

**Office of the United Nations  
Resident and Humanitarian  
Coordinator**  
UN House, Pulchowk  
P.O. Box 107, Kathmandu, Nepal



**संयुक्त राष्ट्र संघको आवासिय  
संयोजकको कार्यालय**  
संयुक्त राष्ट्र भवन, पुल्चोक  
पो.ब.नं. १०७, काठमाडौं, नेपाल

16 November 2005

Your Excellency,

I am writing on behalf of the group of donors and U.N. agencies listed below regarding the "Code of Conduct for Social Organizations and Associations 2062" which has been promulgated recently by His Majesty's Government.

It is our firm belief that civil society in all countries plays a crucial role in the promotion of democracy, human rights and development. However, in recent months, the international community has become increasingly concerned at the erosion of the rights and freedoms of civil society in Nepal. All governments should provide an enabling environment for the broad participation of civil society in all areas of development, social service provision, humanitarian assistance and human rights, including the right to freedom of association. We believe the "Code of Conduct" is not conducive either to improving NGO governance or to fostering NGO endeavors. Moreover, it is inconsistent with Nepal's commitments and obligations under the International Covenant on Civil and Political Rights and other international human rights instruments. For example, provisions exerting governmental control over NGO access to funding from international donors, requiring that NGO programmes be in conformity with government policies and programmes, or requiring that NGO personnel observe Government policies and bear individual and collective responsibility for the activities implemented by the organization would violate Nepal's international human rights obligations, including the right to freedom of association.

As such, the "Code of Conduct" does not appear likely to contribute to the process of ensuring accountability and transparency and will be seen as another step to constrain the legitimate activities of civil society. The regulation of civil society should be the product of an open and active participatory and consultative dialogue and in this instance both the process and the wording have failed to take adequate account of the views of NGOs, both Nepali and international.

Hon'ble Mrs. Durga Shrestha  
Minister for Women, Children and Social Welfare  
Ministry of Women, Children and Social Welfare  
Singha Durbar  
Kathmandu

**Office of the United Nations  
Resident and Humanitarian  
Coordinator**

UN House, Pulchowk  
P.O. Box 107, Kathmandu, Nepal



संयुक्त राष्ट्र संघको आवासिय  
संयोजकको कार्यालय  
संयुक्त राष्ट्र भवन, पुल्चोक  
पो.ब.नं. १०७, काठमाडौं, नेपाल

The donor community believes that the 'Code of Conduct' clearly provides a means for undue political interference. It is also likely to hinder critical development activities as the independence and impartiality of Non Governmental Organizations are essential to work in rural areas and to support the population affected by the conflict. We therefore recommend that the current "Code of Conduct" be withdrawn and that this issue be revisited.

Yours sincerely,

Matthew Kahane  
UN Resident Coordinator

**On behalf of:**

Embassy of Australia  
British Embassy  
Embassy of Canada  
Embassy of Denmark  
Delegation of the European Commission to Nepal  
Embassy of Finland  
Royal Norwegian Embassy  
U.S. Mission to Nepal  
German Technical Cooperation (GTZ)  
SNV Nepal  
Swiss Agency for Development and Cooperation (SDC)  
UK Department for International Development (DFID)

**And the following UN Agencies:**

Food and Agriculture Organization (FAO)  
International Labour Organisation (ILO)  
Office for the Coordination of Humanitarian Affairs (OCHA)

**Office of the United Nations  
Resident and Humanitarian  
Coordinator**

UN House, Pulchowk  
P.O. Box 107, Kathmandu, Nepal



**संयुक्त राष्ट्र संघको आवासिय  
संयोजकको कार्यालय**

संयुक्त राष्ट्र भवन, पुल्चोक  
पो.ब.नं. १०७, काठमाडौं, नेपाल

Office of the High Commissioner for Human Rights (OHCHR)

UNAIDS

United Nations Development Programme (UNDP)

United Nations Educational, Scientific and Cultural Organisation (UNESCO)

United Nations Population Fund (UNFPA)

United Nations High Commissioner for Refugees (UNHCR)

United Nations Children's Fund (UNICEF)

World Food Programme (WFP)

World Health Organisation (WHO)