

Towards an Enabling Environment for Grassroots CSOs in Bangladesh: Challenges and Recommendations for Reimagining Laws, Regulations and Policies

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Centre for Peace and Justice (CPJ)
BRAC University
September 2023



Co-funded by
the European Union



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This research was co-funded by the European Union under the ‘SUSHIL: Supporting the Unity and Sustainability of Civil Society Organisations (CSOs) to Uphold Human Rights, National Integrity and Rule of Law in Bangladesh’ project where ActionAid is the lead applicant and the Centre for Peace and Justice (CPJ), BRAC University is the co-applicant.

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The European Union is an economic and political union of 27 European countries. It is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. It acts globally to promote sustainable development of societies, environment and economies, so that everyone can benefit.

ActionAid is a global movement of people working together to further human rights for all and defeat poverty. We believe everyone has the power within them to create change for themselves, their families, and communities. We have been working for over five decades in 71 countries across the world, reaching over 15 million people. In Bangladesh, our journey started in 1983 and with a local-rights programme based approach, we have worked in over 50 districts. We are a justice-focused organisation; with women, young people and climate as a thread that runs through all of our work.

Centre for Peace and Justice (CPJ) is a multi-disciplinary academic institute, which promotes global peace and social justice through quality education, research, training and advocacy. CPJ is committed to identifying and promoting sustainable and inclusive solutions to a wide range of global concerns and issues, including fragility, conflict and violence. The Centre was established in March 2017 and joined the impressive cluster of other institutes and centres of BRAC University.

Acknowledgements

Conducting this study would have been impossible without the unconditional support given to us by the **135 representatives of CSOs** who opened up to us during fieldwork. We would like to extend our heartfelt gratitude to them.

We gratefully recall the contributions of colleagues from CPJ (**Nilufa Sultana, Tasnia Khandaker Prova Hossain Mohammed Omar Khayum, Liton Kumar Roy, Tajmeena Tarannum, and Md. Wahidul Islam**), collaborators from ActionAid (**Mousumi Biswas, Morium Nesa, AZM Moushum Islam, Nusrat Ireen, Samiha Ali and Ashim Rahman**) and representatives of NGOs who attended the National Inception Workshop of the SUSHIL Project and contributed in finalising the questionnaire. We thank **Tasnia Khandakar Prova and Hossain Mohammad Omar Khayum** for their support in transcribing the FGDs and IDIs, and **Ahona Azad Choyti** for editorial support.

Mousumi Biswas and Nilufa Sultana deserve special appreciation for organising seamless fieldwork across nine districts of Bangladesh, forming the bedrock of our research endeavour. We fondly recall **Montosh Debnath and Mr. Kamrul** for safely driving us around the country.

Finally, we are grateful to **Manzoor Hasan OBE, Farah Kabir and Shahariar Sadat** for their constant guidance and encouragement in successfully completing this study.

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List of Acronyms

CSO	Civil Society Organisation
DC	Deputy Commissioners
DSS	Department of Social Services
DWA	Department of Women Affairs
DYD	Department of Youth Development
FGD	Focused Group Discussion
IDI	In-depth Interview
MRA	Microcredit Regulatory Authority
NGO	Non-governmental Organisation
NGOAB	NGO Affairs Bureau
NSI	National Security Intelligence
SB	Special Branch
TNO	Thana Nirbahi Officer
UNO	Upazila Nirbahi Officer

Executive Summary

- A host of challenges plague the environment within which grassroots CSOs operate in Bangladesh.
- These challenges drawn from lengthy exchanges with 135 individuals representing 114 CSOs from nine districts of Bangladesh revolve around:
 - a dearth of trust between the CSO community and government bodies and between grassroots CSOs and larger and prominent NGOs.
 - the undeserved consequences CSOs - especially rights-based CSOs - face while trying to operate independently and assertively.
 - the erosion of the independent spirit of CSOs by registering with government bodies, and a set of unsavoury experiences relating to corruption and bureaucratic delays that take place while CSOs try to register their organisation and also while trying to fulfil their organisational mandates.
- The CSO community has its fair share of weaknesses and shortcomings. These relate to:- The spirit of volunteerism and altruism slowly withering away from the underlying ethos of the broader CSO community.
- CSOs have become politicised, which, in turn, eroded the relationship of trust between the CSO community and the Bangladesh government.
- By registering with government bodies, CSOs benefitted by becoming relatively more structured and attained some financial assistance. However, by registering, they also allowed their independence to be compromised.
- To enable the creation of an enabling environment for grassroots CSOs in Bangladesh and during the processes of reimagining relevant reframing laws, regulations and policies, the abovementioned challenges must be addressed.

Introduction

Civil society organisations (CSOs) are social entities that are, at least in theory, independent from the state, corporate, and other sectors and play important roles “in articulating people’s concerns, priorities, and interests”¹ (ICNL 2020: 5) to the government and to the broader community at large to bring about transformative change for a more just, equitable and peaceful society. For clarity, it is worth pointing out that while all non-governmental organisations (NGOs) are, at the end of the day, broadly speaking, CSOs in one way or another, not all CSOs are NGOs. In Bangladesh, CSOs primarily draw strength and footing from Article 38 of the Constitution of the People’s Republic of Bangladesh (hereinafter, Constitution), which makes judicially enforceable the right to freedom of association. Bangladeshi CSOs are further emboldened by a host of other provisions of the Constitution which grants all powers in the Republic to the people (Article 7), and relates to democracy and human rights (Article 11), duties of citizens and public servants (Article 21), equality before the law (Article 27), discrimination on the grounds of religion, etc. (Article 28), freedom of thought, conscience and speech (Article 39), and freedom of religion (Article 41). In addition to constitutional safeguards, an array of laws are in place that overarchingly shape the environment within which registered CSOs function.² These include, but are not limited to: Societies Registration Act, 1860; Trust Act, 1882; Boideshik Onudaan (Shecchashebamulok Karjokrom) Regulation Ain, 2016 [Foreign Donations (Voluntary Activities) Regulation Act, 2016]; Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961; Waqf Ordinance 1962; Companies Act, 1994; Cooperative Societies Act, 2001; Microcredit Regulatory Authority Act, 2006; Youth Organisations (Registration and Management) Act, 2015. Furthermore, several other laws also impact CSOs, which alongside “government policies, rules and strategies”³ include: Income Tax Ordinance 1984, Chittagong Hill Tracts Regional Council Act, 1998, Money Laundering Protirodh Ain, 2016 [Money Laundering Prevention Act, 2016]; Shontrash Birodhi Ain, 2009 [Anti-Terrorism Act, 2009]; Tottho Odhikar Ain, 2009 [Right to Information Act, 2009]; Digital Nirappota Ain, 2018 [Digital Security Act, 2018] etc.

¹International Centre for Not-For-Profit Law (2019), *Legal Manual for Civil Society Organisations in Bangladesh* p. 5 <https://www.icnl.org/wp-content/uploads/12.2019-Bangladesh-Operational-Guide-EN-vf-digital.pdf>

² *ibid.* p 11-12.

³ *ibid.* p 12.

In Bangladesh, CSOs engage in diverse issues, including but not limited to human rights, social welfare, human development and the environment. As the name suggests, ‘grassroots’ CSOs are small-scale organisations working on these issues throughout Bangladesh, often in its peripheries, far beyond the reach of the popular gaze. Some grassroots CSOs affiliate with departments of the Bangladesh government through registration, while others remain unregistered. Based on simplified assumptions and arguments that are reasonably obvious to informed readers, it would not be incorrect to conclude that despite many constitutional safeguards, the operations of grassroots CSOs in Bangladesh are strewn with challenges. Despite progress, an enabling environment for grassroots CSOs remains unrealised. The importance of research that delves into gaining a clearer sight of the challenges and constraints grassroots CSOs face is profound.

This study, structured in two parts, is a culmination of evidence-based research reliant on knowledge gathered from multiple Focus Group Discussions (FGDs) and In-depth interviews (IDIs) conducted by researchers from the Centre for Peace and Justice (CPJ), BRAC University. It sheds light on the challenges encountered by CSOs in the ecosystem within which they operate and offers recommendations to overcome those challenges. Part I explains this study’s design and methodology and identifies its limitations. Part II, the heart of this study, analyses the views of 135 individuals representing 114 CSOs from nine districts of Bangladesh and, in the process, engages in a relatively deep exploration of the complexities of the operating environment within which CSOs function. It offers a thick snapshot illuminating many of the challenges and constraints that pose obstacles toward achieving an enabling environment for grassroots CSOs. In place of a traditional conclusion, this study ends by sharing the recommendations to overcome those challenges. It is hoped that the challenges and recommendations highlighted in this study shall spark dialogue, inspire action, and catalyse the collective efforts of previously mentioned stakeholders in reimagining and reframing the policies, regulations and laws that shall help create an enabling environment for grassroots CSOs in Bangladesh.

Part I Study design, methods and limitations

The best way to unearth the challenges that pose obstacles to achieving an enabling environment for grassroots CSOs in Bangladesh is to have deep and engaging conversations with as many representatives of CSOs as possible from all over the country. Based on this understanding, the authors of this study framed a semi-structured questionnaire targeting

representatives of CSOs after detailed consultations with colleagues from CPJ, collaborators from ActionAid and representatives of NGOs that attended the National Inception Workshop from 06-07 June 2023, organised under the SUSHIL Project. Among other things, the questionnaire asked interviewees to share their knowledge of the laws and policies that impacted their organisations' existence and operations, identify and describe in greater detail the challenges and constraints CSOs faced while trying to fulfil their mandates, and based on their experiences, offer potential recommendations to resolve the challenges they identified and described. With the questionnaire in hand, a CPJ team, which included the authors of this report, travelled across nine districts of Bangladesh, namely Chattogram, Bandarban, Bagerhat, Satkhira, Kushita, Naogaon, Kurigram, Gaibandha, and Dhaka, between 19 June and 27 August 2023. During this time, the CPJ team, with organisational support from ActionAid, conducted 17 FGDs and 7 IDIs involving 135 individuals representing 114 CSOs having operations in many parts of Bangladesh. At least 23 of these CSOs did not have any form of registration. Some CSOs were registered with multiple departments of the Bangladesh government and other regulatory bodies, while a few were registered as NGOs. Through advocacy and action, these CSOs served diverse segments of society in a host of areas and issues ranging from child rights, youth development, rights of religious and ethnic minorities, marginalised and vulnerable populations, gender equality and gender-based violence, women's rights, rights of people with disabilities, human rights and development, social welfare, conservation of the environment, etc. All FGDs and IDIs were conducted in Bengali, the mother language of all interviewees and authors. At the beginning of discussions and/or interviews, the CPJ team began by verbally describing all aspects of the study, after which interviewees were provided with an Information Sheet detailing the same. Interviewees were also requested to sign an Informed Consent Form, which, among other things, ensured data protection and allowed interviewees to participate in the study with complete anonymity. Due to the sensitive nature of this study, all interviewees unsurprisingly opted to offer their testimonies anonymously. Upon completion of fieldwork, all interviews were thematically transcribed by a team of CPJ researchers, including this study's authors. Throughout the design and implementation of this study, norms relating to good research practices and ethical guidelines set by BRAC University were strictly followed.

The representatives of CSOs that participated in this study were purposively sampled. Time and funding constraints did not allow this study's authors to

reach out to and include the testimonies of CSOs based in all 64 districts of Bangladesh. Furthermore, even though some representatives of the Bangladesh government showed initial interest in participating in the study, interviews with them remained unrealised due to time constraints and their unavailability. In light of these realities, we acknowledge that the manner in which the CSOs participating in this study were sampled is not immune from unintentional bias and a degree of unrepresentativeness. Due to the nature of the study, it was also impossible to independently verify the factual claims made by participants of the FGDs and IDIs. However, as we conversed with the 135 individuals from 114 CSOs during our fieldwork and subsequently transcribed and analysed their testimonies, it became clear that we had reached clear points of data saturation. Therefore, we are confident that the findings on the challenges posing as obstacles to creating an enabling environment for grassroots CSOs are valuable and must be taken seriously by principal stakeholders from the CSO community and the Bangladesh government.

Part II Challenges to achieving an enabling environment for grassroots CSOs

CSOs face multifaceted challenges in Bangladesh, which prevent achieving an enabling environment for them. These challenges relate to the dearth of trust between CSOs and government bodies as well as between grassroots CSOs and larger and more prominent NGOs, the unwarranted consequences CSOs face if they behave independently and assertively, the erosion of the independence of CSOs through registration, and a host of unsavoury experiences relating to corruption and bureaucratic delays that take place while CSOs try to register their organisation and also while trying to fulfil their mandates.

The dearth of trust and the unwarranted consequences of being independent and assertive grassroots CSOs

Due to their nature, CSOs work in areas that often require the collective support of their surrounding society, which is hard to quickly galvanise. For instance, CSO representatives campaigning to prevent child marriages faced resistance from members of the society at large, many of whom were the *elakar mannogonno* (respected elders) of their neighbourhood and even representatives of the local government. Interviewees told us they faced many questions and obstacles that undermined their work.⁴ Some neighbours

⁴ FGD 03, 21 June 2023, on file with authors; FGD 11, 29 July 2023, on file with authors.

would taunt: “Why do you care if a girl child marries? Are you her guardian?”⁵ Without societal support, CSOs often reach out to government representatives, such as Ward Councillors of respective municipalities, seeking endorsement of their activities. An interviewee explained why the endorsement of Ward Councillors is valuable in the successful implementation of projects by CSOs. “When a Ward Councillor is on board, he can issue a formal *adesh* (order/declaration) supporting a project’s implementation. He may even make public announcements using mics on rickshaws to support a project.”⁶ However, as it turns out, securing the support of Ward Councillors can be troublesome, which reflects a general distrust between government bodies and NGOs and between CSOs and Ward Councillors. Many interviewees discussed this dearth of trust at great length. During one of our initial FGDs, a female founder of a grassroots CSO based out of Dhaka, who also volunteered for a major NGO, recalled an interaction with a Ward Councillor. After hearing her plan to clear a waste dump on a playground, the Councillor’s first reaction was: “NGOs always eat up people’s money” (*NGO toh manusher taka kheyeye fele*).

A founder of a relatively prominent NGO offered his views on what fueled the growing mistrust and distance between NGOs/CSOs and the Bangladesh government. Expressing grievances about having to pay VAT and tax despite being registered as a *beshorkari shomaj unnoyon shongothon* (private social welfare organisation), he argued:

Social work is something the government cannot do independently. The government needs help. By engaging in social work, I am assisting the government. However, since my organisation has a rented office, I must pay VAT and tax. By the way, mosques and madrassas are exempt from paying VAT and tax, but we aren’t. Under these circumstances, why would I want to help the government?⁷

We probed further why the government refrained from favouring CSOs and NGOs. He smiled and replied: “asthar shongkot, nijer attobisshasher

⁵ FGD 02, 20 June 2023, on file with authors.

⁶ FGD 02, 20 June 2023, on file with authors.

⁷ IDI 02, June 02, 2023, on file with authors; For context, it is worth keeping in mind that registered CSOs in Bangladesh, unless exempted by the National Bureau of Revenue (NBR), are required by law to pay Value Added Tax (VAT) at 15% when procuring goods and services and present a copy of the VAT receipt while submitting the annual audit. Furthermore, while they are exempt from corporate income tax, they do have to file tax returns and pay taxes. According to our interviewee, these requirements inconvenienced CSOs, especially grassroots CSOs, greatly. See, International Centre for Not-For-Profit Law (2019), *Legal Manual for Civil Society Organisations in Bangladesh* p. 115-116 <https://www.icnl.org/wp-content/uploads/12.2019-Bangladesh-Operational-Guide-EN-vf-digital.pdf>

shongkot, bisshaer shongkot” (the dearth of trust and faith among each other and a lack of confidence in one’s abilities) [...].⁸ “Those who know that they are not trusted by the people are distrustful of others”, he continued criticising government representatives.⁹ Our interviewee added that the politicisation of NGOs and CSOs, which picked up pace since 2001 at the behest of successive governments and was catalysed by NGOs and CSOs’ own willingness to be politicised, contributed to the lack of trust between NGOs/CSOs and the Bangladesh government.¹⁰ This is why he argued it would be better if NGOs played a facilitatory role in complementing the government’s efforts in social work. On the other hand, CSOs not registered as NGOs should be responsible for pointing out and addressing the contradictions of our society as pressure groups.¹¹ Our interviewee believed this could be achieved if CSOs remained conscious of their purpose and independent spirit and refrained from registering with government bodies.

Intriguingly, the dearth of trust extends to the relations between large NGOs and grassroots CSOs. While in the field, many interviewees contended that some NGOs are spendthrift with available funds, and exploitative in their dealings with grassroots CSOs. These forms of behaviour widened the gap between CSOs and NGOs. “You see, big NGOs don’t want small CSOs to become prominent”, claimed an interviewee.¹² Another interviewee alleged that larger NGOs used grassroots CSOs for added clout in the funding arena.¹³

As conversations in the field progressed, we learned that conducting one’s affairs independently and assertively often comes with unwarranted consequences. An interviewee from a CSO advocating the rights of ethnic minorities shed light on this matter. This person claimed that intelligence agencies would keep its members under regular surveillance. “They take photos of participants from our rallies and record our voices. [...] These things make us feel that we are committing a crime”, this interviewee told us.¹⁴

⁸ IDI 02, June 02, 2023, on file with authors.

⁹ IDI 02, June 02, 2023, on file with authors.

¹⁰ FGD 01, 19 June 2023, on file with authors; and FGD 09, 26 July 2023, on file with authors.

¹¹ FGD 01, 19 June 2023, on file with authors.

¹² FGD 09, 26 July 2023, on file with authors.

¹³ FGD 14, 31 July 2023, on file with authors.

¹⁴ IDI 03, 20 June 2023, on file with authors; It is worth revisiting legal provisions which enable such activities by members of law enforcement and intelligence agencies. For instance, one provision deserves further scrutiny is Section 26 of the Digital Nirappota Ain, 2018 [Digital Security Act, 2018].

Erosion of the independent spirit of grassroots CSOs through registration

Our travels across Bangladesh allowed long and deep conversations with representatives of several grassroots CSOs who consciously refrained from registering with any governmental bodies, such as the Department of Social Services (DSS), Department of Women Affairs (DWA), Department of Youth Development (DYD), Microcredit Regulatory Authority (MRA), and the NGO Affairs Bureau (NGOAB). Some of these CSOs worked on rights-based, environmental and cultural themes. When we asked why they opted to remain ‘unregistered’, an interviewee said:

Olikhito [invisible/not in writing] conditions [from the government] come with registration. When our human rights are violated, we often have to take to the streets and go to many places. [...] If registered, many imposed conditions regulate what we can and can’t do. We can’t speak up or take a stand against everyone. We also often have to criticise the government, which we can’t do if our organisation is registered. This is why registering never crosses our minds.¹⁵

He believed that getting registered meant being *badhadhora* (tied) to the government, and his organisation preferred to work in a manner that was *shadhin o gonotantik* (independent and democratic). “Employees of government departments feel that registered CSOs are their subordinates, which is why they treat such CSOs with an authoritarian mindset”, claimed an interviewee.¹⁶ Many interviewees echoed these views.¹⁷ An interviewee who was part of the leadership of a CSO advocating for the rights of indigenous peoples said: “If we are unable to raise our voices effectively as a result of registration, then there is no need for our organisation to be registered.”¹⁸ Another interviewee proudly claimed that he always discouraged rights-based grassroots CSOs from registering with government bodies. Drawing from years of experience, he explained: “Rights-based movements are inherently anti-establishment. When you go against the establishment but then take funding from it, they will try to impose conditions on you.”¹⁹ To further justify his point, he referred to an incident

¹⁵ FGD 16, 01 August 2023, on file with authors. These olikhito conditions imposed by the Bangladesh government directly violate provisions of the Bangladesh Constitution, such as, Articles 7, 38 and 39.

¹⁶ FGD 01, 19 June 2023, on file with authors.

¹⁷ FGD 08, 24 July 2023; FGD 09, 26 July 2023, on file with authors; FGD 10, 26 July 2023, on file with authors; FGD 13, 31 July 2023, on file with authors; FGD 14, 31 July 2023, on file with authors.

¹⁸ IDI 03, 20 June 2023, on file with authors.

¹⁹ FGD 16, 01 August 2023, on file with authors.

where, while organising a protest and seeking justice for an individual who died in police custody, no single rights-based CSO and/or NGO expressed solidarity. He summarised in a rather poignant way:

If rights-based organisations in Bangladesh want to achieve something, they must learn to take risks. [...] Peace isn't something that arrives on its own. You have to fight for peace. And to fight for peace, you need to have a defiant spirit. This is where we need the support of the progressive people of Bangladesh. [...] I'm not suggesting that we bypass NGOs. Ignoring the role of NGOs won't help either. NGOs initiate discussions. They share their findings and decisions, which support movements for peace and justice. However, if you're registered, you will be bogged down by many bindings. The civil and police administration has often tried to 'manage' me. They couldn't because my organisation isn't registered, and being unregistered gave me *shadhinota* (freedom).²⁰

Despite representatives of many CSOs internalising the importance of preserving their independent character by not registering, we encountered voices within the grassroots CSO community that consciously desired and favoured registration. It also occurred to us that some representatives of CSOs believed, albeit incorrectly, that registering with relevant departments of the Bangladesh government was a legal prerequisite to be able to conduct activities.²¹ In the course of our conversations, interviewees explained the benefits of being registered with government bodies. Being registered facilitates the scope of engaging in collaborative work with the government and larger NGOs.²² Registration also ensures that grassroots CSOs have an identifiable structure, which adds stability to the organisation. According to an interviewee,

Having a *gothontro* (constitution) is one of the prerequisites of attaining registration, ensuring that our organisation is structured and we are bound by certain rules. We have to take part in a monthly *shomonnoy shobha* (coordination meeting) at the office of the *Thana Nirbahi Officer* (TNO), during which we discuss different issues and share our *shubidh aoshubidha* (good and bad experiences) with NGO representatives as well as representatives of the government who are present.²³

²⁰ FGD 16, 01 August 2023, on file with authors.

²¹ FGD 13, 31 July 2023, on file with authors.

²² FGD 03, 21 June 2023, on file with authors; FGD 04, 22 June 2023, on file with authors.

²³ FGD 16, 01 August 2023, on file with authors.

Registration with government bodies also ensures eligibility for essential seed funding and donations from such bodies, which helps them perform their mandates.²⁴ A CSO must be registered as an NGO by the NGO Affairs Bureau (NGOAB) if it wants to receive foreign donations. Being previously registered at various departments of the Bangladesh government facilitated grassroots CSOs' recognition as NGOs.²⁵ An interviewee explained: "When we approach the NGOAB to be registered as an NGO, they ask about our past work. It helps when we tell them about our registered affiliations with various government bodies and that we operate under a constitution."²⁶ Unfortunately, we encountered a broad consensus amongst participants of the FGDs and IDIs that processes relating to registration and thereafter were strewn by many shortcomings.

Registration and there after - a tale of unsavoury experiences

Over the years, while the processes involved in registering CSOs with various departments of the Bangladesh government have become more streamlined, they have also become more stringent, corrupt, and, in practice, devoid of clarity. For instance, interviewees from CSOs desiring registration with the Department of Social Services (DSS) or CSOs that had managed to secure registration from the said department felt that the requirements they had to fulfil, i.e., demonstrate ownership of a certain amount of land dedicated to the organisation, the existence of two separate committees, several years' worth of experience working in relevant areas, etc., were too stringent and complicated.²⁷ Interviewees alleged that the requirements set by the Department of Youth Development (DYD) were hardly any easier. Many grassroots CSOs suffered due to these stringent and complicated requirements because they did not have the skill or manpower to prepare complete applications.²⁸ Several interviewees alleged that the success or failure to be registered, especially with the DSS, was often based on the kind of *shomporko* (relationship) one had with the concerned government employee and the "face value" of a CSO.²⁹ A good relationship and face value ensured registration without much hassle. In such situations, the

²⁴ FGD 16, 01 August 2023, on file with authors.

²⁵ IDI 01, 20 June 2023, on file with authors; FGD 13, 31 July 2023, on file with authors.

²⁶ FGD 16, 01 August 2023, on file with authors.

²⁷ IDI 01, 20 June 2023, on file with authors; FGD 10, 26 July 2023, on file with authors; FGD 16, 01 August 2023, on file with authors; FGD 17, 27 August 2023, on file with authors.

²⁸ FGD 07, 24 July 2023, on file with authors; FGD 12, 29 July 2023, on file with authors.

²⁹ IDI 01, 20 June 2023, on file with authors; FGD 14, 31 July 2023, on file with authors; FGD 16, 01 August 2023, on file with authors.

concerned employee would go as far as actively assisting the CSO seeking registration to overcome its limitations and complete the process quickly.³⁰ Conversely, a bad relationship would result in *hojrani* and *pereshani* (harassment) during registration.³¹ These testimonies reveal the existence of an uneven dynamic where governmental bodies treat NGOs and larger CSOs more favourably than grassroots CSOs.

In addition to maintaining good relations and possessing the so-called face value, many interviewees alleged that bribes facilitate the registration processes. For the purposes of this research, it was not possible to independently verify this allegation. That said, in the course of our field work, many interviewees alleged that it was commonplace for employees of government departments to demand *ghush* (bribes) to facilitate and even secure registration.³² “*Taka poisha chara registration toh melei nah*” (You can’t get registered without paying a bribe), said an interviewee.³³ A female interviewee at the helm of a women-led CSO registered many years ago with the Department of Women Affairs (DWA) claimed that the problem concerning bribery has become more rampant over the years and that this was not something they faced back in the day. “When we registered, the process was smooth. However, grassroots CSOs have limited bargaining power when they appear before a government department, and government employees take advantage of this”, she said.³⁴ During an FGD, we spoke at length with an interviewee with physical disabilities who led a grassroots CSO working to improve the rights of persons with disabilities. He shared how he went around in circles for months, travelling from one governmental institution to another to get his organisation registered.³⁵ It did not occur to him that the hold-up was because he had not bribed anyone in the government. He claimed that after a bribe was finally paid, his CSO was registered. This problem can occasionally be sidestepped when more prominent NGOs assist grassroots CSOs during registration. However,

³⁰ FGD 16, 01 August 2023, on file with authors.

³¹ FGD 16, 01 August 2023, on file with authors.

³² FGD 05, 23 July 2023, on file with authors; FGD 07, 24 July 2023; FGD 12, 29 July 2023, on file with authors; FGD 13, 31 July 2023, on file with authors.

³³ FGD 13, 31 July 2023, on file with authors. In light of the fact that the majority of interviewees alleged corruption by government employees in the registration process, this should be brought to the attention of the Anti-Corruption Commission of Bangladesh (ACC). It is worth noting that the ACC, under Section 19 of the Durniti Domon Commission Ain, 2004 [Anti-Corruption Commission Act, 2004], possesses special powers to investigate cases of corruption.

³⁴ FGD 13, 31 July 2023, on file with authors.

³⁵ FGD 14, 31 July 2023, on file with authors.

interviewees confirmed that extending such forms of assistance is becoming increasingly rare because large NGOs nowadays are no longer interested in partnering with grassroots CSOs.³⁶

Corruption in registration processes cannot be attributed only to the overarching corruption of culture prevailing in Bangladesh or the unequal dynamic between grassroots CSOs, the Bangladesh government, and large NGOs. According to several interviewees, the number of organisations posing as CSOs but possessing a business motive unrelated to serving society has increased. They claimed that the proliferation of these organisations, which desired registration for the sole purpose of securing a fund from the government, substantially contributed to the rise of the culture of bribery. Interviewees believed that the various government departments were fully conscious of this reality, making it easier to demand bribes from unscrupulous organisations claiming to be CSOs.

Unfortunately, this alleged culture of bribery extends well beyond registration processes. As mentioned earlier, registration with a government department opens the doors to CSOs becoming eligible to receive seed funding and donations. According to many interviewees, paying bribes is a near necessity to receive a donation. Furthermore, grassroots CSOs are often required to give money to government representatives, particularly Ward Councillors, to secure their support, ensuring the successful implementation of programmes and advocacy events.³⁷ According to many representatives of registered CSOs, departments of the Bangladesh government and even certain ministries would take financial contributions from them to organise and host events to which CSOs would be invited. Ward councillors also tend to be more comfortable doing social work with members of their own political parties rather than CSOs. An interviewee from a CSO working towards the realising of SDGs alleged that within the overarching context of limited civic spaces, Ward Councillors and other representatives of the Bangladesh government tend to be more supportive of CSOs engaged in apolitical activities.³⁸

We found that this openness towards apolitical and softer causes prevails among entities beyond meagre Ward Councillors. During our fieldwork, we got the opportunity to speak with a representative of a grassroots CSO whose activities revolved around Sustainable Development Goals (SDGs) relating to

³⁶ FGD 09, 26 July 2023, on file with authors; FGD 10, 26 July 2023, on file with authors.

³⁷ FGD 01, 19 June 2023, on file with authors; FGD 02, 20 June 2023, on file with authors.

³⁸ FGD 01, 19 June 2023, on file with authors.

good health and well-being and climate action and, to that end, focused on addressing the problem of improper waste management. Last year, this organisation secured competitive seed funding to produce organic fertiliser from uncooked kitchen waste. Early this year, the organisation announced the launching of its ‘product’, an eco-friendly fertiliser. After returning to our hotel that evening, we googled the CSO to find its smart and sleek presence on a prominent social media platform, documenting its engagements in events supported by a range of organisations, including a prominent media company, a non-profit registered with the Bangladesh government, an INGO, UN agencies etc, as well as a programme of the Bangladesh government.

Representatives of privileged and larger CSOs also shared different and more pleasant experiences. For instance, an interviewee representing a CSO with ties to a prominent university, membership amongst Bangladeshi and foreign students, and support from ‘Professors’ shared that their organisation did not face any challenges when engaging with Councillors. While serving another CSO headquartered in Dhaka, the same interviewee asked assertively why it was necessary to seek endorsements of Ward Councillors. She claimed that her organisation taught its members that seeking the government’s permission was not a prerequisite to doing work concerning the welfare of the people. This interviewee recalled that the three projects she was involved in, related to child molestation, menstruation, and women’s health, were successfully implemented without so-called permission from the government.

CSOs registering as NGOs have their share of problems. These problems mainly allegedly relate to corruption, inefficiency and changing political allegiances of assessment bodies.³⁹ An interviewee representing an NGO claimed that the registration of his organisation was delayed by several years simply because he refused to pay bribes to employees of the NGOAB.⁴⁰ Registration of NGOs engaged in various forms of advocacy may allegedly be denied unless applications state that a portion of foreign donations will be allocated to livelihood interventions.⁴¹ The NGOAB can be quite sloppy as it processes registration applications. An interviewee representing a prominent NGO alleged that the NGOAB lost two important documents submitted as part of an application. “These documents are our lifeline, but to

³⁹ FGD 05, 23 July 2023, on file with authors; FGD 06, 23 July 2023, on file with authors; FGD 07, 24 July 2023, on file with authors.

⁴⁰ FGD 05, 23 July 2023, on file with authors.

⁴¹ FGD 05, 23 July 2023, on file with authors.

the NGOAB, they are nothing”, he said.⁴² A major problem in the NGO registration process is getting clearance from the Special Branch (SB), district administration, and National Security Intelligence (NSI), whose representatives are allegedly known to occasionally demand bribes and whose political allegiances change with changing governments.⁴³ An interviewee affiliated with an opposition party alleged that these processes lacked *shocchota* (transparency).⁴⁴ Recalling how his organisation initially failed to be cleared by the NSI allegedly because of his political ties, he described the overall processes as “disturbed” and required bribes.⁴⁵ However, during fieldwork, we also spoke with NGO representatives who did not experience any hassles getting security clearances.⁴⁶

Registration and subsequent processes relating to registration renewal, auditing, and securing donations are often cumbersome, lack clarity and are strewn with biases towards large and prominent NGOs. An interviewee who founded a CSO registered with the Department of Youth Development (DYD) said she had to visit the Department multiple times to complete basic registration tasks. “If they had provided me with a template at the very beginning, I wouldn’t have needed to go back and forth to the Department so many times”, she shared.⁴⁷ Similarly, interviewees claimed they struggled to renew registrations on time, which took as long as a year to complete. Even if representatives of CSOs knew what was required and when to ensure renewal, they would have to visit relevant departments on many occasions to learn of the status of their applications and keep their files moving from one table to the next.⁴⁸

Being registered means that a CSO becomes obligated to perform annual audits. According to an interviewee, these audits are often performed at face value and approved by the relevant government departments in exchange for a bribe.⁴⁹ A representative of an NGO commented that unlike small NGOs and grassroots CSOs, larger, more financially able NGOs had dedicated

⁴² IDI 01, 20 June 2023, on file with authors.

⁴³ FGD 06, 23 July 2023, on file with authors; FGD 08, 24 July 2023, on file with authors; FGD 17, 27 August 2023, on file with authors.

⁴⁴ FGD 16, 01 August 2023, on file with authors.

⁴⁵ FGD 16, 01 August 2023, on file with authors.

⁴⁶ FGD 17, 27 August 2023, on file with authors.

⁴⁷ FGD 02, 20 June 2023, on file with authors. While conducting this study, the authors searched for documents on the websites of various Bangladesh government departments stating the registration requirements. While they are generally available, they were hard to locate.

⁴⁸ FGD 07, 24 July 2023, on file with authors.

⁴⁹ FGD 09, 26 July 2023, on file with authors.

staff entrusted with the sole responsibility of visiting government offices and keeping good ties with their employees.⁵⁰ This often guaranteed that government departments would be more favourable towards the latter regarding disbursing donations and extending other privileges. It did not come as a surprise when some interviewees representing small CSOs informed that to facilitate their operations on the ground, they often resorted to seeking a *prottoyonpotro* (some form of certification) and other forms of documentation from Deputy Commissioners (DCs), Upazilla Nirbahi Officers (UNOs), Thana Nirbahi Officers (TNOs), local police and even political parties and their leaders, which are processes marred by many forms of *hoyrani* (harassment).⁵¹

The financial might of large NGOs cast a large and dark shadow over the plight of many smaller NGOs and grassroots CSOs struggling to find the money to fulfil their mandates. Many grassroots CSOs survive on small monthly contributions from their members alongside assistance from well-wishers supportive of their mandates.⁵² In a nearly unified voice, most of our interviewees conveyed that one of the most serious obstacles to the sustained functioning of grassroots CSOs and small NGOs is the lack of adequate funds. When telling us about the depletion of funds, a woman leader of an NGO in the Chittagong Hill Tracts (CHT), in a melancholic tone, said: “Onek NGOs tikey nai, jhorey gechey” (Many NGOs don’t exist anymore. They withered away.)⁵³ It is precisely the severe shortage of funds which prevents genuine CSOs from fulfilling their mandates. A female interviewee representing a CSO that offered shelter to homeless survivors of gender-based violence on an ad-hoc basis broke down in tears as she told us about the grim reality that the absence of money was the only thing preventing them from setting up a survivor support centre.⁵⁴

There are also religious, gendered, and ethnic dimensions to the challenges grassroots CSOs face in Bangladesh. The founder of a long-running and prominent NGO claimed when attempting to have his organisation registered with a certain department of the Bangladesh government many years ago, he received an informal communication that registration would take longer than usual because the organisation was led by a religious minority. Ultimately, a relatively simple registration process took two years

⁵⁰ IDI 01, 20 June 2023, on file with authors.

⁵¹ FGD 01, 19 June 2023, on file with authors; FGD 15, 01 August 2023, on file with authors.

⁵² FGD 03, 21 June 2023, on file with authors; FGD 04, 22 June 2023, on file with authors.

⁵³ IDI 04, 21 June 2023, on file with authors.

⁵⁴ FGD 04, 22 June 2023, on file with authors.

to complete. During fieldwork, we met a young female founder of a registered grassroots CSO working in youth empowerment, which also received support from a major NGO. She described the multifarious challenges that came her way from home and beyond as she tried to build her organisation from scratch.⁵⁵ While her family worried about how her efforts would impact her performance in college, other applicants who were unsuccessful in getting registration spread rumours that she had succeeded by engaging in antisocial activities. While striving to fulfil their mandates, some grassroots CSOs shared that they were reluctant to engage with female councillors because that made the male councillors of the municipality more hostile and uncooperative towards them. While conversing with representatives of CSOs working in the CHT, we learned that CSOs, especially those working in remote parts of the CHT, often could not benefit from support made available by the government due to the absence of proper infrastructure, such as roads and internet connectivity.

Shortcomings within grassroots CSOs and the overarching CSO community

Towards the end of each FGD and IDI, we requested interviewees to reflect on their shortcomings, during which we came across many candid admissions. Interviewees shared that CSOs in Bangladesh are not united and there is an absence of a common platform or mechanism to communicate and resolve grievances. This lack of unity prevailed partly because of the roles played by larger CSOs registered as NGOs and due to certain weaknesses of grassroots CSOs. Interviewees claimed that such CSOs moved away from the philosophy of altruism and transformed into profit-driven corporate-like entities that preferred directly working in the so-called field and saw little value in collaborating with grassroots CSOs.⁵⁶ Larger NGOs and CSOs did little to change the status quo where they benefitted from privileges which grassroots CSOs were deprived of. They also avoided accepting foreign donations for politically sensitive causes, such as the rights of indigenous peoples.⁵⁷ Some larger CSOs and NGOs, which are financially able, also perpetuate the culture of corruption by bribing government employees to, for want of better words, get things done. Critiquing this culture, an interviewee said: “We need to fix ourselves first.”⁵⁸

⁵⁵ FGD 02, 20 June 2023, on file with authors.

⁵⁶ FGD 07, 24 July 2023, on file with authors; FGD 15, 01 August 2023, on file with authors.

⁵⁷ FGD 16, 01 August 2023, on file with authors.

⁵⁸ IDI 07, 23 July 2023, on file with authors.

Interviewees also shed light on weaknesses within grassroots CSOs, which were moving away from the goal of genuinely working for collective social improvement. Younger members of CSOs increasingly prioritised personal gain, they claimed. Interviewees said the youth has become increasingly disinterested in *shecchasrom* (volunteerism). Instead, their main concern was securing a certificate in exchange for participating in CSO activities. A general frustration amongst members prevailed within CSOs. Attendance rates in regular organisational meetings could have been better. Interviewees believed this was likely because members did not see the benefits of attending meetings. During an IDI, an interviewee claimed that certain grassroots CSOs engaged in adopting mandates without earnestly assessing their own.⁵⁹ Grassroots CSOs also, possibly due to limited capacity, tended to avoid taking part in putting together complex paperwork, suggesting an aversion to the norms of accountability.

Conclusion and Recommendations

From the preceding pages, it is clear that various challenges plague the environment within which grassroots CSOs operate in Bangladesh. In summary, these challenges drawn from lengthy exchanges with 135 individuals representing 114 CSOs from nine districts of Bangladesh

revolve around a dearth of trust not just between the CSO community and government bodies but also between grassroots CSOs and larger and prominent NGOs, the undeserved consequences CSOs - especially rights-based CSOs - face while trying to operate independently and assertively, the erosion of the independent spirit of CSOs through registration with government bodies, and a set of unsavoury experiences relating to corruption and bureaucratic delays that take place while CSOs try to register their organisation and also while trying to fulfil their organisational mandates. It is also clear that the CSO community has its fair share of weaknesses and shortcomings. Several things happened in tandem over time. First of all, the spirit of volunteerism and altruism has slowly withered away to an extent from the underlying ethos of the broader CSO community. Secondly, CSOs have become politicised, which, in turn, eroded the relationship of trust between the CSO community and the Bangladesh government. Thirdly, by registering more and more, CSOs benefitted by becoming relatively more structured and attained some financial assistance. Unfortunately, by registering, they allowed their independence to be compromised.

⁵⁹ IDI 01, 20 June 2023, on file with authors.

During fieldwork across the nine Bangladeshi districts, we ended every FGD and IDI with the following question: *what kind of support is needed to strengthen the presence of CSOs in the country?* We believed in the appropriateness of seeking solutions from the 135 representatives of CSOs we spoke with instead of dictating to a community a range of straight-jacket solutions that needed more nuance and were unappreciative of context. In our assessment, the answers we received in the form of recommendations expressed in bullet points below would be most valuable because they came from the horse's mouth. These recommendations focus specifically on challenges directly relevant to the existence of grassroots CSOs. They should be intently read and considered by principal stakeholders from the CSO community and the Bangladesh government with utmost seriousness. It is likely they will enrich the continuous process of reimagining and reframing the policies, regulations and laws that will help create an enabling environment for grassroots CSOs in Bangladesh.

To the CSO community:

- Develop clear criteria explaining when an organisation qualifies to be called a CSO.
- Emphasise the spirit of volunteerism and take steps to reinject that spirit into the underlying operating ethos of CSOs.
- Conduct awareness sessions highlighting the importance of preserving the independence of CSOs, how this can be achieved, and clarifying that it is not essential for CSOs to be registered to exist in Bangladesh.
- Establish a platform that collectively empowers CSOs (CSO Alliance Hubs), facilitating unity and networking between CSOs and enabling the sharing of ideas and peaceful resolving of grievances.
- Establish cells (Legal Counselling Cells) that offer legal advice to CSOs, especially grassroots CSOs.
- Encourage cooperation and collaboration between grassroots CSOs and larger CSOs, such as registered NGOs.
- Provide CSOs, especially grassroots CSOs, with training on financial literacy and organisation management.
- Provide CSOs training on IT and other forms of technological support, such as the development of websites and their periodic maintenance, and cyber security.
- Internalise the realisation that giving different kinds of training to grassroots CSOs will only go so far. A system that contributes directly to enhancing the physical capacities of grassroots CSOs must be created.

- Train CSOs on how to draft constitutions for their organisations.
- Provide awareness training on being inclusive towards individuals representing all genders, ethnicities and religions within and beyond the CSO community.
- Create clear and achievable pathways and funding streams that contribute to the financial empowerment of grassroots CSOs.
- Create a comprehensive and easily accessible repository of funding opportunities available to CSOs within and beyond Bangladesh.
- Give special focus to financially empowering grassroots CSOs run by women, ethnic minorities and religious minorities. Ensure that men are included in these efforts because they will not succeed unless behavioural changes in men's patriarchal attitudes are not addressed.

To the Bangladesh government:

- Give serious consideration to framing one law to address the registration of CSOs desiring to be registered.
- On the basis of the proposed law mentioned in the previous point, consider empowering the NGO Affairs Bureau as the sole body responsible for registering and addressing affairs concerning all registered CSOs.
- Give special attention so that constitutional provisions empowering CSOs are upheld.
- Ensure that the Anti-Corruption Commission investigates allegations of corruption in the registration processes involving CSOs.
- Create simple, transparent, and corruption-free registration and registration renewal manuals. Specific registration requirements must be clearly visible in relevant digital and physical spaces.
- Keep provisions that allow registration digitally.
- Reduce registration fees for grassroots CSOs.

To the CSO community and the Bangladesh government:

- Initiate frank and candid discussions amongst all stakeholders, i.e. the CSO community and the Bangladesh government, on cultivating trust and reducing corruption.
- Address discriminatory attitudes towards grassroots CSOs held by larger CSOs and NGOs, and government bodies.

Annex

Interview Code	Number of CSOs	Number of Participants	Date
FGD01	7	7	19 June 2023
FGD02	6	6	20 June 2023
KII01	1	1	20 June 2023
KII02		1	20 June 2023
FGD03	2	5	21 June 2023
FGD04	5	5	22 June 2023
KII03	2	1	21 June 2023
KII04	1	1	21 June 2023
KII05		1	22 June 2023
KII06		1	22 June 2023
FGD05	8	8	23 July 2023
FGD06	7	7	23 July 2023
KII07	1	1	23 July 2023
FGD07	5	6	24 July 2023
FGD08	6	6	24 July 2023
FGD09	7	7	26 July 2023
FGD10	4	7	26 July 2023
FGD11	8	9	29 July 2023
FGD12	3	7	29 July 2023
FGD13	7	12	31 July 2023
FGD14	7	8	31 July 2023
FGD15	8	8	01 August 2023
FGD16	8	8	01 August 2023
FGD 17	12	13	27 August 2023
	Total (merged): 114	Total (merged): 135	



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