

"Re-mainstreaming rivers through advocacy (activism, media, and legal fight)". Case-Turagh river.

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This Discussion will cover

- Historical overview of the ecology of urban Dhaka.
- Development led destruction of the water bodies and wetlands in Dhaka.
- Current scenario of Dhaka rivers and wetlands (pollution, encroachment, aquatic biodiversity loss).
- Civil society movements, media, and advocacy for building public opinion in favor of rivers and water bodies.
- Rivers are one of the main issue in media.
- The historic High Court Division's verdict in 2009 and 2019 (rivers having legal rights).

Environment has been key to Dhaka's birth and rebirth

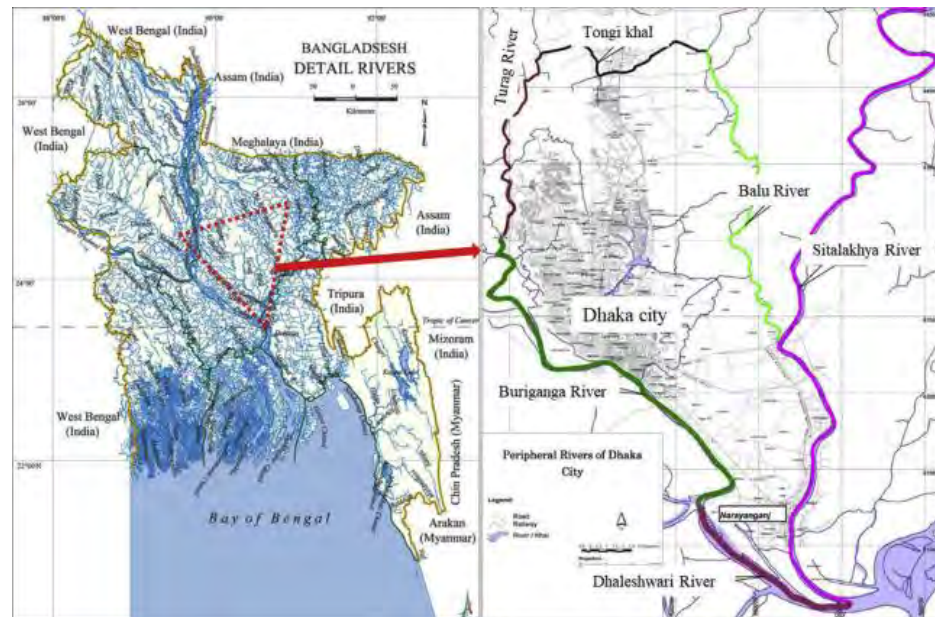
It has been suggested that in the Mughal period, especially during Shaista Khan's time (1663-79), Dhaka was one of the largest cities in the world.

Although it is usually believed that Dhaka thrived only along the banks of river Buriganga until 1905, there are reasons to believe that during the Mughal period, it extended up to rivers Tongi, or Turag.



The proximity of rivers and the sea made Dhaka a suitable candidate for an emporium and urban settlement in colonial times.

- Not only river Buriganga, but other surrounding rivers and internal canals were maintained and kept well as these worked as both commercial and commuting arteries.
- Since then the city has experienced an adventurous path under different rulers and has faced multifaceted challenges. Starting as a military outpost, Dhaka has served as a business centre, trading hub, regional capital, provincial capital and now as the primate city of a nation with 17 million inhabitants.



In the past the city was regarded as the Venice of the east or the city of channels.



Canals of the city are used to be the connecting channels of the rivers surrounded by the greater Dhaka.



A few decades ago there were numerous lowlands, khals and channels within and around Dhaka that would drain the city efficiently.

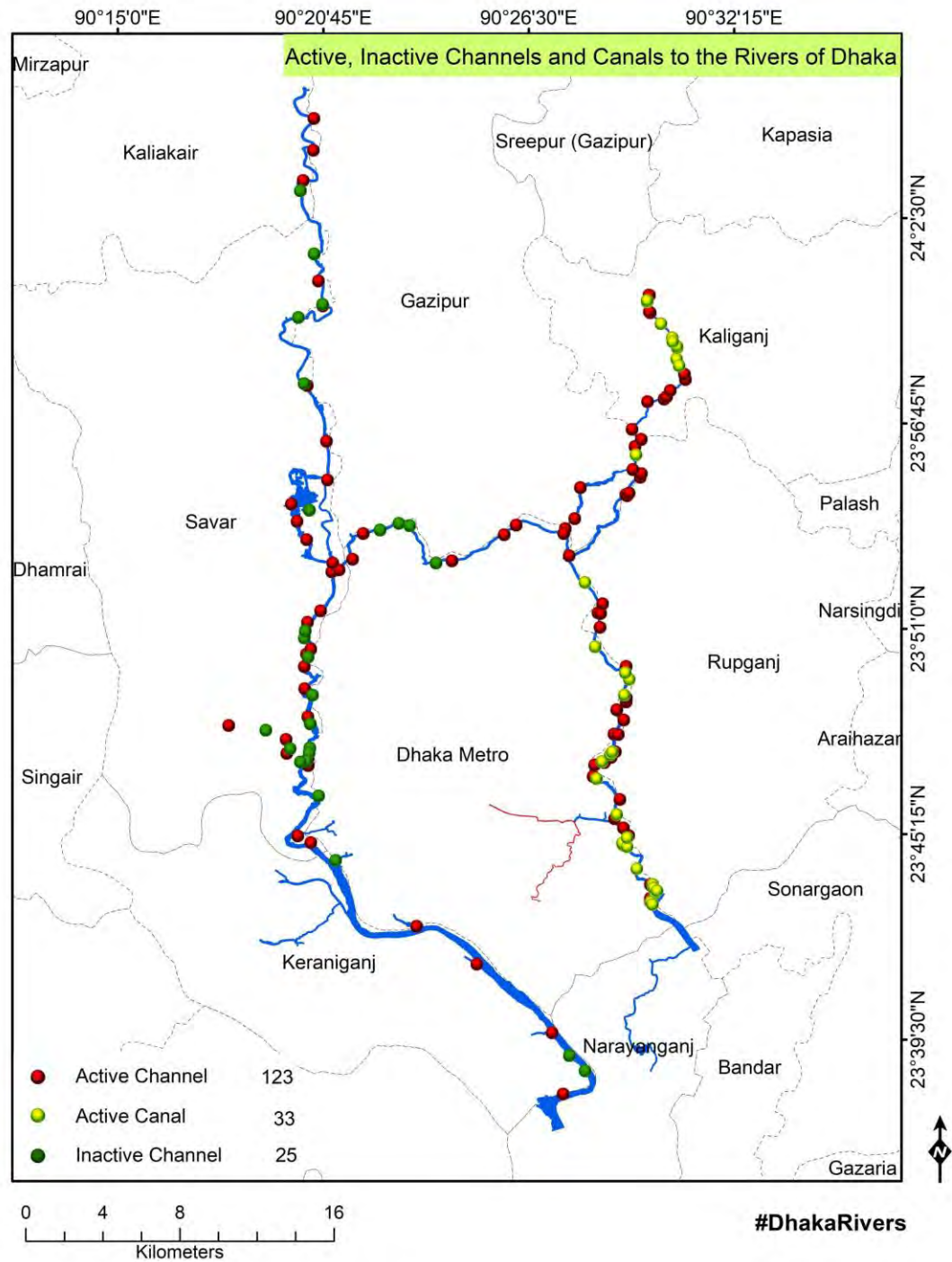
- As Dhaka is connected with all the districts of Bangladesh by river, the rural urban migration from predominant agrarian societies to urban Dhaka is very easy.
- This high rate of migration increases settlement demand, that led aggressive housing projects and urbanization through destructive **earth filling of many waterbodies, wetlands and canals** in Dhaka.



In merely 35 years, the urban agglomeration of Dhaka has grown from 2.2 million inhabitants (1975) to 14.65 million (2010).

Today, Dhaka is the ninth largest city in the world and according to UN projections, **it will become the world's 5th largest city by 2025** with a population of 20.94 million (UN 2008, UN population division 2010).



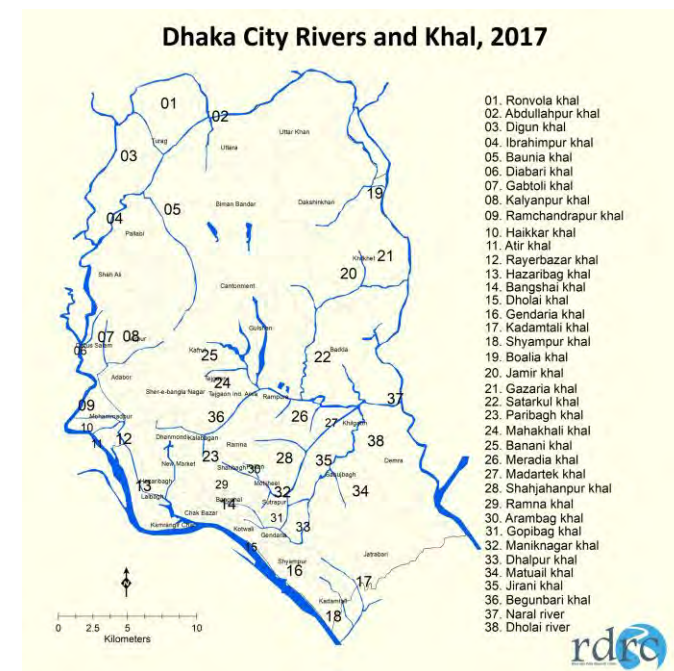


According to Dhaka water and sewerage authority (DWASA), there were once 43 canals in Dhaka. Seventeen of them have disappeared completely. The remaining 26 are in bad condition.

RDRDC recently have surveyed Dhaka and **found about 78 canals and tributary channels** which are connected with the Balu, Turagh, Buriganga and Shitalakhya river in Dhaka city.

And **three small rivers** have been **lost** due to encroachment and unplanned urban settlement.

Study says, there are decline or loss of rivers and wetlands in and around Dhaka and the city's rising temperature.



For the last two decades the environment and river based civil society organizations (CSOs) in Bangladesh played a significant role in sustainable water management and conservation of rivers and waterbodies.



They have effectively engage and influenced decision-making resources. **As a result**, the media had to take rivers and wetland as one of the leading issue.



And the **government included** **activist** and CSOs on regional water dialogues and decision-making processes.



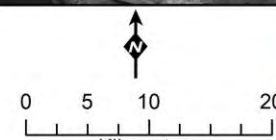
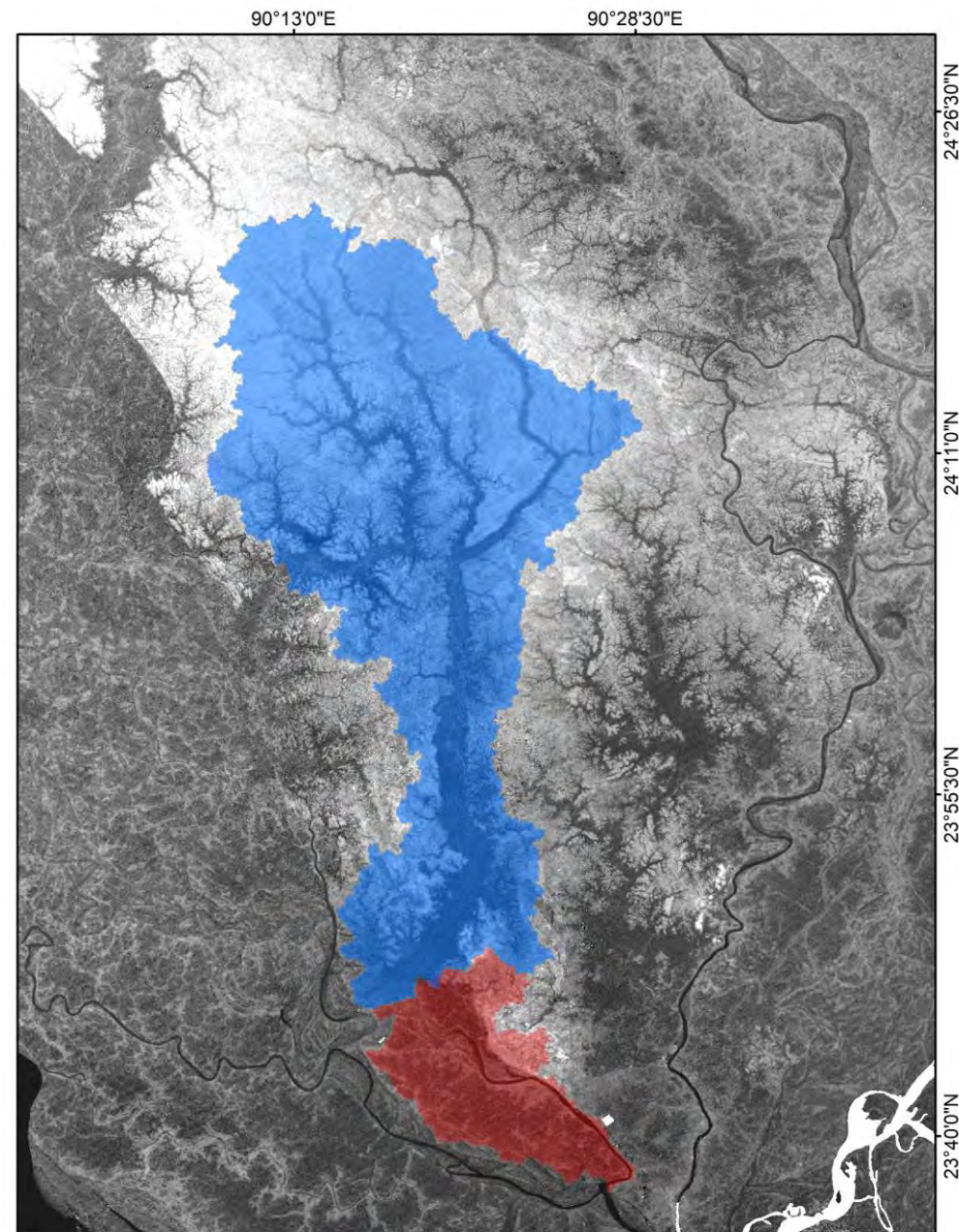
Dhaka is surrounded by 4 rivers- Buringanga, Turag, Balu and Shitalakkha, which have contributed significantly to the economic development and maintenance of the ecological balance of greater Dhaka. They have all reduced drastically **due to illegal encroachment, earth filling and temporary and permanent structural interventions.**

Civil society and activists played a significant and very important role that their voices triggered the relevant stakeholders especially the judiciary to come up with this **landmark judgment.**

High court has also appreciated media, couple of reports triggered the relevant stakeholders especially the judiciary to come up with this landmark judgment also.

Date: 25/06/2009, The High Court directed the respondents

- To survey the rivers' area,
- Declared these 4 rivers as Ecological Critical Area,
- Put up boundary pillars, build walkway and plant trees.
- The Court also directed the respondents to evacuate all structures, originate a 'জাতীয়নদীরক্ষাকমিশন' ie, National River Conservation Commission.



Legend

- Catchment Area of Turag River (1063.98 sq. km)
- Catchment Area of Buriganga River

#DhakaRivers

The result was not satisfactory

Wrong demarcation pillars have been installed to legalized land grabbers.

Encroachment drive has become a cat and mouse game.

Pollution increases continued.

Catchment area of river Turagh is 1063 sq km but only channels of the river was taken in to account in the projects.

River side communities were excluded in projects.
Three **fisherman** villages gone unemployed on this river bank.

Tributaries and distributary channels of the rivers are not taken into account.



Again, Civil society and activists voices triggered the relevant stakeholders and the judiciary to come up with this landmark judgment.

In February 2019, the High Court Division (HCD) of the Supreme Court of Bangladesh delivered a landmark decision granting all rivers with 'legal personhood,' declaring all rivers in Bangladesh to have legal protection.

The core outcome of the verdict are **17 major directives** for addressing river pollution and illegal riverbank development ('encroachment').



**'legal personhood,' declaring all rivers in Bangladesh
and how far to wait for legal protection.**

The Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972) **18A**. The State shall endeavour to protect and improve the environment and to **preserve and safeguard the natural resources**, bio-diversity, wetlands, forests and wild life for the present and future citizens.

The core outcome of the verdict are 17 major directives for addressing river pollution and illegal riverbank development ('encroachment').

This includes barring polluters from running for office, legally **empowering the National River Conservation Commission as the 'guardian'** of all rivers.

In India and New Zealand, this right has been provided to a few rivers and in Bangladesh, **this has been done for all rivers.**

'legal personhood,' declaring all rivers in Bangladesh and how far to wait for legal protection..

The idea of parenthood/**custodianship** appears **ambiguous**. The legal custodian is the most important functionary and **choosing an inappropriate guardian for a river** could simply make the whole exercise a self-defeating one.

In addition to recognition of legal personhood to rivers, there is an indication of a **legislative reform** from the directives of the judgement.

It declares river encroachment and river pollution as criminal offences, and recommends to impose strict penalties for the offences. So, there is a **need for amendments** or adopting a comprehensive law for rivers which would incorporate the issues laid down in the judgment as was done for the Whanganui River in New Zealand.

Comprehensive reforms in existing legal framework have to be brought about and new laws need to be adopted with a view to incorporating the key issues laid down in the HCD judgment.

'legal personhood,' declaring all rivers in Bangladesh and how far to wait for legal protection...

As half of the **Bangladeshi rivers water flow dependent on transboundary water**, how the rights of the rivers will be secured in this case.

Granting of legal rights is like **giving a voice to the rivers** and this is a profound shift in the way that the rivers are viewed in the laws.

But a **voice is only useful when it has the power** to be heard.

law is not enough; a widespread commitment to enact law and practice rule of law is essential to turn words into reality. **Every actor** across government, industry, and society have a role to play in restoring and protecting river systems.

Thank you.

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