

Non-Residential Nepali Association
International Coordination Committee (ICC) 2019-21
NRN Citizenship and Voting Rights Committee
Terms of References 2019

TERMS OF REFERENCE (TOR) OF THE NRN COMMITTEE ON NRN CITIZENSHIP & VOTING RIGHTS 2019-2021

Background

One of main goals of Non-Resident Nepali Association (NRNA) from its very beginning was to ensure Continuity of Nepali Citizenship (CNC) rights for Foreign Nationals of Nepali Origin (FNNOs). As a result of years of efforts and advocacy, the Constitution of Nepal 2072 has finally included a provision of Non-Resident citizenship which will provide economic, cultural and social rights to such citizens. While there is no doubt that this is a big achievement, there is still a long way to go.

The main focus now is to ensure that proper regulations are in place that ensure the provision made are implemented according to the spirit of the Constitution. To make effective coordination in this direction, the NRNA has formed a Committee on NRN Citizenship and Voting rights 2019-21 chaired by Mr. Sonam Lama (USA) under the department of Foreign Employment and Welfare of NRNs headed by head of department VP Dr. Badri K.C.. The committee will work to facilitate the promulgation of acts to ensure that PNOs are able to exercise the rights as provisioned by the constitution and also NRNs are able to exercise their rights to vote from abroad. Since citizenship is a sensitive issue, the committee will work carefully on this matter through a range of activities which have been outlined below. The committee will follow the Terms of Reference accordingly.

Objective of the Committee

Coordinate as well as facilitate in the formulation of acts and law in accordance with the provision made for NRN Citizenship in the Constitution of Nepal to ensure that NRNs are able to exercise their right including absentee voting. Following are its objectives:

1. To conduct detail study and analysis on the role and right of the Non-resident Nepali Citizens as provisioned in the constitution and work in the interest of establishing the fundamental right of the Non-resident Nepali Citizenship.
2. To advocate about dissolution of Clause 291 of Nepal's constitution which has omitted the fundamental right of permanent Non-resident Nepali.
3. To advocate and facilitate Nepali Citizenship holder residing in foreign countries about their right to register their name and to cast the vote from diplomatic mission of Nepal from abroad and face no discrimination in enjoying their fundamental rights (like on employment) on account of their residential status and other issue.

4. To advocate about the right and the need of the Non-resident Nepali for investing their knowledge, skill and financial resource in building prosperous Nepal.
5. Passage Citizenship amendment bill incorporating the suggestions made by NRNA by parliament
6. Enactment of rules and procedures so that the deserving NRNs can acquire the NRN citizenship in seamless manner.
7. Continued lobbying in support of citizenship to NRNs with full rights (Dual Citizenship allowed).
8. Prepare suggestions on other NRNA related laws and rules and work for their enactment
9. Develop position papers of NRNA on issues of citizenship through research consultation and dialogue.
10. Identify best practices regarding dual citizenship, diaspora rights and communicate the same to Nepal's Government, Political parties and Citizens at large.
11. Identify the drawbacks of the present laws (Constitution/Acts/Rules) and work for their improvement.
12. Ensure that the Nepalese nationals residing outside of Nepal do enjoy full rights as national living in Nepal (Example- Voting rights,) and face no discrimination in enjoying their fundamental rights (like on employment) on account of their residential status and other issue.
13. Others

Working Policy:

1. The committee will collect the suggestions from different sources and discuss in the meeting. The discussed agendas will be submitted to ICC.
2. According to need, the meeting of taskforce will be online or face to face.
3. The decisions and progress report will be submitted to ICC.
4. The committee can submit proposal for change in Terms of Reference according to the need.
5. The tenure of the committee will be till the tenure 2019-21 of the ICC.

Detailed work-plan

- **Formulation of team for legal advice**

One of the first activities of the committee will be to formulate a team of legal advisors who will be crucial in providing legal suggestions on these issues. Along with providing legal advice, the team will help in providing answers to any legal questions that will be asked to NRN on these issues.

- **Drafting of position paper**

To ensure that the act is introduced in line with the provision made in the constitution, the committee will prepare a draft bill with the help of the legal advisory team. This will be sent to NRN members for suggestions.

- **Lobbying and advocacy through different stakeholders**
 The committee will conduct formal and informal discussions as well lobbying with representatives of various ministries and bodies including Home Ministry, Ministry of Law, Ministry of Foreign Affairs, the Constitutional and Parliamentary Committees, the Election Commission for formations of appropriate on laws, and major political parties.
- **Discussion with relevant ministry**
 Since the issue of citizenship falls under Ministry of Home, the committee will advocate for the speedy presentation of the NRN Citizenship Bill in the parliament by holding dialog at different levels in the Ministry of Home and other stakeholders.
- **Interaction with members of parliamentary committees**
 The committee's efforts will be to hold interactions with the Chairman as well as members of various Committees under whose jurisdiction the drafting of the proposed law will fall to ensure that the legal process regarding NRN Citizenship is undertaken swiftly and immediately.
- **Internal discussion**
 The committee will hold regular informal discussions among members of the Committee regarding the issues of NRN Citizenship, Absentee Voting and Clause 291 of Nepal's Constitution 2072.
- **Discussion with major leaders**
 To ensure that the issue of NRN Citizenship gets support from all the parliamentarians, the committee will hold meetings and discussions with leaders of major political parties to inform them about the PNO's expectations and the developments taking place.
- **Provision of focal person**
 To ensure coordination, facilitation and communication with various stakeholders and to inform the committee members about the legal process as well as to inform the committee about the steps to be taken, a focal person will be appointed in Kathmandu.
- **Media mobilization**
 To assure public support and give a positive message regarding the issue of NRN Citizenship and rights given by it and to facilitate Absentee Voting will be mobilized. The media will help disseminate news to create a positive image around these issues.
- **Documentation**
 Since the issue of NRN Citizenship has been an issue of focus since the formation of NRNA, efforts of the NRN as well as the taskforce/committee, which have been published in the form of print, photo and video will be documented in a video documentary.
- **Budget**
 In line with the NRNA's policy of committee generating their own fund, the committee will generate or manage the fund from their own resources.

Guidelines

- Members of the committee will need to inform the committee Coordinator before undertaking any work regarding the matter of NRN Citizenship or absentee voting to

ensure uniformity and coordination. The (HOD) Head of Department, focal person as well as the CEO of NRNA in Kathmandu also needs to be pre-informed about all key activities.

- Any information should be first shared within the committee members, Head of Department and only then formally shared outside after discussion.
- In case of requirement of any information, the focal person should be contacted. However, a discussion needs to held with the Chair and Head of Department to decide whether the information can be made public or not.
- Complete information should be gathered about any issue before speaking in the media.
- The committee will maintain communication and coordination with NRNA President and its members through the committee chair or HOD.
- Members should carry out all the responsibilities entrusted by the committee.