

Terms of Reference:

Scoping Study for Possible Development of a Revised NGO Regulatory Framework

Background: NGOs in Bangladesh have been recognized worldwide for their innovative activities, especially in micro-finance, non-formal education and health areas. Government of Bangladesh also strengthened the NGO sector by establishing NGO Affairs Bureau and a regulatory framework. It has emerged, through dialogue and studies, that there are inconsistencies in the several laws (and related rules) which govern NGOs enacted during various times – e.g. 1860, 1962, 1978 and 1982. In addition, in 2001, the Government of Bangladesh began a process of review of the regulations covering foreign donations to NGOs.

In this context, we are currently in a key period in NGO-Government-Development Partner relations. At the 2004 Bangladesh Development Forum, the Government of Bangladesh committed to analyze best practices in other countries and conduct consultations with development partners and NGOs as a first step in a new process of review of the whole NGO regulatory framework, as a precursor to drafting any new legislation. In turn, the development partners committed to support the Government in this process.

Objective:

- ❑ *To assess the current NGO regulatory framework through consultation with stakeholders, and provide stakeholder with informed options for roadmapping the possible development of a revised regulatory framework.*

Topics to be addressed:

Specifically, the scope of consultancy will be to:

- ❑ Map out the current regulatory framework, identifying gaps, inconsistencies, overlap, and ambiguity;
- ❑ Identify what the key stakeholder (GOB and NGOs) want/need from the NGO regulatory Framework, and what concerns they have about current and future regulatory options;
- ❑ Identify and synthesis key lessons learned from international best practice (consistent with the Bangladesh context);
- ❑ Facilitate the development of a road map for developing a possible revised regulatory framework in Bangladesh.

Methodology

- i. Desk review
- ii Focus group discussions and workshops with key stakeholders, including Government officials, NGOs (both large and small; national and local) and donors.

Following the completion of a first draft of the report, a workshop will be held, with key stakeholders invited to participate. The draft report will be circulated to all participants prior to the workshop, and feedback will be sought on the models proposed. This feedback will be included in the final research report.

Time-Frame and Products

It is expected that the consultancy will commence in November 2004 with desk review and preparations by the national consultant prior to arrival of the international consultancy team. Initial consultations with key stakeholders will take place in December 2004 and a preliminary report will be submitted by end of December 2004 including a detailed workplan. A workshop to discuss the preliminary findings will be held in January or early February 2005. The final draft of the report, taking into account the discussions and feedback received at the workshop, will be completed by the third week in February 2005.

The primary product will be a written report in English, to be submitted no later than three months of the starting date. It is intended that this report will be translated in summarised form into Bangla soon after its finalization in English.

Level of Effort

The scoping study team shall consist of two international consultants and one national consultant. The level of effort shall be – up to 40 working days for the national consultant, up to 35 working days for the international consultants (25 working days in country). The proposed schedule (for review with selected consultants shall be): a) 10 days advance preparation by the national consultant (collection of materials, preparation for focus group discussions and organizing the workshop) and 5 days desk review by the international consultants, b) 25 working days in country (for research and focus group discussion, to prepare the draft report and to hold the final workshop) by all consultants; and c) 5 working days for all consultants to prepare the final report.

The **international consultancy team** will lead the team and be responsible for outputs and the final report. They will work in collaboration with the national consultant to facilitate discussions with national stakeholders in Bangladesh. The international consultants will draw on relevant documentation on the legal framework in Bangladesh and from international experience. The international consultants will lead the workshop in English with support from the national consultant, including facilitating discussions in Bangla, where necessary.

The **national consultant** will support the team in the following ways:

- Provide documentation on the legal framework for NGOs in Bangladesh, as specified by the international consultant and the NGO Sub-Group. This should be sent to the international consultant at least ten days before his arrival in Bangladesh;
- Provide advice on appropriate stakeholders to meet in Bangladesh and set up appointments for meetings. The schedule of meetings should be set up in advance of the arrival of the international consultant in December;
- Provide information on the local context, legal situation and other relevant information to be used in the report;
- Coordinate the workshop and other meetings to take place in Bangladesh, including drawing-up the invitation list, providing administrative support and facilitating discussions in Bangla when necessary.
- Assess and provide analysis of the risks associated with the development of revised NGO framework in Bangladesh along with other risks that could be considered in the study.