

Appreciative Intervention against the Regressive Bills

The existing legal provisions in the country regarding the formation of NGOs/CBOs governed by different policies are fairly enabling. However, some bills/acts are still causing barriers to the constitutionally guaranteed fundamental rights (freedom of expression, assembly and association) and causing procedural hindrances. Hence, their amendment could further enhance the enabling environment for the operation of Civil Society Organizations (CSOs) to contribute as governance and development partner of the government of Nepal. CSOs have been approaching government regularly through decades for amendment of such regressive bills/acts such as Social Welfare and Development Act 2073 and Social Organization Act 2075.

In the ever changing and complex world of policy advocacy, CSOs are increasingly recognizing the need to understand policy process better, use evidence to engage more effectively and develop strategies in order to engage with policy makers in a more systematic way in order to ensure sustained impact on the development of the country. In the recently changed political context of Nepal, government is now involved in the process of drafting policies based on the three tiers (local, provincial and central) are also amending few central level policies simultaneously. Hence, tapping this opportunity of influencing the policy process in “**right time through right action**”, SAP-Nepal took initiative following strategy of collaborative and evidence based lobbying, leading delegations and media publication.

Social development act as made public by the Ministry of Women Children and Senior Citizen (MoWCSC) for the public consultation has been observed having few provisions as non-complying with the constitutional provisions and international human rights standards. SAP-Nepal initially conducted discussion in this matter with the policy makers of the draft by sharing the study conducted by Professor NirsimhaKahtri (Professor, Tribhuwan University) on the act. Professor Khatri in his presentation pointed out various loop holes in the draft along with the recommendations for amendments. Followed by the discussion, SAP-Nepal conducted a multi-stakeholder dialogue involving concerned ministries (MoWCSC, Ministry of Finance (MoF) and Ministry of Federal Affairs and Local Development (MoFALD) discussing the relevancy of the act. As a result, MoF decided on halting the bill in 2073 due to lack of its relevancy and proposed on redrafting of the bill which has not yet been initiated.

Similarly, Social Organization Act 2075 which is in drafting process by MoHA comprised of some procedural hindrances resulting in cumbersome process of registration/renewal of CSOs.

After MoHA handed over the responsibility of drafting the Social Organization Act to Nepal Law Commission (NLC) that would be replacing three-decade long policies (Association Registration Act 1997, National Directive Act 1961 and Social Welfare Act 1992), SAP-Nepal took an initiative to ensure the stakeholders participation in the policy making process and incorporation of recommendation from CSOs in the policy through strategic interventions of evidence based lobbying, coordination and collaboration with government, and media publication.

To initiate the discussion on this draft bill and to know the status of the amendment progress of Association Registration Act 1977, SAP Nepal had informal meeting on October 1, 2018 with Bashistha Kumar Ghimire (Under Secretary, MoHA) who also expressed his interest of participating in the initial level discussion of the draft bill. The informal meeting was followed by the systematic and phase wise lobbying at both national as well as provincial level. At the national level, the first phase of lobbying with Members of Parliament was conducted with the objective to develop common understanding of the policy to be drafted among the government and the CSO leaders. The second phase, multi-stakeholder dialogue with CSOs leaders, think tank and representatives of federations working for minorities and marginalized population highlighted on the priority sectors to be addressed in the act that included: categorization of CSOs, protecting fundamental rights, registration of CSOs in Office of Registrar, clear mission-vision and institutional framework. In the event, RajendraThapa (Undersecretary, NLC), who was involved in the drafting process took note of the recommendations to comfort registration hurdles of CSOs through five-yearly renewal of CSOs, easy and speedy monitoring mechanisms to incorporate in the draft for creating CSOs enabling environment.

To address potential gaps in federal and provincial acts for CSOs, the third phase of the lobbying was conducted in province 3 and 5 at Makwanpur and Butwal respectively in collaboration with NFN and INSEC; where Mr. Thapa presented more improvised and matured draft that reflect federal government policy governing CSOs that was appreciated by the CSOs leaders at both provinces. These events also reflected on the flaws in provincial acts that may cease CSOs' freedom of expression and association. CSOs in both the provinces stood against the development of such regressive acts and expressed their interest to adopt the improved draft of federal act instead.

The final phase lobbying comprised of 2 events organized at national forum on January 24 and February 11, 2019 respectively, both devoted in parallel discussion with policy makers from

SWC, MoWCSC, MoHA and NLC. In both the sessions, CSOs along with appreciating the positive changes that has been made in the draft also strongly opposed on the restrictive provisions (prior approval required before signing any of project, no duplication of organizations, seizure of CSOs without court verdict and many more) that require immediate revision before tabling to Office of Prime Minister and Council of Ministers (OPCM) and Federal House of Parliaments.

SAP- Nepal was able to receive some tangible results through these short interventions. SAP- Nepal also had opportunity of putting forward the recommendation in written as well as oral form in different forums along with forming an alliance for policy advocacy to CSOs friendly environment. Followed by the SAP-Nepal initial discussion, similar discussion were also held by the CS:MAP partners. These collaborative efforts were successful in creating pressure for necessary amendment to be made in the regressive bills. This shows how one innovative and visible action can spur into an entire campaign. Hence, SAP-Nepal has decided on continuing the strategic interventions for influencing policies through its own endeavors. The result thus attained also reflects on CS:MAP objective of Strengthened legal and policy framework and improved public perception towards CSOs through active engagement of the CSOs and their contributions. To conclude, “**advocacy is a never ending process**”, hence it should be continued framing new strategy with multi model and multi agency approach, building partnership with diverse nature of stakeholders and strengthening collaboration with existing national CS:MAP partners.