Advocacy Issue: NGO Clearances to Operate in Cox’s Bazar

Background
All national and international NGOs receiving international funding for the refugee response require special permits issued by the NGO Affairs Bureau (NGOAB) to operate in Cox’s Bazar. The FD7 is a special facility for emergencies which is designed for quick turnaround. These FD7s are issued on a project-level basis, specify approved activities and costs, and are valid for a set duration. In principle, FD7 requests should be processed within 72 hours (3 working days) of submission by the NGOAB and should cover a three to six month timeframe. In practice, the NGOAB is taking much longer to process FD7 requests; is issuing approvals for only one to two-month durations; and has required additional documentation from NGOs on a case-by-case basis to support FD7 requests. As a result, most of the Sector Coordinators have flagged critical gaps in partners’ capacity to deliver on the immediate needs of refugee and host communities identified in the revised Response Plan.

With the number of humanitarian partners working on the refugee response increasing dramatically after 25 August 2017, the NGOAB requested the ISCG to provide detailed information on sector response strategies and identified partners.

The ISCG provided an initial package of information to the NGOAB, copying the Ministry of Foreign Affairs (MoFA) in Dhaka, and the RRRC, the Deputy Commissioner (DC) in Cox’s Bazar, on 8 October 2017 and is regularly updating the same entities with comprehensive information.

Also on 8 October, the Refugee, Relief and Repatriation Commissioner (RRRC) in Cox’s Bazar District indicated his willingness to advocate for expedited approval of partner agencies FD7 requests.

Proposed Strategy
As delays in issuing FD7s permits for NGOs is an operational challenge impacting all sectors of the refugee response, the ISCG NGO Coordination and Support Cell (NCSC) has prioritized coordination of joint advocacy for timely processing of FD7 permits by the NGO Affairs Bureau (NGOAB) on behalf of NGOs supporting the ongoing response.

This will be supported by the regular collection and consolidation of information from Sector Coordinators on sector partners that have pending FD7s that need to be approved by the NGOAB.

As outlined in the process flow diagram attached, the respective Sector Coordinators will be responsible for reviewing the programming proposed by NGOs in their FD7s and validating its consistency with the sector response strategy. The Sector Coordinator then provides a list of verified NGO sector partners with pending FD7 requests to the NGO Coordination and Support Cell, which consolidates the sector-specific information in its tracking matrix and produces a draft report reflecting pending FD7s across the sectors. The draft report is reviewed by the ISCG and, once approved, the ISCG secretariat formally requests the NGOAB and MoFA for expedited approvals of the included NGOs’ FD7s. The ISCG regularly briefs the NGOAB, RRRC and DC on pending FD7s at the Cox’s Bazar level and, at capital, the ISCG also regularly briefs relevant national authorities (the NGOAB and MoFA) on pending FD7s.

In follow-up, the ISCG regularly provides general updates on the FD7 approval process to the Sector Coordinators and Sector Lead Agencies, for their reference in discussions with sector partners.

Ensuring that NGOs requesting this type of advocacy support through the Sector Coordinators and ISCG regularly update the NGO Coordination and Support Cell when they receive approval of their FD7 is essential.
ISCG Advocacy Messaging

The capacity of the humanitarian community must be scaled up, with additional funding and human resources. To meet the growing needs of the latest influx of people and those who had already settled in Cox’s Bazar there is a need for more humanitarian partners on the ground, especially INGOs and NNGOs, to have safe and unimpeded access to the Rohingya population. For registered NGOs, there are also concerns that the current NGOAB FD7 authorisation is for a short period of time (3 months), limits inclusion of the administrative and staff costs required to run an emergency operation, and that international surge staff members could struggle to obtain visas to allow them to support the response consistently. The humanitarian community encourages the Government of Bangladesh to urgently clarify and expedite the process of NGO permissions for registered NGOs, as well as registration of new NGOs in-country, as well as the visa procedures available to incoming staff, to allow organisations to rapidly scale up their operations in Cox's Bazar, and effectively meet the needs of the population.

NGO Registration Advocacy Messages

❖ The capacity of the humanitarian community to support the refugee response must be further scaled up to meet the full scope of life-saving humanitarian needs. Effectively scaling up humanitarian response capacity requires both that new partners are able to start programmes in Cox’s Bazar District, and that all partners have the human and financial resources necessary to sustain their programmes. Global efforts to encourage experienced humanitarian partners to support the response and to mobilize the resources identified in the humanitarian response plan must therefore be complemented by efforts to put in place a more enabling environment for humanitarian partners working in Cox’s Bazar.

❖ The two-fold priority is to encourage engagement by international partners with experience working in refugee response settings, as well as by local and national NGOs with experience and capacity to provide sustainable support to the refugee population and host communities in the medium- to long-term. Strong and mutually-beneficial partnerships between UN agencies, international, national and local non-governmental organizations will be critical to ensuring durable support to the Government of Bangladesh and the refugees and host communities for which it is responsible.

❖ The Government of Bangladesh has the primary responsibility to take care of the people living within its national territory, and to facilitate the work of organizations in implementing humanitarian assistance. The Government has the right to put in place a national regime to register organizations working within its territory, including for the provision of humanitarian assistance to the refugees and host communities.

❖ The humanitarian community requests the Government clearly to identify the process by which national and international organizations are registered and given permission to operate in Cox’s Bazar as part of the refugee response. This clarification should clearly indicate when and which specific permits local, national and/or international non-governmental organizations may require for Cox’s Bazar District and the refugee response specifically, as well as the supporting documentation required as part of the application process.

❖ The Inter-Sector Coordination Group (ISCG) is ready to support the Government of Bangladesh, and specifically the NGO Advisory Board, in expediting the issuance of permits) for NGOs verified through the agreed process [see above and attached].
Issues reported by NGOs regarding registration and impact on ongoing response

- **Delays in approval of FD7s**
  According to the NGO Affairs Bureau Director General, the NGOAB should be able to provide a decision on an FD7 within 72 hours (3 working days) of submission. However, many agencies report delays of between one and three weeks before receiving approval.

- **Lack of clear information on supporting documentation required**
  Several agencies received requests to provide additional support documents, i.e. support letters from local administrative offices, although the guidance issued by the NGOAB does not indicate this as a requirement for an FD7 (emergency response programme). An FD6, which covers longer-term programmes, reportedly does require sign-off by the respective line ministry, however.

- **Instructions to change FD7 applications after submission**
  A number of agencies reported receiving instructions from various NGOAB staff to make changes on their FD7 applications. These instructions were generally only conveyed verbally and only upon the agency contacting the NGOAB to request feedback on the progress of its FD7 request(s). Among the points on which the agencies reported receiving instructions to change their programmes:

  1) **Staffing budgets and support costs:** A number of NGOs reported being asked to reduce staffing and support costs, while others were told to reduce the number of staff needed to deliver projects. Affected NGOs report that these instructions are seen as being applied arbitrarily. Related points flagged by reporting agencies include: that the NGOAB is not responsible for setting salary scales; and that setting standard administrative costs is not feasible considering the large variety of projects that now need to be delivered as part of the refugee response.

  2) **Activities, particularly capacity building and related activities:** NGOs also reported being asked to change or remove certain activities from the applications, in particular training, counselling and other activities that do not fall directly under commodity distribution.

- **FD7s approved for less than three months**
  While the NGOAB indicated that the standard duration for an FD7s is three months (six months for emergency medical programmes), and NGOs have designed their emergency projects and requested FD7s on this basis, a number of NGOs have been told to shorten their project duration or received an approved FD7 for a shorter time period (one to two months).

**Impact on programming**

The delay in FD7 approvals has impacted response in a number of ways:

- As outlined in the Humanitarian Response Plan, the needs of the Rohingya and host communities are too large to be met with the capacity present in Cox’s Bazar District prior to 25 August 2017. Thus, delays in approvals and scrutiny on staffing costs and activities that NGOs report mean that capacity is not being scaled up as quickly as possible, and the response is less efficient and effective than it could be.

- One NGO working in the health sector indicated that the delay in approval of its FD7 would affect around 25,000 beneficiaries in Zone EE of Kutupalong and neighbouring areas bordering Zones PP and DD.

- NGOs also reported concerns that delays would impact other life-saving support and services, particularly disease prevention and outbreak interventions, both for Rohingya and host populations.

- The removal of capacity building activities from proposed programmes impacts NGOs’ ability to deliver appropriate responses that meet the less tangible but urgent needs of the affected population than can be addressed through distribution. Moreover, without capacity building investments through partnerships with local civil society, the quality of care provided and local leadership for a sustainable response is jeopardized.
NGO FD7 Support – Process Flow (Draft)

NGO consults Sector Coordinator on proposed programming

Sector Coordinator shares updated information with the ISCG NGO Coordination and Support Cell

ISCG Senior Coordinator regularly prepares a consolidated support request for sector partners with outstanding FD7 requests

MoFA & MoDMR
At Dhaka level, ISCG leadership meets regularly with the NGOAB management to follow-up on FD7 processing

NGO Coordination and Support Cell consolidates information from all sectors on verified partners

ISCG jointly reviews the consolidated report on partners that require FD7 support
The report will continue to include NGOs that applied in a previous period until they receive the necessary FD7

NGO Affairs Bureau
AB reviews and clears FD7s on a timely basis using supporting docs from ISCG

RRRC & DC

ISCG regularly briefs authorities at all levels on sector partners that require FD7 support, and requests their advocacy support with NGOAB

Sector Coordinators
Education
Food Security
Health
Logistics
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Nutrition
Protection
-- Child Protection
-- GBV
Shelter
Site Management
WASH
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NGO