

Undermining development: forced eviction in Bangladesh

Kate Hoshour

Development projects remain one of the primary causes of displacement worldwide. Evictions are commonly involuntary. The case of a proposed coalmine in Bangladesh clearly illustrates the potential for human rights violations in such projects, the need for stronger safeguard policies that uphold people's rights and prevent displacement, and the power of local protest.

It is estimated that over 250 million people worldwide were displaced in the name of development over the past twenty years and the number of people affected is growing despite the proliferation of international human rights instruments which stipulate that forced evictions can occur only in “exceptional” circumstances in which displacement is “unavoidable” and “solely for the purpose of promoting the general welfare.” Development forced evictions involving egregious violations of fundamental human rights continue to be carried out with relative impunity. However, diverse grassroots movements worldwide are taking up a rights-based approach to challenge projects that threaten to forcibly evict them and destroy their homes and livelihoods in the name of development.

In northwest Bangladesh one such movement has successfully stalled the excavation of an immense open pit coal mine, known as the Phulbari Coal Project, for over six years. A UK-based company, Global Coal Management Resources (GCM), claims that the proposed project will “deliver substantial benefits” to the country, the people of Bangladesh and the local community. Project opponents cite contract terms that will allow the company to export 100% of the coal extracted, impose no export duties, and afford the company a nine-year tax holiday and a fixed royalty rate of just 6%.

The number of people the project would evict is disputed. GCM's draft Resettlement Plan states that it intends to displace nearly 50,000 people. In contrast, an Expert Committee commissioned by the Government of Bangladesh concluded that the project would immediately affect nearly 130,000 people and ultimately displace as many as 220,000 people, as mining operations drain their wells and irrigation canals. Bangladesh's National

Indigenous Union estimates that the mine would evict and/or impoverish 50,000 indigenous people belonging to 23 different tribal groups.

The project would destroy 14,660 acres, 80% of which is fertile agricultural land. Due to its elevation and location, Phulbari is one of the few agricultural regions that is protected from the flooding that regularly wipes out crops elsewhere in Bangladesh.

Although 80% of all households targeted for eviction are subsistence farmers and indigenous people with land-based livelihoods, the Resettlement Plan states that their agricultural lands will not be replaced: “most households,” it notes, “will become landless.” The failure to provide replacement lands violates the UN Basic Principles and Guidelines on Development-based Evictions and Displacement¹ which require land-for-land compensation, and shows a reckless disregard for the large body of research showing that reliance on cash compensation alone impoverishes people who formerly had land-based livelihoods.



Local people against the Phulbari Coal Project on a seven-day, 250-mile protest march, October 2010.

Despite existing water shortages, GCM plans to drain up to 800 million litres of water daily in an effort to maintain dry conditions within the mine. Expected impacts include lowering the water table by 15 to 25 metres for more than six miles beyond the mine's footprint, threatening 220,000 people's access to water. Finally, plans to transport coal through the Sundarbans Forest Reserve – the world's single largest remaining mangrove forest and a UNESCO-protected World Heritage site – threaten an ecosystem that is a vital source of food and livelihoods for nearby communities and supports at least 58 rare and threatened species.

Massive protests against the Phulbari Coal Project began in August 2006. After paramilitary troops opened fire on some 70,000 demonstrators, killing three people and wounding over 100, outraged citizens held a four-day protest strike. GCM was forced to suspend its operations and its personnel fled the country under armed escort after protestors torched the homes of people believed to be associated with or supporting the company.

The grassroots struggle to stop the Phulbari Coal Project has succeeded in blocking the mine for over six years. In October 2011 tens of thousands of people joined a 250-mile protest march from the capital city of Dhaka to Phulbari. That same month, opponents of the mine took their concerns to the UN Special Rapporteurs² who took coordinated action in early 2012, which included a joint UN press release calling for an immediate halt to the project on the grounds that it threatens fundamental human rights, including rights to housing, water, food and freedom from extreme poverty. Efforts to reduce

poverty, the Special Rapporteurs noted, are more likely to succeed when national development strategies incorporate and uphold human rights-based principles.

Civil society organisations, researchers, and development practitioners can contribute to advancing a rights-based approach to halting avoidable displacement by:

- challenging development models that consider the eviction of vulnerable people to be consistent with progress, and developing clear guidelines for debunking claims to serve public interest
- calling on institutions that bankroll destructive projects to create stronger safeguard policies that fulfill their obligations to avoid displacement, considering projects only when they meet the criteria specified in the UN Basic Principles and Guidelines on Development-based Eviction and Displacement, as demonstrated by a robust assessment of options that avoid displacement
- supporting locally defined development aims that value people's connection to their homes, lands and communities and uphold their rights.

Kate Hoshour kate@accountabilityproject.org is the Senior Research Fellow for International Accountability Project www.accountabilityproject.org/

1. Recognised by the UN Human Rights Council in December 2007 www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf

2. The office of the UNSR on the right to food took the lead in coordinating work on this. Other UNSRs participating were those on rights to: water and sanitation; freedom from extreme poverty; adequate housing; freedom of opinion and expression; freedom of peaceful assembly and association; and Indigenous Peoples.

The UN Security Council and prevention of displacement

Sanjula Weerasinghe and Elizabeth Ferris

Respecting the prohibitions against forced and arbitrary displacement could significantly reduce the risk of, or prevent, displacement in situations of armed conflict, as could insisting on accountability for violations of these prohibitions that amount to war crimes or crimes against humanity. The UN Security Council has only partially addressed these issues.

During the 12-year period from 1999 (when the UN Security Council first addressed the issue of protection of civilians) until 2010, the Council adopted 747 resolutions, of which at least 142 referenced displacement with almost one in five mentioning internal displacement. But there were major inconsistencies in the way in which displacement was considered in specific country situations. While half of all resolutions on Sudan, for example, make reference to internal displacement, less than 3% of resolutions on Liberia mention displacement even though virtually all of Liberia's 2.8 million people are estimated to have fled their homes at least once during the country's 14 years of conflict. Some 90% of the Council's 22 resolutions on Georgia refer to displacement while only one of the 32 Council resolutions on Somalia references displacement.

Similar inconsistencies were found in the way the Council dealt with solutions to internal displacement. Over 100 of the 142 resolutions mentioning displacement refer implicitly to some aspect of durable solutions. But among the three solutions for IDPs – return, local integration and settlement elsewhere – return has attracted far and away the most interest; only two resolutions mention local integration and six refer to resettlement.

Given the Security Council's preoccupation with peace and security, one might reasonably have expected it to devote greater attention to prevention of displacement than to operational issues around humanitarian assistance, and indeed preventing displacement is a key element of protecting civilians which has been a laudable focus of Security Council action for the past twelve years.