

## Green Verdict Versus Red Plan

**T**HE Founder Secretary General of Bangladesh Environmental Lawyers Association (BELA) while delivering lectures on laws and environment sometimes mentioned the following similarities between law and the people of Bangladesh. "They exist in abundance without ever achieving the purposes for which they were born or made; they are neglected by their creators or procreators for obvious incapacities to nourish or cherish them; both are blamed for social misfortunes without ensuring or providing them the opportunities to develop and hence, both are victims of manipulation and denials."

Reasons for quoting Mohiuddin Farooque is to provide the readers with an idea of the status of existing legal instrument in regulatory framework. If we take a serious search into our legal documents would find the presence of more than 150 laws having direct or indirect bearing upon the preservation of environment including rights of the people. But it is a research were undertaken to reveal how many of them have ever been applied in their true spirit would obviously postulate a frustration scenario of nonenforcement, non-compliance resulting in misuse or abuse undermining the needs for the down-trodden.

Such non-compliance of legal requirements in particular to the construction of embankments for flood protection brought in devastation and posed a serious threat in earning livelihood for many whom were hardly taken into consideration. It is well known fact that a mega project was undertaken, due to consecutive floods in 1987 and 1988, in the year of 1989 to make the country flood free which was popularly known as Flood Action Plan (FAP). The project consists of 26 components of which 11 are main components consisting of regional and project oriented activities, and 15 are supporting studies, (which includes pilot projects). One of the component is called the Compartmentalization Pilot Project (CPP) or FAP-20 which is one of the 15 supporting studies and aimed at experimenting the concept of "compartmentalization" which has never been tasted anywhere on earth, in two areas of the districts of Tangail and Sirajganj with the objective of using the technical and institutional experience of this pilot project for replicating compartments in other FAP components. The hypothesis of "compartmentalization" comes from compartment, which is surrounded by embankments with gated or ungated openings through which the in-and-outflow of the flood water can be controlled. Inside the compartment, a system of channels and khals has the function of transporting the water to the sub compartments constructed within a big compartment.

FAP-20 project is implemented in the district of Tan-

### Ehsanul Habib

gail encompassing 12 unions, 176 villages, 45,252 household (1991 census) and 32 beels encircling the 13,169 hectares of area. The site is at the direct influence of the rivers called Dhaleswari, Lohajang, Elanjani and Pungli off the river Jamuna. While the project was commissioned then local people of the area demonstrated against different components of the project under the contemplation of possible environmental damages likely to adversely affect and uproot about 3 lakhs of people within the project area. The extent of adverse impact outside the project area many encompass more than a million human lives and the natural resources and the natural habitat of man and other flora and fauna. This particular component has been wide criticized and protested for being anti-people and against environment.

Out of total 13,169 hectares of project area only a negligible portion was acquired by the project authority for implementation of the experimental component for testing controlled flooding. Most of the people whose land has acquired were paid compensation though the adequacy of the payment made is questionable. The trend of paying compensation for implementation of development projects has been confined only to persons who owns land and lost it. In addition to such land owners there are other groups of people who also sustain certain types damages that were never seriously dealt with while implementing such so called development projects. In the FAP-20 project area survey reports conducted by different organization particularly in non government sector reveals that the implementation of the project in present fashion caused negative impact upon many events. BELA also conducted such survey depending upon the geophysical aspect of the project area and identified about nine types of damages sustained by local people for which nothing has been paid while requirement to pay such compensation is recognized in the existing legal instruments. Such effected people have been provided with legal assistance in claiming compensation that is legally recoverable from the appropriate public authority.

A writ petition (998 of 1994) has been filed with the High Court Division of the Supreme Court of Bangladesh by BELA challenging the undertaking of the project in violation of provisions of relevant laws wherein demanded fullest payment of compensation to persons who sustained damages other than land, like the fish population in the Lohajang river is being seriously affected by the compartmentalization of waterways, surface water

of the rivers are getting polluted due to the restriction in their flows by erection of embankments and sluice gates at different places, sadness of the soil is threatening various flora and fauna with fear of extinction. People dependent for earning their livelihood on these resources have been compelled to embrace alternate profession consequently we are losing the traditional knowledge and wisdom attached with these professions aiming at sustainable yield and management.

The above mentioned petition was heard by the Division Bench of the High Court and delivered judgment on 28 August 1997 asking the respondents to implement the respondents to implement the project in coherence with legal requirements. The judgment noted, inter alia, "in implementing the project the respondents can not with impunity violate the provisions of law ... We are of the view that the FAP-20 project work should be executed in complying with the ... requirement of the law."

The learned judges directed the respondents for strict compliance of the following in greater public interest: (a) comply with the provisions of the Embankment and Drainage Act, 1952, which stated that ... affected person shall be allowed to claim compensation. The degree of urgency of the Act shall not be an excuse to escape liability; (b) comply with the article 11(1) (c) of Bangladesh Water and Power Development Board Order, 1972 which require the scheme to have proposal by the BWDB for the re-settlement or re-housing of persons likely to be displaced by the execution of the scheme; (c) secure archaeological sites of the Attia Mosque and the Kadim Hamdani Mosque falling within the FAP-20 area from any damage, destruction, alteration, defacement, injury by the FAP-20.

The learned judges stated that "no action can be effective until the upstream flow can be checked and controlled ... and the burden of the load of the flood can not be placed on Bangladesh alone." The court held that "the respondents are allowed to execute the FAP-20 activities subject to the strict compliance with direction made above."

The provisions of laws mentioned by the court for paying compensation to persons suffered other types of injuries were in place since fifties but never applied and this judgment is the first which reminded the responsible public authorities that law requires to make some arrangements for other groups of professional in addition to the land based professionals. It is well known fact that while designing any development project all the expenses associated with the implementation of a project are seriously taken into account. In case of flood protection measures the authorities act in accordance with the provisions of above mentioned laws issues pertaining to payment of compensation to other types of looser or re-housing of displaced due to implementation of a project were hardly addressed in the project documents. This has only happened with the Jamuna Multipurpose Bridge Project, which has been implemented to establish direct communication between the north and south part of the country.

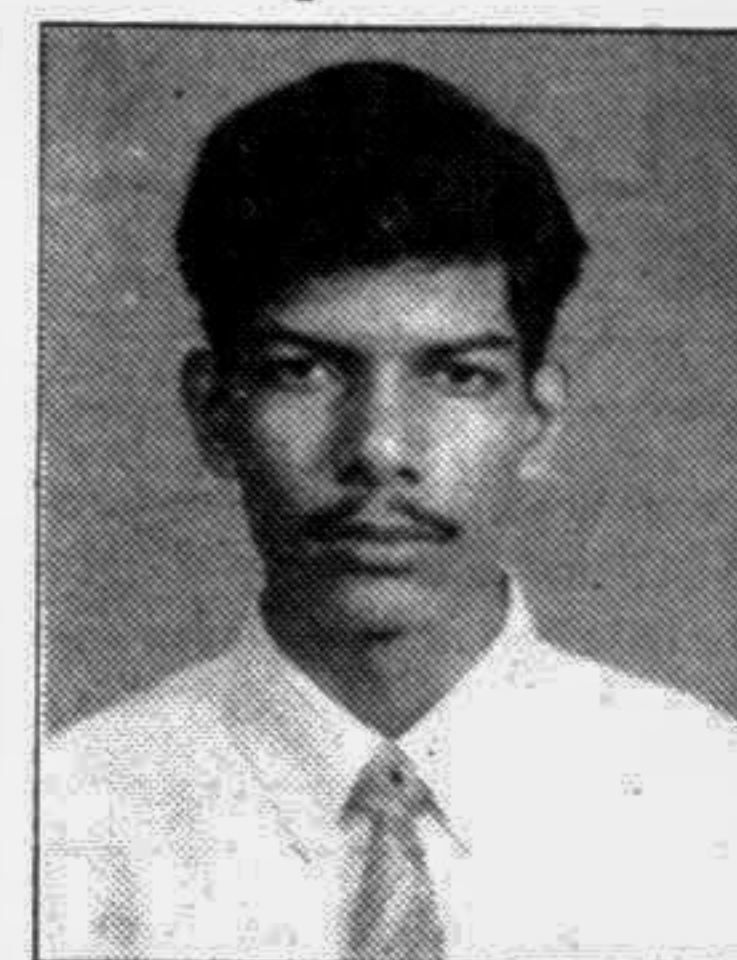
The continuing non-compliance with legal provisions in the governance reminds a saying that non-enforcement of laws makes it non-existent. A research paper would be needed to identify the causes responsible for such ignorance leading to reluctance on the part of implementations injuring the rights of the disadvantaged. This verdict of the court is viewed as a factor in remodeling the continuing practice of non-compliance although this should not be contemplated as immediate, visual and magic touch.

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## Young Professionals Speak Out



**Sizu Nurul Huda**  
Junior CEFE  
Trainer, Center For Human Excellence



**Asif M Tauhid**  
Assistant Manager, Policy Unit  
JOBS Program, USAID

**A**CHILLES, a puissant character from the Greek mythology had to surrender to the hands of death only by the arrow that flailed his heel. But, we are not as strong as the Greek character Achilles. We are only human beings. So, it is quite obvious that we will be fragile and weak in comparison to Achilles. But, we should not just sit down idle, with our hands wrapped up. Rather, we should do efficient and effective hard work to change the outlook of our country.

Bangladesh having a human resource of 120 million (approximately) and situated in South Asia between India and Myanmar is considered as a developing country. The country having such a high population could have established itself as a nation to be proud of. The only reason for this set back is that the country has not produced ample entrepreneurs in comparison to the other developing nation, who will contribute to the development of the economy. So, unanimously it can be said that the economy will develop only if there is sufficient entrepreneurs. The country's economy is now being balanced upon the contribution made by the present entrepreneurs, who once has taken the initiative to be self driven and different. The country can develop the national economy, if these golden resources can be properly trained and utilised. According to the Oxford Advanced Learner's Dictionary, training is termed as the process of preparing somebody for a particular job. Undoubtedly, it can be said that our country is really in need of comprehensive and extensive training. And at this moment, CEFE based training is available in our country, which will help to develop the national economy. CEFE stands for 'Competency based Economy through the Formation of Entrepreneurs'. Actually, the concept of CEFE originated in Nepal but it has been prevailing in Bangladesh since the 80's. It is a training program that is based on four modules, which are focused towards the development of entrepreneurs. The main objective of CEFE is not to teach the participants through lectures, rather it is a structured learning process. They learn the various skills, techniques and concepts through first hand exercises. It is really a misfortune for us that the country has not developed in producing sufficient entrepreneurs through this interesting and exciting training program.

Standing at the brink of the second millennium, we are out of the race of the global economic development. When the world is thinking about tomorrow, we are still living in the past. But, at the same time, it is also seen that some entrepreneurs are trying their level best to adapt new technology and change the attitude of the people. It is also viewed that the relatives of the concerned entrepreneur are showing and providing support to those people who wants to be their own boss. This change in attitude of the people is really praise worthy and I believe that one day we will produce world class entrepreneurs like Henry Ford, Lido laoz...

**F**OR A long period of time entrepreneurship was not encouraged or rather I should say, not accepted as a noble profession in the country. Promising and bright students are expected to go to the universities, complete their masters and then go for job hunting. Political instability caused session jams and in the working places people of early twenties were a rare sight. Things have changed dramatically over past few years and as a young professional belonging to the aforementioned group I strongly am in favor of this change. I believe that after completion of basic studies people should be given chance to join job early and with increasing responsibility.

Young people should also be encouraged to test their entrepreneurial skills, for not only it will give room for new and innovative products, it will also create much needed employment in the country. I would also stress upon the indispensable need of skill development for the entrepreneurs. Unlike the Indian community of South Africa where most people learn the basics of business from their home, entrepreneurial culture is somewhat absent in our culture.

We also need to create professionalism among us. You can not just go into business with just an idea in hand. You need to plan for marketing, forecast sales, arrange finance and do other related works.

My work as SME development analyst primarily consists of advocating and promoting modern and innovative concepts that would aid government and other policy makers to form pro-business policies. I work for JOBS Program, a dynamic USAID initiative workings towards SME development in Bangladesh.

We have planned our intervention in two different ways. First, we are helping individual entrepreneurs by providing them with skill development training (imparted through organizations like CENCE), market linkage development, trade fair etc. and second, we are working towards creating an enabling environment for the creation and expansion of business through implementation of proper institutional policy changes.

In my short experiences I have worked with Bangladesh Government and most other donor agencies and hundreds of entrepreneurs. My request for those who wish to pursue their career in this field is that, one must possess strong command over English, ability to work hard and long hours, ability to write professional reports, make professional presentations and possess good communication skills. One must also adapt with the work place and pick up the pace of work. Conflict often sparks when ideologies collide as ego comes in front of judgement. New and fresh people come with new and fresh ideas. Taking them into consideration helps the organization to make best use of its potentials.

## Networking: How Can Be Beneficial For Career Development?

If opportunity is the heart of entrepreneurship, the arteries and veins of entrepreneurship are composed of social networks. In fact, social networks can help us in different ways for our career development. Different examples can be given in this context.

• Social networks help to identify opportunities.

Our venture can take place because one of our partner's friends is our supplier. She supplies fruitcakes to a 5 star hotel, but she agrees to bake cakes for us.

• Social networks help in assessing opportunities.

We realized that after narrowing the range of possible venture opportunities to one through the entrepreneur-opportunity fit model, we really relied very heavily on the inputs from our classmates and friends in determining whether there was really a market for our products.

• Social networks help in overcoming barriers to entry.

Social contacts and friends are often taken for granted. However, when you really use them they are potential tools for the entrepreneur. Social networks give direct and indirect means to reach one goal. In the profile, the entrepreneur used his social contact to reduce time by cutting government red tape. A few of his business ventures were started through social networks.

• Social networks facilitate market entry and early sales.

In our fruitcake business, sales were made through friends. They helped spread good word of mouth and solicit more sales for our business. The team used their social networks to make their first sale.

• Social networks are the essence of entrepreneurship.

I think that in a most every process of doing our business, one cannot escape having to interact with people and that is when networks become important. This could be seen in the venture of the entrepreneur we profiled. He believed that good relations must be established with suppliers and customers and said that 'Business is all about people'.

From the above example we can see that networking is important in every step of our being a respectable career-holder.

## Meet the Young Entrepreneurs!

**YEP: What does the YEP Forum mean to you?**

**Osama Taseer:** The YEP Forum to me is something new, something enlightened and something which will contribute to the nation building process. The YEP Forum has the potential to be the spokesperson for the young professionals and entrepreneurs. It is the symbol of change, it is a symbol of new Bangladesh based on equity and trust.

**YEP: Is the YEP Forum just another club? Or does it offer more?**

**OT:** No, under no circumstances this is a club; it does not resemble any either. So the question of offering more does not arise. This is essentially a group of young people between the ages of 25-35, who have gathered together to initiate all available tools to make the young heard and integrate them to the nation building process through their professional aptitudes and skills.

**YEP: Why have you joined the YEP Forum?**

**OT:** To be honest, I really did not join the Forum. Basically we have achieved a unity of thoughts and formed the YEP Forum. The idea was actually thought up by MR. Mahfuz Anam, and I had the privilege to hear it at the very beginning. To me, it appeared as an extremely dynamic entity and represented something close to my heart. So did it appear to my other friends present—some of them I knew and others I did not. We started to work on the concept day by day. Eventually we converged to the unity of thoughts and YEP Forum was born. New members are now taken in by invitation.

**YEP: Why should a young professional or entrepreneur be part of the YEP Forum?**

**OT:** Simply speaking, no reason! But, but—if you are a young Bangladeshi entrepreneur or professional with a vision, if you are a person who wants to contribute, you have all the reasons to be part of it. The best part of this Forum is that it is Open Ended, it does not have to revolve around pre-designed agenda only. The members decide the course of action; to be more philosophical, "the sky is the limit". The character of the Forum is essentially formed by the contributing members, this gives everyone a sense of belonging.

**YEP: What are some of the activities of the YEP Forum in the future?**

**OT:** As I said before, the sky is the limit. However, as professionals we would like to set some goals for us. We have been working to bring some unity of thoughts on many pertinent national issues through workshops & seminars. We will continue to do so, till we can force some radical changes. We would like our Leaders & Politicians to face the Young, answer their genuine questions and justify their actions on different issues. The Issue Based Dialogues can really expose the shortcomings of our policymakers. We would like to have a very broad readership of the YEP Talk Page. We would like to have write ups from individuals on issues, to be expressed in clear terms, for the YEP Talk. We are actively seeking partner(s) for setting up of an Information & Skills Development Center (ISDC). The Center will have among other things—career counselling, resume & data bank, workshops, etc. It has also been planned to include information service and training programs in the second phase.

**YEP: Why have you picked ready made garment sector as your area of work?**

**OT:** Well, this is really a difficult question as far as I am concerned. The most logical answer that comes to my mind is that this is a Productive Sector. We are living in a country where any sort of achievements, specially in the industrial sector, is few and far between. The ready-made garment (RMG), is an exception. Nothing succeeds like it. It has the best inputs to be made successful, they are—(a) It does not require huge capital investment, (b) The industry generates a lot of jobs, specially for the women, (c) The sewing trade comes to our women quite naturally. Therefore having natural aptitudes combined with hard work and entrepreneur's acumen, does have the formula for success. It sounds like a sound business proposition, right?

**YEP: As a busy entrepreneur yourself, how do you make time for voluntary activities?**

**OT:** This is a question of time management! But any-

*Osama Taseer is a second generation entrepreneur in the garments/textiles field-the country's highest export-earning sector. He is the coordinator of the YEP Forum. Many who have attended our seminars, conferences and/or read YEP Talk expressed interest in learning about the members of the YEP Forum. In response to the interest, we will be presenting profiles of the members of the YEP Forum each week.*



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guy must be joking!" Jokes apart, in reality, it is almost impossible. We stay busy most of the day trouble shooting, so many variables can go wrong. The operating procedures have to be changed to meet the contingencies. I don't like to sound pessimistic, but a lot of time is wasted which could be utilised constructively otherwise. Coming back to the question, I don't find time. I have to make it. This is certainly coming out of my personal or social life. I am still learning the trade, so I really cannot compromise on my business commitments. The time has to be made at the cost of my personal life.

**YEP: As an young entrepreneur in the RMG sector what future do you think garments hold for Bangladesh? How will people like you fight after 2004, when open market becomes reality?**

**OT:** Yes, we will be fighting. But when we are advocating free economy and open sky policy, we had to face up to it some where along the line. Don't you think? With the phasing out of the Multi Fibre Arrangement (MFA), the Bangladeshi manufacturers will be exposed to the competition in the US market from the giants like China and Korea. To be or not to be—that is the million dollar question! We are exporting to the EU without any Quota cushioning, although China has Quota restrictions in EU, so the Quota Regime can work both ways. So if we can work out modalities with the Developed Countries like GSP (the one we are now enjoying in EU), we can still be there. We have to get prepared. Backward linkage of textiles is an important part to reduce lead time & keep us viable. We have to get into the more technical aspects of fashion & clothing. Till now the best we are doing is developing from sketches, except in a few areas. We need to train, learn & create. We need to understand fashion, trends & designing. The policy level decisions to achieve these have to be made urgently. The government needs to act as the facilitator, to encourage by way of policies and incentives to the genuine makers. The negotiations with importing countries have to be made on partnership basis, with a give and take attitude. We don't want hand outs, give us the option to earn it by hard work and dedication.

It is now established that our products are "salable", then is it not our inaptitude if we are unable to market them. We have to understand the complex business at Importers & Retailers' end, only then can we formulate our strategy. The key words are — "to learn", "understand better" & "be better informed".

**YEP: Is there any driving force in your life? What is that?**

**OT:** Isn't there something in everybody's life! My driving force in life is my passion for excellence. A true entrepreneur walks the unknown territory. S/he has to be bold and take risks. We are still lagging behind, due to the absence of knowledge, information and application. My family, my parents and my wife, all of them are a source of inspiration.

**YEP: What is your future vision of Bangladesh?**

**OT:** Oh, I have so many visions. But to summarize, like any proud Bangladeshi, I also visualize a poverty-free nation. A Bangladesh built on hard work, sacrifice and values. A free nation—in the true form.

**YEP: Is there any thought that you want to leave us with?**

**OT:** Honestly I do. I think it is high time that all the right thinking and enlightened Bangladeshis come forward to arrest this gradual decline in every sphere of OUR life. If we fail to move extremely quickly with a purpose, it might be too late. We owe this to the martyrs of our freedom struggle, we owe this to our future generations. History will not forgive us if we fail to do our part