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To:

H.E Jose Daniel Ortega Saavedera
President of Nicaragua
Depacho del Presidente
Costado Oeste del parque El Carmen - Bolonia
Managua - Nicaragua

24 June 2009

Your Excellency,

I write as the Secretary General of CIVICUS: World Alliance For Citizen Participation, an international alliance of civil society with members and partners in over a hundred countries. CIVICUS promotes and protects civil society freedoms around the world.

We welcome your government's decision to postpone implementation of the draft manual on International Cooperation. The draft manual contains a number of problematic provisions - if implemented - would impede rather than promote cooperation between international and national civil society organisations (CSOs) against the best interests of the people of Nicaragua. We call upon your government to invite all segments of civil society to participate in comprehensive discussions prior to any move to re-introduce the draft manual in its present or in an amended form. We would like to focus your attention on the following areas of concern in the current draft:

Restrictions on foreign civil society organisations involvement in or financing or influencing activities of "partisan political nature".

Lobbying of parliamentarians for reforms in law and policy is an essential function of national civil society organisations, many of whom depend wholly or partly on foreign funding. This formulation could arbitrarily prevent local civil society organisations from performing their important function of interacting with parliamentarians across party lines to influence legislation on social issues and other matters of public importance. Moreover, civil society organisations often interact with their counterparts abroad for advice and suggestions on legislative best practices in other jurisdictions in their advocacy and lobbying activities. Adoption of this provision will prevent foreign civil society organisations from advising local civil society organisations and thereby prevent them from taking advantage of international expertise in advancing national concerns.

Excessive regulation

The manual contains an elaborate web of bureaucratic red tape with a number of provisions that obligate compliance with the requirements of many ministries and government departments, including the Ministry of Interior Affairs, Ministry of Foreign Affairs and the Ministry of Finance and Public Credit. The requirements of the draft manual will create an excessive amount of administrative paperwork for foreign CSOs in addition to keeping them in

perpetual dread of inspections and scrutiny through exhaustive provisions, non-compliance with which, are subject to a number of penalties.

Insecurity through termination of agreement provisions

The draft manual provides that agreements on the functioning of foreign organisations in the country can be terminated in advance on alteration of the present procedures and agreement at the discretion of the Government thereby keeping foreign CSOs in a perpetual state of uncertainty as to their financial and human resource investments in the country. Moreover, agreements can be terminated on violation of Nicaraguan law. By this formulation, even a minor legal infraction can be a ground of termination of legal agreement in contrast to best practice where a serious criminal offence should have been committed to invite such drastic action. Further, the manual does not provide for recourse to the law courts in the event of termination of an agreement in breach of international best practice principles.

Cap on number of professional and technical experts in a foreign association or foundation

Civil society organisations, especially those that work internationally, often have staff from a number of foreign jurisdictions that bring a wealth of experience and knowledge. An arbitrary cap of 10% foreign staff will seriously impair the ability of these organisations to contribute to social development and democratic initiatives in Nicaragua.

Nicaragua is a party to the International Covenant on Civil Political Rights and the American Convention on Human Rights. Freedom of association provisions in both these international legal instruments (Article 22 and Article 16 respectively) mandate that this right can be limited only in certain specified circumstances and on narrow well defined grounds prescribed by law and necessary in a democratic society.

I thank you for your urgent attention to our concerns. I would be pleased to speak with you further regarding this matter at your convenience.

Sincerely,



Ingrid Srinath

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