

Chinese mega projects in Bangladesh



By Audrey Poluakan, Jeremy Samuel, Lucas Mitidieri, Namya Mathur and Rossella Vulcano.

20th August 2021
The Hague, Netherlands

Abstract

This research aims to investigate the current human rights violations incurred in the projects financed by the Chinese government in Bangladesh. A content analysis will describe the Chinese economic project, the Silk Road, and the Bangladeshi economic context. After defining the economic setting of the two countries, and the economic advantages that the project implementation can bring to the developing country of Bangladesh, the study shifts its focus on to the human rights violations occurring presently within the scope of the Chinese plan. Specifically, the research looks over the issues of workers' rights, freedom of speech, and environmental policies that such projects will bring. In the end, the research offers a cohesive analysis of human rights violations, in order to provide recommendations and an informed claim for their protection and promotion.

Introduction

After Bangladesh's independence, a special linkage of economic strategies between China and Bangladesh began to form. According to Feng (2020), the complementarity of both economies is the fertile soil in building a bilateral economic relationship that benefits both countries. The following chapter briefly defines the main advantages that such bilateral cooperation may bring to both countries on an economic level. Secondly, it highlights the disadvantages found in the human rights violations in the projects' implementation.

Chapter 1

Introduction to Bangladeshi and Chinese economic projects

The progressive implementation of telecommunications and transportation projects saw the rise of the Padma Bridge Rail project, the Dasherbandi water treatment plant, the construction of new pipelines networks, and IT sector investments. According to the former Economic Relations Division, Bangladesh signed a Memorandum of Understanding (MoU) worth \$20 billion based on the implementation of 27 different projects in 2016 (Kabir, 2021). Furthermore, the Sino-Bangladeshi relation involves military agreements that establish mutual defense response and trade agreements that ease imports and exports regulations between both nations (Ramachandran, 2019).

After the refusal of Western countries to finance the infrastructural growth in Bangladesh, the Bangladeshi government found the financial support provided by China essential for its economic aspirations (Ramachandran, 2019).

According to the economic project "Vision 2041", the Bangladeshi administration envisions turning Bangladesh into a middle-income country through foreign trade, building infrastructure, and new investments (Ramachandran, 2019). For this reason, to make its offer attractive, China decided to finance specific projects to build infrastructure important to Dhaka. At the same time, China would benefit from the new Bangladeshi market, where Chinese exports are booming

(Ramachandran, 2019).

Notwithstanding, China's main target is the progressive incrementation of the BRI (The Belt and Road Initiative). The BRI project is the Chinese initiative to develop international infrastructure that involves Asia and South Asia, in order to ease and accelerate trade and increase global connectivity. By developing such an infrastructure, China has been able to promote regional cooperation and sustainable growth as well as consolidate its rising role among the biggest traders in the world (Belt, 2018, p.16).

However, the implementation of the mega project is double-edged. On the one hand, such foreign investment can guarantee significant economic growth on the national level, and a consequent increase in living standards and international significance. On the other hand, it is failing to respect human rights by creating long-lasting consequences for people and the environment (OHCHR, 2019). Indeed, the coal plant and infrastructure implementations are causing widespread displacement of highly populated rural areas by endangering their ecosystem and resources such as water and air pollution (Burton, 2016). As a result, inhabitants of the impacted areas gathered in protests to stop the land seizing.

Furthermore, the increase in the building of coal plants is failing to respect workers' rights. According to The Daily Star (2021), in April, a group of workers of the SS Power Plant gathered in Chattogram to peacefully protest for higher wages and reduced working hours. Police authorities intervened to quell the protest through violent means. The Bangladeshi press recorded five deaths and a dozen injured people in the clash (The Daily Star, 2021).

For these reasons, this research aims to highlight the human rights violations perpetrated thus far and to offer informed recommendations to solve the problems aforementioned. Additionally, this research aims to be a witness which addresses the international audience and calls the international authorities to their obligations.

Chapter 2

Violation of Workers Rights & Legal Analysis of Workers rights

Mistreatment of workers is one of the main concerns regarding working conditions in the construction process of a coal-fired power plant as part of the Chinese Megaproject. The purpose of this chapter is to further discuss the background and the arguments of workers' rights violations during the project implementation.

In April 2021, five workers of the construction project were killed, while more than 21 others were injured in a conflict with Gandamara union police under Banskhali, an administrative region of the Chittagong District. The police allegedly opened fire at the workers of the S Alam group during a legitimate demonstration for their overdue allowances (The Daily Star, 2021). This is not the first time that demonstrators were shot during protests over a construction project. In 2016, locals carried out a great protest upon a deal that the Bangladeshi government set for a 1,224MW construction plant due to their fear of the livelihood of 30,000 people being put at risk. The police opened fire during the protest, resulting in 4 deaths and 30 injuries (Tribune Desk, 2021). Also noteworthy, the incident of Rana Plaza in 2013, which caught the world's attention within sight of poor labor conditions, worker's safety, and the absence of proper working conditions for garment workers (International Labour Organization, 2017).

According to the UN Global Compact Strategy (2021), organizations are responsible for upholding their standards in improving the quality of their working conditions - ethical and decent manifestations of this include security in the workplace, social integration, and social protection. Equal rights and treatment, including the freedom to voice workplace issues, are the matters that businesses need to pay attention to. Inadequate ability to comply with the aforementioned responsibilities is commonly related to discrimination and poverty. Particular groups of workers such as women, handicapped workers, and youths are prone to facing workplace discrimination that leads to abuse (UN Global Company Strategy, 2021).

Rana Plaza 2013 has put Bangladesh in the spotlight in terms of the country's working conditions and labor rights. In July 2013, after comprehensive criticism following the incident, Bangladesh improved its labor laws. Brad Adams¹ (Human Rights Watch, 2014) believes that the formation of trade unions to oversee and protect workers' rights would be the best way to prevent future Rana Plaza-related calamities. Five years after the incident, when all the raging news about the accident had started to subside, labour advocates concluded that Bangladesh had made almost no progress on the Sustainability Compact commitments. For example, there was a violation of freedom of association for trade unions after wage-related demonstrations in 2016. All over the country, trade unionists were abused (Vanpeperstraete, 2018).

The government of Bangladesh has not built proper systems of protection concerning workers' rights, especially in bringing the freedom of association and expression to light. Workers in Bangladesh encounter dangerous and unsafe working conditions with minimum wages in their daily work. USAID (Law Teacher, 2013) states that the private sectors tend to overlook labor rights. Bangladesh has a set of clear labor laws written in the 2006 Labor Act. The Bangladeshi labour law encompasses a number of important points in relation to labor, including the rights and protection of workers. Yet, despite the array of laws passed by the government, there is a serious lack of enforcement. Law Teacher (2013) argued that the ignorance of workers and lack of government awareness are the central reasons why labor laws are not properly enforced. Because of this, it is not uncommon that the legal authority neglects illegal practices such as discrimination, low wages, and an unhealthy work environment.

Even though Bangladeshi law contemplates labour rights, these laws are not properly enforced. Following the country's ambition to advance as a developed country, the government and all its supporting parties need to recognize the importance of the law for workers in Bangladesh, in order to raise a difference and make the situation genuinely.

Chapter 3

Environmental Damage from Project Implementation & Legal Analysis for Environmental Sustainability Standards

One of the most pressing issues of the twenty-first century is balancing the expansion of energy consumption in fast industrializing countries, particularly in South Asia and Africa, with the need to cut greenhouse gas emissions in the face of global warming (Gallagher et al., 2021). Energy demand arises as a result of economic progress, which has historically required energy-intensive

¹ Brad Adams is executive director of Human Rights Watch's Asia Division, overseeing the organization's work on human rights issues in twenty countries (HRW, 2021).

industries to provide for electricity, heating, cooking, etc. Significant investments in energy infrastructure are therefore necessary to deliver the necessary energy supplies. Due to concerns about the environmental impact of coal-fired power, most multilateral development banks have restricted investments in the sector. In 2010, the World Bank announced that it would no longer invest in coal unless there were "no feasible alternatives to meet basic human needs" (Gallagher et al., 2021). However, there are no policies banning investments in coal-fired power in any of China's policy banks, nor are there any directives governing commercial banks' overseas activities to restrict high-carbon ventures in China. This allows China to further its desire to reduce its excess domestic manufacturing capacity without having to bear any responsibility for the social and environmental consequences of its investments (Gallagher et al., 2021).

The rights of local inhabitants have been compromised due to the environmental damage caused by the coal plants implementation. Furthermore, their claim to respect sacred sites such as graveyards has been neglected. Although protests continued until 2016, the Bangladeshi government did nothing to prevent the continual construction of coal mines till present-day 2021 (BenarNews, 2021). Take one example: the environmental impact study of a Chinese-funded coal power station, that was approved by the Bangladeshi government, minimizes the project's impact on air quality after it becomes fully operational, thus providing misleading, inaccurate data.

Similarly, Center for Research of Energy and Clean Air (CREA²) analysis reveals that there are major flaws in the environmental paperwork behind this project. Firstly, the report makes a false claim that the baseline air quality in Banskhalī is in compliance with Bangladeshi air quality standards (Myllyvirta, 2021). This is not true, even when checked with the Environmental Impact Assessment (EIA³). Secondly, there is no mention of health impacts, air pollutants emissions, the impact of the power plant's mercury emissions, etc. The projection of emitted pollution is manipulated to make the reader believe it falls within regulations, and this report further contains many inconsistencies and omissions, posing major legal concerns (Myllyvirta, 2021).

An earlier CREA analysis of air quality and health consequences of proposed coal power plant developments in Chattogram revealed that, during a 30-year working life, emissions would cause an estimated 30,000 air pollution-related fatalities. Furthermore, mercury emissions from the facilities would result in a potentially hazardous chemical deposition in a region with a population of 7.4 million people (Myllyvirta, 2021). The magnitude of these consequences demonstrates the severity of the EIA's misinformation.

The EIA conducted a study on the Chittagong project done by CREA and the Bangladesh Environmental Lawyers Association (BELA). The EIA concluded that the air quality modeling was incorrect, resulting in estimated pollution levels multiple times lower than would be obtained with appropriate modeling. The health effects of air pollutant emissions are not at all included in the impact assessment, and on top of this, the effects of the plant's mercury emissions are completely omitted (BenarNews, 2021). The approval of this EIA is an alarming sign of a lack of supervision

² CREA is an independent research organisation that uses scientific data, research and evidence to reveal the trends, causes, health impacts, and solutions to air pollution, through publications.

³ EIA is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.

from the Bangladeshi government. It also demonstrates the project's participants' indifference to norms and standards. The EIA research shows that Chinese bankers and corporations deliberately approved a project that they would not approve in their own nation. Bangladeshi authorities also share responsibility for permitting such a project, raising questions about their monitoring and enforcement capabilities. It is also important to say that the EIA is not publicly available, which highlights the project's lack of transparency (BenarNews, 2021). On top of this, human rights activists declare the plant does not meet environmental impact standards and was built without public consultation.

Since its start, the project has been plagued by a lack of transparency and many inconsistencies. In three separate events around this power plant since the project began in 2016, 12 people have died, more than 100 have been wounded, and harassment charges have been made by nearly 6,000 employees and locals. The public is calling for an inquiry into the reportedly false information provided in the project's Environmental Impact Assessment. CREA, BELA, many environmental associations, and activists all urge that ongoing and future investments in fossil fuel, coal oil, and gas should be canceled, with no exceptions. The people are fighting to pursue transparent, green, and clean cooperation, thus voicing the recommendations of this report.

Chapter 4

Protestors of Human Rights Violations & Legal Analysis of Freedom of Speech

During the demonstrations on March 17, 2021, human rights violations were committed concerning the right of manifestation of the coal-fired power plant workers. Among the protesters, five were shot dead in a clash with the police, and hundreds were injured. The workers of S Alam Group at Banshkhali Upazila of Chittagong were protesting over unpaid wages and allowances, and alleged discrimination. According to Azizul Islam, Banshkhali police chief, the conflict only started after the demonstrators started throwing rocks and bricks at the police. However, protesters claimed it was the police who opened fire while they were peacefully demanding their labour rights (The Daily Star, 2021).

This is not the first time protests ended up in casualties and/or injuries in Bangladesh. Also this year, in March, the visit of Indian prime minister Narendra Modi caused polemic protests all over the country. Five demonstrators were killed and dozens were injured in the eastern part of the country in this same situation: after a clash with the police. According to Sultan Mohammed Zakaria (2021), Amnesty International's South Asia Researcher:

“The scenes of violence we witnessed in Chattogram and Dhaka follow a worryingly familiar pattern of behaviour by the Bangladeshi authorities. The right to peaceful protest has come under concerted attack, particularly during the coronavirus pandemic, culminating in this type of bloody repression.”

The violent pattern behaviour highlighted by Amnesty International had also already been reported before by the United Nations. In the concluding observations on the initial report of Bangladesh on the International Covenant on Civil and Political Rights (CCPR/C/BGD/CO/1), the Human Rights

Committee showed concern on the high number of extrajudicial killings, excessive use of force by State actors, and enforced disappearances.⁴

According to the ICCPR's concluding observations, this high number of extrajudicial killings is being brought on by police officers, soldiers, and Rapid Action Battalion force members, just as the workers of S Alam Group mentioned. The committee also showed concern about the lack of investigations and impunity, which ended up leaving the families of those who were victims of the State's violence without information and/or reparation.

Furthermore, in addition to the deaths caused by police at the coal-fired power plant demonstration in March 2021, Bangladesh provided another example of the lack of respect for the right to assemble and of freedom of speech. After these deaths occurred in Chittagong, Bangladeshi engineer and activist Shahnewaz Chowdhury was arrested for protesting on his personal Facebook page. According to Amnesty International (2021), he was detained in Banshkhali on 28 May 2021 and could face up to 10 years imprisonment under the Digital Security Act. Chowdhury used his social media to criticize the government and the construction of the coal power plant, which he considered "environmentally destructive" and "the cause of the killing of 12 people" (Amnesty International, 2021).

This Digital Security Act is one of the problematic laws that do not meet the international standards for human rights in Bangladesh. In late 2018, the act passed Bangladesh's Parliament without any clear definitions, and with broad, ambiguous provisions. By way of example, the Act provides legal authorization of life imprisonment for "propaganda" and/or "campaign" against the "spirit of the liberation war", "father of the nation", the "national anthem" or "national flag", in addition to section 25, where special protection is given to the State (Amnesty International, 2018). According to human rights activists such as Ali Riaz and Mohammad Sajjadur Rahman (2021), the act serves the political interests of the government and of the ruling party by using these laws in their own favor. Despite this, freedom of speech is actually enshrined under Article 39(2) of the Constitution of Bangladesh.

In addition to the Digital Security Act, some sections of the Bangladeshi 1898 Criminal Procedure Code are considered to be outdated and also do not conform to current international laws. Although under article 37 of Bangladesh's 1986 Constitution the right to assemble is guaranteed, the 1898 Code restricts this right for peaceful assembly. Accordingly, the organizers of a demonstration must have prior permission from local police authorities in Dhaka. Also under this Code, it is stated that a police officer is entitled to disperse unlawful assemblies by force (S. 128 and 129, 1898 Criminal Procedure Code), and in cases of resistance, the police officer "may use all means necessary to effect the arrest" (S. 46, 1898 Criminal Procedure Code). It's important to highlight that this aforementioned permission also includes the use of firearms in order to guarantee the dispersal and/or arrest of unlawful assemblies (S. 127 and 128, 1898 Criminal Procedure Code).

The laws presented above diverge from international laws and treaties on human rights. According to the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement

⁴ The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted in December 1966 by the United Nations General Assembly Resolution 2200A (International Covenant on Civil and Political Rights, 1966).

Officials (1990) the use of force should be avoided at any cost during the dispersal of unlawful demonstrations. The use of firearms, under international law, is also not permitted in carrying out this kind of dispersion. Besides this, as previously mentioned, Bangladesh is a State Party to the 1966 International Covenant on Civil and Political Rights (ICCPR), therefore, the respect of peaceful assembly with no restrictions should be respected and made effective.

That being the case, there was a clear human rights violation of the workers of S Alam Group while protesting at Banshkali Upazila. This case represents a continuation of the violent behavior of Bangladeshi state actors such as the police, as well as a disregard for the human rights to assembly and to freedom of speech. At the Concluding Observations of the ICCPR, recommendations were made for Bangladesh's government in this specific subject: investigation and punishment of arbitrary murders and excessive use of force, revision of legislation, taking into consideration the aforementioned "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials".

Recommendations & Conclusion

In light of these assumptions, it is clear how the current implementation of the Chinese Megaproject can facilitate Bangladesh's political climb. On the other hand, the creation of infrastructures such as coal plants can jeopardize the natural resources of rural areas and harm their inhabitants. Furthermore, the implementation of the project has not considered the main rights of the workers who, despite their demonstrations to request better working conditions, have not been heard.

For this reason, the Global Human Rights Defence aims to focus international and governmental attention towards the current human rights violations perpetrated in Bangladesh, in order to improve the current working conditions in the Chinese Megaprojects implementation and to promote policies for the environmental sustainability of said projects.

Bibliography

- Amnesty International (2018). Bangladesh: New Digital Security Act is an attack on freedom of expression. *Amnesty International*. Retrieved from: <https://www.amnesty.org/en/latest/press-release/2018/11/bangladesh-muzzling-dissent-online/>
- Amnesty International (2021). Bangladesh: Authorities must respect the right to peaceful protest following bloody crackdowns. *Amnesty International*. Retrieved from: <https://www.amnesty.org/en/latest/press-release/2021/03/bangladesh-authorities-must-respect-right-to-peaceful-protest-following-bloody-crackdowns/>
- Bangladesh's Constitution of 1972, Reinstated in 1986, with Amendments through 2011, from: [https://www.rightofassembly.info/assets/downloads/1986_Constitution_of_Bangladesh_\(as_amended\).pdf](https://www.rightofassembly.info/assets/downloads/1986_Constitution_of_Bangladesh_(as_amended).pdf)
- Belt, O. C. S. (2018). Road Initiative in the global trade, investment and finance landscape. *OECD*. Retrieved from <https://www.oecd.org/finance/Chinas-Belt-and-Road-Initiative-in-the-global-trade-investment-and-finance-landscape.pdf>.
- BenarNews. (2021) Green Groups: Environmental Impact 'Falsified' at Chinese-Funded Power Plant Approved by Dhaka. *Radio Free Asia*. Retrieved from : <https://www.rfa.org/english/news/china/power-06152021173140.html>.
- Burton, B. (2016). Bangladesh has big and controversial coal plans. *End coal*. Retrieved from <https://endcoal.org/2016/04/for-a-small-country-bangladesh-has-big-but-controversial-coal-plans/>.
- Cattaert, G., (2021), Realization for decent work for all: Labour. *United Nations Global Compact*. Retrieved from <https://unglobalcompact.org/what-is-gc/our-work/social/labour>.
- DW. (2021). Arafatul Islam. How is Bangladesh's Digital Security Act muzzling free speech?. *Deutsche Welle*. Retrieved from: <https://www.dw.com/en/how-is-bangladeshs-digital-security-act-muzzling-free-speech/a-56762799>
- Feng, D. (2020). When it comes to economic and technological cooperation, China and Bangladesh have infinite potential. *Global Times*. Retrieved from <https://www.globaltimes.cn/content/1204684.shtml>
- Gallagher, K. S., Bhandary, R., Narassimhan, E., & Nguyen, Q. T. (2021). Banking on coal? Drivers of demand for Chinese overseas investments in coal in Bangladesh, India, Indonesia and Vietnam. *Energy Research & Social Science*, 71, 101827. Retrieved from: <https://www.sciencedirect.com/science/article/pii/S2214629620304023>
- HRW. (2014). Bangladesh: Protect Garment Workers' Rights. *Human Rights Watch*. Retrieved from: <https://www.hrw.org/news/2014/02/06/bangladesh-protect-garment-workers-rights>
- HRW. (2021). Brad Adams. *Human Rights Watch*. Retrieved from <https://www.hrw.org/about/people/brad-adams>
- International Labour Organization. (2017). The Rana Plaza Accident and its aftermath. *ILO*. Retrieved from:

https://www.ilo.org/global/topics/geip/WCMS_614394/lang--en/index.htm

Kabir, H.F. (2021). China's leading to Bangladesh surges. *The Financial Express*. Retrieved from <https://www.thefinancialexpress.com.bd/economy/chinas-lending-to-bangladesh-surges-1611975747>.

Myllyvirta, L. (2021). CREA analysis reveals major flaws in the environmental paper work of China-backed Banskhali coal power project in Bangladesh. *CREA*. Retrieved from <https://energyandcleanair.org/major-flaws-in-banskhali-eia/>

OHCHR. (2019). The Impact of Mega-Projects on the Human Rights to Water and Sanitation: Report. *OHCHR*. Retrieved from www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/MegaProjects.aspx.

Ramachandran, S. (2019). How Bangladesh Learned to Love the Belt and Road. *The Diplomat*. Retrieved from <https://thediplomat.com/2019/07/how-bangladesh-learned-to-love-the-belt-and-road/>.

Riaz, A. & Rahman, M. S. (2021, April 15) Media Ownership in Bangladesh : Why more media outlets does not mean more media freedom. *Center for International Media Assistance*. Retrieved from : <https://www.cima.ned.org/blog/media-ownership-in-bangladesh-why-more-media-outlets-does-not-mean-more-media-freedom/>

Teacher, Law. (November 2013). The Labor Rights in Bangladesh. *Law Teacher*. Retrieved from <https://www.lawteacher.net/free-law-essays/employment-law/the-labor-rights-in-bangladesh-employment-law-essay.php?vref=1>.

The Criminal Procedure Code, 1898. (ACT NO. V OF 1898), from: [https://www.rightofassembly.info/assets/downloads/1898_Code_of_Criminal_Procedure_\(Bangladesh\).pdf](https://www.rightofassembly.info/assets/downloads/1898_Code_of_Criminal_Procedure_(Bangladesh).pdf)

The Daily Star. (2021). 5 dead as police open fire on coal power plant workers in Chattogram. *The Daily Star*. Retrieved from <https://www.thedailystar.net/bangladesh/news/four-coal-power-plant-workers-killed-clash-police-ctgs-banskhali-2078953>.

The Daily Star. (2021). China-funded projects back on track 5. *The Daily Star*. Retrieved from <https://www.thedailystar.net/business/news/china-funded-projects-back-track-1973869>.

Tribune Desk. (2021, April 18). Over 3,500 accused in 2 cases over a clash at Banskhali power plant. *Dhaka Tribune*. <https://www.dhakatribune.com/bangladesh/nation/2021/04/18/3-562-sued-in-2-cases-over-clash-at-banskhali-power-plant>

United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials., September 7,1990. *OHCHR*. Retrieved from: <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>

United Nations Global Compact . (2021) *UN Global Compact Strategy 2021-2023*. Retrieved from :

<https://www.unglobalcompact.org/library/5869>

United Nations Human Rights Committee (1966) International Covenant on Civil and Political Rights. United Nations. Retrieved from: [OHCHR | International Covenant on Civil and Political Rights](https://www.un.org/en/global-issues/human-rights)
United Nations. (2021). Human Rights. *United Nations*. Retrieved from <https://www.un.org/en/global-issues/human-rights>

Vanpeperstraete, B. (2018, November 13). Bangladesh needs to get serious about workers' rights and safety. *Thomson Reuters Foundation News*. Retrieved from <https://news.trust.org/item/20181113134912-jnm7a/>.