

Terms of Reference

For

Baseline Context Analysis of Transboundary Rivers for Our Sustainable Advancement (TROSAs) Project

1. Background of the project

The mega landscape from the Himalayas to the Bay of Bengal is a unique and complex social ecological system and its lifeline is its rivers. The people's culture and way of life is defined by the ecosystem they live in and the diversity of these ecosystems has created a diverse culture in this area. There is a delicate interdependence among the water resources and people's livelihoods which further bridges the upstream and downstream riparian communities.

Bangladesh is the meeting point for most of the rivers in this region hosting the lowest part of the Ganges-Brahmaputra-Meghna River Basin. These basins have built this delta in thousands of years. At the same time, riverine civilization has evolved in the floodplains of the country.

The de-facto communication and governance of natural resources has largely been centered around the rivers for millennia until the political map took a unique shift in 1947 in the process of getting independence from the colonial occupation. Many rivers that has always been flowing freely eventually became subject to big infrastructural change, water withdrawal and pollution over time for country-centric immediate economic interests. Bangladesh became independent in 1971 inheriting more than 57 transboundary rivers with India and Myanmar. These rivers originate in different parts of the region, including Bhutan, China, India, Nepal and Myanmar.

Further down the road disagreements arose around developments that was impacting the quality and quantity of river flow in the shared river basins as community was facing the impact of 'development' happening elsewhere in the upstream.

These developments were in most instances top-down and the worst victims have been marginal communities living in the river basin who depend on the rivers for their livelihoods.

Besides several bilateral initiatives of the respective governments, Civil Society Organizations (CSOs) have been vocal about concerns over equitable sharing of the riverine resources, including the water flow, river encroachment and pollution.

However, bottom up approach in transboundary river governance is still a far to reach. Especially when it comes to the access and control of men and women in the marginal communities over river basin resources.

The silver lining is, the governments in the region have reached some bilateral agreements regarding governance of the transboundary rivers and acceptability of basin-wide approach for 'Integrated Water Resource Management' is on the rise in last few decades.

Civil society organizations in the region have been active lately through a track-3 diplomacy approach, i.e. civil society to civil society collaboration for policy influence, which helps create an enabling environment.

In this backdrop, Transboundary Rivers of South Asia (TROSAs) programme has been initiated by Oxfam in 2017, with support of the Government of Sweden. Bangladesh component of the programme has been named 'Transboundary Rivers for Our Sustainable Advancement'.

Project Goal

To reduce poverty of river basin communities through increased access to, and control over, riverine water resources.

Project Objectives

1. Improved policies and practice of governments that protect the rights of communities living along the Ganges, the Brahmaputra and the Salween river basins to water resources.
2. Improved policies and practice of private sector and other actors that respect the rights of river basin communities to water resources.
3. Strengthened capacity of river basin communities and civil society to influence trans-boundary water resource management.
4. Strengthened women's voices in decisions on water management and water infrastructure.

Project Outcomes

1. Government policies and practices in water resource management are more inclusive of community concerns and meet national and international standards;
2. Policies and practices of private sector respect community access to water resources, actively contributing to reduced conflict;
3. CSOs increasingly participate in or influence trans-boundary water governance, women's inclusion and resolution of water conflicts;
4. Local communities are better able to reduce their vulnerability to water resource related shock including from conflict & disasters and Local communities have more secure access and control over their water resources;
5. Increased participation and influence of women in trans-boundary water governance, policies and processes.

2. Rationale and purpose of the baseline studies

The TROSA programme outcomes are defined by a set of indicators under different result areas (as detailed in Annex 1). The baseline studies are expected to document the overall situation before the project interventions start, so the project can identify its priority intervention areas and also measure the results at the end of the project, in comparison with this baseline.

3. Specific Assignment

- a. Context analysis of transboundary river governance and associated community rights in Bangladesh (topics detailed in Annex 2)

4. Eligibility

- The applicant must be an individual or an institution holding necessary legal status to work in Bangladesh;
- The applicant needs to have enough qualified human resources, i.e. research associates, data processors etc and other necessary logistics i.e. office space, accounts and administrative assistance and stationeries (if required) to do the assignment;
- The applicant needs to have demonstrated experience of doing similar studies;
- The study lead and her/his research associates engaged in the assignments essentially need to have relevant academic background i.e. water resource governance, hydro-diplomacy, natural resource governance, economics, sociology, anthropology, international relations, public policy etc.

- The study lead and her/his research associates engaged in the assignments essentially need to have high level understanding of social, economic and ecological context of the transboundary river basin communities in Bangladesh;
- The study lead and her/his associates engaged in the assignment essentially need to have strong analytical ability in general and excellent writing, documentation and communication skills in English and Bangla languages specifically;

5. Schedule, logistics and deliverables.

- An inception report including methodology, information collection plan, reporting outline and time table within five (05) days of signing the contract;
- A draft report including key findings and recommendations for comments within 25 working days of signing the contract;
- Oxfam will provide written comments and feedback on the draft report within 10 working days after submission of draft report;
- Final report should be submitted within 5 working days after receiving comments from Oxfam.
- All primary data and information should be submitted to Oxfam as annex to the reports.

Indicative time frame

Activity	Duration	Tentative Timeline
Initial meeting, document review and inception report	05 working days	By 7 December 2017
Interviews and Literature Review	15 working days	By 7 January 2018
Drafting report	10 working days	By 15 January 2018
Feedback incorporation and Reports finalization	05 working days	By 31 January 2018
Total	35 working days	

6. Evaluation responsibilities and management arrangements

- The studies are expected to start by late November/early December 2017. The maximum number of working days is 35 per assignment including preparation, local travel, meetings, field visits, interviews, and final report writing as relevant to the assignment.
- The consultant/partner will have necessary access to project proposal and log frame, relevant reports and management response.
- The baseline team/ consultant will submit a technical and a financial proposal for the work.
- All costs related to data collection, translation and meetings will also be covered at applicants end.
- For any field work, the study needs to include Rowmari (Kurigram) and Chandpur Sadar upazilas;
- The lead of the baseline team will be reportable to Project Coordinator- Water Governance and will also work closely with relevant staff of Oxfam and its partners.

7. Process of the selection of the baseline team/consultant and expectations from proposal

Guideline of proposal development

The proposal/ expression of interest should comprise with the following sections and given page limit along with sample write up of maximum 2 pages and copy of any similar work.

Topic	Maximum Page Limit
Technical Proposal	
Cover Page	1 Page
Table of Content	1-2 Pages
Understanding of the Assignment	2 Pages per assignment
Summary of relevant experience	1 page per assignment
Proposed Methodology	2 Pages per assignment
Work Schedule	1 page per assignment
Team composition along with its rationale (CV in annexes)	2 pages per assignment
Any other relevant information (if required only)	1 page per assignment
Financial Proposal	
Budget detailing out <ul style="list-style-type: none"> • Consultancy days and fees (days should be mentioned for all members of the team) • Travel and accommodation • Any other expenditure (please mention nature of expenditure) • Total amount • All costs must be inclusive of any applicable tax excluding VAT 	

Evaluation process

The selection committee will evaluate both the technical and financial proposal of the consultants/ firms based on set out evaluation criteria as follows. A cumulative weighted-scoring method will be applied to evaluate the proposal. The award of the contract will be made to the consultant/ consulting firm whose offer has been evaluated and determined as responsive/ compliant/ acceptable with reference to this TOR.

Any kind of plagiarism (including copy and paste from the TOR) may result to disqualification.

Evaluation criteria

Criteria	Weight
Technical	70
1. Expertise of the consultants/ consulting firm/ organization	
Understanding of the TOR	10
Relevant completed or published reports/articles/books of the applicant	10
2. Methodology	
Appropriateness of methodology in line with the indicators	15
3. Management structure and qualifications of key personnel	
Team composition (necessary expertise, number of people, time allocation)	15
Academic qualification of team members	10
Individual experience of team members	10
Financial	30
Total	100

8. Payment schedule

Installment	Value (Amount)	Payment
1 st installment	30% of the contracted value (subject to deduction of taxes at source)	After signing the agreement;



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2 nd installment	40 % of the contracted value (subject to deduction of taxes at source)	After submission and written acceptance of the draft report
3 rd installment	30% of the contracted value (subject to deduction of taxes at source)	After submission and written acceptance of the final report

ANNEX 1 – Some of the expected program results and indicators

Impact	Potential indicators
Poverty reduction of marginalized and vulnerable river basin communities through increased access to, and control over, riverine water resources on which their livelihoods depend	% of people in marginalized and vulnerable river basin communities who access water in sufficient quantity and quality
	# of affected people (M/F) in marginalized and vulnerable river basin communities using their enhanced knowledge and skills to advance, secure and/or defend their access to water resources.

Outcome	Potential indicators
Outcome 1: Government policies and practices in water resource management are more inclusive of community concerns and meet national and international standards	Evidence of new or adjusted government policy on, and/or improved practices in, assessing and managing environmental, social and gender impact and other international standards (or evidence of the political will to do so)
	Evidence of new or adjusted government policies and/or governmental actors' practices increasingly respecting and/or promoting the rights for indigenous peoples to give (or withhold) their Free, Prior and Informed Consent over development decisions regarding their water resources (or evidence of the political will to do so)
	Evidence of government actors being more inclusive and participatory in processes of developing and/or implementing water resource policy (or evidence of their political will to do so)
	Evidence of government actors showing interest for good practices in transboundary water governance, for women's inclusion and/or for resolution of water conflicts
	Evidence of government actors ensuring project affected peoples' timely access to information, and to a functioning mechanism for grievance and accountability
	Evidence of joint river commission and/or alliance for Trans-boundary River being formed and functional.
	# of policies formulated or revised for access to, and control over water resources for targeted people in marginalized and vulnerable river basin communities
	Evidence of government actors promoting cross sector and cross boundary consistency and laws for planning and governance
	Evidence of private sector actors soliciting, discussing and/or carefully thinking about civil society and program affected communities'

Outcome	Potential indicators
<p>Outcome 2: Policies and practices of private sector respect community access to water resources, actively contributing to reduced conflict</p>	<p>perspectives regarding development and/or implementation of water infrastructure projects.</p>
	<p>Evidence of new or adjusted private sector policy on, and/or improved practices in, assessing and managing environmental, social and gender impact (or evidence of the political will to do so)</p>
	<p>Evidence of private sector actors' practices enabling program affected community members' timely access to information regarding their access to water resources.</p>
	<p>Evidence of private sector actors offering remedy (e.g. apologies, restitution, rehabilitation, financial or non-financial compensation), punitive sanctions, and/or ensuring the prevention of harm (e.g. injunctions or guarantees of non-repetition).</p>
<p>Outcome 3: CSOs increasingly participate in or influence trans-boundary water governance, women's inclusion and resolution of water conflicts</p>	<p>Evidence of CSO's with contributions to water resource position papers, written recommendations, influencing strategies or plans that include policy targets, issues and evidence</p>
	<p>Evidence of CSO's awareness of their roles and responsibilities for water policymaking, policy implementation, operational management, and regulation.</p>
	<p>Evidence of supported organizations actively participating in relevant local or national networks/coalitions/alliances on trans-boundary water governance, women's inclusion and/or resolution of water conflicts</p>
	<p>Evidence of CSO's demonstrating improved engagement with media and quality of media coverage on water governance</p>
	<p>Evidence of CSO's enhanced capability in engaging with and influencing policy and decision makers on water governance, women's inclusion and/or resolution of water conflicts</p>
	<p>Outcome 4.1: Local communities are better able to reduce their vulnerability to water resource related shock including from conflict & disasters</p>
<p>Evidence of program affected community members' meaningful engagement in inclusive and gendered cross-border Early Warning Systems</p>	
<p># of community members taking action to protect key productive and physical assets (e.g. savings, land, seed and fodder stocks, animals, shelter, transport) from water shocks</p>	
<p>Evidence of community members' active participation in conflict resolution and/or grievance mechanisms</p>	
<p>Outcome 4.2: Local communities have</p>	<p>Evidence of community members experiencing a removal of any actual or potential barriers that (might) prevent their use of water resources</p>

Outcome	Potential indicators
more secure access and control over their water resources	Increased # of community members negotiating access to their water resources through meaningful engagement in water governance (e.g. decision-making processes or reviewing policy drafts)
	# of water related conflicts identified and raised to the respective authority accordingly.
	Increased # of community members acknowledging that influential and/or decision makers have discussed their community's concerns/proposals
Outcome 5: Increased participation and influence of women in trans-boundary water governance, policies and processes	# of supported women taking key roles in decision making at significant levels, and influencing water governance
	# of women participating in events, meetings, activities
	# of Women and women leaders that have increased knowledge, skills and influence in water resource discussions and groups

ANNEX 2 – Outline of Assignment: Context analysis of transboundary river governance and associated community rights in Bangladesh

Topics to be covered:

1. Overview of the GBM basin
 - 1.1 Transboundary Rivers in Bangladesh
 - 1.2 River Morphology and Inter relationship of different rivers
 - 1.3 River biodiversity
 - 1.4 Cultural and Spiritual Significance
 - 1.5 River Economy and People's Livelihoods
 - 1.6 Rivers, Hazards, Loss and Damage

2. Policy analysis
 - 2.1 River basin management policies in Bangladesh
 - 2.2 Comparison with similar policy instruments of India, Bhutan, China, Nepal and Myanmar
 - 2.3 Inclusiveness analysis (scopes for protecting the rights of marginalized men and women, enabling environment for development of the marginal communities)
 - 2.4 International policy instruments and platforms (and Bangladesh's position/relevance)

3. Stakeholder analysis
 - 3.1 Government Institutions (Mandate and Power Analysis)
 - 3.1.1 Who has what power and who is supposed to do what in lieu with river governance?
 - 3.1.2 Who is how much accessible (to whom) and to what extent?
 - 3.1.3 Who does what in fact related to river governance?
 - 3.1.4 What is going on well and what is not?
 - 3.1.5 Enabling factors, barriers and challenges for stakeholder roleplaying in inclusive governance of transboundary rivers
 - 3.1.6 Women in power structure and focus on gender equality in the policies
 - 3.2 Knowledge Makers
 - 3.2.1 Research Institutes and major researches so far in lieu with Transboundary Rivers
 - 3.2.2 How the research outcomes are shared with different stakeholders?
 - 3.2.3 How is the impact of research monitored?
 - 3.2.4 What important roles does the Experts hold in the power structure related with governance of transboundary rivers
 - 3.2.5 Training/education institutes and programmes related with Transboundary Rivers
 - 3.2.6 Key contents/curricula and number of students/trainees coming out in past
 - 3.2.7 Alumni of specific institutions and their position in power structure of water governance in the country
 - 3.2.8 Proportion of women and girls being trained in subjects related with water governance and getting in the knowledge sector as professionals
 - 3.3 Private Sectors
 - 3.3.1 Key sectors that use water from, or impact transboundary rivers
 - 3.3.2 Key players (individuals, corporation and associations)
 - 3.3.3 Relationship with power holders in the public sector and interaction modality/platforms
 - 3.3.4 Power structure within the private sector (who makes what decision, who deals with community and environmental issues, CSR, government relations etc)

- 3.3.5 Policies and strategies (formal and informal) of companies/associations governing/impacting decisions and practices related with water/river
- 3.3.6 Position of women in power structure and perception of management about women leadership in management
- 3.4 Civil Society Organizations
 - 3.4.1 Most prominent individuals, organizations and platforms in Bangladesh's civil society (with contacts and priority areas of work) who work on water related issues in general and river in specific
 - 3.4.2 Power structure within the organizations and state of leadership development
 - 3.4.3 Power structure of the platforms/association/federations and state of leadership development
 - 3.4.4 Connectivity with grass-roots and modality of communication, power dynamics
 - 3.4.5 Relationship/issues with government and associated power dynamics
 - 3.4.6 Relationship/issues with private sector and associated dynamics
 - 3.4.7 Position of women in power structure and management position/policies for gender equality
- 4. Key issues concerning Transboundary River Governance
 - 4.1 List of issues concerning Transboundary Rivers and Water Governance (hint. community rights over water and water resources, natural resources related with water, social-political-economic and environmental concerns from rights and justice point of view)
 - 4.2 Issue map (priority/significance/impact)
 - 4.3 Position of different stakeholders on different issues
- 5. Actions (past and present) by different stakeholders related with water governance and Transboundary Rivers
 - 5.1 List of projects, initiatives, dialogues, negotiations or actions by government with timeline and results
 - 5.2 List of private sector projects, position papers/studies events and initiatives with timeline and results
 - 5.3 List of civil society projects, events, publications and initiatives with timeline and results
 - 5.4 List of research projects and publications by knowledge institutions with timeline and results (knowledge sharing)
 - 5.5 List of existing training and educational programme with time line and capacity
- 6. Expectations/Scenario Analysis
 - 6.1 Potential future scenarios based on current trends and stakeholder perception
 - 6.2 Potential scenario based on stakeholder aspirations and prospective resources

Methodology

- # Literature review
- # Content analysis
- # Key Informant Interviews
- # Focus Group Discussions
- # Participatory Research Tools
- # Survey

Time line: To be concluded by January 2018