

Draft, December 16, 2017

Position paper of the NGO's for the press conference on the relief work of Rohingya refugees in Cox's Bazar

**Reinstate the legal authority and one step service of the
NGO Affairs Bureau (NGOAB):**

The complexity and delaying in approving Rohingya relief projects is contradictory to our Prime Minister's Commitment to Standby to Save and Fast Response to Rohingyas.

1. Local, national and international NGOs have been implementing Rohingya Relief projects since the last August, when the Rohingya refugees started coming to Cox's Bazar. NGOAB approved Rohingya Relief projects as emergency project (2-3 months in duration) by 24 to 48 hours as in view of their rule (No 43 law of 2016 and Prime Minister's Office notification dated 23 November 2016, reference Bangladesh Gazette dated October 13 and November 24, 2016) . All NGOs have been working locally with the supervision and coordination of Deputy Commissioner and Relief Commissioner at Coxsbazar. Officials of the NGOAB have been visiting the sites and supervising and supporting the relief works.
2. But in the second week of November, approvals of revised and new project proposals (which is known as FD 7), have been slowed down. The NGOAB started refraining from providing any kind of approval in accordance with the rules, like previously it used to do. From the reliable sources, we have learnt that, according to the government's instructions, all Rohingya relief related project proposals from NGOs will have to take the no objection security clearance from the Public Safety Department of the Ministry of Home Affairs. For International NGOs such no objection certificate is must both from the Ministry of Foreign Affairs and Ministry of Home Affairs too. In this case, NGO workers have experienced that, from the second week of November to the second week of December, despite continuous persuasion, we could not collect any no objection clearance so far. NGOs who don't have any office or staff in Dhaka are suffering more, even if they have staff they hardly have that much time to make frequent visit Ministry of Home Affairs or Police Department to lobby for the no objection certificate.
3. Under the circumstances, possible impacts that are being observed are:
 - (a) If the revised projects or the projects of one month or three months are not approved within the remaining days of December, then all these NGO relief work will be stopped and there will be no salary for about 3/4 thousand local workers involved in relief activities.
 - (b) Revised or extended projects are being run with the quasi approval of the local authorities, but NGOs have to spend money from other funds. And with it, emergency activities such as healthcare and emergency warm water distribution are being also hampered. Please note that there are huge threats of Diphtheria epidemic is so imminent now, even WHO has warned it may also spread among the host community too. Refugees needed warm cloths too.
 - (c) NGOs have submitted project proposal for approval on the basis of Letter of Intent (LoI) from donors or INGOs. But due to the delay in approval, the donors or INGOs are turning their backs and talking about allocating the funds to other countries. Some of the donors and INGOs have withdrawn their LoI already.
 - (d) Because of such uncertainty, various questions will be raised in the international arena on the good will of the whole nation, including the humanitarian commitment of our Honorable Prime Minister.

- (e) Above all, the country is losing valuable foreign currency in the case of Balance of Payment. It is to be noted that, under such circumstances where donors had funded without prior NGOAB approval, at present, they are saying that they will not place the funds without the approval and they will cancel the funding commitments if these delay will continue.
4. We have come to know that the government has introduced such security clearance to contain any fundamentalist propaganda or related militant activity in the Rohingya camps. We have following reasons to believe that, there are hardly any needs of such an advance security clearance.
- (a) The NGO's registered with NGOAB working with Rohingya relief works have not been found to be involved in any such activity so far. It is to be noted that, during the registration and renewal of NGOs, NGOAB collects investigation reports from special agencies.
- (b) According to the act no 43 of 2016 (Bangladesh Gazette on October 13, 2016), On behalf of the NGOAB Deputy Commissioner and Upazila Nirbahi Officer investigate and supervise NGOs activities and submit reports accordingly. In this case, this new rule is contradictory and unnecessary. There are also appropriate provisions of punishments for NGOs under sections 14 and 15 of that Act. NGOs are implementing these rules properly as there are no such cases reported so far.
5. Such government instruction of security clearance from the Ministry of Home and Foreign Affairs is contradictory of the clause no. 6 of the above Act, where during emergency NGOAB is allowed to approve emergency projects within 24 hours.
6. In the same way, the above security clearance is also contrary to the circular of the Prime Minister's Office on 12.04.2012 (Bangladesh Gazette November 24, 2016), which clearly states that the responsibility of the NGO Bureau is to ensure One Stop Service for NGO registration and project proposal processing .
7. Where the world's highest fast growing refugee problem still going and also in world highest congested camps, which needs fast approval and flexibility for innovation. There are some other causes too which are making such delay and making the situation more complicated, such as.
- (a) The NGO Bureau has asked to amend cost of many items, which is not in line with the market (e.g. audit fees).
- (b) In the NGOAB project revision emphasizes the visible issues and thus such positions discourage activities like education and protection of women, child and adolescents.
- (c) NGOAB and the government should keep in mind that
- (i) Quality of management of all NGOs is not same, management cost is also thus not same.
- (b) NGOs are not usually for traditional work, but they are also for innovation and experiments.
- (c) Above all, since NGOs have to collect certification from the field level, and their activities are audited by the auditor recognized by the NGOAB, NGOs should be given the opportunity to work with innovations and flexibility. It is better to control through measuring the output and impact rather than controlling or reducing the budget. Any pre implementation control may jeopardize the operation.
8. Under this circumstances, our urgent appeal to all concerned
- (a) NGOAB legal authority should be restored immediately. In this regard, according to the Bangladesh

Gazette, October 13, 2016, law no. 43 of 2016 and Bangladesh Gazette notification of November 24, 2016 the notification of the Prime Minister's Office should be followed.

- (b) All pending FD-7 revisions and new projects should be given approval for approval within the next 24 hours without any further delay. There was a meeting with NGO representative in Prime Minister Office in last week, we hope jointly agreed decisions will reflect these aspirations and will be implemented soon.
 - (c) But, there was a decision on which we the local and national NGOs have clear difference. Decision was that, NGOAB will release only those NGOs proposal whose name will be forwarded by ISCG (Inter Sectoral Coordination Group), it is being run by IoM (International Office of Migration) participated mostly by foreign expert and INGOs, medium of the ISCG is English. It is the reasons a lot of local and national NGOs who work with Rohingya Relief do not participate in ISCG. In view of the law, all NGOs has to report to Deputy Commissioner and in monthly meeting they have to show accountability, and in fact this being happening very well. So, in fact in view of the law list provided by the Deputy Commissioner / Relief Commissioner should be considered as authentic and legal. It should be noted that there are some INGOs who participate in ISCG still do not have any NGOAB registration or neither they have received any approval on project for operation.
 - (d) The lapse time taken for approval has to be considered regarding the project duration, so that accounting and other complications are will not be created.
 - (e) Instead of 3 months, NGOs should be allowed for 12 months projects for Rohingya relief works. So that there can be no uncertainty for NGOs in collecting letter of intent and in preparing project proposal. And also reduce the burden of preparing FD7 and giving effort to getting approval from NGOAB.
 - (f) There is no Director General of NGO Bureau office for the last 7/8 weeks. We recommend for immediately appointment of a full-time Director General here.
9. Our Honorable Prime Minister said that the country which can feed 160 million people, this country and the nation will be able to feed 1 million Rohingya people too. Because of this, the world is appreciating this humanitarian commitment of Bangladesh. This time, such a crisis cannot be desired for anyone. We look forward to the consideration of all concerned in this regard.

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