constitutional bodies should in future prove that he or she has not been active in political parties in the past.

Critique

The criticism of the draft directive was vehement, both from local NGOs and from foreign organisations and partners. It was said that the planned directives were not practicable and created unnecessary hurdles. Diplomats saw the danger of an arbitrary ban on foreign organisations and a possible deportation of their employees. Civil society groups and dissidents would also be endangered. The latter drew a comparison with the actions of the former King Gyanendra against democratic forces after his coup of 1 February 2005.

The government side was not unimpressed by the broad criticism. At the beginning of May, representatives of the I/NGOs, security forces, chambers of commerce and industry, cooperatives and the private sector met to discuss possible changes to the draft. What these changes should look like, however, is still open.

The idea for NIP was suggested to the then Prime Minister Deuba by an advisor who believed that around two-thirds of NGOs had a certain proximity to CPN-UML, and who feared that these NGOs could be used by the UML in the election campaign. Now K.P. Oli is Prime Minister, Deuba's political opponent. It is said that Oli is sticking to the planned directives because he sees good opportunities to use them to set traps for political opponents.

It is undisputed that the government must control and, to some extent, coordinate the flow of funds from abroad and the commitment of the organisations. This has been more than badly done for years by the registration of I/NGOs with the Social Welfare Council (SWC). So why change something.