

Legal and Regulatory Environment for NGOs in Bangladesh

Irish/Simon/Firoze Consultancy

Interim Report to the LCG
2 January 2005
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Introduction; background materials. On 11 December 2004 the international consultants Leon Irish and Karla Simon arrived in Dhaka to begin the consultation on the “Legal and Regulatory Environment for NGOs in Bangladesh.” Prior to their arrival they had studied various documents that had been made available to them as well as other resources to which they had access, all of which describe the current legal and regulatory framework for NGOs in Bangladesh. In addition, Dr. Irish and Prof. Simon had been following recent developments in Bangladesh with respect to GO-NGO relations for the International Journal of Civil Society Law and the related Newsletter (see www.law.cua.edu/students/orgs/ijcsl/) and thus were informed as to the current difficulties when they arrived. Prior to their arrival, Ms Fawzia Feroze, the national consultant, assembled a binder full of relevant documents, which constitutes an invaluable resource for the consultancy. Other important information (including comparative information) can be obtained from a recent publication of the Asia Pacific Philanthropy Consortium, entitled “Philanthropy and Law in South Asia.”

Meetings held. The visit of the international consultants lasted from 11 December to 21 December, and it included many meetings with national and international NGOs, donors, government officials, and local lawyers and civil society activists. The schedule follows:

1. December 12
 - a. Initial meeting with local consultant, Fawzia Feroze, and Amanda Edmunds (Chair of the LCG NGO group, for whom this consultancy is being conducted), and Charlotte Duncan (UNDP) to discuss the scope and parameters of the consultancy.
 - b. Follow-up meeting between national and international consultants to discuss various technical issues with regard to the consultancy.
2. December 13
 - a. Meeting with Dr. Kamal Siddiqi of the Prime Minister’s Office to discuss the government’s view of the current situation.
 - b. Meeting with Mr. Mizamur Rahman and Mr. Mesbahul Islam of NGO Affairs Bureau.
 - c. Meeting with Christine Wallich of the World Bank (Chair of the LCG), Nilufar Ahmad, and Prof. Mynuddin.
3. December 14
 - a. Donor meeting at CIDA Board room.
 - b. NGO meeting at CIDA Board room – discussion of list of questions presented by the consultants.

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- c. Follow-up meeting with national consultant to discuss the issues involved.
- d. Follow-up meeting with Amanda Edmunds to obtain more information about the charges against Proshika.
- 4. December 15
 - a. Meeting with Bank of Bangladesh Micro Finance Research and Reference Unit (Ms. Lila Rashid).
 - b. Follow-up meeting with local consultant to review the additional documents to be obtained.
 - c. Meeting with PRIP Trust (Aroma Dutta) to discuss charges against the organization.
 - d. Meeting with BNWLA.
- 5. December 16
 - a. Short meeting with Charlotte Duncan to discuss development of the questionnaire.
 - b. Research into legal cases.
- 6. December 17
 - a. Research and writing questionnaire and work plan.
 - b. Dinner at home of Fawzia Feroze – discussion of translation of questionnaire with BNWLA representatives.
- 7. December 18
 - a. Visit to BRAC sites.
 - b. Work on questionnaire.
- 8. December 19
 - a. Meeting with USAID – Dr. Rezaul Haque.
 - b. Meeting with DFID – Sarah White and Dr. Mehtab Currey.
 - c. Meeting with World Bank team for the NGO study – Hassan Zaman and Naga Annamalai (discussion of roles and methodologies).
 - d. Meeting with Barrister Rafiqul Huq.
 - e. Dinner with Aroma Dutta.
- 9. December 20
 - a. Meeting with Amanda Edmunds, Charlotte Duncan, Fawzia Feroze to go over questionnaire and make final adjustments.
 - b. Meeting with FNB -- M. Tajul Islam re questionnaire and its distribution.
 - c. Meeting with ADAB – Qazi Feruque re questionnaire and its distribution.
 - d. Meeting with Asia Foundation – Kim McQuay and Shajahan Kabir (discussion of need to include IT development for NGOAB in our recommendations; discussion of a follow-on sub-regional workshop).
 - e. Meeting with Josephine Oguta, formerly of BEI, with regard to the BEI Code of Conduct for NGOs.
- 10. December 21
 - a. Finalizing work plan and distributing it to donors.
 - b. Finalizing questionnaire and distributing it to FNB, ADAB, BNWLA for translation and distribution.

Conclusions of the first visit.

1. The consultancy will be greatly enhanced by obtaining better “hard” data with respect to the legal and fiscal problems facing NGOs in Bangladesh. As a result, considerable time was spent analyzing the written materials received and the issues learned about in interviews and group meetings and in developing the attached questionnaire. It will be translated into Bangla by BNWLA and distributed by ADAB, BNWLA, and FNB.
2. Important additional information can be obtained from donors with regard to their knowledge and perception of the sector and its problems and their policies with respect to NGO grantees and partners. A questionnaire for donors is being developed.
3. Much additional information needs to be obtained from NGOAB – this will be more delicate. A set of discussion questions has been developed and will be used to conduct one or more detailed interviews with NGOAB officials, currently being scheduled for later in January.
4. Prior to preparation of the final report, the following additional information needs to be collected: case law, legal enactments, secondary sources from Bangladesh and the region. Much of this has been identified and collection is underway, as indicated in the work-plan.
5. The consultancy should not only make recommendations, it should be used as an opportunity for training NGOs and government officials as to what the issues are that need to be resolved. Accordingly, two all-day informal workshops will be held prior to Eid and a final all-day conference will be held after Eid. The attached work-plan describes the content and timing of the three public meetings.
6. Although funds will need to be raised separately, it is clear that the situation in Bangladesh could be enhanced considerably by holding a sub-regional conference in Dhaka sometime later in the year to discuss developments in the region that may provide useful models for Bangladesh to consider. This proposed conference is described in the attached work-plan, and it has already been the subject of discussion with the Asia Foundation, which seems quite favorably disposed to providing some funding for it. At least one development makes this proposal even more relevant than it was two weeks ago – in Pakistan the Minister of Social Welfare announced recently that draft NGO legislation should be presented in Parliament in the near future. If Pakistan proceeds with comprehensive new NGO legislation, that may provide a model for and inputs into a process of legislative developments in Bangladesh. It may, alternatively, provide an example of legislation that Bangladesh will wish to improve upon.
7. The final report will contain:
 - a. An analysis of the current laws, regulations, and administrative rules dealing with NGOs in Bangladesh;
 - b. An analysis of the data collected and what they suggest about the practical aspects of the laws as written;
 - c. An analysis of the current fiscal rules for NGOs and their donors;
 - d. Suggestions for improvements in the legal and fiscal environment (short and long-term);

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- e. Background materials, including comparative examples of developments in other countries on crucial points (e.g., self-regulation; tax incentives; accountability and oversight mechanisms). Many of these will be used as training materials for the workshops and conference to be held in January.