



**CPDC**  
Caribbean Policy Development Centre

## **Terms of Reference - Consultant to guide the process for drafting of NGO Legislation**

Objective	To contract the services of a consultant to produce (1) one policy document to guide the process for the drafting of NGO legislation
Thematic Area	Governance and the SDGs
Location	Home Based
Contract Type	Consultancy
Period of Services	60 working days
Contract Supervision	Programme Officer (Governance)
Project	CPDC/UN GEF SGP

### **1. Background**

The CPDC is a legally registered non-profit organisation headquartered in Barbados and established in 1991. CPDC serves as a regional umbrella NGO for organisations comprising of small farmers, women, youth, Indigenous People, rural populations, Rastafarians and other faith-based organisations located across CARICOM. CPDC also has strong networking partnerships with organisations of persons with disabilities, artisans, micro entrepreneurs, human rights, and workers. Altogether, it serves some 17 regional, sub-regional and national NGOs working at the grassroots level in economic, social, and cultural areas in the Caribbean.

The organisation is mandated to work with NGOs and civil society to understand how policies affecting Caribbean people are made; to share information about policies and decision-making processes; to work to influence and bring change to the developmental process; and to support and to lobby for policies which improve the lives of Caribbean people. In fulfilling its mandate, the CPDC seeks to build the confidence and the ability of the Caribbean peoples to influence public policy.

A key issue which Civil Society Organisations (CSOs) are faced with in the Caribbean, is that an enabling legislative environment does not exist to allow CSOs to effectively participate in the policy making process. CPDC has been working to foster and an enabling legislative and regulatory environment for NGOs across Barbados and the Caribbean region to contribute more effectively to national and regional development, as well as, the 2030 Development Agenda,

particularly the Sustainable Development Goals (SDGs). The Sustainable Development Goals require ‘universal action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity’ (UNDP, 2017). SDGs are therefore concerned with providing solutions to existing vulnerabilities and disadvantages. NGOs are at their core, heavily development focused. Given that NGOs are concerned with the welfare of the environment and society, there is a need to ensure that these organisations exist within a supportive and enabling environment to meet their respective goals for positive change in our environment, society and economy, which are fully aligned with the United Nations’ SDGs.

At present, NGOs lack legal recognition; are financially burdened and at the same time are financially dependent on external funding and are unable to financially sustain themselves because the law does not fully recognize the generation of revenue for a public benefit, as distinct from a company established for profits. Additionally, there is a financial burden, characterized by taxes and duties on most goods and services required, which limits the potential impact of services and actions undertaken. The above issues support the need for a concise legal and regulatory environment to enable NGOs to pursue their objectives more effectively and also to highlight that their systems of legitimacy, representation and transparency meet the required standards, similar to those in the public and private sectors.

CPDC has recently (within the last 12 months) undertaken specific research on NGO model legislation which examined the legislative frameworks in existence as it relates to NGOs across the region and identified key elements to be included towards drafting an NGO Act. This project therefore seeks to further this work particularly in the context of Barbados.

## **II. PURPOSE AND OBJECTIVE**

### **A. General Objective**

To undertake research which examines the current environment which NGOs in Barbados operate within towards the aim of creating an enabling legislative environment to allow CSOs to effectively participate in the policy making process.

### **B. Specific Objective**

To formulate one policy paper to serve as a guide for drafting NGO legislation based on stakeholder assessments, focus groups and documentary research over a three-month period. The policy paper will address key issues including:

1. The definition of NGO;
2. Registration process to establish NGOs;
3. Institutional autonomy and self-regulation;
4. Creation of a Regulatory body;
5. Enabling financial environment (in the form of tax concessions, exemptions, subsidies, not for profit revenue generation);
6. Dispute resolution/mediation;
7. Freedom of expression and association; and

#### 8. Role of government.

C. The consultant will also use the following as resource materials:

- Belize NGO Act
- St. Kitts NGO Act
- CPDC's Research on Model NGO Legislation in the Commonwealth
- Barbados Charities Act
- Barbados Companies Act (Non-Profit Public Companies)

### **III. INSTITUTIONAL PROFILE/ CONSULTANCY REQUIREMENTS**

#### **A. Experience**

1. At least 5-7 years proven experience conducting similar assignments
2. Demonstrated experience in working with NGOs on policy formation, advocacy and lobbying
3. Sound knowledge and understanding of the context, challenges, key issues and environment in which NGOs in Barbados operate
4. Excellent research, report writing and analytical skills.
5. Experience in focus group facilitation, participatory methodologies and stakeholder engagement.

#### **B. Education**

- A Master's degree in NGO Management, Development Studies, Law, Public Policy or equivalent.

### **IV. DURATION OF THE ASSIGNMENT**

The consultancy will run for 60 days, over the period May–July, 2018

### **V. SCOPE OF WORK AND DELIVERABLES**

The Consultant is expected to produce the following:

- An inception report within one week of commencement of the assignment.
- A draft report inclusive of key policy issues to be included in NGO legislation to improve the present legislative environment.
- A Final Report to be submitted within two weeks of completion of the assignment.

## **VI. ADMINISTRATION**

The Consultant will work under the overall supervision of the CPDC Officer-in-Charge but with direct reporting to the Programme Officer.

### **Application Deadline**

Applicants should submit a proposal inclusive of a budget via email or hardcopy to the CPDC by **5:00 pm on Wednesday April 25<sup>th</sup> 2018.**

For further information Contact  
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