

Mining and Silent Disaster

An Account of Mining-Affected Indigenous Peoples and Environment of Tahirpur, Sunamganj and Bijoypur, Netrokona



Kapaeeng Foundation

**Mining and Silent Disaster: An Account of Mining-Affected
Indigenous Peoples and Environment of Tahirpur,
Sunamganj and Bijoypur, Netrokona**

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1. Indigenous Peoples in Bangladesh: An Overview

Bangladesh is a home to over 54 indigenous peoples who have domiciled in different parts of the country for generations. Indigenous peoples are concentrated in the Chittagong Hill Tracts and in different regions of the Plains in the country and make up nearly two percent of the national population. Although their distinct languages, traditions, cultures, customs and values have contributed to the diverse beauty and prosperity of the country, indigenous peoples and their rights to lands, territories and natural resources are not recognized by the State and the Constitution of the country. On top of it, their human rights enshrined in the international human rights frameworks are routinely violated. The human rights violations they encounter range from systematic discrimination to gross human rights violations, such as, extrajudicial killing, communal attack, rape, sexual harassment, abduction, torture and arbitrary arrest perpetrated by both the State and non-state actors. As a consequence, the indigenous peoples have turned into one of the most vulnerable sections of the national community. Remarkably, most of such human rights violations are connected to the lands and natural resources of indigenous peoples. While different actors are in play, large and medium scale private business groups and corporations are exponentially contributing to the human rights violations related to lands and natural resources. One such prime violator is extractive industry sector.

2. Extractive Industries and Indigenous Peoples

Extractive industries are engaged in exploitation of natural resources, the non-renewable materials from the earth, in particular. They can take the form of “mining, quarrying, dredging or drilling.”¹ Other ways of natural resources extraction, such as, logging, large-scale hydro and monoculture are also sometimes considered as extractive industries. However, generally by the phrase “extractive industries”, only the non-regenerative resources are denoted.² Extractive industries can be of different types, such as, mining, oil and gas extraction. Mining implies exploitation of minerals i.e., different materials found in the earth including uranium, platinum, gold, silver, iron, lime, gypsum and coal. Oil and gas extraction involve extraction of fossil fuels in the form of petroleum and natural gas.

Although apparently extractive industries make significant contribution to the economic prosperity and development of a country, they are often associated with different forms of gross human rights violations and environmental degradation. They have adversely affected people, nature and environment around the world. The indigenous peoples, whose life and existence are critically linked to the lands, nature and environment, are no of exception. In fact, historically, indigenous peoples are some of the prime victims of the adverse impacts of extractive industries. This scenario continues to be an issue of grave concern in many countries around the world. While the multinational mining giants are largely observed to be involved in different forms of human

1 “Overview of Impacts of Extractive Industries on Indigenous Peoples” in *Pitfalls and Pipelines: Indigenous Peoples and Extractive Industries*, Andy Whitmore edited, p. 6, 2012, Philippines.

2 Ibid.

rights abuses and environmental issues, and the national companies and governments of the host countries are also blamed for the same.

3. International Instruments Related to Extractive Industries

Several voluntary guidelines have been brought about by the international community in order to deal with the human rights and environmental issues caused by the extractive industries. One such instrument is *Guiding Principles on Business and Human Rights: Implementing the United Nations Protect, Respect and Remedy Framework* adopted by the UN Human Rights Council in 2011. The Guiding Principles affirm “the responsibilities of states to protect human rights; companies to respect human rights and; in cases where there are breaches of human rights compliance, recognize the need for redress.”³ Although not a legally binding instrument, States are encouraged to implement the UN Guiding Principles through a *National Action Plan*. Currently, international community is discussing about having a legally binding treaty related to business and human rights. Another set of voluntary guidelines for private sector, particularly for the multinational companies, has also come about is the Guidelines for Multinational Enterprises elaborated by the Organization on Economic Cooperation and Development (OECD). It was initially adopted in 1976 and amended in 2011 when enhanced reference to human rights and indigenous peoples was incorporated. The OECD Guidelines are “recommendations addressed by the governments to multinational enterprises”.⁴ Although these are non-binding guidelines, OECD has an implementation mechanism of “National Contact Points (NCPs) established by the 42 governments adhering to the Guidelines which assist companies to implement the Guidelines and provide mediation.”⁵

When it comes to human rights in general, a set of core human rights instruments – covenants, conventions and declarations are generally referred to. These instruments cover civil, political, economic, social and cultural rights of people around the world. These instruments can also be related to extractive industries and indigenous peoples. Bangladesh has ratified all the major international human rights treaties and is legally bound to respect, protect and fulfil the rights of its citizens enshrined in these treaties. The list of treaties ratified by Bangladesh includes *ILO Convention on Indigenous and Tribal Populations, 1957* (No. 107) and *Convention on Biological Diversity, 1992* which are closely related to indigenous peoples. Besides, in its Sixth Five Year Plan, Bangladesh has made a promise to consider ratifying the *ILO Convention on Indigenous and Tribal Peoples, 1989* (No. 169).⁶ Different provisions of the *ILO Convention No. 169* provide protection and safeguards to the rights of indigenous peoples to their land natural resources.

As a member of UN, Bangladesh has a moral obligation to provide support to and implement the provisions of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007*. Government has made pledges in relation to implementation of the UNDRIP during different occasions. For example, in its Sixth Five Year Plan, the government has promised that it would consider implementation of the UNDRIP.⁷ Moreover, in the 2009 issue of ‘Sanghati’ (‘Solidarity’), annual publication of Bangladesh Indigenous Peoples Forum to mark the International Day of the

3 Burger, Julian, “Indigenous Peoples, Extractive Industries and Human Rights”, p. 20, 2014, Belgium.

4 OECD Guidelines for Multinational Enterprises, 2011, p. 17.

5 Above n 3.

6 General Economics Division, Planning Commission, Ministry of Bangladesh, Government of the People's Republic of Bangladesh, “Sixth Five Year Plan of Bangladesh: FY2011-FY2015”, p. 160.

7 Ibid.

World's Indigenous Peoples, Sheikh Hasina, the then Honorable Prime Minister delivered a solidarity message where she mentioned that the government would like to work with indigenous peoples in the country in implementation of the UNDRIP.⁸ The UNDRIP is considered the cornerstone of indigenous peoples rights at present. This seminal document does not only refer to the rights of indigenous peoples to their lands and natural resources, but it also enshrines, inter alia, right to self-determination and right to free, prior and informed consent. Right to self-determination under this declaration allows indigenous peoples to "...freely pursue their economic, social and cultural development" [Art. 3]. In addition, by virtue of the right to free, prior and informed consent, indigenous peoples can "include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent" [Art. 28 (1)]. The Declaration further reminds the States to protect the lands or territories or resources of indigenous peoples and to ensure "no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent" [Art 29 (1)(2)]. Ironically, however, the promises of the government related to the UNDRIP remain largely on pen and paper; no concrete action has been seen to have taken from the end of the government to materialize it.

4. National Frameworks Related to Extractive Industries and Indigenous Peoples

Alongside engaging with the international human rights frameworks, Bangladesh State has brought about a good number of laws and policies related to extractive industries and indigenous peoples. The laws and policies that are directly related to extractive industries include *National Energy Policy, 2004*, *Mineral and Mineral Resources (Control and Development) Act, 1992*, *Bangladesh Energy Regulatory Commission (Amendment) Act, 2010*, *Bangladesh Petroleum Act, 1974* and *Bangladesh Gas Act, 2010*. It is generally accepted that the environmental issues are often times inextricably linked to the extractive industries. Hence, consideration of the laws and policies related to environment is necessary while discussing about extractive industries. There are a number of legislations that can be related to environment that includes *Bangladesh Environment Conservation (Amendment) Act, 2010*, *Bangladesh, Environment Court (Amendment) Act, 2010*, *Bangladesh Biodiversity Act, 2012*, *Climate Change Trust Act, 2010*, *Forest Act, 1927* and *Wildlife (Conservation and Security) Act, 2012*. While the laws related to extractive industries and environment can be referred to indigenous peoples, there are laws which are specifically related to the land, territories and natural resources of indigenous peoples. Such laws and policies include *Chittagong Hill Tracts Accord, 1997* and related legislations, such as, *CHT Regional Council Act, 1998*, *Chittagong Hill Tracts Land Dispute Resolution Commission (Amendment) Act, 2013* and *three Hill District Council Acts, 1989 (amended 2001)*, *East Bengal State Acquisition and Tenancy Act, 1950* and *Chittagong Hill Tracts Land Dispute Resolution Commission (Amendment) Act, 2013*. Despite presence of a big list of laws and policies related to land, extractive industries, environment and indigenous peoples, proper enforcement of them has always remained a big question. Besides, there remain controversial provisions in some of these laws. For example, there are provisions in the *Chittagong Hill Tracts Land Dispute Resolution Commission (Amendment) Act, 2013* that are conflicting to the *CHT Accord, 1997*, under the auspices of which the law was enacted. As a consequence, the law has not been accepted by indigenous peoples. Due to the presence of limitations in some laws and policies, and lack of proper enforcement of them, indigenous peoples and other citizens of the country in general fail to receive adequate protection under these laws.

⁸ Bangladesh Indigenous Peoples Forum, *Sanghati*, Sanjeeb Drong edited, 2009, Dhaka.

5. Extractive Industries in Bangladesh and Objective of The Paper

Bangladesh being a country rich with natural resources also has a good number of extractive industry projects like coal, natural gas, petroleum and granite projects operational in different parts of the country. There are also several proposed extractive industry projects in the pipeline. Like elsewhere in the world, while bringing about economic prosperity, these extractive industry projects cause sufferings to locals – both indigenous and non-indigenous. The notorious case of Phulbari Coal Project in Dinajpur is one such vivid example, which would cause devastating impacts on tens of thousands of local indigenous Santal, Oraon, Mahali and Munda indigenous peoples alongside local Bengalis. In addition, over the last decade or so, people of the country, including indigenous peoples, experienced a number of the accidents relating to extractive industries, such as, the ones in Magurchara and Lawachara. While the major cases like Phulbari Coal Project or the case of Magurchhara have attracted attention and have been discussed both nationally and among the international community, where there are a number of ‘neglected’ cases that have barely received any attention. Two such cases are: 1) sand-coal-chemical intrusion in Tahirpur, Sunamganj and 2) white clay extraction in Bijoypur, Netrokona. This paper aims at analyzing the true scenario being faced by indigenous and non-indigenous peoples due to the extractive industries in Tahirpur and Bijoypur. The paper highlights the issue that these extractive industries are continuously causing devastating impacts on indigenous peoples (alongside Bengalis), environment and biodiversity of the northeastern Bangladesh albeit silently. The paper recommends that the human rights issues facing people in the said mining-affected areas need urgent actions from different stakeholders including the policy makers of the country or otherwise people may encounter large-scale humanitarian disasters in future.

6 Study Methodology and Limitations of the Paper

This paper has been prepared based on both secondary and primary sources of data. The secondary sources of data include, inter alia, content analysis of the advocacy materials (such as memorandum) used by the local people, newspaper features and articles, government documents, research reports, journal articles, books, international human rights instruments and national legal frameworks. While the secondary sources of data were common in terms of their nature, the use of methodology for first hand data collection differed for two cases. For the case of Tahirpur, three methods of data collection namely a small scale survey (N=54) for basic statistical analysis, interviews of 10 key informants and one focused group discussion (FGD) for qualitative data have been used. Following research methodologies have been used for data collection – random sampling technique for survey, snowball sampling method for interviews of key informants and quota sampling technique for FGD. Despite putting much effort, while this part of the study cannot escape from limitations, which can be categorized into three types – budget constraint, time constraint and small survey size. On the other hand, the case of Bijoypur was dependent chiefly on key informant interviews using snowball sampling. This limitation of dealing with slim size of key informant interviews was due to the same causes as the Tahirpur case. This data collection method was further worsened as heavy downpour of rain that continued while it was being conducted.

7. Extractive Industries and Indigenous Peoples: The Case of Tahirpur

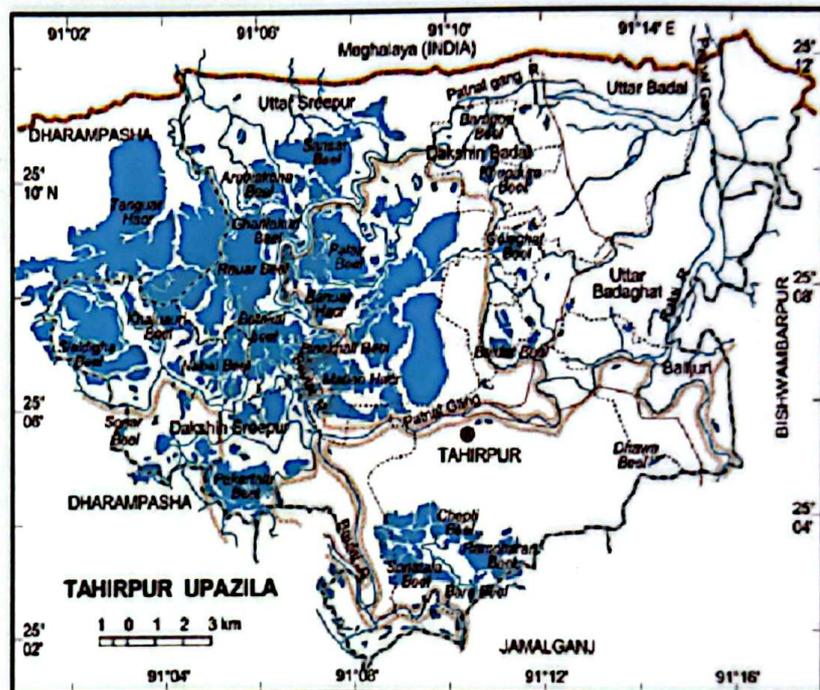
Tahirpur is an upazilla (sub-district) of Sunamganj, a district located in the Sylhet division of northeastern Bangladesh, some 300 kilometers from the capital, Dhaka. This area lies just on the foot of the southwest Khasi hills of Indian state of Meghalaya. The most frontier union of Tahirpur is called Bordol Uttar, which is composed of some picturesque villages like Chanpur, Rajani Line,

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Rajai, Maram, Barchora, Karaigara, Pahartoli and Shantipur. The landmass of Tahirpur was once characterized by its fertile soil, agricultural fields, vibrant greenery, kitchen gardens, meandering streams, ponds and *haors*⁹. This area alone used to yield thousands of tons of rice, vegetables and fish every year. Over a dozen of small rivers and streams flowing down from the neighboring hills and mountains of Meghalaya remained the source for the water bodies and the unique ecosystem of the *haors* of Tahirpur and other areas of northeastern Bangladesh. Alongside above a hundred thousand Bengalis, this upazilla is home to around 1,500 indigenous Khasi, Mandi (Garo) and Hajong peoples. For generations, the locals including indigenous peoples of this area protected their nature and forests. In return, the nature has shaped their respective cultures, traditions, belief systems and ways of life.

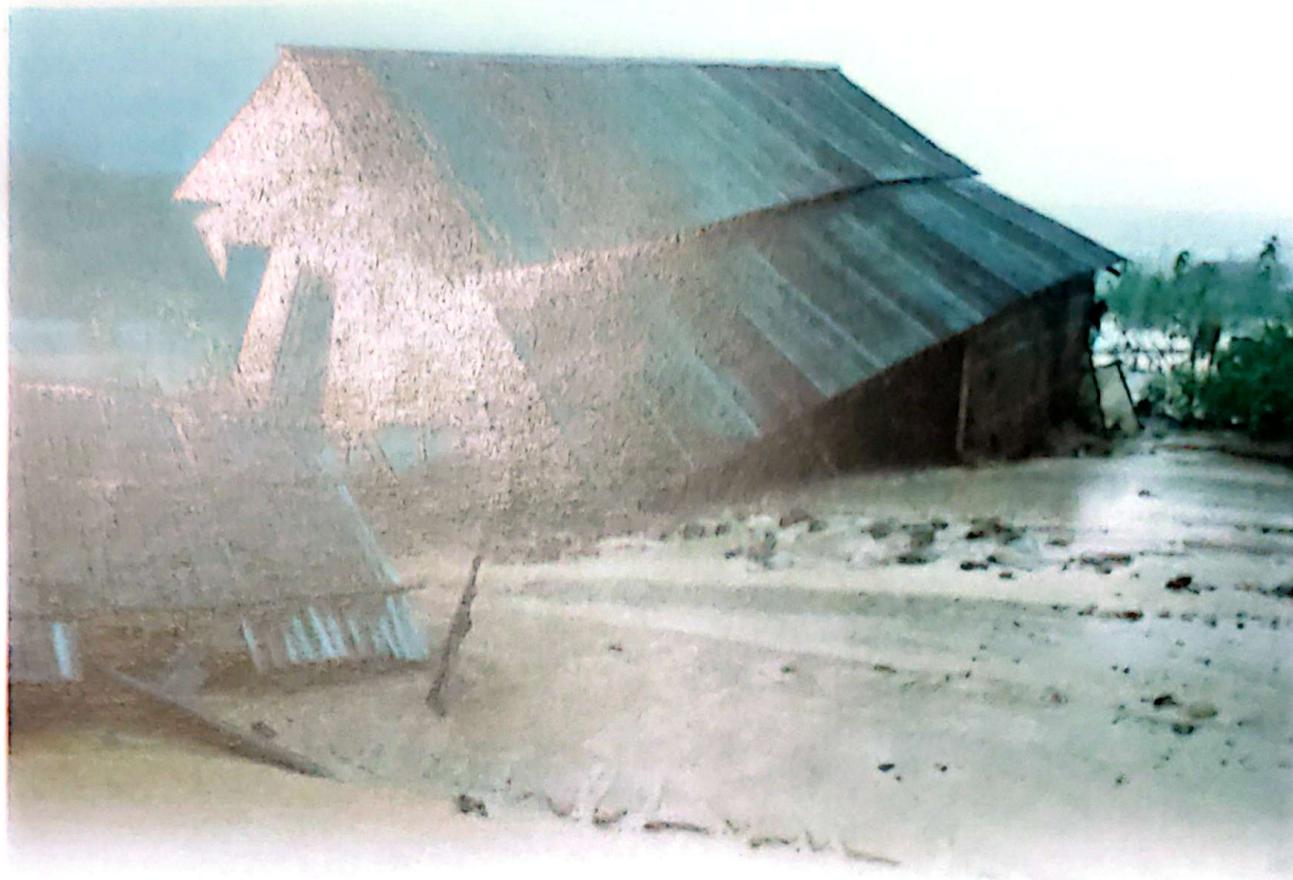
Once a yearly seasonal flood created by the downhill water coming through the Indian border was a normal phenomenon in Tahirpur and adjacent *haor* areas. People of this area were accustomed to seasonal flood, having the knowledge of coping with the flood and reaping benefits of the alluvial silt brought along by the downhill water. However, over the past few



years, the nature of flooding has changed dramatically. Now, the downhill water may flow down any time and flood any *haor* or habitat. This development has caused limitless sufferings in the lives of people of all the *haor* areas, particularly, the frontier indigenous and Bengali villages in Tahirpur during the rainy season. This unusual flooding causes not only suffering to the people as a sudden floodwater flowing over any area, but also carries away large amount of sand, coals, stone chips and other chemical objects that cause significant damage to the lands and water of this area.

Although the issue was slowly affecting the region, it remained unnoticed to the locals until 20 July 2008 when a sudden flash flood took place. After a heavy shower lasting for 4-5 days, a massive landslide at the Southwest Khasi Hills of Meghalaya within Indian border created a sudden flash flood in Tahirpur at around 10:00 am on that day. "On that day in the morning, we heard a big 'bang' following which the sand-mixed flash flood swept through the village." - says Jarina Marak, 55, a victim indigenous woman of Chanpur Tilla. Shortly after, the downhill flood water filled with soil, sand, stone chips and coal rolled down over the adjacent Bangladeshi frontier villages of Bordol Union under Tahirpur. The flash flood affected many villages including Chanpur, Rajai, Koroigara, Rajani Line, Pahartali and Shantipur of Bordol union. As a result, the houses of the villages comprising 4-5 square kilometer area were submerged by flood water and the materials it carried.

⁹ *Haors* are bowl-shaped water bodies found in some northeastern districts of Bangladesh.



Locals inform that there are a number of reasons behind this landslide and resulting sand-coal-chemical intrusion in Tahirpur, although mining being the main reason. The Indian state of Meghalaya, the nearest foreign neighbor of Tahirpur, is enriched with different minerals – coal, limestone, uranium and sillimanite. “Rat hole” coal mining has been going on in the mountains near the Indo-Bangladesh bordering areas for the years together. The barren spaces created by the “rat hole” coal mining operations (as well as landslides) can clearly be seen amid the green hills and mountains from the frontier villages of Tahirpur. Allegedly, there are other forms of mining operations including limestone mining going on too. Shams Shamim, a Sunamganj-based journalist, claims that once uranium mining in the bordering areas was also operational in the area. Although uranium mining has been postponed a few years back due to protest of the local Indians, the adverse impacts arisen out of it can still be found in both in Bangladesh as well as in Indian side.

While apparently mining is a major identifiable cause of the sufferings of people in Tahirpur, a critical look into the issue reveals that it is not the sole cause – there are several other reasons which are also contributing to the issue. Hence, the issue in Tahirpur is rather a mixture of different causes, although centering on mining. Other causes include road transportation, landslide, deforestation and flash flood. It is a common sight that mining operations require good transportation facilities for different purposes related to mining. In order to ensure the transportation of minerals in Meghalaya border too, roads have been constructed cutting the hills and mountains. These roads obviously serve other purposes (like protection of the border) of India as well. Locals claim that the roads along the slopes on the mountains and hills of Meghalaya are responsible for causing landslide and can contribute to the trans-boundary issue being discussed. Furthermore, as often the case, mining requires clearing of the forests and other forms of vegetation in and around the mining sites. The destruction of vegetation also contributes to the trans-boundary issue in Tahirpur through landslide

and soil erosion. The final reason identified by the locals is the changes in the seasonal patterns and its impact. Due to climate change and related environmental issues, irregularities in the seasonal patterns are being observed in and around Tahirpur. In particular, in the recent years people have observed irregular rainfall during the rainy season. As a result, sometimes there might be sudden heavy downpour in the upstream areas which are likely to cause landslides and flash flood in the downstream areas. Figure.1 is particularly concerned with causes of trans-boundary environmental issue in Tahirpur.

Figure-1: Causes of Trans-boundary Issue in Tahirpur



Beginning in 2008, the trans-boundary mining issue of Tahirpur continues unabated till today. Every year, particularly during the rainy season, it rains heavily in the Indian state of Meghalaya, an area with heaviest rainfall in the world, and the rainwater flows down over Tahirpur and other areas adjacent to the Indo-Bangladesh Meghalaya border. But unlike before rainwater cannot flow down properly along the streams, rivers and water bodies, which used to be the usual channels. The rainwater now flows through anywhere and everywhere, pretty much wherever it may get any passage to flow down, irrespective of a water body, habitat or vegetation. As the water has been carrying huge amount of different solid objects every year, particularly since 2008, the water bodies continue to get filled up and that the level of land continues to go higher.

The trans-boundary environmental issue has been causing limitless sufferings to local indigenous and non-indigenous peoples and surrounding environment in Tahirpur and adjacent areas ever since. As the trans-boundary issue worsens every year, the magnitude of sufferings of people continues to scale up. Locals identify a number of impacts being faced by them which can be categorized into three broad categories – socio-economic, environmental and health.

7.1 Socio-economic Impacts: The trans-boundary mining issue is having serious impacts on different socio-economic development indicators of the locals. The adverse impacts of the mining issue on socio-economic indicators are enormous and cover most of the areas of their life and livelihood – income, employment, agriculture, food, drinking water, communication, social security, education, land and what not? In the perceptual survey, the respondents have responded “yes” and “no” on different questions concerning socio-economic problems they have been experiencing since 2008 as the direct results of trans-boundary mining issue (see the Table. 1).

Table. 1: Responses of the Locals on Socio-economic Indicators

	Yes	No
a. Have you compelled to change your occupation?	94.4%	5.6%
b. Has your income decreased?	100%	-
c. Has displacement increased?	88.9%	5.6%
d. Has food production decreased?	96.3%	1.9%
e. Has the crisis of drinking water increased?	100%	-
f. Has the education of children been disrupted?	87%	13%
g. Has communication system been disturbed?	96.3%	-

Table.1 demonstrates multi-dimensional socio-economic negative impacts of the trans-boundary environmental issue that have come into existence in Tahirpur. A further breakdown of the socio-economic impacts reveals the following human rights issues being faced by the locals– a) agriculture and food security, b) livelihood sources and displacement and c) education.

a) Agriculture and Food Security: Perhaps the biggest strike of the trans-boundary issue has been on the agricultural production, food security and safe drinking water as the sand and chemical objects are filling up the agricultural fields and water reservoirs. As Jamal Uddin, 45, the local Union Council Chairman, contends, “We, the residents of Chanpur, Rajai and Rajani Line situated at Uttar Bordol Uttar union are confronting many problems ranging from shortage of food production, water crisis and sanitation to upward trend in poverty.” It is observed that as the level of sand is going up, the quantity of arable land is going down. Due to absence of proper measures to address the problem by the government, even the size of losses that the victims have experienced so far is unknown. Shah Mahfujul Hoque, an agriculturist of Tahirpur upazilla, says, “it cannot be estimated what amount of land has been destroyed. But every year it is increasing.” A report published in the *Dhaka Tribune*, referring to the Sunamganj District Agricultural Extension office, claims that at least 3,000 acres of arable land in different parts of Sunamganj district (mainly in Tahirpur) have been buried under sand over past six years as the sand was spread by the downhill river from India.¹⁰ Andrew Sholomar, a local indigenous leader and one of the contributors of the paper, lost around 20 acres of arable lands due to sand intrusion over the past few years. In the year 2014 alone, Mr. Sholomar lost some 3 acres of land. Thus, once the land, which was used for rice and vegetables cultivation, is now merely a barren, desert-like land. The courtyards, market places, roads, mosques, Border Guard Bangladesh (BGB) camps and school grounds of some villages are in sands.

¹⁰ Abu Bakar Siddique, “Sand Intrusion Damaging Arable Land in Haor Basin” *Dhaka Tribune*, 25 May 2014.

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b) Livelihood Sources and Displacement: Scarcity of livelihood opportunities is another big socio-economic adverse impact as reported by Samrat Mia, member of a local civil society organization. As the agricultural land has turned into a barren, desert-like spaces, most people, who previously were agricultural farmers or laborers, have turned jobless, or at the best collectors of coal from the downhill water. Those who were dependent on fishing have been forced to leave their traditional occupation – they have turned to something other than remaining as fishermen. In fact, as a result of the environmental issue, there is a silent migration going on from the affected villages of Tahirpur. Many people have been forced to migrate – both temporarily as well as on a permanent basis– to Sunamganj city or other big cities like Dhaka and Sylhet in search for livelihood opportunities. The situation is so dire in some indigenous villages that there are one or more members from almost every family in those villages who have migrated to other cities. In addition, there are reportedly a good number of families that have been forced to move to nearby relatively higher parts of the area as their homesteads have been filled with sand. According to the villagers, at least five indigenous families have taken refuge in India over last couple of years.

c) Education: Concerning the situation of education of children, Nazim Uddin, 41, teacher of Chanpur High School, opines that as huge amount of sand and water intrude into the area every year, the classrooms of his school go under sand-mixed water and when the water dries up there remains basically an incredibly high layer of sand in the classrooms. The tables and benches in the

classrooms get affected. In some years, the layer of the sand and rock was nearly half the height of the one storied school building. During that time education was interrupted seriously. Afterwards, renovation work of the school took place – twice over the past four-five years. The renovation was basically to raise the height of the school in order to cope with the silent disaster. Primary schools of the area also continue to encounter similar experience.

7.2 Environment and Biodiversity: The trans-boundary mining issue in Tahirpur itself is a silent ongoing environmental disaster. On top of it, the issue has been causing more environmental hazards in Tahirpur area. As discussed earlier, once the land, which was used for production of rice and vegetables, is now a merely a barren, desert-like land. Due to the sand and chemical objects, trees are dying and new plantation is very difficult as saplings cannot withstand the sand. Alongside, because the downstream water carries sand and other solid objects, a number of water bodies were filled with sand and turned dead. According to local union council Chairman Jamal Uddin, all the nearby *haors* and *beels*¹¹ are under the threat of disappearance. Once a famous *beel* named Pachashul Beel is completely dead now – it is nothing but a field of sand. There is, in fact, a serious impact upon the bio-diversity of whole area. Along with desertification and death of water bodies, the fishes are nearly extinct now. Many wild animals and insects are now extinct too. Locals observe that the number of birds have decreased significantly in the area. A teacher of the Chanpur High School sums up the situation, “trees, bamboos are dying and the whole area is turning into a desert. Even the school area is now desert-like. New plants cannot be planted in the sand-filled areas. The fishes are now all gone.” In fact, the whole area may turn into an uninhabitable desert if urgent and effective steps are not undertaken to address the issue. The trans-boundary issue is in fact not a problem of the frontier villages of Tahirpur alone; it is now spreading out also to the other neighboring *haor* areas. Tanguar Haor, a Ramsar site¹², a famous sanctuary for birds and fishes, is at the vicinity of the areas at risk now. This environmentally critical site too might continue to get affected by the issue if the trans-boundary issue is not addressed urgently.

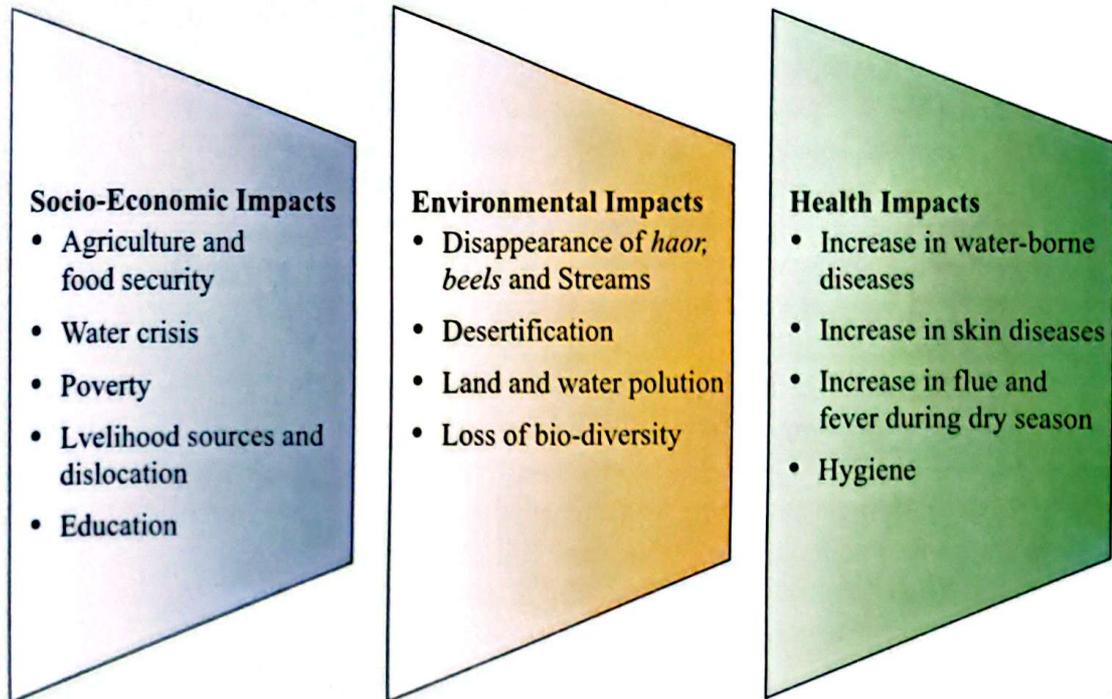
7.3 Health Impacts: It is generally known to all that “dirty” mining like coal mining poses serious threat on public health. Coal mining is associated with waste at every stages of it - from its extraction to consumption. Coal contains toxic chemicals like mercury, lead and arsenic are known to cause harm to the human body different diseases.¹³ The downhill rainwater in Tahirpur being contaminated with coal and other chemical objects too causes different forms of hazards on public health. Local people echo that the skin disease is a common phenomenon among people during the rainy season. They suspect that skin diseases among the people, especially those who collect coal from the water, are permeated because they come in contact with the contaminated rainwater. In addition, as the water spreads all over, there are outbreak of other water-borne diseases like diarrhea and dysentery too. Bilkis Akhter, 33, a female union council member of Rajai area, states that latrines get flooded and create an unhygienic environment in different parts of the area during the rainy season. This deteriorates the situation of hygiene of the area and as a result, at times people face seasonal scarcity of drinking water as well. When the rainy season is over, the sufferings do not end. As large area of Tahirpur is covered with sand now, during the dry seasons, people suffer from flue, children being the prime victims.

11 *Beel* is a lake-like wetland found in different parts of Bangladesh.

12 Convention on Wetlands of International Importance; http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0__ (Sourced 25 July 2015).

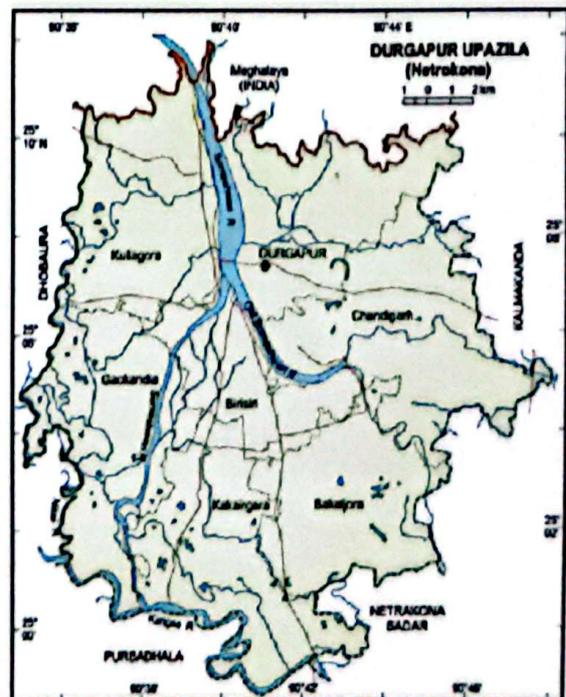
13 International Accountability Project, “The Phulbari Coal Project: A Threat to People, Land, and Human Rights In Bangladesh” <<http://accproject.live.radicaldesigns.org/section.php?id=43>>, no date.

Figure-2: Different Impacts of Trans-Boundary Issue in Tahirpur



8. Extractive Industries and Indigenous Peoples: The Case of Bijoypur

Bijoypur, the land of white (Kaolin) clay, is situated under Durgapur upazilla in Netrokona district. It is geographically situated just next to Tahirpur; however, it is quite a cumbersome job to travel between the places due to the poor communication system between them. Similar to Tahirpur, Bijoypur is also located near Indo-Bangladesh border, on the foothills of Garo Hills of the Indian state of Meghalaya. Durgapur upazilla, where Bijoypur is located, was named after an influential indigenous Garo chief named Durga. This area is famous for many historically important incidents. The famous uprisings including Garo uprising, Hati Kheda uprising, Tangka uprising, Tevaga uprising took place in this upazilla. These historical uprisings were led by indigenous peoples and other subaltern people to protest against oppression and exploitation of the ruling elites. Durgapur covers an area of 293.42 square kilometers. According to the latest population census, the total population of Durgapur is 224,873.¹⁴ This upazilla is home to many indigenous Garo, Hajong, Hodi, Banai and



14 Bangladesh Bureau of Statistics, "Bangladesh Population and Housing Census 2011: Community Report, Netrokona Zilla", 2012.

Barman peoples, whose approximate population remains unknown due to the unavailability of segregated data for indigenous peoples. Traditionally, people in Bijoypur have made their living from agriculture, weaving, fishing and running small businesses.

The reserve of white clay has mostly been discovered at No. 1 Kullagora union under Bijoypur, which is composed of Changora, Khujigora, Gaimara, Bogaura, Arapara and Bipingonj villages. At least 255 indigenous families currently live in these villages, alongside 967 non-indigenous, Bengali, counterparts.¹⁵ This area reserves one of the largest stocks of white clay in the country. The whole area of the mining site covers around 15.5 kilometres in length and 600 meters in width.¹⁶ White clay, the prime material for ceramic products, was first discovered by Geographical Survey of Pakistan in 1957. According to the Mineral Resources Development Bureau, the estimated reserve of white clay then was around 2.57 million tonnes which could serve Bangladesh for many years.¹⁷ During Pakistan period, in 1960, Kohinoor Aluminium Works first started white clay extraction and later BCIC started coal extraction since 1973.¹⁸ Currently, there are nearly a dozen of companies including Fu-Wang Ceramic Company, Tazma Ceramic Company, China-Bangla Ceramic Company, Momenshahi Ceramic Company, RK Ceramic Company and Monno Ceramic Company are reportedly operational in this area. It is however notable that the quality of exposed white clay is not up to the mark. Hence, it is used in the ceramic factories after having mixed with imported high quality white clay.¹⁹



15 Dhiresh Chiran, "Indigenous Peoples Livelihood and Environment are Threatened due to White Clay Extraction", (unpublished article), no date.

16 Wikimapia, "China Matir Pahar (White Clay Hill)", <http://wikimapia.org/10249970/China-Matir-Pahar-White-Clay-Hill-বিরিশিবি>, sourced 15 July 2015.

17 Mosharraf, Adnan, Md. Sazzad Hosain and Md. Fakhru Islam, "Potential of Locally Available Clay as Raw Material for Traditional-Ceramic Manufacturing Industries", *Journal of Chemical Engineering, IEB, Vol. ChE, No. 1, December 2011*.

18 Ibid

19 Banglapedia, "White Clay", http://en.banglapedia.org/index.php?title=White_Clay, sourced 14 July 2015.

It cannot be denied that the white clay mining in Bijoypur has been making positive contributions for the economy of the country for many years. White clay extracted from Bijoypur is used for manufacturing ceramic products for a long time. Its final products are then marketed in the national and international markets. It generates income and serves as a source of livelihood for a number of people in the country - in the mining sites, factories and other stages of the value chain. Pointing out the positive aspects of the white clay mining Md. Mofazzal Haque, 43, current union council member of No. 1 Kullagora union, says, "After discovering the white clay, employment of many people have been created. If the white clay were not discovered in this area, the local people would have to go out of the village in search for work. Now many of the people of this area are engaged with white clay mining and making their livings." It is apparent that some are happy with the economic benefits brought about the white clay mining. Md. Omar Ali, 40, a bicycle mechanic of Bipinganj Bazar also advocates the benefits of white clay mining, "White clay has both positive and negative aspects. To me, the positive aspects are higher than the negatives. It has given work to many people. The companies come over here and select local people to make 'koary' (pits/holes). In each *koary* they need at least 20 or 30 laborers. The labors dig out the clay and then another party (company) comes and buys the clay. Thus, hundreds of local people can make a living."

Yet, as often the case with mining operations, the flipside of white clay mining in Bijoypur has also many dark spots – it does not come without adverse impacts on human rights of local indigenous peoples and Bengalis. The adverse impacts include: 1) violation of government rules, 2) dislocation of people, 3) threat on agricultural production and food security, 4) environment and bio-diversity damage, 5) disruption of communication system and 6) other socio-cultural-economic issues.

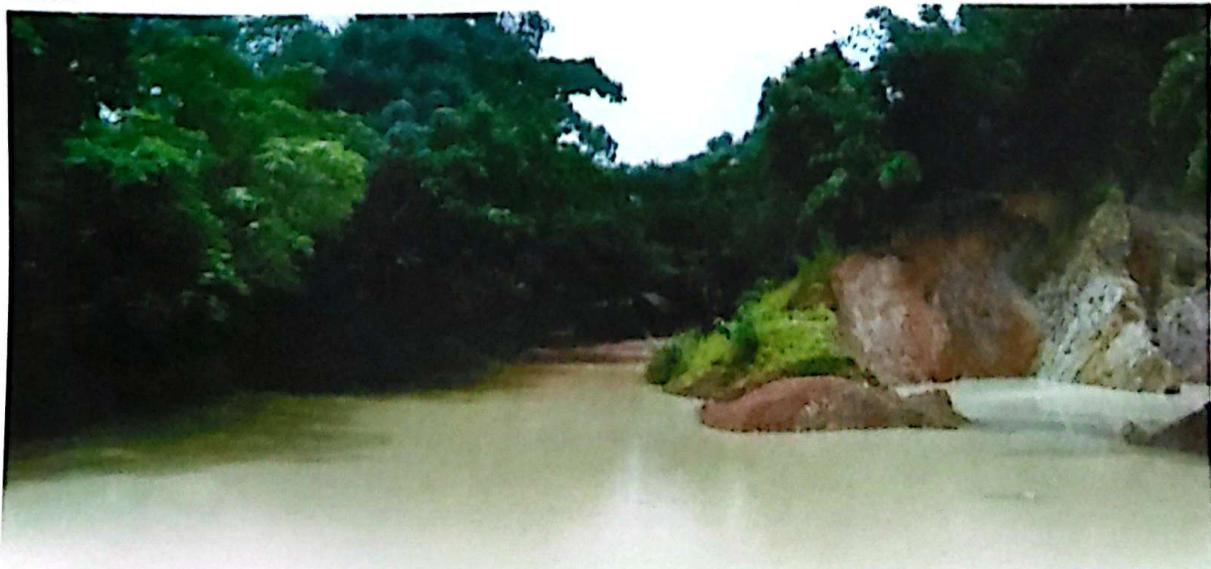
8.1 Violation of Government Rules: Although there are a number of laws and policies related to extractive industries and environment in the country, white clay extraction in Bijoypur being carried out by different companies are apparently not in compliance with such laws. In fact there is very limited monitoring from the end of the Government in regards to the operation of the white clay. Until recently, there was no mechanism in place in regards to monitoring of white clay – only a couple of months back government set up a monitoring checkpoint. Yet, the way the companies operational in Bijoypur don't seem to follow any particular code of conduct for excavation of white clay from the earth. It is a common sight that most of the companies operational in this area are excavating white clay the way they please, without adhering to any specific rules and regulations. The local inhabitants of this area allege that few companies do not even have license – they are more like illegal small traders. Such companies chiefly dig out white clay without proper planning and sell it to other bigger companies. Locals claim that the companies with government license are also not in compliance with the government rules. For instance, when a company gets a permission to extract a certain amount of white clay, it often attempts to dig out more than that stipulated amount. Due to such non-compliance with the rules, government treasury misses out with significant amount of royalty.²⁰

8.2 Dislocation of People: A major impact of white clay mining is on ancestral lands and resulting forceful dislocation of local people. As the companies keep digging out white clay indiscriminately with an unplanned, random fashion, pits of different sizes can be found here and there in Bijoypur. Some of the pits are as big as of the size of a small lake. These pits have compelled locals to leave

20 No Author, "White Clay Extraction at Bijoypur, People's Life at Risk, Daily Observer, 27 August 2014 <<http://www.observerbd.com/2014/08/27/39405.php>>.

their abodes where they lived for generations. In this regard, indigenous peoples are the prime victims. At least 25 indigenous families have been evicted from their homes due to white clay mining over the last couple of years. These families have lost at least 10.28 acres of officially titled land. Some non-indigenous families too have been affected. Some of the victim families have been rehabilitated in *guchchagram* – a cluster village project of the government for rehabilitation of landless people. There are allegations that some indigenous families already migrated to India. Indigenous peoples of Bogaura village are fearful that perhaps one day they would all be compelled to sell their ancestral lands and leave them for good because the companies and business people would dig out white clay from their lands by hook and crook. Joseph Dawa, 65, a retired NGO worker from Changora villager says, “white clay could have been a blessing for the people of this area, but unfortunately, it is not, especially for the indigenous peoples. Many indigenous peoples have been evicted from their lands and the rests are under threat of eviction in future. A kind of social insecurity has increased among indigenous peoples because companies hire laborers from outside of this area and sometimes use them against indigenous peoples if needed. As it is an indigenous inhabited area, they are the ones who are the worst victims.” Pulesh Majhi gives a similar testimony, whose family was evicted from Bipinganj village in 2001 after a company excavated white clay near his homestead. As the company carried on excavation, he and his family members, especially small kids of his family, became fearful of possible accidents in the large pit created by excavation. And at some point his family decided to leave the place. After they left, his brother in law started living there with his family. But some influential persons, commonly known as “collaborators” of a company, have recently started threatening him to leave the place.

8.3 Agricultural Production and Food Security: Alongside homesteads of people, white clay mining has affected agricultural lands too. Once the land, which used for growing rice, vegetables and other plants is now in use for mining. As the mining requires digging pits on earth, a big part of Bijoypur has become virtually impossible to be used for cultivation. Similarly, it became difficult for other plants, wild animals and insects to survive in that land. This scenario has turned into a big threat to the food security of the locals especially for indigenous peoples. Alongside food from agricultural lands, indigenous peoples have been traditionally dependent on other natural sources of food stuff, too. The fish, edible snail, oyster and other wild animals, which they used as food, cannot be found any more due to mining operation. White clay mining also continues to pollute sources of clean drinking water in the area. Now the women have to walk a long way to fetch clean drinking water.



8.4 Environment and Biodiversity: The environment and biodiversity have also seriously deteriorated in Bijoypur due to white clay mining. The companies and related business concerns operational in the mining do not seem to have conducted any environment impact assessment (EIA) and do not show any concerns for environment and biodiversity of the area while implementing their mining operations. As the white clay mining continues, the vegetation of the area continues to be wiped out. Many agricultural fields have been extinct in the area. Places once aplenty of bushes have been completely destroyed. The remnant of lush greenery, which remains with the homestead kitchen gardens, also continues to be ruined. This has happened not only to the flat lands, but also to many hillocks around the area. Biodiversity of the area has been seriously endangered. As mentioned earlier, many medical plants, wild animals and fishes are extinct now. The numbers of birds are continuing to decrease. Furthermore, soil erosion occurring in the area has now reached at an alarming rate, which in turn, is interrupting the normal flow of water bodies. No concerned authority is observed to have taken any proper step to address this environmental issue. Local indigenous peoples are fearful that any possible natural calamities such as earthquake or large-scale flood would cause limitless sufferings to indigenous peoples in the area.

8.5 Communication System: Another serious impact of the white clay mining has been on the communication system of whole area. Many of the roads in the area happened to be unpaved. People are dependent on the traditionally used dirt roads for communication. These dirt roads in the mining area continue to be damaged as heavy vehicles regularly ply along those roads, which are not capable of carrying so much amount of load. Trucks, tractors and other heavy and medium-weight vehicles are commonly used for excavation and transportation of white clay from the mining site to elsewhere in the country. The scenario of communication and transportation is especially worst during the rainy season. Firstly, because the pits created everywhere make the roads full of mud and contain rainwater here and there. Secondly, the dirt roads get wetted and damaged as the heavy vehicles ply on them. As a result, it becomes difficult to commute from one place to another by vehicles. For this reason, currently motorcycle is the only vehicle for transportation that is used by the villagers in the area. This disruption with the communication system has adverse impacts on the life and livelihood of locals.

8.6 Other Socio-cultural-economic Issues: Alongside creation of above-mentioned impacts, the white clay mining in Bijoypur has impacts on other socio-economic-cultural rights. The white clay mining has not only affected the agricultural lands or homesteads, but it has also threatened local schools. Even the places for worship are not left out of the affected areas. As the white clay mining has evicted many indigenous and non-indigenous peoples, their cultures and traditional practices have seriously been affected. Like in other parts of the country and the world at large, indigenous peoples in Bijoypur are also critically connected to the land and nature. As white clay mining continues to devastate the land and nature of the area and dislocate people, indigenous peoples are no more able to practice their land and nature-dependent traditional culture properly.

Furthermore, many of their laborers used by the mining companies are from outside of the area. Their increased presence in the area has given birth to multi-faceted social tensions. Locals confirmed that a sense of insecurity prevails especially among the women and girls as many male laborers, mostly outsiders, work in the mining fields around their homes. They are often hesitant to conduct normal domestic jobs like washing and bathing in the ponds. Also very importantly, it is observed that some local children are being engaged in physical labor at the mining sites. As white clay mining has created some employment, relatively poor families are tempted to send their

children to work in the mining fields, rather than sending them to the school. The women too, at some work in the mining sites as laborers, although they face wage discrimination in comparison to their male counterparts. Many laborers, including the women and children face physical and mental injuries while working at the mining sites. In the worst-case scenario, the accidents and physical damages may end up in death of the workers. Locals alleged that at least 13 persons have been killed in accidents ever since the excavation of white clay started. Ironically, no particular mechanism is observed for redressing for any possible physical or mental damages caused by any accident in the mining sites.

9. Recommendations

It is clear that indigenous peoples as well as the Bengalis, and environment and biodiversity, continue to endure sufferings from the impacts of mining operations in Tahirpur and Bijoypur. Both the cases vary significantly especially, in terms of their nature and geographical locations. While people in Tahirpur, being victims of the impacts of mining operations that is taking place in a foreign territory, the mining operation in Bijoypur, and its impacts are right around the homes of locals. However, both the cases have various common grounds in terms of their impacts. In both the areas, mining operations continue to cause forced displacement, health hazard, increased poverty, damage of agricultural lands, and threat on food security, social security and environmental hazard. This is also true when it comes to intervention in order for addressing the issues. First and foremost is the negligence from the government and other relevant authorities. The local government representatives have attempted very limited interventions in this regard. In addition, concerned government ministries and departments related to mining, environment, forest, agriculture and land have largely remained silent. No effective action to address the issues has been seen from their end. On the other hand, environmentalist groups, rights activists and even locals have not been very successful in raising the issues before the policy makers and general masses. Nevertheless, the sand-coal-chemical intrusion in Tahirpur and sufferings being caused by white clay extraction in Bijoypur do not seem willing to take a break. But rather they continue to deteriorate the situation every year. If the issues in both the places continue to remain unaddressed, one day they may cause massive humanitarian disasters. The government, environmentalists, rights activists, local indigenous and non-indigenous peoples and other relevant stakeholders cannot and should not let it happen. They should come forward with urgent actions to address the issues in Tahirpur and Bijoypur. Following recommendations reflect the thoughts and opinions of the locals to address the issues in Tahirpur and Bijoypur.

a) To the Government of Bangladesh

- Ensure proper compensation and rehabilitation for the victims including the indigenous peoples of Tahirpur and Bijoypur.
- Introduce crops and plants that can grow in the affected areas as a temporary solution to the problems of the affected areas in Tahirpur and Bijoypur.
- Undertake measures to dredge the major rivers, streams and haors in Tahirpur, Sunamganj and other places of the country as necessary for the proper flow of water in order to eradicate flooding in the respective places.
- Prepare and implement a comprehensive master plan in order for creating livelihood opportunities including setting up of sustainable and environment-friendly small and medium enterprises for the victims of the both the places.

- Take initiatives for inter-state dialogues and strengthen relationship between Bangladesh and India to protect the people, environment and biodiversity of both the countries from random extraction of natural resources in India and its devastating impact resulting in flooding over Tahirpur and surrounding areas.
- Respect, protect and promote the traditional land rights of indigenous peoples as it has been enshrined in the international human rights instruments.
- Revise and enforce the existing laws and policies on extractive industries line with relevant international human rights standards.
- Any development plans and implementation of them for Tahirpur, Bijoypur and other places of the country should be based on the free, prior and informed consent of the people who live there. Proper and meaningful participation and engagement of local people should be ensured at all stages of the development project.
- Do not approve any unplanned, unsustainable and disastrous mining projects having negative impacts on people, environment and biodiversity in Bangladesh.

b) To the Companies

- Dismantle all kinds of unplanned, unsustainable and disastrous mining projects having negative impacts upon the people, environment and biodiversity in Bangladesh and neighbouring countries of Bangladesh.
- Any development plans and implementation of those plans for Bijoypur and other places in the country should be based on the free, prior and informed consent of the people who live there. Proper and meaningful participation and engagement of local people should be ensured at all stages of the development project.
- No mining project should be implemented without full and proper social and environmental impact assessment plan conducted by nationally and internationally reputed institutions.

c) To the Civil Society Organizations

- Raise awareness among people and take action in order for addressing the mining impacts in Tahirpur and Bijoypur.
- Increase capacities, knowledge and skills of indigenous and non-indigenous peoples in relation to the extractive industries and their various impacts.
- Monitor, study and report the situation of people in Tahirpur, Bijoypur and other extractive industry-affected areas in the country for the purpose of conducting advocacy for the protection and promotion of human rights of people including indigenous peoples.
- Put special attention to the human rights issues affecting indigenous peoples in relation to all kinds of extractive industries.



Kapaeeng Foundation at a glance

Kapaeeng Foundation as a human rights organisation for Indigenous Peoples in Bangladesh was established on 1 April 2004 with the view to working for promotion and protection of the rights of Indigenous Peoples in the country. The term 'Kapaeeng' is derived from indigenous Khumi language, meaning 'Rights'. Kapaeeng Foundation is duly registered with the Office of the Registrar of Joint Stock Companies and Firms of Commerce Ministry, Government of Peoples' Republic of Bangladesh under the Societies Registration Act XXI of 1860.

Vision:

The vision of Kapaeeng Foundation is to establish a society based on the values of justice, equity and freedom where human rights and fundamental freedoms of Indigenous Peoples are ensured.

Mission :

The mission of Kapaeeng Foundation are, among others, to promote and protect the human rights of the Indigenous Peoples of the country and to conduct advocacy, lobby and campaign programme for the same at local, national, regional and international level; to establish a strong network and partnership with national, regional and international organizations and individuals working on promotion and protection of human rights as well as Indigenous Peoples rights and to raise the capacity of the Indigenous Peoples in promoting and protecting the human rights.