



WATER POLICY AND PUBLIC RIGHTS

The Daily Star, Nijera Kori and ICCO Cooperation jointly organised an online discussion titled “Water Policy and Public Rights” on October 27, 2020. Here we publish a summary of the discussion.



TANJIM FERDOUS
National Consultant,
United Nations in
Bangladesh and
Moderator of the
session

The rural population in our country have been facing various issues in regards to the accessibility of water. Our discussion today will bring attention to these issues related to the management of the water bodies in the rural areas and its effects on our marginalised population.



KHUSHI KABIR
Coordinator, Nijera
Kori

Water is an essential resource for every living being. Bangladeshi culture is also highly interspersed around water with most of our famous songs and poems being written about them.

In the past, ponds played a huge role in rural life and every house in a village had an attached pond. The presence of these ponds was a necessity but along with that, they also had a social role to play. The purpose of these ponds ranged from being a supply of fresh water for a household to fish farming. Overall, our rural society had a working system for supplying themselves with water. This system was disrupted as we started to implement development projects without considering their effects on the marginalised population. The ponds that used to supply drinking water began to be used for fish farming which forced the women to walk long distances to fetch drinking water.

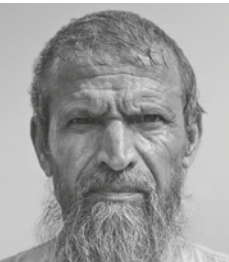
Accessibility is another issue that is affecting our rural population. All policies should be made keeping the needs of the people in mind. In 2010, the United Nations officially accepted the right to safe drinking water as a basic human right. We must divert our focus from individual economic development and consider the development of the population as a whole to ensure that no one is left behind.

The aspects of governance and accountability need more focus. Privatisation of water will not help the people but will instead cause more suffering, and damage the environment. The balance in our environment has been lost mainly due to privatisation. We need to reiterate clearly that having access to water is a basic right.



MD AZIZAR RAHMAN
Pirganj, Rangpur

The environment of Bannir beel is good for people’s health. No matter how hard a person works, they can come here afterwards and breathe in the fresh air to feel refreshed. Nobody wishes to leave this place. We have big dreams for this place, which is why we are working tirelessly on many initiatives for the area. If the canal in this area was flowing, then thousands of tonnes of paddy could have been cultivated. We have fish in excess here; even fishermen from neighbouring villages come to catch fish from this beel.



ASHRAF ALI
Pirganj, Rangpur

A canal nearby was closed down recently. This has caused us quite a lot of damage. Some of us formed groups and then issued a statement against this. The canal being shut down has led to the water flow in this beel being disrupted. The crops of at least 1,521 acres of land have been destroyed. We appealed to the government to get the papers for the land. Officials assured us they would fix the issues soon, but nothing has been done yet. The honourable MP did not do anything either. Since we are

landless and only have this beel for water, people do not care about us.



SUMITRA RANI
Saghata, Gaibandha

Beel Bosta is a large beel. It has nine sections. The influential people take possession of the Jalmahal (open water bodies). The fishermen are left helpless. The fishermen are living in a dire situation. Our children are not receiving education, there is a shortage of food, and there is no proper healthcare. My demand to the government is that the Jalmahal be given to the fishermen and their families.



RAHMAT ALI
Raiganj, Sirajganj

Illegal occupation of water bodies is a major concern. The community in Raiganj is dependent on the Sonadanga Beel for their livelihoods but illegal occupants of this Beel are constantly terrorising us. When our beel was grabbed, we went to government offices and found out that 85 bighas of the beel were government khas land. The grabbers had made fake papers to occupy the land. Nijera Kori has helped us immensely in our legal fight to win back this water body.



AYESHA BEGUM
Dumuria, Khulna

The Bhadra River is connected with about 22 villages and the people in these villages use the river for fish farming. Some influential people got a lease of this river and started polluting it by constructing a dam. We grew up catching fish and picking water lilies and vegetables out of the river, but the water smells too foul for any of that now. We have protested many times and demanded action from the government, but instead, we were charged with lawsuits.



SYEDA RIZWANA HASAN
Director, BELA

“Water Policy and Public Rights” constitutes access to safe water for the public and it is a collective right. The Sustainable Development Goal (SDG) 6 states that we must ensure the availability and sustainable management of water and sanitation for all. We are aware that the UN has two covenants. The articles 11 and 12 of the International Covenant on Economic, Social, and Cultural Rights cover the right to an adequate standard of living and the right to the highest attainable standard of physical and mental health. In 2002, the UN recognised that the right to water itself is an independent right since it is one of the most fundamental conditions for survival. In Costa Rica, the Constitutional Chamber of the Supreme Court declared a constitutional right to drinking water, building on the right to health, life, a clean environment, food, and decent living conditions. The article 27 of the South African Constitution states that “Everyone has the right to have access to sufficient food and water.” In accordance with resolution 64/292, the United Nations General Assembly explicitly recognises the human right to water and sanitation and acknowledges that clean drinking water and sanitation are essential to the realisation of all human rights.

Bangladesh is a land of rivers. It is situated at the confluence of the three major rivers, Ganges, Brahmaputra, and Meghna. Together these rivers cover an area

of 14.4 million hectares. About 25 percent of the water required for irrigation comes from rivers, canals, and other reservoirs. 16.2 million farmers depend on wetlands and 12.68 percent of our GDP comes from agriculture. For the people of Bangladesh, proper access to river water is crucial for their survival because fish provides 60 percent of the animal protein intake in Bangladesh. According to article 18(A) of our constitution, the state shall endeavour to protect and improve the environment and to preserve and safeguard the natural resources, biodiversity, wetlands, forests, and wildlife for the present and future citizens. On the other hand, article 14 covers the protection of our workers and article 16 covers rural development related issues. The provisions of our basic necessities are discussed in article 15.

At first glance, it may seem that the people of Bangladesh have no shortage of water. The per capita availability of water in our country is 7,568 cubic metres which is much higher in comparison to our neighbouring countries. But, the problem lies in the fact that not every citizen has equal access to this resource.

The National Water Policy (NWP), 1999 addresses some of the crucial challenges faced in relation to water management. Some of the topics covered by this policy include accessibility of water, users’ responsibility, siltation and erosion, deterioration of water quality, decentralisation, and privatisation. Apart from the NWP, we have various other policies for water management. These include National Shrimp Policy, 2014; National Policy for Safe Water Supply and Sanitation, 1998; National Water Management Plan, 2001; and so on. According to the policies, water management must be decentralised. But, in reality there is no decentralisation. There is also no representation of women in the committees.

Four villages under Chattogram’s Potia Upazila are running dry as groundwater is becoming depleted due to extraction by eight intensive industries. These industries include bottled water industries, food processing industries, textile industries, and many others. 350 tube wells set up by the Department of Public Health Engineering (DPHE) had no water. Four canals have been polluted by these industries, most of which do not have an Effluent Treatment

we are also indifferent towards marine fisheries.

So far, no initiative has been taken to strengthen our institutions and the UN Convention has still not been signed. The sustainability of our development projects has been grossly undermined because of all the things we have left incomplete.

The government has still not been able to resolve waterlogging issues despite the public informing them of potential solutions. Every three years, Bhabadaha suffers from severe waterlogging. Bhabadaha’s example shows how appalling the state of Bangladesh’s water management is. This dire state leaves the commitment to public rights unfulfilled and is grossly inadequate.



TANZIMUDDIN KHAN
Professor, Department
of International
Relations, Faculty
of Social Sciences,
Dhaka University

There is no shortage of laws for the management of water resources in the country. The main issue lies in governance. There have been major shifts in water resource management after the NWP was enacted since it included the factor of governance issues. It must be recognised that the state is the custodian of the general public, and the people have a right to water as a resource. We have to rely on different water sources and a freshwater ecosystem, to ensure access to water. Clear policies are required on what the role of the government is in this regard. Water governance is not separate from state governance. If the state is undemocratic and tries to escape accountability, it cannot protect the rights of its people. The existing laws will only be implemented when the state recognises the general people as a part of them. Therefore, the state requires structural change. The only way to ensure access to water for all is for the state to recognise the rights of the underprivileged and poverty-stricken population. Positive discrimination is necessary for those who are not empowered.

The UN Convention on watercourses of 1997 is essential to us since we are a lower

RECOMMENDATIONS

- » Recognise access to water as a constitutional right
- » Decentralise the water management system
- » Create a proper governance and accountability mechanism for water management
- » Ensure participation of women and other marginalised groups in water management
- » Stop privatisation of water
- » Discourage distribution and use of bottled water
- » Regulate the leasing policies of water bodies by law
- » Ratify the UN Convention on International Watercourse 1997

Plant (ETP). A case was filed for this under the Water Act, 2013, but despite repeated orders, the government failed to provide information regarding the status of groundwater.

Despite multiple policies and laws, our water bodies are still consistently getting polluted and the citizens are forced to utilise the dirty water for their daily needs. 17 percent of agricultural land has been allocated for saltwater shrimp farming without any environmental impact studies being conducted.

We have a constitutional basis to acknowledge the right to water as a public right. Our present legal and policy recognition in favour of water is quite limited. Furthermore, the entire water management system is highly centralised consisting of negligible female representation. As a result, this management system cannot be considered pro-people. We also lack various legal and policy-related safeguards that could eliminate the possible barriers to accessibility. We are often faced with accessibility issues that arise due to unavailability, depletion, pollution, and contamination of water; and this access is inequitable. Compliance with standards is never monitored.

Leasing policies in Bangladesh are not regulated by law and this creates a huge gap since policies are not enforceable. We do not have any criteria for objective Environmental Impact Assessments (EIA) or Social Impact Assessments (SIA). Moreover,

riparian state. Yet, our country has still not ratified this convention. Since we are a lower riparian country, we have to rely on neighbouring countries for access to water. The state must ensure that we receive a steady flow of water from the neighbouring countries, and this should also be included in policies.

A major limitation of integrated water management system is that we do not take into account the fact that groundwater, surface water, or rainwater management are all different. The context of various spatial features is not considered when planning for integrated water management. Categorisation should be done during planning.

In the manufacturing process of bottled water, three litres of water are required to produce a one-litre bottle. Therefore, the distribution and use of bottled water should not be encouraged.

Rivers should be given due importance when it comes to water resource management. There is a 2016 High Court ruling which recognises rivers as living beings. This recognition should be reflected in water policies. There has been a trend of privatisation of water in Bangladesh. Many different countries, such as Indonesia, the Philippines, and Bolivia, have been trying to do the same since the mid-1990s. All of these countries failed to privatise water and ultimately bestowed the responsibility of water management upon the government. Bangladesh must learn from their experiences.



MANISUL ISLAM
Director, Center for
Natural Resource
Studies (CNRS)

Water can be viewed in various ways - water for Disaster Risk Reduction (DRR), water for ecosystems and so on. We have been working to establish a law for wetland sanctuaries, but to no avail. However, the government has announced some sanctuaries through a standing order, which is a step in the right direction.

There is an issue with freshwater in the periphery of the Sundarbans where some canals and rivers are leased. These can be freed from the lessees through the collective efforts of the local government and people.

Bangladesh Water Development Board (BWDB) has taken up many renovation projects and has been constructing new dams. Coastal Embankment Improvement Project Phase 1 (CEIP-1) is a project they have been working on with the support of the World Bank. This project is focused on creating polders and improving irrigation & drainage systems. The aspect of participation from the general public through water management groups and association is included in this project. The recommendations from the public will be used to improve the irrigation & drainage systems. Unfortunately, the involvement of the public was initiated 2.5 years after the project began. In the meantime, all the necessary structures have already been made. Therefore, there was no input from the local people when creating these structures. If we look at the macro plan, there is scope for many micro-level plans such as mitigation of waterlogging, expanding agricultural land, increasing cropping intensity and many more. However, these plans are no longer been accepted since the structures have already been established. This means there are flaws in the process and in the policies as well. These loopholes are being misused during implementation. A proper governance and accountability instrument would be helpful in this regard.

The Government Jalmahal Management Policy, 2009 does not have a proper definition for fisher. It stated that whoever owned fishnets was a fisher. However, during the monsoon, 90 percent of families in rural setting have fishnets. They cannot all be fisher. The second issue with policy is that, even though we are trying to give fisher the responsibility for Jalmahal management, the process is not inclusive. Poor fisher cannot afford the eight to 12 lakh taka of leasing money that is required. There are also yearly management costs of around 50 to 80 lakh taka. These payments have to be made up front. This is not at all feasible for fish farmers in Bangladesh.



SHAMSUL HUDA
Executive Director,
Association of
Land Reform and
Development (ALRD)

Access to water is a fundamental human right. Many countries have recognised it as a constitutional right, but Bangladesh has yet to do so. We have extensive water policies and but their implementation is very poor. A basic reason for this is that the policies are created by government officials and there is a culture of prejudice. We require an all-encompassing water policy that takes into account the diversity in our water bodies. Specific policies are also necessary for particular regions based on the unique features of their water bodies. Every policy should include a safety clause as well. We should create a database consisting of information regarding specific regions and their water bodies along with an account of the number of livelihoods dependent on those water bodies. Every process should be transparent and have scope for accountability.

Most of our water bodies come from external sources and we are not properly receiving water from these sources due to certain discrepancies. We cannot expect to establish our rights on these water sources until we start to fix our own management system and put an end to the misuse of water.