

FOCUS

EPZ and Labour Rights: Towards a Working Model

by Hasanat Iqbal

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WHAT was the last incident when a Least Developed Country (LDC) was able to defend against any US pressure? It is very hard to remember. She is powerful. After the fall of Soviet Union, check and balance in the world political power has been destroyed. The US becomes the sole power in the world politics. She rules the UN system; she tries to dictate the law of the world. The establishment of WTO has been delayed for the US non-cooperation. Probably, the fall of Soviet Union is one of the most significant events of twentieth century.

US \$ 0.40! Whereas in the US, it is around at least \$5-6 (varies from region to region). Before going for any structure working model, which I will offer here, the decision-maker needs to think some of the issues as follows.

Consumer of the EPZ Production

The consumers of the EPZ products are the US and Western companies. Companies like Nike, Flia, Eddie Bower, Tension are the buyers. Investors come from the Western and leading Asian countries. The beneficiaries of the EPZ establishments are of two types: western beneficiaries and local beneficiaries. The western beneficiaries include all the parties of the developed nations benefited from EPZ. It includes the ultimate consumers, stakeholders of the companies who buy the products of EPZ and the investors. Consumers enjoy competitive price and others draw high investment return. Local parties in return get employment opportunity and reasonable and undisturbed return on investment for those local entrepreneurs who invested in EPZ.

Foreign Buyers and Investors

These foreign buyers and investors invest in and buy from EPZ due to low labour cost, which is US \$ 0.40/hour as I mentioned before. Companies like Nike, Flia, you name it, change their production centres based on the cost of labour. Any increase, for example, as far as the garment industry is concerned, in swing cost will only move the buyers to the other low-cost centres like Vietnam.

Any existence of Labour Union and CBA, (considering that there will be a productive labour union) definitely will demand high wages, more benefits and facilities. In such event, the buyers will move to another under-developed country. Without these buyers, definitely the investors cannot operate in EPZ. Can the US protect these investors? The US law protects the investors. Can the US apply that kind of policy here? The simple answer is 'no.' It is true for the worker too!

However, EPZ provides many incentives to attract foreign investors. Some of the benefits are: Ten years tax holidays; Exemption of income tax; Interest on borrowed capital; Complete exemption from dividend tax for foreign nationals; Duty free import machinery, raw materials, construction materials; Duty free export of goods; Freedom from national import policy restrictions; Exclusion of forming any trade union.

These benefits are guaranteed whereas the guarantee of existing workers rights as laid out in the EPZ regulations are decamped, most of the time they are manipulated by the local management as well as by the investors.

Buyers' Cry for Quality at Lowest Cost! One of the important factors

of these buyers of third world nations' productions is that they are very strict on quality. From economic and marketing point, low cost, high quality and reasonable employee benefits go together in a poor nation! Management needs to sacrifice one, in Bangladesh, the easiest prey is the employee because it is easy to implement.

The characteristics of the above two groups substantially contribute towards the retrogression of working condition and welfare in the developing countries, more precisely in EPZs of Bangladesh.

Worker's Situation

There are extensive rules and regulations governing the relationship between the employers and employees at EPZ. In addition, there are rules and regulations on the benefits and facilities that worker should receive. They are good on paper and conform to any other labour rules and regulations. Moreover, to some extent, they are better. I am not discussing that here in detail since the practice of those laws and regulations suffers from irregularities. Some of them are discussed here to get a complete picture, so that the evolution of a working model can be evaluated.

Minimum Wage: The rule of minimum wage has been violated indirectly. The term 'indirectly' used in the sense

that the workers do not receive the wage commensurate to the transaction value of the US Dollar. Secondly, unofficially workers are recruited at a different wage rate lower than regulated wage.

Workers' Medical Facilities: Workers medical facilities are inappropriate in the sense of proper nursing and caring in general. Cases of improper treatments and lack of attention are there.

Manhandle of the Workers: This is a very common phenomenon at EPZ. This is mainly consisting of verbal abuse and many times, it leads to physical abuse. In most of the cases, this type of abuse comes from supervisor level and foreign technician or managers. Mistreatment is also recognizable in terms of work pressure. Workers, very often, are pushed to work extra hours against their choice. Fear of losing job is the weapon to force them for overtime. Alternatively, they are asked to work extra hour in a fashion as if they were responsible for it. Irregularities in paying overtime are visible.

In most of the cases, female workers suffer. They have very little choice and options. They also suffer from physical and sexual abuse at work place, though reporting and action against such molestation is very rare. Except a few, there are enter-

prises who take credit of providing workers free lunch, ironically, the quality of food and dining environment is not up to the standard. The very common excuse for such milieu is that these workers do not enjoy a better environment at their home!

Child Labour and Discrimination: There are many incidents where the age of labour was misreported to avoid engagement of child labour. There are incidents when child labours are removed from the premise during the inspection. Discrimination of gender and age also exist.

Working Environment: Overall working environment suffer from inadequate ventilation, unhygienic sanitation, improper safety measures in case of fire or any other accidents. Very few companies do a good job regarding worker welfare.

Generalized System of Preferential

It is important to discuss some objectives of the GSP. They are as follows:
To make developing countries aware of the potential for on-going trade expansion schemes and to increase their capabilities to make use of these schemes;
To disseminate information regarding regulations and procedures governing trade under such schemes;

To help preference-receiving countries establish domestic focal points to facilitate and increase utilization of the GSP; and
To provide information on trade-related regulations such as anti-dumping and countervailing duties, customs regulations, import-licensing procedures, and other trade laws regulating market access conditions in preference-giving countries.

However, there is no provision in the GSP that says workers rights must come in the form of trade union. In other words, workers rights can be established without labour union and CBA. It is not reciprocal that to get the privileged access to the US market one has to conform to the US labour standard or the standard they dictate.

While there is concern in the United States among a developing country who is in business with the US violates, certain basic worker rights. However, it "morally obtuse for the United States to impose on poor countries particular requirements relating to worker rights", while not extending these efforts to its own problems in implementing the proposed international standards designed for WTO. There are Organizations, such as OECD and ILO, which deal with different aspects of labour and human rights and privileges worldwide. Nonetheless, these market failures will likely differ between countries; there is no obvious case on welfare grounds for pursuing common standards. Persuasion of such standard in turn suggests that, if a high-income country imposes trade restrictions on labour-intensive imports from a low-income country like Bangladesh, it will be harmful to the economic interests of workers in the low-income country. This trade in return, goes against the spirit of GSP. If there is a hue and cry for universal labour standard, why not the AFL-CIO make universal purchase and minimum cost standards for their own companies who exploit poor nations and take the advantage of the destitute labor structure? Same argument is true for the foreign investors.

Land Right Movement for Poverty Alleviation and Sustainable Development

by Abdul Kader, Sarwar Alam and Sohail Ibne Ali

ACCORDING to the Bangladesh Statistics Bureau, 47.60 per cent of urban population and 44.30 per cent of rural population still live under the poverty line. And about 67 per cent of the poor people in our country are landless. The landless possess no viable means other than land (which they do not possess) of earning a living. That is why, day by day, poverty has been increasing. The land owners have been controlling almost all of the production of the country due to unequal distribution of property and lack of appropriate land reform. According to an unofficial figure, there is a total of 21,37,905 acres of khas land in the country. The land grabbers and terrorists currently occupy most of the khas lands. But, according to the existing government rules and regulations, landless people have the right to own the khas land. However, due to their lack of awareness and information in this regard as well as lack of unity among themselves, they are unable to assert their claim, they could not establish access to the khas land.

money from the poor peasants. Gradually they added to it the forcible cultivation of indigo. Consequently, the misery of the poor knew no bounds and famine occurred. The fire of indigo raged everywhere. The poor peasants lost their land as well as their freedom of cultivation due to permanent settlement. The peasants also lost all their belongings due to additional tax. Consequently, several movements, namely Tevaga Andolon, Tago Andolon and Nanco Andolon were organized. However, the poor peasants still did not get a piece of land. After that, Flood Commission was formed and Bengal Tenancy Act, 1950 formulated. Those who played an active role in the movement still remained deprived. After 1971, finally we got our independence and have already passed twenty-eight years. Still to day, the poor peasants are sacrificing their lives for a piece of land. Different incidents such as the bloody conflicts of Kalgola, Debhata, Ghughudah Beel, Beel Kuraila, Beel Gajna, Baro Beela, Rani Sankail have been occurring.



Samata and other NGOs recently held a seminar on land reform in Pabna: Dr Kazi Faruk Ahmed, ADAB chairperson and president of Proshika is seen addressing the participants.

among them. After that, in 1995 it has become a full-fledged network through incorporation some new members, who were encouraged by the former's success. In 1998, this network got strengthened under the direct supervision and assistance of Dr Kazi Faruk Ahmed of Proshika Manobik Unnayan Kendra. Presently, LAND is working with 44 resource-based local NGOs in seven districts in the northern part of Bangladesh. LAND member bodies are working on the issue of land reform and agriculture development at grassroots level. There is a huge amount of resources in their working areas. To date, LAND has identified approximately 93,640.14 acres of khas land and is still working to identify more. Besides, it has identified 9,941 khas ponds, 15,008 acres of khas water bodies, 8,226 acres of abandoned property, 3,616 acres of river accreted land and a huge amount of government accreted land. In this year, LAND members have submitted 6,773 applications in their respective Thana Khas Land Distribution Committees.

ber (Khatian number) with a recent passport size photograph. Then the authority prepares a priority-based list of landless poor according to Mouza. During this time, NGOs play a vital role to ensure proper listing. According to the khas land distribution policy, Thana khas land distribution committee primarily selects the submitted applications and sends them to the district khas land distribution committee for final approval. District Khas Land Distribution Committee finally approves the applications through a meeting and district commissioners sign it. After that the landless people pay the land revenue. Then, the assistant commissioner of land registers the deed and provides "Kobuleate" to the landless. It is to mention here, that khas lands are distributed as a permanent settlement among the landless for ninety-nine years. After the final approval, settlement officer and surveyor transfer the possession of land to the selected landless poor. NGOs have been acting as a watch dog in all the above mentioned activities.

tion of land. However, the historical 'Tevaga Andolon' has been organized based on this issue. The core demand of the movement that the peasants will get two thirds of the produced crops, has not been implemented. Therefore, the share-croppers have to be properly implemented.

Problems of Agricultural Labour: There are three types of agricultural labour in our country: 1. Adhialy labour, who cultivate the lands for a portion of produced crops, 2. Free land labour, who work for money and 3. Annual contract basis labour. Besides, there are 'day food contract basis labour' and 'advance labour purchase basis labour'. The life of 'annual contract basis labors' is pathetic. During the time of their illness, landowners send them away and never pay them for the time of their illness. They have no festival bonus, no payment for over time work. Besides, they have no fixed hours and no fixed wage for work. One of the main slogan of 'Tevaga Andolon' was "no difference among labours, we demand two and a half taka as wage". However, the position of the agricultural labour did not change. Therefore, it is needed to re-fix the wages and fix the working hours through amending the existing laws.

Day by day, landlessness in the country is increasing. According to the agriculture census of 1996, 57.5 per cent of our total population is still poor, which was only 34 per cent in 1972. Presently, landless people constitute the largest minority in our country. That is why Samata argues that the landless are the largest minority in Bangladesh. Therefore, Samata endeavours to establish the access of the deprived and agriculture related landless poor to public resources. A piece of land can create the necessary capital to use their skills and virtually reduce their poverty. If it does not happen, this group will continue to increase in number and one day it will be a dangerous situation, when no one can escape from it. Therefore, it is necessary to take combined efforts to avert this.

Historical Importance of Land: A piece of land can provide assurance of livelihood to a family, can relieve them from hunger and assure one's rights of living in the society with honour. Above all, land can empower them. Land has been playing a significant and active role in social, economic as well as political freedom of man. Consequently, the ownership of land has been the dream of man for a long time.

Towards the end of the Mughal empire, the East India Company started to extort

Land Reforms at Different Times: Land reforms have occurred several times in this Indian sub-continent. Alauddin Khilji, Sher Shah Suri and King Todarmol during the regime of Emperor Akbar, have carried out land reforms to increase their revenue and tax. The reforms of Flood Commission were to stop the instant reactions of the landless peasants. Pursuant to the recommendation of this commission, Zamindari was abolished and Bengal Tenancy Act 1950 formulated. The land ceiling was fixed at 100 bigha. However, the landless poor did not get anything. After independence, Bangabandhu Sheikh Mujibur Rahman remitted the agricultural tax and re-fixed the land ceiling at 100 bigha instead of 375 bigha, which earlier was fixed by the government of General Ayub Khan. Mujib has also started the process of khas land distribution among the landless poor, which suddenly stopped due to his unexpected, unnatural and pathetic death. In 1983, the government formed 'Land Reform Board' with some land specialists from different levels. According to the recommendations of this commission, in 1984, the government proclaimed 'Land Reform Ordinance, 1984' fixing land ceiling of 60 bigha, fixing of agricultural wage etc. In 1987, government proclaimed 'Khas Land Distribution Policy' and dis-

tributed some khas land among the landless poor. However, side by side other issues such as land management, ceiling of surplus land, administrative reform etc. remained unaddressed. Consequently, the long cherished dream of the landless poor peasant and agricultural labour did not come true.


Public Opinion about Land Reforms: A recently published report of a survey conducted by Bangladesh Institute of Development Studies, shows that 87 per cent of our total population is in favour of land reform. The noted and well-known intellectuals of our country have always expressed their opinion in different media in favour of land reform. In this regard, Mr. Rahman Sobhan said, "The land reform is not a new word in development literature but this agenda has been removed from the country. Poor people's empowerment, participation, poverty alleviation do not happen without land reform." Nobel laureate Dr Amartya Sen has also expressed his opinion in favour of land reform. A large number of noted journalists, intellectuals, economists, development activists, present and former patriot-government officials, progressive political activists and leaders also share Mr. Sen's opinion.

Role of LAND as a Pressure Group: Appropriate and constructive land reform is needed to ensure the sustainable development of the country. However, it is a very difficult and complicated process which cannot be undertaken alone. The positive willingness of the government along with public demand at grassroots level is needed. Again, for creating public awareness and demand, strong pro-people organisation is needed. Therefore, in 1985 three local NGOs in Pabna namely Samata, Banche Chai and Dulai Janakalyan Sangstha formed a local network to strengthen the land right movement and create a strong unity and solidarity

Reasons behind illegal occupation of land: Presently, most of the khas lands in Bangladesh are illegally occupied by the terrorists and land grabbers. Consequently, the landless poor are deprived of their legal rights. In our country, terrorists and land grabbers are illegally occupying the khas lands in three ways. These are:

1. Through creating false record/deed of land ownership, tampering with the land ownership related papers, overwriting the certificate of land (Parcha) and taking possession of land with assistance of Lathials and Mastans.
 2. Through proclamation of one sided/two sided decree in contact with government lawyers.
 3. Posing as a landless to qualify for Khas lands in collaboration with corrupt administrative officials.
 4. Through making false records by using influence and false documents.
- Possible Solutions: The Possible solutions to the problem of illegal occupation of land may be:
1. Proper investigation should be carried out and reports published. Exemplary punishments should be meted out to the criminals.
 2. Each man should have only one certificate of land (Khatian) for all his landed property in the country. The nobody will dare to occupy khas land through pretension.
 3. Under the existing rules any regulations of the country, and one can submit and conduct cases in favor of the landless. Therefore, it is possible to protect all the irregularities regarding land issue through creating strong pressure group.
 4. Participation of civil society in survey works should be ensured to create mass awareness.

Process of Khas Land Distribution: As said earlier, most of the khas lands in our country are being illegally occupied for



বাংলাদেশ উন্মুক্ত বিশ্ববিদ্যালয়

Bangladesh Open University

Tender Notice

Tender No: BOU/E&C/2000(Civil)-01 January 02, 2000

01. Sealed tenders are hereby invited by the Project Director, "Further Development of BOU Project" in the 5th five year plan, Government of Bangladesh from the pre-qualified firms for construction of BOU Complex, Gazipur. It may be noted here that none should apply against whom there is any complain and those who have not satisfactory record of completion of works in the last five years.

Tender No.	Name of the work	Estimated cost (in Tk)	Time for completion
01.	Construction of Residential Building for the Staff of BOU, Type-A.	1,15,81,686/-	09 (nine) months
02.	Construction of Residential Building for the Staff of BOU, Type-B.	81,71,993/-	09 (nine) months
03.	Construction of Residential Building for the Staff of BOU, Type-C.	92,51,690/-	09 (nine) months

02. A complete set of bidding documents for the works may be purchased by interested pre-qualified bidders from the following addresses on submission of a written application addressing Project Director/Director (P&D), BOU along with the copies of performance of last five year, from relevant authority, Bank Solvency Certificate, Income Tax & VAT payment certificate and upon payment of a non-refundable cost of Tk 2000/- (Taka two thousand) only for each set of bidding document during office hours from January 24, 2000 to January 31, 2000 from the Office of the University Engineer, BOU Complex, Board Bazar, Gazipur-1704.

03. Tenders must accompany an Earnest Money/Bid Security amounting to 2.5% of the quoted amount or estimated amount whichever is higher in the form of Bank Draft/Pay Order from any scheduled bank of Bangladesh in favour of "Vice Chancellor, BOU, Gazipur."

04. Bidders must visit the site before submission of bids.

05. All the pages of the tender documents must be signed by the bidders.

06. Tenders will be received in the tender boxes kept at the following offices at the following addresses until 12:00 Noon, on February 03, 2000. Bids will be opened on the same day at 12:15 PM thereafter in the presence of bidders/bidders representatives, if any.

(i) City Office, BOU Dhaka Regional Resource Centre bldg adjacent to Govt Lab School	(ii) Office of the University Engineer, BOU Complex, Board Bazar, Gazipur-1704.
(iii) Additional Divisional Commissioner Room No. 303, 2nd floor of 1st 12-storied Govt. bldg, Segunbagicha, Dhaka-1000.	

07. The works are to be completed within 09 (nine) months and the maintenance period for the works are 12 (twelve) months.

08. The BOU will not be liable for any cost or expenses incurred by bidder in connection of preparation of tender bids.

09. Interested bidder may inspect the concerned drawings in the office of the University Engineer during office hours.

10. The authority reserves the right to accept/reject any or all the tenders without assigning any reason thereof.

University Engineer
for Project Director

GD-27