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VOICES FROM THE GROUND
A Civil Society Study Report

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BWGED

Bangladesh
Working Group
on External Debt



Bhola IPP and its Impact on Local Communities

VOICES FROM THE GROUND

A Civil Society Study Report

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Bhola IPP and its Impact on Local Communities

Voices from the Ground

A Civil Society Study Report

Publication

September 2018

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Cover Photo

Chimney of existing BPDB Power Plant (Bhola-I)

Supported by

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CONTENTS

Acronyms	4
Glossary	6
Acknowledgement	7
Location: Bhola IPP	8
1. Background	09-12
2. Scope of the Study	13-14
3. Objectives	15-16
4. Process & Methodology	17-22
4.1 Literature Review	17
4.2 Secondary Data Collection	18
4.3 Field Observation	19
4.4 Key Informant Interview (KII)	20
4.5 Focus Group Discussion (FGD)	20
4.6 Study Team	21
4.7 Timeline of the Study	22
5. Challenges	23-24
6. The Area	25-30
6.1 Socioeconomic Conditions	27
6.2 Climatic Conditions	29
7. The Bhola IPP Project	31-32
8. Key Findings	33-62
8.1 Human Rights & Civic Space	33
8.2 Meaningful Consultation	35
8.3 Land Acquisition	37
8.4 Information Disclosure & Right to Know	41
8.5 Social and Environmental Impacts	44
8.6 Eligibility & Legitimacy	55
8.7 Emerging Concern	61
9. Recommendations	63-64
10. References	65-74

ACRONYMS

ADB	Asian Development Bank
AIIB	Asian Infrastructure Investment Bank
BBS	Bangladesh Bureau of Statistics
Bhola IPP	Bhola Integrated Power Plant (Bhola-II)
BPC	Bangladesh Petroleum Corporation
BPDB	Bangladesh Power Development Board
BOO	Build, Operate and Own
BWGED	Bangladesh Working Group on External Debt
CCPP	Combined Cycle Power Plant
CLEAN	Coastal Livelihood and Environmental Action Network
DAE	Department of Agricultural Extension
EIA	Environmental Impact Assessment
ERM	Environmental Resources Management Private Limited
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESS1	Energy Sector Strategy
ESS2	Environmental and Social Summary
FGD	Focus Group Discussion
FPIC	Free, Prior and Informed Consent
GAP	Gender Action Plan
GOB	Government of Bangladesh
GRM	Grievance Redressal Mechanism
HH	Household
HSD	High Speed Diesel
IEE	Initial Environmental Examination
IPP	Independent Power Plant

IsDB	Islamic Development Bank
JICA	Japan International Cooperation Agency
KII	Key Informant Interview
LIMP	Labour and Influx Management Plan
LGI	Local Government Institute
MOEFC	Ministry of Environment, Forest and Climate Change
MOLJA	Ministry of Law, Justice and Parliamentary Affairs
NBBL	Nutan Bidyut Bangladesh Limited
NDC	Nationally Determined Contributions
NEMAP	National Environmental Management Action Plan
NEP	National Environment Policy 1992
PCA	Principal Component Analysis
PPA	Power Purchase Agreement
PESMP	Power & Energy Sector Master Plan
PGCB	Power Grid Company of Bangladesh
PIIP	Public Information Interim Policy
PPI	Policy on Public Information (PIIP)
PPM	Project-affected People's Mechanism
PSI	Project Summary Information
RF	Resettlement Framework
RPF	Resettlement Planning Framework
SEP	Stakeholder Engagement Plan
SGCL	Sundarban Gas Company Limited
SP Group	Shapoorji Pallonji Group
SP Infra	Shapoorji Pallonji Infrastructure Company Limited
UNICEF	United Nations Children's Fund
UP	Union Parishad
USD	United States Dollar
Upz	Upazila

GLOSSARY

Paan	Betel Leaf (Piper betle L.)
Bidyut	Electricity/power
Char	River strip or low land on river bank
Char land	Grassland of Char
Ilish	Hilsa Fish (Tenuialosa ilisha Hamilton, 1822)
Khal	Tidal Canal; natural water channel or creek which works as a distributary of river or sea
Mound	Around 37.5 kg
Parishad	Council/Authority
Shakha	Branch/distributary
Union	Lowest administrative and local government institute (LGI) of Bangladesh consisting of 13 - 20 villages (10,000 - 25,000 population) divided into 9 wards.
Upazila	Sub-district; a local government institute (LGI) under District and above Union. An Upazila consists of 3 - 15 Unions

ACKNOWLEDGEMENT

The study team would like to express sincere gratitude to all of the villagers of Chhota Manika, Dakshin Kutba, Gazipur Char, Kutba and Shantipara villages for their cordial participation, cooperation and support even in a dreadful environment.

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The team also grateful to NGO Forum on ADB for its technical and financial support to conduct the study.

LOCATION: BHOLA IPP





BACKGROUND

After winning the general election in December 2008, the present Grand Alliance government (led by the Bangladesh Awami League) planned to boost electricity generation to promote rapid economic development. To ensure unquestioned construction of power plants the Government of Bangladesh (GOB) endorsed the Quick Enhancement of Electricity and Energy Supply (Special Provisions) Act, 2010 which has given immunity to all projects related with energy and power. This denies citizens the right to approach the courts for relief in case of injustice and destruction committed by power plants¹. The GOB also undertook a Policy guideline called Policy Guidelines for Enhancement of Private Participation in the Power Sector 2008². Under the policy, administrative control has been deregulated to attract private sector invest in the energy sector.

Later, the GOB also formulated a Power System Master Plan (PSMP) in 2010³ and Power & Energy Sector Master Plan

(PESMP) in 2016 under direct assistance from Japan International Cooperation Agency (JICA) with a goal of fulfilling 61% of total energy from fossil fuel including 35% from coal by 2041⁴. By endorsing this Master Plan, the GOB violates its own pledge in the CVF Marrakech Communiqué which is committed to shift to renewables as fast as possible⁵. It is also contrary with the country's Nationally Determined Contributions (NDC)⁶ which pledges to reduce 5% of estimated emission voluntarily and additional 15% emission under assistance from developed countries by 2030.

After policy reformation on energy sector, a number of new bilateral investors like China, Germany, India, Japan, Korea, Malaysia, Singapore and Spain started implementing a number of energy projects besides the traditional and new multilateral financial institutes including World Bank, Islamic Development Bank (IsDB), Asian Development Bank (ADB) and Asian Infrastructure Investment Bank (AIIB)⁷. Till September 2018, AIIB has invested USD 285 million in three projects in the energy sector including Bhola Integrated Power Plant (Bhola IPP) Project⁸.

Bhola is the only island district of Bangladesh under the administrative division of Barisal. Historically it has experienced shortage of electricity due to grid connection difficulties. After getting natural gas from Shahbazpur gas field, the GOB permitted Venture Energy Resources Limited, a local company to install 34.7 MW gas-based power plant. The second power plant, 225 MW gas-based Bhola Gas-based Power Plant (also called Bhola-I) in Kutba Union under Burhanuddin Upazila, had been constructed in 2015 and started generating power in the same year. Bangladesh Power Development Board (BPDB) also planned to construct another 225 MW gas-based power plant along with 4 others, as per the public declaration of the commerce minister⁹.

Simultaneously BPDB had signed another agreement in September 2012 with Indian company Lanco Power

International Private Limited to construct a gas-based power plant beside Bhola-I on Build, Operate and Own (BOO) basis¹⁰. Later, the agreement was cancelled and a new agreement was signed in July 2015 with Shapoorji Pallonji Infrastructure Capital Company Private Limited (SP Infra), a subsidiary of Mumbai-based Shapoorji-Pallonji Group (SP Group) to construct an Independent Power Plant (IPP) in the same area^{11&12}. It was an unsolicited agreement as it was signed without any open bidding process¹³. Initially SP Group planned to transfer a half-done power plant from Uttarakhand, India to Bhola, Bangladesh but later it changed the decision as BPDB raised several questions on the quality of existing power plant and process of transferring¹⁴.

According to the agreement, the power plant project will be fully funded by SP Group¹⁵. After getting clearance from the GOB, the Group registered a new company named Nutan Bidyut Bangladesh Limited (NBBL) on 27 March 2016 to operate energy business in Bangladesh¹⁶. Later it is revealed in January 2018 that SP Group submitted a proposal to AIIB for private sector financing in implementation of Bhola IPP¹⁷. AIIB approved the project on 9 February 2018¹⁸. Later, in June 2018, NBBL signed separate agreement with IsDB to finance another USD 60 million for the project¹⁹.

The power plant will use pipelined natural gas from Shahbazpur Gas field owned by Sundarban Gas Company Ltd. (SGCL) as primary fuel and High Speed Diesel (HSD) from Bangladesh Petroleum Corporation (BPC) as a backup fuel to generate 225 MW power²⁰. But according to different reports, NBBL will use both of the fuels to generate 220 MW and 212 MW power respectively²¹. The NBBL signed an agreement with BPDB to sell generated electricity to Power Grid Company of Bangladesh (PGCB) for next 22 years against a price higher than the state owned companies²². The plant acquired 17.28 acres of land for the project in which 11.5 acres leased from BPDB and 5.78 acres has been purchased from local land owners. Other 5.5 acres of land is required for gas pipeline and acquired by SGCL²³.

The power plant will be likely to increase total power generation of the country, but the question is who will sacrifice their lives and livelihoods for electricity? The common people who depend on the nature and natural resources to survive, or the big companies who make profit from different investments? The question takes us to the issues of climate change as Bhola is one of the most vulnerable climate hotspots in the world which has experienced several devastating cyclones and storm surges including the commonly known 'great Bhola cyclone' which in 1970 took at least 500,000 lives from this small island²⁴.

SCOPE OF THE STUDY

This study is solely inspired by the Constitution of the People's Republic of Bangladesh which states in Article 18A. that "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 citizens²⁵." Several policy instruments have been endorsed by the GOB to comply with the constitution. Some of them are:

- Bangladesh National Conservation Strategy (NCS) 1992 confirms that the state shall conserve the indigenous species and natural elements of the country for next generation²⁶.
- Bangladesh Water Act (BWA) 2013 confirms justified use of water and water licensing for the corporate and large scale water use²⁷.
- Right to Information (RTI) Act 2009 which ensures availability of information and accessibility of the citizens to that information from public and private sector²⁸.
- The Easements Act 1882, which ensures the customary and legal rights of common people to access their private and common properties²⁹.
- National Environment Policy (NEP) 1992 pledges to maintain ecological balance and ensure sustainable development of the country through protection, conservation and improvement of the environment³⁰.
- National Environment Management Action Plan (NEMAP) 1995 is committed to conserve habitats and biodiversity, improve natural environment and promote sustainable development for improvement of the quality of citizen's life³¹.
- National Water Policy (NWP) 1999 confirms availability of water to all elements of the society including the poor people, and natural fish and fisheries³².

- National Fisheries Policy (NFP) 2006 covers preservation, management and exploitation of fisheries resources in inland open water³³.
- Noise Pollution (Control) Rules 2006 which defines acceptable level of sound and noise pollution for the citizens in residential and industrial areas³⁴.
- Wildlife (Conservation and Security) Act (WCSA) 2012 includes threatened flora and fauna as protected species in its schedules³⁵.

Besides, AIIB has come out with a number of policy directions of a mandatory nature for its borrowing clients. Some of the notable policy documents are Environmental and Social Framework (ESF)³⁶, Public Information Interim Policy (PIIP) 2016³⁷, Draft Policy on Public Information (PPI) 2018³⁸, Energy Sector Strategy: Sustainable Energy for Asia (subsequently amended in 2018)³⁹ and Enhancing AIIB's Accountability: the Project-affected People's Mechanism (draft for Phase II public consultation)⁴⁰. On principle these documents are, there to ensure that AIIB address environmental and social safeguards, transparency and due process in all there operations. Although there are evident weaknesses in these policies yet there remains the commitment to address these issues from the perspective of bank policy compliance.

This study is highly inspired by national, regional and international policy documents and intends to monitor Bhola IPP as a response to the number of complaints received about the project from affected communities of Burhanuddin Upazila, Bhola. The study's scope is:

- Assessment of public opinions on the Bhola IPP Project
- Assessment of NBBLs project implementation process.
- Screening of the project components in the light of national social, environmental and human rights standards
- Assessment of environmental and social impacts of the project
- Assessment of the Environmental and Social Impact Assessment (ESIA) report based on ground reality
- Developing a set of community based and local civil society recommendations according to people's opinions.

OBJECTIVES

The broader objective of this investigative study is to assess environmental and social impacts of the Bhola IPP project implemented by NBBL and financed by AIIB and IsDB in Burhanuddin Upazila, Bhola District, Bangladesh.

The specific objectives of the study are to assess:

1. To assess:

- 1.1. Engagement in *Meaningful consultation* with the local communities as described in vision (paragraph 13) of the ESF⁴¹; paragraph 4(a) under Environmental and Social Assessment and Management standards (ESS1)⁴² and paragraph-4 under Involuntary Resettlement standards (ESS2)⁴³ of Environmental and Social Standards (ESS), which is one of the core responsibilities of AIIB clients (ESF paragraph 67)⁴⁴.
- 1.2. The *willingness of local communities* to establish the power plant in Kutba Union, Burhanuddin in the light of Free, Prior and Informed Consent (FPIC) principles;
- 1.3. The rights of *self-determination* of the land owners to sell their lands to project executing agency (i.e., NBBL) and adequate compensation and other requirements according to paragraph 4 under ESS2 of ESF⁴⁵;
- 1.4. Stand alone and cumulative impacts of the project on local *social and natural environment* and communities;
- 1.5. *Authenticity* of noise and other environmental pollution mapping by the Environmental Resources Management Private Limited (ERM) during ESIA preparation process in the proximity area of the project;

- 1.6. Occurrence of *flora and fauna* enlisted in the Annexures to the Final Report of Bhola ESIA
 - 1.7. *Veracity* of the ESIA and *violation* of national and international legal frameworks
2. *To develop:*
- 2.1. A set of recommendations based on *the opinion of local communities*;
 - 2.2. A set of recommendations according to *the assessment of the study team* of Bangladesh Working Group on External Debt (BWGED).

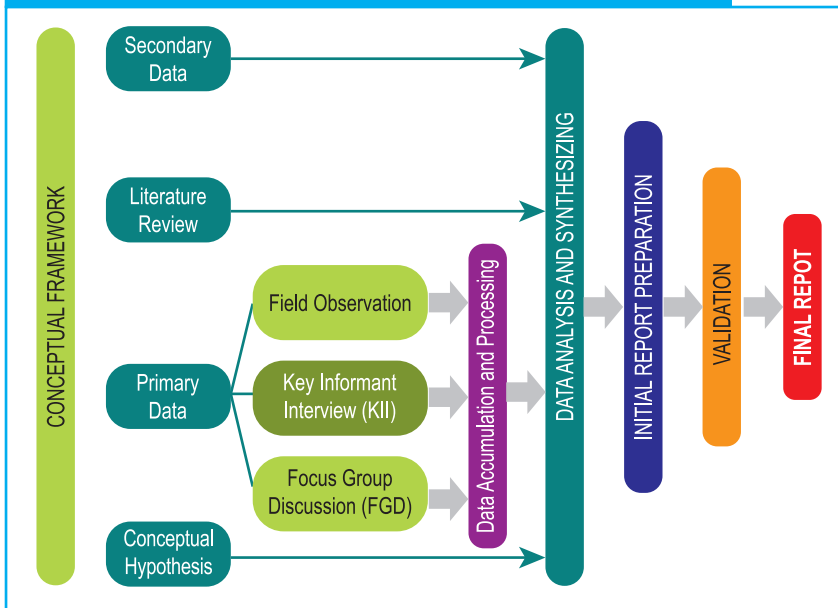
PROCESS & METHODOLOGY

A comprehensive methodology has been followed to get both qualitative and quantitative data. The process and methodology of the study described below:

4.1 Literature Review

A systematic and structured review was conducted of all available documents related to this project. To get detailed information on the project, the study team reviewed published documents of Bhola IPP Project such as Project Summary Information (PSI)⁴⁷, ESIA Report⁴⁸, Annexures to the Final Report of EISA, Environmental Monitoring Program (EMP)⁴⁹, Grievance Redressal Mechanism (GRM) in Bengali⁵⁰ and Summary of the ESIA Report (Bengali)⁵¹.

Figure 1: Process & Methodology of the Study

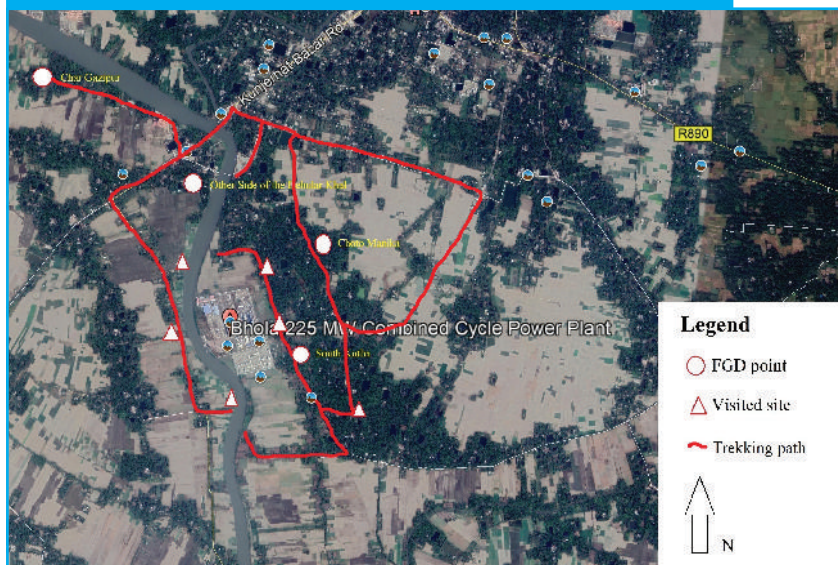


The study team also reviewed the relevant AIIB Policies and Strategies including ESF, PIIP, Draft PPI, Draft PPM and ESS₁ to get a clear picture on gaps and barriers in the policies. The team reviewed applicable national policies and acts e.g. BWA⁵², NCS⁵³, NEMAP⁵⁴, NEP⁵⁵, Environmental Conservation Act 1995 (subsequent amendments in 2000, 2002 and 2010)⁵⁶, NWP⁵⁷, NFP⁵⁸ and WCSA⁵⁹ along with a number of research and study reports on environment, biodiversity management, power plants, fisheries and agriculture.

4.2 Secondary Data Collection

The demographic data has been culled from the Bangladesh Population Census 2011 (published in 2013) by the Bangladesh Bureau of Statistics (BBS)⁶⁰, Banglapedia and the Local Government Engineering Department (LGED). Data on agricultural production and flora have been collected from Burhanuddin Upazila office of Department of Agricultural Extension (DAE). The team has also compared the ESIA of Bhola

Map 2: Map of the Study Site



IPP with the draft Environmental Impact Assessment (EIA) report on the 217.9 MW Gas-Fired Combined Cycle Power Plant (CCPP) Project, Bhola, Bangladesh conducted by ERM in 2012 for Lanco Power International Private Limited, which is commissioned by the ADB⁶¹.

Table 1: Participants of the Study

Data Collection Tool	Village	Number of Participants		
		Male	Female	Total
Key Informant Interview (KII)		6	3	9
Focus Group Discussion (FGD)	Dakshin Kutba	6	2	8
	Kutba	6	-	6
	Gazipur Char	6	-	6
	Chhota Manika	-	13	13
	Shantipara	12	3	15
Total Participant:	5 Villages	36	21	57

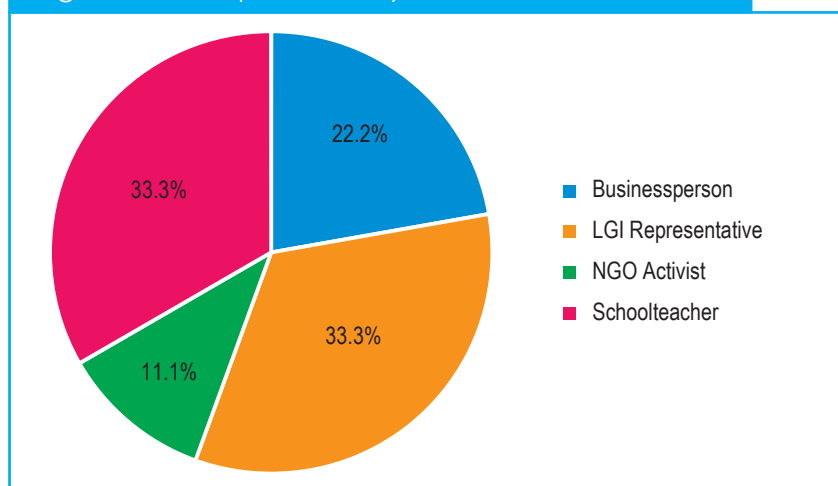
4.3 Field Observations

A two-member team visited Kutba and Sachra Union on 31 March 2018 and closely monitored the project sites, and the villages in the vicinity of the proposed power plant as an initial field observation exercise. The team also took interview of 5 key informants including a small farmer, businessperson and fisherfolk to understand the views of local residents. On the basis of initial observation, the second team consisting 4 members visited the project area including Burhanuddin Upazila, Kutba, Dakshin Kutba, Gazipur Char and Chhota Manika Village from 13 - 16 August 2018 and observed environmental and social impacts as well as conducted a biodiversity assessment of the areas. The team visited the project area for the third time on 10-11 September 2018 and met villagers of Shantipara Village under Kachia Union.

4.4 Key Informant Interview (KII)

A semi structured survey was conducted at the study site with observation. The study team interviewed 9 persons as Key Informants to receive insightful opinions and recommendations based on their knowledge and experience. 6 persons were male and 3 female among the participants. Among the participants 22.2% were businesspersons, 33.3% were schoolteachers, 11.1% were NGO personnel and 33.3% were LGI representatives. The team confirmed that 5 persons are listed as participants in the consultation meetings organized by NBBL on 6 March 2017 in the premises of Burhanuddin Upazila⁶² so that they would be able to share their insights and opinions about the said consultation meeting, especially from the perspective of effectiveness and FPIC. The team also confirmed two participants who were the land owners in the project site⁶³.

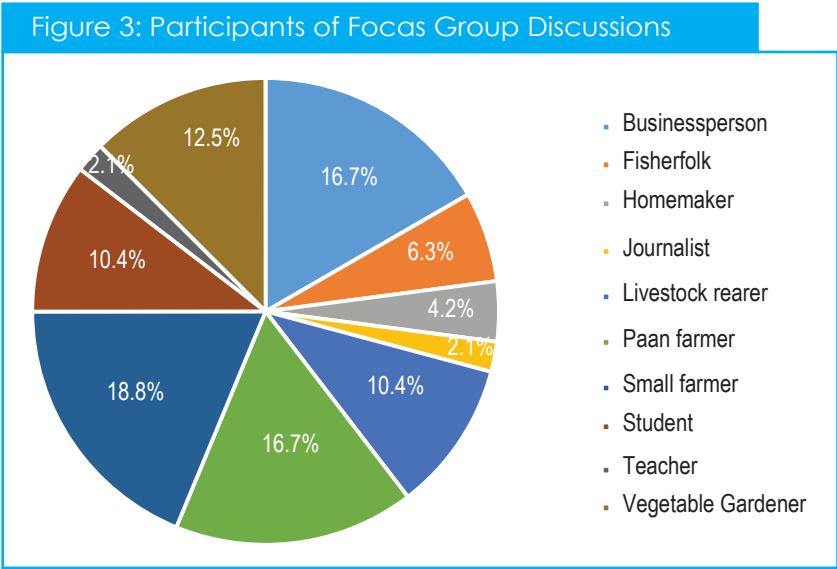
Figure 2: Participants of Key Informant Interviews



4.5 Focus Group Discussion (FGD)

The study team organized 5 FGDs in the villages of Dakshin Kutba, Kutba, Gazipur Char, Chhota Manika and Shantipara in Kutba, Sachra and Kachia Union under Burhanuddin Upazila. A

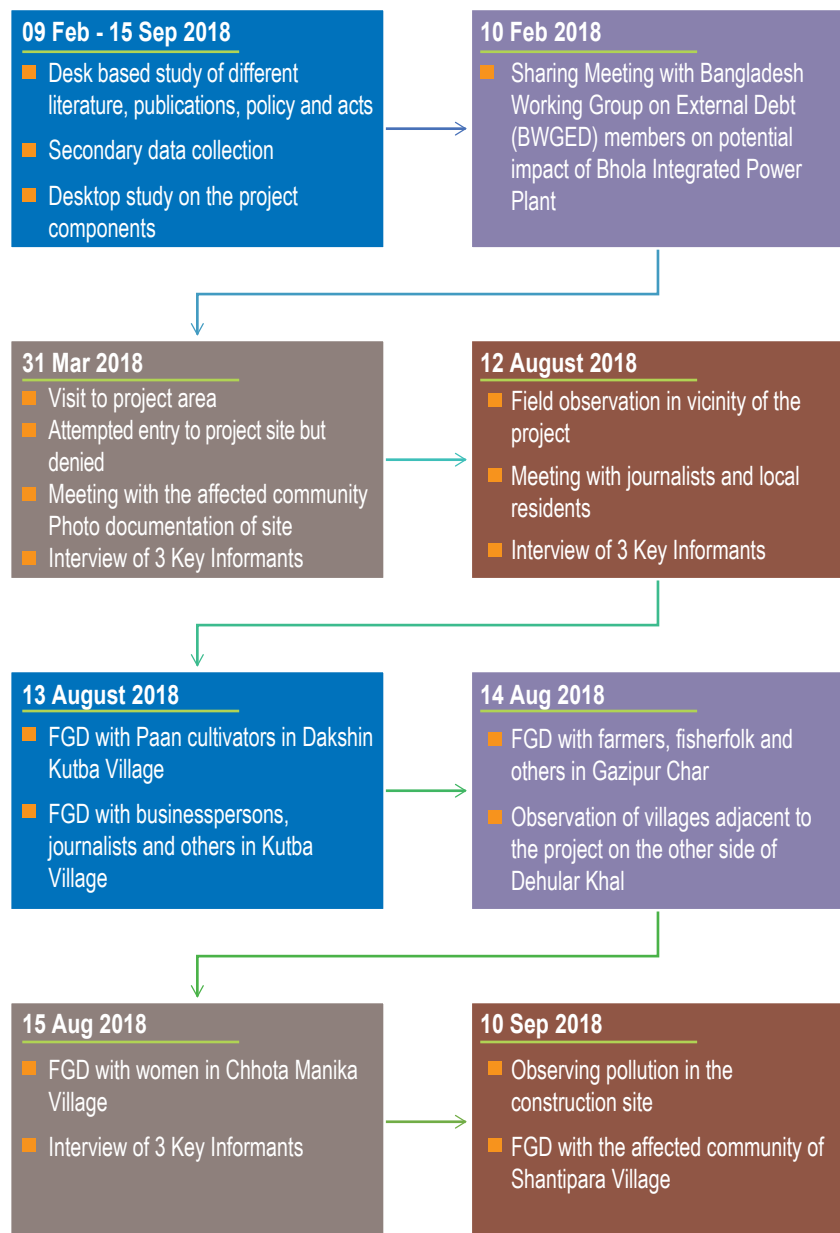
total of 48 persons participated in the FGDs organized by the study team. Among the 48 FGD participants, 30 were male and 18 female. The FGDs covered participation from diversified occupations and livelihoods including small farmers (18.8%), Paan farmers (16.7%), small businesspersons (16.7%), livestock rearers (10.4%), vegetable gardeners (12.5%), students (10.4%), fisherfolk (6.3%), homemakers (4.2%), journalists (2.1%) and teachers (2.1%) According to the ESIA report⁶⁴ NBBL had organized consultation meetings in the said villages. The study team confirmed participation of 7 land owners whose names are mentioned in the Annex of ESIA report⁶⁵.



4.6 Study Team

1. Azad Abul Kalam	Member	BWGED
2. Hasan Mehedi	Focal Point	BWGED
3. Mahbub Alam Prince	Coordinator	CLEAN
3. Sajjad Hossain Tuhin	Research Coordinator	CLEAN

4.7 Timeline of the Study



CHALLENGES



Photo 2: A malnourished child in Kutba Village, Burhanuddin Upazila, Bhola. Photo: Sajjad Hossain Tuhin

5.1 Limited Resources

As a rather loose and voluntary network of organizations and activists, Bangladesh Working Group (BWGED) had limited resources to put forward towards the study. Only the travel cost of the study team was met. The team members therefore could not spend adequate time in the project area for more intensive work.

5.2 Inadequate Human Resources

The study has been undertaken by small team of just four. The study would have been better served by having a specialist on civil engineering or power plants and a gender specialist on board.

5.3 Lack of Equipment

The team had no means of access to monitoring equipment such as a Sound Exposure Meter (SEM), Dissolved Oxygen (DO) Meter, pH Meter, Soil Moisture Meter, Salinity Meter, Particle Counter, Thermometer or Microscope to measure exact noise levels, water temperature, dissolved oxygen (DO), acidity and alkalinity of soil, moisture content, salinity, solid particles in the air or microorganism in the soil and water. As a result, the team had to rely on the values mentioned in the ESIA report or secondary sources.

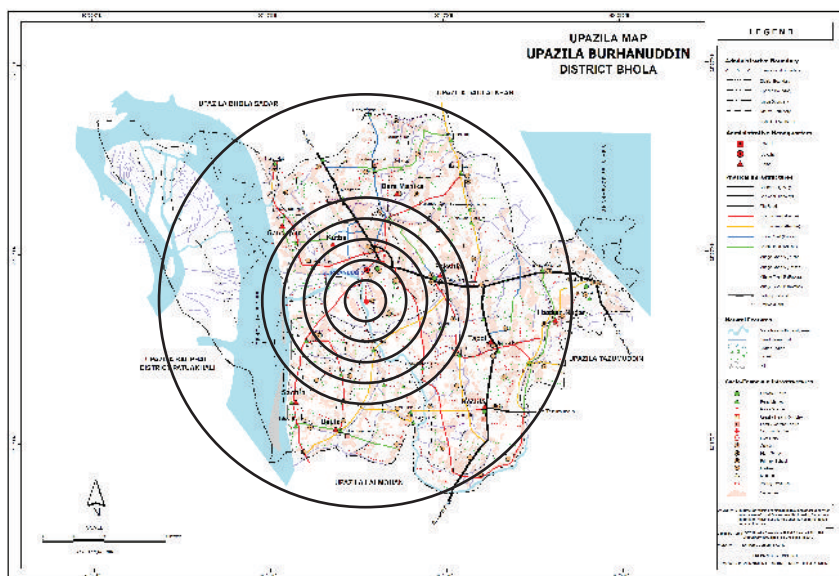
5.4 No Seasonal Data

Due to lack of resources and time, the team was unable to measure pollution in the different seasons, i.e. summer, monsoon and winter. Usually sound and air pollution seriously affect communities in the vicinity of the plant. The study report fails to capture all season pollution data, as also the impact of air, land and water pollution on local communities. The team relies on secondary sources to assess potential seasonal risks.

5.5 Environmental Constraint

The study was conducted mainly in August-September which is the peak season for rain, storm, tidal surges and cyclones. The team faced serious difficulties in survey work due to inclement weather.

THE AREA



Map 3. The project area in Burhanuddin Upazila, Bhola (Source: LGED)

Bhola is the only island district of Bangladesh under the administrative division of Barisal. In total, it covers an area of 3,737.21 km² which is divided into seven Upazilas, five Municipalities, 62 Union and 461 villages⁶⁶. Burhanuddin situated at the middle part of the Bhola District in between Shahbazpur channel and Tentulia River. Cumulatively, this Upazila consist of 9 unions, 58 villages and a municipality. It lies at 22.5000°N; 90.7217°E with 284.67 sq. km land area⁶⁷.

The territory of two Unions, Kutba and Sachra, will be used for Bhola IPP while areas in Deula, Kachia and Pakshia Unions will be used for laying of a gas pipeline from the Shahbazpur Gas field. Considering the influence of the project, demographic data of Kachia, Kutba and Sachra is given below.

Table 2: Demography of the Study Area (BBS 2014⁶⁸)

Union	Area (km ²)	HH	Population		
			Male	Female	Total
Kachia Union	25.93	6,715	16,808	16,914	33,722
Kutba Union	23.08	4,752	10,868	11,378	22,246
Sachra Union	20.42	3,848	9,545	9,886	19,431
Total	69.43	15,315	37,221	38,178	75,399

The total population of the three unions is 75,399 of which 37,221 are male and 38,178 female. Rate of literacy is significantly low in the project area, only 47.9%⁶⁹ while the national average of Bangladesh is 72.6%⁷⁰. Most of the people in the area are dependent on agriculture for their livelihood (52.6%) in which 43.1% are marginal farmers and other 9.5% are labourers. Fishing is the second highest occupation (8.5%) followed by Paan farming (6.2%).

Figure 4: Livelihoods in the Project Area

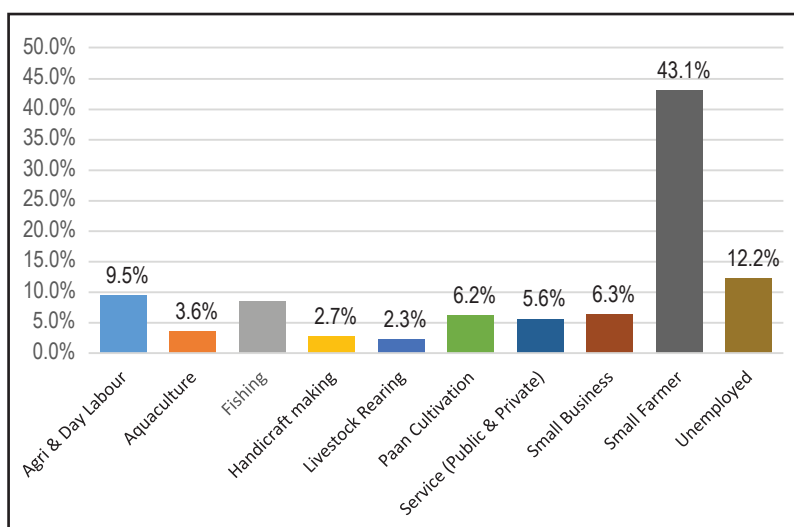




Photo 3: *Farmers are preparing seedlings in Dakshin Kutba Village, Burhanuddin, Bhola.* Photo: Sajjad Hossain Tuhin

6.1 Socioeconomic Conditions

Bhola is ranked 27th in Principal Component Analysis (PCA) of zonal disparity⁷¹ and the 8th most deprived district of Bangladesh⁷². Burhanuddin is one of the most deprived Upazilas and ranked 420 among 492 Upazilas of Bangladesh according to composite deprivation index (CDI) of UNICEF⁷³. 16.3% of its population lives in extreme poverty and 28.3% of the population is still facing poverty⁷⁴. Low income and very limited per capita land (with 40.11% landless population) indicated a poor community and depressed social status of the local people.

In Kutba, most of the people are directly involved in farming with livestock husbandry. Rice, wheat, Paan (betel-leaf), potato, papaya, guava, lime, lemon, jackfruit, banana, mango, litchi, blackberry, sugarcane, lentils, pulses, black gram, maize, mustard, groundnut, sesame, pepper, chili, onion, garlic, turmeric, ginger, tomato, radish, beans, pumpkin, pointed gourd, cabbage, brinjal, okra, arum, cauliflower, cucumber, melon and watermelon are the most prominent crops in the

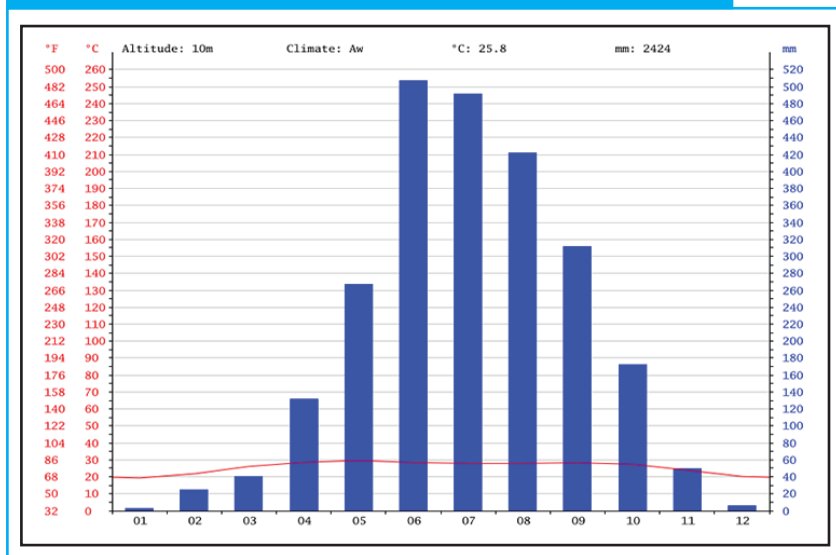
project area⁷⁵. 86.3% population lives in the rural environment of the project area, and to many, nutrition (33.2%) and sanitation (27.75%) is not readily available. However recently this area has improved in open defecation (6.2%)⁷⁶.

The study area is an active delta and all of the lands are categorized as estuarine floodplains of the River Meghna. The highest point of this area has recorded at 3m from mean sea level. The Northern part is a bit higher in elevation than the southern part because of the erosion and sedimentation of this active delta. Loam soil with 56% silt, 23% sand and 21% clay makes this land very fertile for cropping⁷⁷. Major part of the project area is medium height land (65.5%) which are less than 3 meter higher than the mean sea level. 20.1% low land and a small portion of high land (14.4%). The low lands are actually char land on the river or canal (creeks) banks or river islets and usually treated as wetlands. The villages of Dakshin Kutba and Chhota Manika are situated in this low land coverage area.



Photo 4: *Most of the lands in Bhola, especially Burhanuddin Upazila are either medium high or low land which are at or just above the mean sea level.* Photo: Sajjad Hossain Tuhin

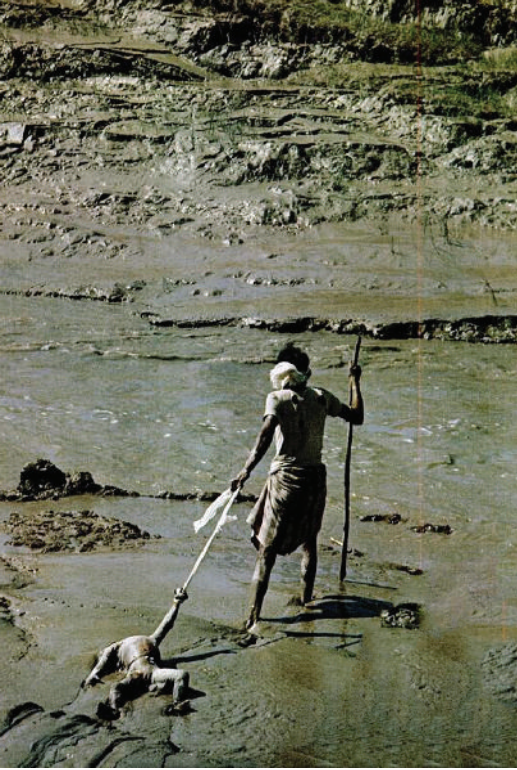
Figure 5: Climate Map of Bhola (Climate Data.org)



6.2 Climatic Conditions

The climate of the study site is typically tropical with a mild winter from October to March, hot and humid summer from March to June and warm rainy monsoon from June to October. Maximum and minimum temperature is variable all the year round. In the month of January and December temperature falls to the lowest around 12-15°C and it reaches around 35-40°C to the maximum in the months of April, May and June. Monthly average lowest temperature is 11.7 °C in January and average highest temperature is 35.4 °C in May.

The average daily temperature is around 20-27°C. Daily relative humidity lies between 50-90%, which is lowest in the evening and highest in morning. A humid, warm rainy monsoon occurs here from June to October. The precipitation reaches its peak in July and August. Maximum monthly precipitation occurs in July, around 393mm. In the months of July and August this area experience 20-25 days of rain. December and January are the driest months in the project area⁷⁸.



Bhola is one of the most vulnerable areas of Bangladesh which is regularly subject to cyclones, tidal surges, floods and river bank erosion⁷⁹. Around 500 thousand people had died by the well-known Bhola Cyclone 1970 which hit the area on 12 November 1970. Till date around 23 devastating cyclones have hit the islands of Bhola including Burhanuddin and the project area. Some notable cyclones that struck the area were in 1974, 1975, 1977, 1983, 1985, 1986, 1988, 1991, 1995, 1997, 1998, 2007, 2008, 2009, 2013, 2015, 2016 and 2017⁸⁰.

Photo 5: More than 500,000 people had died by the Bhola Cyclone in 1970. Source: Londoni.com

The project site is situated under the administrative unit of the union Kutba. Kutba has a total land surface of 5,702 acres and divided into 8 villages. Chhota Manika and Dakshin Kutba lies along the Dehular Khal and the power plant site is under these two villages. Gazipur Char is the village just opposite to the construction site and Dehular Khal is the only natural setting between them. Although, a very small creek named Mandartoli Shakha Khal also flows just beside the project area. It emerges from Mandartoli Khal, 1.8 km away from the project site, and drops into the Dehular Khal.

BHOLA IPP PROJECT



Photo 6: The Government agreed to purchase electricity at a higher price than state-owned power plants by signing a Purchasing Power Agreement (PPA) on 27 August 2017. Photo: Energy & Power News

NBBL, a subsidiary of SP Infra, sought a loan of USD 60 million from AIIB to construct a power plant in Bhola after getting a 22 year selling agreement from BPDB. Their proposal was approved on 9 February 2018 by the Board of Directors of AIIB⁸¹. A Summary of the Project Data is given below:

Name of the Project	: Bhola Integrated Power Plant (Bhola IPP)
Project Location	: Kutba Union, Burhanuddin Upazila, Bhola District, Bangladesh
Capacity	: 220/225 Megawatt
Type of Project	: Combined Cycle Power Plant (CCPP)
Fuel	: Natural Gas and High Speed Diesel
Land Acquisition	: Total 28.28 Acres (17.00 acres from Bhola I Project, 5.78 acres from Local People and 5.5 acres for Gas pipeline)

ESF Risk Category : B (according to ESF of AIIB)
 Industrial Risk Category: Red (according to ECR of Bangladesh)
 Project Period : Construction Period: 20 Months (April 2018 - December 2019)
 Production Lifetime : 30 Years
 Power Supply Period : 22 Years (as per agreement with BPDB)

Financier : Asian Infrastructure Investment Bank (AIIB)
 Islamic Development Bank (IsDB)
 Borrower : Nutan Bidyut Bangladesh Limited (NBBL)
 Sponsor : SP Infra, a subsidiary company of SP Group, Mumbai, India

Establishment of NBBL : 27 March 2016
 Letter of Intent : 18 April 2016
 IEE Report Submitted : 23 October 2016
 ESIA Report Approved: 20 April 2017
 ESIA Final (Released) : January 2018
 Land Acquisition : January 2017
 AIIB Approval : 9 February 2018
 IsDB Loan Agreement : 25th June 2018
 Total Budget : USD 271.9 million
 AIIB Investment : USD 60.00 million
 IsDB Investment : USD 60.00 million
 NBBL Investment : USD 151.9 million

Category of AIIB Loan: Private Sector Loan
 Sector of Investment : Energy/Power Generation
 ESIA Prepared by : ERM India Private Limited

KEY FINDINGS

8.1 Accessibility & Civic Space



Photo 7: Construction site of Bhola IPP which is full of dust. Photo taken from other bank of Dehulia Khal. Photo: Hasan Mehedi

8.1.1 Accessibility Denied

The representatives of project executing agencies did not allow the study team in March, August and even in September 2018 to enter in the project site. The security personnel even did not allow the team to take photo of project site. So, all the observations were seen from either just outside of the project site or from the other bank of Dehular Khal which is in the territory of Sachra Union.

8.1.2 Pressure of Vested Interest Groups

The affected communities were so scared of talking to the study team due to strong pressure from social and political powerful groups. Every single respondents gave their contact information

but none of them were willing to disclose their identity in the monitoring report.

8.1.3 Uninformed People

Lack of Information about proposed Bhola IPP is very much prominent in the locality which turned into a limitation. Most of the people said that they heard the name of NBBL and Bhola IPP for the first time from the study team. When the construction started they had assumed it was the second phase of the existing power plant (Bhola I). So, they were unable to express their comments on different project documents such as ESIA, Resettlement Framework (RF) or GRM.

8.1.4 Information Missing

There was a lack of critical information in the ESIA and other documents provided by NBBL. The ESIA report stated that 15 different consultation meetings had been organized in the communities, but there is no participant list of those consultations in the ESIA. There was also no information regarding- date of land acquisition, amount paid as compensation and resettlement, starting date of construction works and budget for construction works, available in any document in the public domain. It closed the window of cross examination and obstructed the study severely.

8.1.5 Absence of the Community

According to the Annex of the ESIA report NBBL had conducted a consultation meeting with the fishing community in Chhota Manika village on 6 January 2017⁸² and documented 12 fishing households there. But the study team didn't find any fisherfolk in Chhota Manika. The locals disclosed that those fisherfolk had already changed their livelihood due to declined fish catch in Dehular Khal. The NBBL also claimed that they had conducted a discussion with BPDB's Chinese Village Labour Camp on 8th January 2017⁸³. But the study team didn't find any such community. According to the local people, there was a China Village where labours and Chinese workers were living during the construction of Bhola-I. But they left just after completion of that power plant.

8.2 Meaningful Consultation



Photo 8: *Momotaz Begum, a female smallholder in Sachra is saying about the negative impacts of power plant on agriculture and health. Photo: Hasan Mehedi*

8.2.1 Public Consultation Denied

Meaningful consultation is obligatory for project executing agencies according to the ESF of AIIB⁸⁴. In the ESIA report NBBL claims that it had conducted 15 consultation meetings with different stakeholders including 7 meetings with the local communities in Chhota Manika, Dakshin Kutba, Chinese Village Labour Camp, Gazipur Char and Shantipara villages along with 8 meetings with the project-related GOB offices⁸⁵. The ESIA report also states that a Household (HH) survey had been organized among 207 HHs from 5th to 12th January 2017⁸⁶.

NBBL also asserts that they have consulted respective stakeholders at various points of time since January 2016 as a part of the project development process, the land procurement process or to undertake the ESIA⁸⁷. The ESIA also mentions that

there were two rounds of formal stakeholder consultations of which the first round was conducted in April-May 2016 and the second round in January 2017⁸⁸.

However during the survey conducted by the study team of BWGED, none of the 57 persons of those villages were able to either recall any such consultations or identify any person who had participated in those consultations.

8.2.2 Misrepresentation

According to the ESIA report, NBBL had organized a consultation meeting in Burhanuddin Upazila Complex on 6 March 2017 with the participation of GOB officials, teachers, LGI representatives and social elites⁸⁹. The study team interviewed 5 from among the 37 persons who were said to have participated in this consultation meeting. Three of the respondents told the team that they participated in the meeting but their concerns were not reflected in the report. Two participants who are also elected female members of LGI denied outright participating in any such meeting in the Burhanuddin Upazila office.



Photo 9: Sajjad Hossain Tuhin is taking photo of a herb in Chhota Manika village.
Photo: Mahbub Alam Prince

8.2.3 FPIC Violated Seriously

According to the ESIA report, the Project received favourable support from local inhabitants and other stakeholders⁹⁰. But members of the affected communities who participated in the survey conducted by the study team articulated that none of the representatives from SP Infra or NBBL took their consent about the project or disclosed the positive and negative impacts of the project.

8.3 Land Acquisition

8.3.1 Land Owners were pressurized to sell

NBBL claimed that they verified and consulted with land owners regarding ownership, inheritance and mutation of records between May 2016 and January 2017. The company also claimed that 63 land owners had been identified who will be impacted due to land procurement for the power plant. 21 land sale agreements have also been executed with these land owners in January 2017 based on their signed consent to the rates per decimal⁹¹. But the land owners told the study team that they were paid around Bangladesh Taka (BDT) 20,000.00 by the middlemen of the power plant while they heard that the authority paid around BDT 80,000-100,000 for every decimal of land. In most of the cases the local farmers were pressurized by middlemen to sell their lands against the price fixed by them.

"In a midnight of 2nd week of December 2016, some of the political leaders came to my home and asked me to hand over all documents of my land. They threatened me, 'otherwise, you will be kicked out to India from the village'".

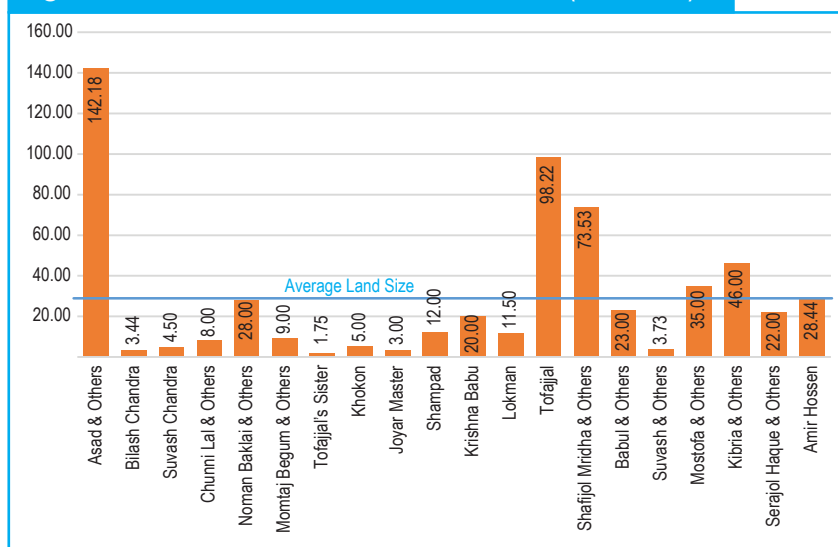
- An Anonymous Hindu farmer from Dakshin Kutba Village

8.3.2 Communal Oppression

Most of the lands of the project site were historically owned by Hindu communities of Dakshin Chhota Manika village who are also the religious minority in the area. After 2 communal clashes in 1991 and 2001, they had to sell the land to survive. A large number of the Hindu community also migrated

from the villages at that time. Among the land owners of the project site, 8 pieces of land (59.17 Decimal) were owned by 19 from the Hindu faith and 13 pieces of land (519.12 Decimal) were owned by 13 owners who were Muslim⁹². A Hindu land owner^a told the study team that one night several people led by a well-known leader from the present ruling party came to their house past midnight in second week of December 2016 and asked them to handover all documents of their land. The leader threatened that it would be good if they give the documents, otherwise the situation will not be favourable for them. The land owners followed the instruction because they feared for their lives. Later they got BDT 20,000.00 from that leader against per decimal of land.

Figure 6: Land Owners of the Power Plant (Decimal)



8.3.3 Fake Land Owners

There is a list of 153 land owners in the Annexure of ESIA report. But some of the land owners said that their names are not available in the list when the study team disclosed the list before

^aAll names of local affected people are either changed or kept secret in this report considering their personal security

them. On the other hand, largest piece of land (142.18 Decimal) owned by "Asad and others" according to the Annexure. The study team couldn't find any such person in the area. The local people also failed to identify any person and claimed that that piece of land was not owned by any such person. It is clear that the identified local influential political leader took that land from local people and sold to NBBL at higher price.



Photo 10: *Small piece of land is the lifeline of marginal farmers in Project area.*
Photo: Sajjad Hossain Tuhin

8.3.4 Acquisition & Requisition Act Violated

The local communities claimed that they got only BDT 20,000.00 per decimal from middle men while others who gave land to Sundarban Gas Company Limited (SGCL) for pipeline got around BDT 100,000.00 for each decimal. People expressed that it would be better if give land lands to SGCL rather than this power project. The ESIA report also agreed that "*land procurement process was on the basis of voluntary land transactions and willing buyer, willing seller negotiations*"⁹³. But according to the Acquisition and Requisition of Immovable Property Ordinance 1982, the land owners are entitled to get twice of market price if the land taken by any private company⁹⁴. According the latest law of 2017, they are to get thrice⁹⁵. In this case the law is totally bypassed and people were deprived from their rights.



I HAD TO CHANGE MY LIVELIHOOD DUE TO THE POWER PLANT

- A Villager of Dakshin Kutba

It is very difficult for me to walk along the Dehular Khal watching the current situation of my land. My forefathers used to earn their livelihoods by cultivating that land. For me, I have spent my whole life at working on those lands. I can remember, our land gave us around 600-700 Mounds paddy every year.

But currently, several heavy construction works are going on at that place. Most of the lands are now useless because of sand dumping. Even about 5 years ago I used to go fishing in the wetlands of that area. But those practices diminished now. One local shrimp species already diminished. 40-50 share croppers already migrated from our village to Bhola town due to current projects.

Now I am managing a small tea stall for my livelihood. But I was a sharecropper and a small farmer earlier.

I know a very little but I am sure that this power plant will create a vital problem for my community.

8.4 Information Disclosure & Right to Know



8.4.1 Information Disclosure Neglected

According to ESF of AIIB, all project executing agencies are obliged to "...relevant information about environmental and social risks and impacts of the Project is made available in the Project area in a timely and accessible manner"⁹⁶. But none of the 57 participants of KII and FGDs agreed that the executing agency or any of its representative disclosed even a brief on the project, let alone the Environmental and Social Management Plan (ESMP), Resettlement Plan, GRM or GAP. Both AIIB and NBBL website contained only an undated PSI, Final Report of ESIA and Annexures to the Final Report of ESIA when we last checked on 7 July 2018.

Given this situation and after analysing the ESIA Report, BWGED sent a letter to the NBBL on 8 July 2018 and copied to AIIB to disclose ESMP, Resettlement Framework (RF), Stakeholder Engagement Plan (SEP), Gender Action Plan (GAP) and Labour and Influx Management Plan (LIMP)⁹⁷. In response

of the letter NBBL uploaded a translated Bengali version of PSI^b, Summery of Environmental and Social Impacts (E&S Summery) and GRM on their website. Later it also uploaded Environmental Monitoring Program (EMP) on their website⁹⁸.

The local people, who have limited access to internet and the techniques of using it, have no way to get these documents. So, this disclosures are not in the project area and confirms neither in a timely nor in an accessible manner.

8.4.2 Wrong and Complicated Translation

The translated versions of E&S Summery, EMP and GRM are full of wrong translation and complicated sentences. The documents seem copied from a bigger document and none of those consist any issuing or responsible authority on the cover page. There are enormous examples of wrong translation. The heading of E&S Summery (dated 22 December 2017) is (in Bengali) সংক্ষিপ্তরূপে প্রকল্পের পরিবেশগত ও সামাজিক সারসংক্ষেপ⁹⁹. Spelling of the very first word is wrong. Retranslated form of this headline will be "Summarized Summery of Environmental and Social of the Project" which doesn't mean anything.

The undated EMP (Bengali version)¹⁰⁰ started from a number 7.3 means there is something before it which is hid by the executing agency. It is named (in Bengali) “পরিবেশগত পর্যবেক্ষনমূলক কর্মসূচী (নির্মান ও পরিচালন স্তর)”. There are at least three spelling mistake and one misinterpretation in this headline. Similarly, the undated GRM document started from a number 7.5 which means there is something from number 1.0 which is hid¹⁰¹. The headline of this document is (in Bengali) “অভিযোগ তদারক পদ্ধতি - এনবিবিএলপি/এসএমপি/৫”. Retranslated form of this headline will be "Grievance Supervising Process - NBBLP/SMP/5". If we ignore the wrong translation, what is the meaning of NBBLP/SMP/5 in this document?

^b Surprisingly, the Bengali version of PSI has been removed from NBBL website on an uncertain day between 20th July and 12 August 2018

These translated documents are unreadable for even the activists who got higher education from academies let alone the affected communities who are simply literate. It is observed that most of the documents are either translated by using automated translating software or translated by unskilled translators or with bad intentions.

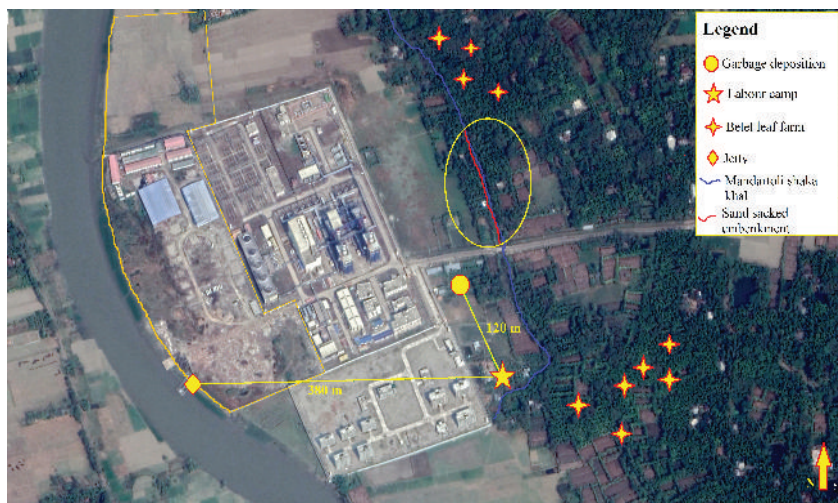
8.4.3 Communicative Options Denied

The ESIA agreed that literacy rate in project area is seriously low (48.2%) than average of Bangladesh (72.6%)¹⁰². In this case, the ESF of AIIB required proactive disclosure of the respective documents "*...in a form and language(s) understandable to the Project-affected people...*"¹⁰³ from the client. The possible forms can be radio and television advertisement, cartoons, graphic posters and presentation, village level consultation with flip charts or any other form understandable to the affected communities. But none of the forms used to inform the community people about potential negative impacts of the project and possible actions supposed to be taken by NBBL to reduce negative impacts.

8.4.4 Translated ESMP Still Undisclosed

Voluntary disclosure of Environmental and Social Management Plan (ESMP), Environmental and Social Management Planning Framework (ESMPF), Resettlement Plan (RP), Resettlement Planning Framework (RPF) are mandatory according to the ESF of AIIB¹⁰⁴. The ESIA report confirms that an ESMP along with other management plans have been developed before January 2018 when the final report of ESIA was prepared¹⁰⁵. An ESMP document is also enclosed with the ESIA¹⁰⁶. But even after 9 months, the translated ESMP is yet to be published and disseminated to the affected communities.

8.5 Social and Environmental Impacts



Map 4: Map showing the place of Jetty, Betel Leaf Farms, Labour Camp and Garbage Deposition by NBBL staffs

8.5.1 Noise Pollution

The project site situated in Dakshin Kutba village is a completely rural residential area. According to the section 11 of Noise Pollution (Control) Rules 2006 construction in the night is totally prohibited¹⁰⁷. In the residential area, noise pollution limit is 55 and 45 decibel [dB(A)] in the day and night respectively¹⁰⁸. The ESIA report reveals that there were objections from local communities about noise pollution during operation of Bhola-I power plant¹⁰⁹. But the new project is only following the bad practices of the previous project. However the ESIA report agreed that the current noise level of the project is affecting health and safety of local people¹¹⁰ and noise level during construction period of Bhola IPP touched 85 decibel¹¹¹ which is 30 decibel more than the permitted level. The local affected communities complained to the study team that the NBBL authority is running construction works even in the night which is affecting their daily lives, especially homework of school-going children.

The noise pollution spread up to 3 km at the night time. As the current power project already created health and safety problems for the local people, the cumulative impact of noise pollution will simply force them to leave the villages or to face serious health problems. The affected communities said that they have to move from the place if they want to live with a healthy life because it hampers their psychological and physical wellbeing.



Photo 11: A woman from Dakshin Kutba village is collecting water from Mandartoli Shakha Khal which has almost dried up with sand deposits and sedimentation. Photo: Sajjad Hossain Tuhin

8.5.2 Unplanned Construction Creates Flooding

Mandartoli Shakha Khal was one of the active water channels (tidal canal) that emerged from Mandartoli Khal and flows by the other side of the project site. The BPDB had closed southern part of the Mandartoli Shakha Khal to construct homes for their employees. Further, the NBBL embanked its northern part with sand sacks and has taken over half of the canal. The sand from the sacks has spilled out into the canal-bed causing siltation and the canal to gradually dry up. Now the canal is only 1-2 feet deep and has lost its water carrying capacity. As a result the water overflows during high tide and floods the Dakshin Kutba village. Around 100 HH premises and 400 betel leaf farms are regularly submerged by river water twice a day. The situation is quite tough for the local affected communities due to the unplanned construction and lack of maintenance of the sand bags of NBBL.



BETEL LEAF FARMERS IN PERIL

Betel leaf plants are very sensitive to moisture. Water logging could destroy this vital crop. Most of the lands surrounding the project site are under Betel leaf cultivation. On an average almost 500 small farms were found within a radius of 1 km. But, work carried out by the NBBL authority at Mandartoli Shakha Khal has caused heavy deposits of sand in the canal and water logging of these lands. Currently the depth of the canal is less than one metre. During high tide it overflows to the surrounding houses and Betel leaf farms. Die back of Betel leaf and leaf damage has struck all these farms. A farmer from Dakshin Kutba lamented that about 30% of the plants on his farm were already affected by die back disease and it is the same scenario for all the other farms of the area.

8.5.3 Destruction of Paan Farms

Since the past two years, a betel leaf top dying disease has been seen which could possibly be a negative impact of excessive air pollution created by Bhola-I power plant, as the affected betel leaf cultivators charge. According to the affected communities, Paan production has decreased at least by 30% in the last two and half years when electricity generation started from Bhola-I power plant. The current Bhola IPP has now created another problem for them. The manmade disaster of water flooding the soil of Paan farms causes rotting of Paan plant roots called die back disease. The worrying factor is that these cultivators are gradually losing mother plants and their livelihoods as well. Future emission of toxic gases will totally destroy the Paan farms and the farmers.

8.5.4 Waste Pollution



Photo 12: Garbage left by the NBBL staffs in the Mandartoli Shakha Khal.
Photo: Sajjad Hossain Tuhin

Mismanagement of garbage and waste is very alarming at the project site. No dustbin was seen at the project site which forces the construction workers to put their dust anywhere. The study team discovered a large amount of garbage at the Mandartoli Shakha Khal and most of them were non-degradable such as polythene, plastics, metal and so on. The Mandartoli Shakha Khal is carrying these non-degradable and sometimes, toxic wastes from the project site to other areas and thus pollution is spreading out all-around the project site.

8.5.5 Declined Fish Varieties and Fishermen

The project site is an active floodplain, wetland and submerged during monsoon. The local communities used to collect 15-20 species of indigenous fishes from the land. The BPDB's Bhola-I power plant grabbed a major portion of land which reduced the number of indigenous fish species. The affected communities

reported that there were at least 15 species of fish in the project site before 2017 when the construction of Bhola IPP started. After filling the land by sands, all the species has been destroyed and there are only 2-3 species can be found in rainy season in the remaining wetland.



Photo 13: *Fishing in the Dehular Khal.* Photo: Sajjad Hossain Tuhin

More than 70 species of fishes can be found in Dehular Khal¹¹². The ESIA report agreed that construction of jetty on Dehular Khal and movement of vessels with oil and other materials will restrict boat movement, use of nets and fishing in the canal¹¹³. It is also agreed that there will be a potential reduction of fish resources in Dehular Khal due to cumulative impact of BPDB's Bhola-I and NBBL's Bhola IPP. Discharge of huge amount of hot water in Dehular Khal will further destroy the habitat of indigenous fish varieties. The Tentulia River and its nearby areas are the major breeding area and habitat of Ilish fish (*Tenualosa ilisha* Hamilton) which is the national fish of Bangladesh. It is mentioned in the ESIA report that the dredging in Tentulia River during construction period may temporarily drive away the fish¹¹⁴.

Specific compensations are proposed by NBBL for the aquacultures whether it will be implemented or not. But compensations and other deliverables for fishing communities are unspecific, vague and thus depends on whims of executing agency¹¹⁵.



Photo 14: *Different places of the Dehular Khal and Mandartoli Shakha Khal have been grabbed by the project executing agency. Photo: Mahbub Alam Prince*

8.5.6 Risk of Oil Spillage Ignored

According to the plan, BPC will deliver HSD by oil tankers from Chittagong to the Jetty on the Dehular Khal crossing Bay of Bengal, estuarine of Meghna River and Tentulia River. The Dehular Khal is not much broad and doesn't have enough draft for large oil tanker movement. So, there are two alternatives to carry HSD from Chittagong: (1) Loading small tankers from Chittagong, or (2) Unloading from big tankers to small tankers in Tentulia River. In both of the cases there are huge risk of oil spillage because on the one hand, the small tankers has serious risk of sinking while crossing mouth of the Bay of Bengal, and on the other hand, there are potential risk of leakage and sinking during of small tankers during unloading process in Tentulia River.

But the ESIA report only focuses on oil spillage during unloading process at the jetty of Bhola IPP which is only small mouth of a big loophole. The ESIA suggests, "*A spill response plan and*



Photo 15: Death of an Irrawaddy Dolphin due to oil spillage in the Sundarbans 2014. Photo: The Economic Times

emergency plan will be prepared to address accidental spillages or release of hazardous wastes"¹¹⁶ which is for the project site and Dehular Khal area only. This narrow view of a serious problem left the Ilish sanctuary and all other aquatic resources by saying the impacts will be "*Negligible for habitats and Small for species*"¹¹⁷.

8.5.7 Grazing Land Destroyed

The villagers of Chhota Manika, Dakshin Kutba and Gazipur Char is highly dependent on livestock husbandry and all of the families have a couple of either cattle, buffalo or goats. Earlier the local inhabitants were using the project site as their grazing land in dry season. The BPDB plant took almost half of the land. Then the Bhola IPP have taken other half now. Now the affected communities don't have any land for grazing. According their opinion, either no assessment or enlisting work haven't taken place to identify actual livestock rearers of the area or actual rearers are left from the list. Most disappointing thing is the NBBL has no plan to compensate the affected people who lost the common grazing land due to the new power plant.

8.5.8 The Endangered Species are threatened Again

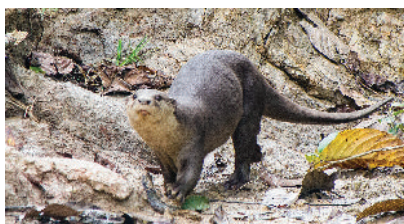
According to the ESIA report, only 139 species of plants, 12 species of amphibians, 23 species of reptiles, 53 species of birds, 21 species of mammals and 90 species of fishes found in the area¹¹⁸. The actual number of species are much higher than mentioned in the ESIA report. Among the enlisted fauna 48 species (5 mammals, 34 fishes, 1 birds, 1 amphibians and 7 reptiles) are either vulnerable or critically endangered or near threatened in Bangladesh.

Most alarming thing is two species of fish (*Pethia ticto* Hamilton and *Monopterus cuchia* Hamilton), one species of mammal (*Lutrogale perspicillata* Hilaire) and two species of reptiles (*Batagur kachuga* Gray and *Gavialis gangeticus* Gmelin) are not only critically endangered or vulnerable in Bangladesh but also near threatened or vulnerable in the world¹¹⁹.

Figure 7: Both nationally & globally vulnerable species



Gavialis gangeticus



Lutrogale perspicillata



Batagur kachuga



Monopterus cuchia



Pethia ticto

Among the enlisted fauna following species are protected under WCSA 2012¹²⁰:

- **3 species of Amphibians:** *Euphlyctis hexadactylus* Lesson, *Hoplobatrachus tigerinus* Daudin and *Hylarana taipehensis* Denburgh
- **48 species of Birds** out of 53 enlisted species in the ESIA report
- **7 species of Fishes:** *Bagarius yarrellii* Sykes, *Labeo boga* Hamilton, *Labeo nandina* Hamilton, *Labeo pangusia* Hamilton, *Macrognathus aral* Bloch & Schneider, *Monopterusuchia* Hamilton and *Rasbora bola* Hamilton;
- **18 species of Mammals:** *Bandicota indica* Bechstein, *Canis aureus* Linnaeus, *Felis chaus* Schreber, *Herpestes auropunctatus* Hodgson, *Herpestes edwardsi* Saint-Hilaire, *Lutrogale perspicillata* Saint-Hilaire, *Megaderma lyra* Geoffroy, *Mus booduga* Gray, *Mus musculus* Linnaeus, *Paradoxurus hermaphroditus* Pallas, *Pipistrellus coromandra* Gray, *Pipistrellus minus* Wroughton, *Prionailurus viverrinus* Bennetts, *Rattus rattus* Linnaeus, *Scotophilus kuhlii* Leach, *Scotozous dormeri* Thomas, *Suncus murinus* Linnaeus, *Viverricula indica* Saint-Hilaire and *Vulpes bengalensis* Shaw;
- **22 Species of Reptiles** out of 23 enlisted species mentioned in the ESIA report

According to the ESF of AIIB project activities in areas of critical habitats are prohibited¹²¹. The project itself is not supposed to be establish in the area because it is one of the important habitats of nationally and globally critically endangered species. Besides, killing or hurting or destroying habitat of any of the species is a cognizable offence and subject to maximum one year jail or penalty of BDT 50 thousand which can be double for second time¹²². So the project disregarded the ESF of AIIB and existing law on wildlife in Bangladesh as well.



Photo 16: Unhygienic labour camp of Bhola IPP without any waste dumping place. Photo: Mahbub Alam Prince

8.5.9 Local Labours Deprived

According to the affected communities, both of Bhola-I and Bhola IPP project ignored the right of local people to be recruited as labour of the project. The previous project appointed China Chengda Engineering Company Ltd.¹²³ for construction works and subsequently they outsourced labour supply job to a third party who appointed cheaper labour from different corners of the country. The local people expected something different from this project. The LIMP of Bhola IPP pledged that *"the project proponent will endeavour to maximise local employment..."*¹²⁴. But the local affected communities told the study team that NBBL appointed a third party, Sinam Group, to supply labour for construction work and consequently the Group recruited more than 80% of labour from Northern zone of Bangladesh. Only 5% of labour recruited from the study area, according to the affected communities. As a result around 50-60 families who were engaged with agricultural labour has been migrated from the village, as the affected communities said.

8.5.10 Right to Move Jeopardised



Photo 17: Barbed wire fence constructed by NBBL on the both side of access road in the name of security which made obstructions for the local people to access the road. Photo: Sajjad Hossain Tuhin

According to the Easements Act 1882¹²⁵, no individual or institution has rights to bar any citizen to access to private or common property for their wellbeing. Accordingly the BPDB didn't impose any bar on local people to access Char land, Grazing land or the Dehular Khal¹²⁶. But the NBBL barred the local people from accessing to the bank of Dehular Khal by hanging a cautionary board in wrong language. Therefore, people don't have access to the canal bank or Char land which is only grazing land and a major location for fishing. Besides, in the name of security, a one km long iron fence were created on the both side of road from main road to the project site. This fence created obstacles for the local people to access from their houses to the road which is a clear violation of the law of Bangladesh.



8.6 Eligibility & Legitimacy



Photo 18: The Project Site and surrounding area is completely a wetland.
Photo: Sajjad Hossain Tuhin

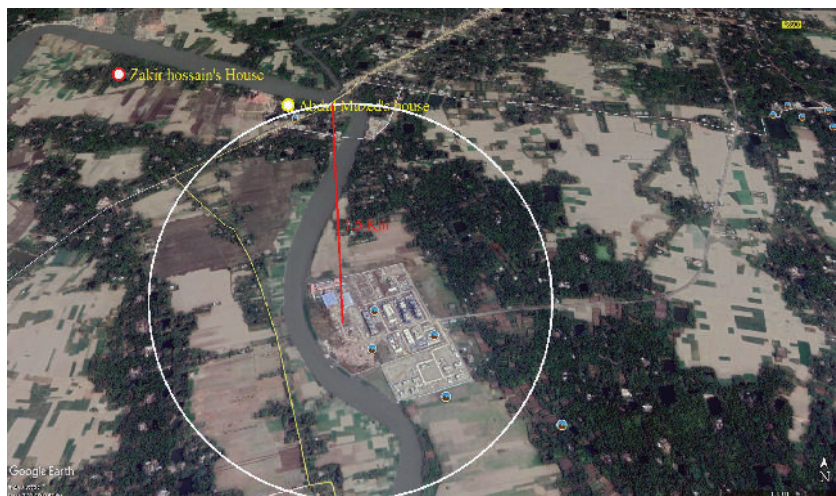
8.6.1 Wrong Information on Land Category

In the ESIA report, The NBBL claimed that there is no wetland in the project site or in the areas of proximity¹²⁷. It is ridiculous that the same ESIA team found plants like False White Teak [*Trewia nudiflora* L. (*Mallotus nudiflorus* (L.) Kulju & Welzen^c)], Varuna [*Crataeva nurvala* Buch.-Ham. (*Crateva nurvala* Buch.-Ham.)] and Indian Oak (*Barringtonia acutangula* (L.) Gaertn.) near the wetland¹²⁸. The ESIA team also identified wetlands in the area as a habitat of fish species¹²⁹. The ESIA report again mentioned that the level of land has to be raised at least 4.1 metre from present level by filling 200,000 m³ sand by dredging Tentulia River¹³⁰.

These evidences clearly show that the land is actually a wetland whether it is mentioned in any national notification or not. The

^c Corrected scientific names are given in the bracket as wrong scientific names are written in the ESIA report

local inhabitants also mentioned that they used to catch indigenous fish varieties from the project site before it started. So, either the authority accepted the ESIA blindly without visiting the project site or there were negotiations between NBBL and authorities behind the curtain.



Map 5: Noise pollution experiment sites of ESIA Team which is more than 1.5 km far from the project site.

8.6.2 Fake Noise Pollution Test

According to the Annex of ESIA, two houses were selected by the consultant to test existing noise pollution. The houses are Zakir Hossain's house and Abdul Mazed's house in Gazipur Char village¹³¹. Both of the houses are around 1.5 km far from the project site and have a very few possibility of feeling extreme noise pollution from there. The noise pollution is affecting the community people of Dakshin Kutba village seriously which is situated by the project site. But none of the places of this village selected for testing noise pollution.

The BWGED study team visited both of the houses (i.e., Zakir Hossain and Abdul Mazed) but the family members of both families told that none of the representative from NBBL, ERM or

EQMS Consulting Limited (the institution involved with noise pollution testing) visited their house or test any noise pollution in the premises of their houses.



Photo 19: NBBL says they tested noise pollution in premises of this house, house owners says No. Photo: Sajjad Hossain Tuhin

8.6.3 Environmental Rules Violated

The final version of ESIA report was prepared on an unspecified date of January 2018¹³² but surprisingly DOE approved the same ESIA report on 20 April 2017¹³³. So, it is assumed that the authority had decided to build the power plant earlier and given an approval when any ESIA was not prepared.

According to the Environmental Conservation Rules 1997 (subsequent amendments in 2002, 2003 and 2010), the power plants come under Red Category^d which requires an Initial

^d Infrastructures are divided in three categories in the Environmental Protection Act and Environmental Protection Rules of Bangladesh considering the level of social and environmental impact. The categories are Red, Yellow and Green, where Red has severe impact and green has the least.

Environmental Examination (IEE) report first and an EIA report after approval of submitted IEE report¹³⁴. But no IEE report is disclosed till date by any respective agency i.e., NBBL, AIIB or the GOB. It seems that there were no IEE report produced and submitted to the DOE. So there are enough causes to believe that the process of ESIA report directly violated the ECR 1997.

8.6.4 An Old Book with New Cover



Figure 8: *Covers of EIA Report 2012 and ESIA Report 2018 on Bhola Combined Cycle Power Plant*

ERM Singapore Private Limited which is also a subsidiary of ERM Group like ERM India Private Limited conducted an EIA for Indian company Lanco Power International Private Limited to establish a power plant in the same area of Burhanuddin Upazila, Bhola . It is clear that a good number of information and data were simply copied and pasted from that EIA report to this ESIA report for NBBL. Some examples are:

- Page number 12 of EIA (2012) copied and pasted in page number 2-1 of ESIA (2018) .
- Total sections of EIA (2012) from page 12 to 28 (including

paragraph 2.2, 2.2.1, 2.2.3, 2.2.4,, 2.3, 2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5, 2.3.6, 2.4, 2.4.1, 2.4.2, 2.4.3; table 2.1 and 2.2 and figure 2.1 and 2.2) was just copied and paste in ESIA (2018) from page 2-1 to 2-17.

- c) Figure 9.1 from page number 369 of EIA (2012) copied and pasted as figure 7.1 in page number 7-24 of ESIA (2018).
- d) Almost 95% enlisted flora and fauna are same in both documents.

8.6.5 Faulty List of Species

The ESIA report contains only 139 species of plants in the project area . The consultant either surveyed the area very poorly or intentionally ignored names of sensitive plant species which are protected under WCSA 2012. The consultant ignored even the Betel leaf or Paan (*Piper betle* L.) which is very commonly cultivated in the project area.

The BWGED study team estimated the number of plant species is not less than 450 in the area. Many of very common floral species from Convolvulaceae (like *Ipomoea spp.*), Commelinaceae (like *Commelina spp.*), Cyperaceae (like *Cyperus spp.*), Onagraceae (like *Ludwigia spp.*), Linderniaceae (like *Lindernia spp.*) and so on are absent at the ESIA report.

Some of the very common species of coastal zone like Green Panicked Spot Flower (*Acmella paniculata* (Wall. ex DC.) R.K.Jansen), Green Amaranth (*Amaranthus viridis* L.), Brahmi (*Bacopa monnieri* (L.) Pennell), Fringed Spider Flower (*Cleome rutidosperma* DC.), Variable flatsedge (*Cyperus difformis* L.), White Water Sedge (*Kyllinga nemoralis* (J.R.Forst. & G.Forst.) Dandy ex Hutch. & Dalziel), Diamond Flower (*Oldenlandia corymbosa* L.), Sawtooth Fogfruit (*Phyllanthus nodiflora* (L.) Greene), Black Catnip (*Phyllanthus niruri* L.), Pepper-leaved Senna (*Senna sophora* (L.) Roxb.), Coffee Senna (*Cassia occidentalis* Roxb.), Pink Morning Glory (*Ipomoea fistulosa* (Mart. ex Choisy) D.F.Austin), Congo Jute (*Urena lobata* L.), Elephant Grass (*Typha domingensis* Pers. and Cuban Jute (*Sida rhombifolia* L.), are found in all of the nearby villages and canal-banks.

The ESIA report says that "*the core zone in the identified plot area of 11.5 acres land is highly disturbed and does not bear any natural vegetation*"¹³⁹ but the study team found mangrove plants like Milky Mangrove (*Excoecaria agallocha* L.) and Small Crab Apple (*Sonneratia apetala* Buch.-Ham.) Along with a number of herbs and grasses in the project site, especially on the bank of Dehular Khal.

Figure 9: Some of the plants missing in ESIA Report



Abutilon indicum (L.) Sweet



Allamanda cathartica L.



Coccinia grandis (L.) Voigt



Commelina benghalensis L.



Dentella serpyllifolia (Wall. ex Craib) Verdc.



Senna tora (L.) Roxb.

Photo: Sajjad Hossain Tuhin

8.6.6 ERM is not Even Independent

Independence and rigour is expected from a third party ESIA consultant to conduct a just and fair Environmental and Social Impact Assessment. ERM India Private Limited, a subsidiary of Environmental Resources Management (ERM) Group of companies which is closely related with SP Group and SP Group and conducting ESF for it's different projects¹⁴⁰. So there is a nexus between this two companies which was a bar to ensure a sound and fair ESIA.

8.7 Emerging Concern

Recently it is published in newspapers that NBBL's mother company Shapoorji Pallonji Group signed an agreement with IsDB to finance another USD 60.00 million for Bhola IPP. None of NBBL, SP Group or IsDB disclosed details of neither agreement nor the purpose of the money. The undisclosed mission can create more problems for the affected communities of project area.



RECOMMENDATIONS

9.1 Recommendations of the Affected Communities

- 9.1.1 A comprehensive and in-depth inquiry is required on communal threats and price of lands considering security and potential future threats to the affected communities.
- 9.1.2 Further assessment on livelihoods and needs of the affected communities to design an adequate compensation plan.
- 9.1.3 Disclose the information in an understandable manner to the communities and arrange meeting with the affected people about compensations and safety measures to be taken by the executing agency.
- 9.1.4 Formulation of a comprehensive plan with specific compensations for indirectly affected farmers, Paan cultivators, fishermen, agricultural and daily labours and disseminate it among the communities in easy, understandable and communicative way so that they can claim adequate compensation from respective authority.
- 9.1.5 Remove the fences from entrance and exit points of the residences of local affected communities.
- 9.1.6 Dredging of the Mandartoli Shakha Khal and maintenance of the canal regularly so that water logging can be removed and local people can use the water for irrigation and household purposes.
- 9.1.7 Providing temporary and permanent job facilities to the local people, especially to them who are directly affected by the project.
- 9.1.8 Compensation for fragmented small lands which the people cannot use now as the power plant took a part of it and small parts are left which are not cultivable.

9.2 Recommendations of the Study Team

- 9.2.1 Correct and understandable translation of the documents in easy Bengali language so that affected people can interact and share their opinion on the project and its different Redressal mechanism.
- 9.2.2 Undertaking programmes to provide health and education support to the communities in addition to other compensations.
- 9.2.3 Immediate formulation of a strict oil spillage response and mitigation plan considering transportation and supply of HSD from the oil refinery of Chittagong to the project site.
- 9.1.4 Reduce noise pollution by using modern silencing technology and stopping operation of power plant after permitted period (after 9:00 pm)
- 9.1.5 Prepare a comprehensive biodiversity management plan focusing on endangered and vulnerable species.
- 9.1.6 Adequate and sound management of pollutants.

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- 128 ERM (2018). *ibid.* Chapter 4: Baseline Environmental Condition (4.4.4 Terrestrial Environment). p 4-68
- 129 ERM (2018). *ibid.* 4.4.5 Aquatic Environment. p 4-74
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CLEAN (Coastal Livelihood and Environmental Action Network) has been established in 2010 with active participation of like-minded persons and environmental groups of the coastal zone of Bangladesh. CLEAN inherits its ancestral organization Humanitywatch which was established in 1998. On the way of journey, CLEAN plays the role of the secretariat of Bangladesh Working Group on External Debt (BWGED), Sundarbans Watch Group and SDG Watch Bangladesh.

Towards reaching desired mission, CLEAN have been working since 1998 in seven thematic areas. The thematic areas are inter-related and highly related with the lives and livelihoods of coastal people. The thematic areas are: (i) Agriculture & Livelihoods (ii) Climate Catastrophe (iii) Environment and Forest (iv) Health & Population (v) Humanitarian Response (vi) Socioeconomic Justice and (vii) Water Management.

BWGED (Bangladesh Working Group on External Debt) is a loose forum of progressive development activists and organizations from all over Bangladesh. The BWGED was primarily formed by NGO Forum on ADB to ensure safeguard for affected communities and human rights defenders from adverse impacts of IFI funded projects, but it is not limited to the members of the Forum. The principle of all actions taken by BWGED is the Bangladesh Peoples Safeguard Position Paper which has been endorsed by the members in early 2016 through a workshop organized jointly by the Forum and Working Group.

MEMBERS

Organizational Member: Actionaid Bangladesh, An Association for Socio-Economic Development (AOSED), Bangladesh Environmental Lawyers Association (BELA), Bangladesh NGO Network for Radio Communication (BNNRC), Bangladesh Poribesh Andolan (BAPA), Campaign for Sustainable Rural Livelihoods (CSRL), Centre for Bangladesh Studies (CBS), Christian Aid in Bangladesh, CLEAN (Coastal Livelihood and Environmental Action Network), Development Synergy Institute (DSI), DEVREIMATE, Equity and Justice Working Group Bangladesh (EquityBD), Initiative for Right View (IRV), ISDE Bangladesh, Nagorik Sanghati, Nagorik Uddyog, Paani Committee, Paribartan-Rajshahi, Participatory Research and Action Network (PRAN), Prantojon Trust, Safety and Rights Society (SRS), Society for Environment and Human Development (SEHD), Society for Participatory Empowerment for Development (SPED), SPEED Trust, Uttaran, Voices for Interactive Choice and Empowerment (VOICE).
Individual Member: Abu Siddique, Basanti Saha, Jibananda Jayanta, Jyotirmoy Barua, Maha Mirza, Sheikh Rokon and Tapas Das

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