

International Jury Verdict
Independent People’s Public Tribunal on the
Implications of Blue Economy in Bangladesh

Date of Tribunal: Monday, 30th November, 2020

Members of the International Jury:

- Dr. Vandana Shiva (Environmental Activist and Food Sovereignty Advocate),
- Ms. Shireen Parveen Huq (Member EC - Naripokko and Women Rights Activist),
- Adv. Anand Grover (Senior Advocate, Supreme Court of India and Former UN Rapporteur, India),
- Mr. Ezra Mbogori (Foundng Executive Director, Abika Uhaki Foundation, Kenya)

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STATEMENT OF INTENT

The Jury is informed of the methodology and framework of the BE related study, which was conducted by the deputed team of researchers for the project under the leadership of Ms. Jesurathinam (Tribunal and Research Coordination), Gandhimathi (Lead Researcher), Sridhar Rao and Jones Thomas with help and support from the members of the host organisation COAST. The team undertook a visit to Bangladesh and conducted field visits in Maheshkhali island and Cox Bazaar areas. The report prepared by this Team, along with oral testimonials, and two expert opinions have been presented to the Jury as well as to representatives of fishworkers and CSOs from Bangladesh and other countries, and to the general public through the *Independent People's Public Tribunal held on 30th November 2020*.

The Jury takes note that the People's Tribunal in Bangladesh is the fifth Independent People's Public Tribunal, the first four being held in Sri Lanka on 27th August 2020, in Indonesia on 22nd October, 2020, in Thailand on 10th November 2020 and in India (East Coast) on 25th November 2020..

The Jury notes that the Tribunal has brought forward serious issues regarding basic human rights, loss of livelihood and ecological impacts with the Blue Economy programme being undertaken in Bangladesh. The Jury also notes that Bangladesh has held a historically important position of it being one of the rare post-colonial countries in South Asia, that went in for a liberation struggle from another form of internal occupation and got liberated with the help of international allies and progressive movements, alike. This also adds onus on the Bangladesh government to understand and respond to the historically marginalised people of Bangladesh, especially traditional communities like fishworkers, who are also currently facing added oppression from climate linked disasters, while continuing to bear the brunt of class and ethnic oppression in their land.

The Jury also notes the environmental and ecological vulnerability felt in the region, with cyclones, storms and other natural disasters becoming a frequent occurrence.

PEOPLE'S ALLEGATIONS

The coastal communities and people of Bangladesh through this Tribunal hearing charge the government of Bangladesh, as well as various International Finance Institutions (IFIs) and multinational corporations (leading the Blue Economy programme), for violating the fundamental and constitutional rights of the communities. They have effectively argued that the capital intensive and exploitative investments have not only taken away the right to free and prior informed consent of the communities in question, but also have violated and disregarded basic human rights, dignity, livelihoods, traditional knowledge and progress of

coastal communities. Additionally, they allege that the government has disregarded the needs, priorities and aspirations of the citizens, particularly of the fishing community, and has violated its international obligations.

1. That International Financial Institutions and Multi-lateral Development Banks are leading an aggressive push for corporate land and ocean grab in Bangladesh. Mega development projects like the Special Economic Zone in Maheshkhali Island and the tourism and airport projects in Cox Bazaar have not only displaced fishworkers, but also destroyed their traditional livelihoods. Therefore, it is alleged that the actions of the Bangladesh government as well as other international actors are in direct violation of -

- The International Covenant of Economic, Social and Cultural Rights

Article 1.2:

“All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. ***In no case may a people be deprived of its own means of subsistence.***”

And Article 6.1

“The States Parties to the present Covenant recognize the right to work, which includes the ***right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.***”

- The United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement

Sec. I Para 6.

“***Forced evictions constitute gross violations of a range of internationally recognized human rights***, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement. Evictions must be carried out lawfully, only in exceptional circumstances, and in full accordance with relevant provisions of international human rights and humanitarian law”

Sec. III Para 38

“States should explore fully all possible alternatives to evictions. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, ***have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that***

authorities should duly consider. In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate.”

2. That the Blue Economy programme, led by the Government of Bangladesh, IFIs, and multinational corporations has unleashed havoc on nature and the availability of resources for future generations by exposing marine protected areas and vulnerable coastal lands and waters to heavy industrialisation. Additionally, projects like the Maheshkhali Island SEZ, especially in a region that is one of the most vulnerable to climate change and disasters has made the coastal communities even more vulnerable.

This in violation of

- Rio Declaration on Environment and Development, including but not limited to

Principle 1

“Human beings are at the centre of concerns for sustainable development. They are *entitled to a healthy and productive life in harmony with nature.*”

Principle 3

“The right to development must be fulfilled so as to equitably meet *developmental and environmental needs of present and future generations.*”

Principle 4

“In order to achieve sustainable development, *environmental protection shall constitute an integral part of the development process* and cannot be considered in isolation from it.”

Principle 15

“In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. *Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.*”

- Paris Agreement

On the basis of Article 2

“This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by:

- (a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;
- (b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and
- (c) ***Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.***

- Convention on Biological Diversity

On the basis of Article 8

- (c) ***Regulate or manage biological resources important for the conservation of biological diversity*** whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;
- (d) ***Promote the protection of ecosystems***, natural habitats and the maintenance of viable populations of species in natural surroundings;
- (e) ***Promote environmentally sound and sustainable development in areas adjacent to protected areas*** with a view to furthering protection of these areas;
- (j) Subject to its national legislation, ***respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles*** relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

Article 10 -

Each Contracting Party shall, as far as possible and as appropriate:

- (a) ***Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;***
- (c) ***Protect and encourage customary use of biological resources in accordance with traditional cultural practices*** that are compatible with conservation or sustainable use requirements;
- (d) ***Support local populations to develop and implement remedial action in degraded areas*** where biological diversity has been reduced; and

TRIBUNAL PROCESS

Important facts and evidence were presented before the International Jury in the Tribunal through presentations and testimonials by different people. The jury accepts them as contextual, circumstantial and factual pointers and has accommodated some of the key arguments into this verdict -

1. Context setting by Jesurethinam, Executive-Director of SNEHA who pointed out the dominant context of Blue Economy as -
 - Exploration based on scientific assessments
 - Exploitation of resources
 - Expansion of coastal and marine sectors

And that this is done through a legal, liberal, global agreements; International Finance Institutions:

“The prerequisites of a neoliberal growth model will be a market led model, for example aquaculture which is being pushed to produce export oriented vs local consumption of food. Market is controlled and ruled by the corporates. The fisheries are now compelled to feed the market, not for the domestic workers.”

2. The report - *Blue Economy in Bangladesh: Exploring the Socio-Economic, Political and Ecological Implications on the Coastal Communities* (Bangladesh Report). This report is based on
 - a. FGDs with the representatives of coastal communities, trade union leaders, Federation members, associations, and civil society organizations.
 - b. Interviews with traders and supply chain intermediaries in fisheries
 - c. Interfaces with national and local coastal authorities; interaction with government officials and ministerial interaction, including with port authorities
 - d. Interactions with experts and academicians
 - e. Doctrinal research on global, national and local policies, and institutional frameworks of Bangladesh

The Bangladesh Report was presented before the Jury in the Tribunal by the lead researcher, Ms. Gandimathi, and the entire report was submitted to the Jury as well. Important parts of the report have been captured in the following sections.

3. Statements by the moderators -
 - **Vijayan MJ, Research Scholar, Carnegie Civic Research Network & General Secretary, Pakistan India People’s Forum for Peace & Democracy (PIPFPD) -**
The Blue Economy / Blue Revolution is a narrative set by the State. In this regard, the State does not only refer to the country Governments, but also the larger phenomenon of the State, which includes the transnational corporations, the Multilateral Financial Institutions and international capital.

Beyond the Paris, the Kyoto and the Doha protocols and the different rounds on the climate and the environment negotiations, here is an effort by the fishing community, led by the fishing community organizations, to tell the world that the Blue Economy cannot just be a top down agenda set by the financial and global capital.

We are very clear when we stand here today that the State and the global capital have enough microphones to be heard.... It is the people who have to be heard... ‘

- **Sanat Kumar Bhowmik (Deputy Executive Director, COAST, Bangladesh)**

This is the culmination of the series of tribunals conducted in four other countries as well- Sri Lanka, Indonesia, Thailand and India (East coast). Bangladesh is honoured to be part of this Indian Ocean series of a people's analysis of the BE.

- **Rezaul Karim Chowdhury, Executive Director of COAST (Bangladesh) -**

Today we are here to discuss the Blue Economy aspect of Bangladesh, especially to stand by our small scale fisherpeople. That is our mission. The tribunal is an important step but not the end, and we will continue our journey.

4. Statements by global fishing community leaders -

- **Nadine Nembhard, General Secretary of World Forum for Fisher Peoples - WFFP, (Belize) -**

There are 3 crises that we small-scale fishers are facing - climate change, Covid-19, and the economic (livelihood) crisis. The government and states are promising new development and job creation under Blue Growth. Blue Initiatives are in sectors like oil, gas, port development, shipping, tourism, sea mining, smart cities, bio-engineering.

We in WFFP, as the global fisheries movement, have been asked to participate in Blue initiatives. But we are only there after the agenda has been set and the political direction has been set, so we are just part of a process without any say... We need our Governments to respect the humanness of fisherpeople.

- **Mr. Naseegh Jaffer, Director, Masifundise Development Organisation & Former GS of WFFP -**

I want to share 3 perspectives about Blue Economy - it is about business and economy. (It is) not about life, not about social life, not about environments, it is not about human rights. When we speak and hear the term Blue Economy, it is always driven with the need to make business and the need to make money...

We need to understand the notion of commodification, of turning the environment into a commodity which can be exchanged for value, particularly

for monetary value....The Blue economy is putting the ocean up for sale.If the ocean is being put up for sale, it means that then everything that connects with the ocean gets commodified...The plant life, the shoreline, the minerals in the sand- all of that that has provided life and interacts with each other, that is now being commodified. ..

It dispenses us...(This is) because people are not part of the Blue Economy (and) of the profiteering process. I think the jury must take this into account very strongly. We cannot have a tribunal without talking about what comes afterwards. And resistance comes afterwards.

- **Mr. Narendra Patil, Chairperson, NFF India** - *Yesterday, I visited Vadhawan port, near Dahanu, in Maharashtra. JNPT has contracted at 65,000 crore to build the biggest port in Asia. They want to build an independent port. NFF and everyone from here strongly oppose the port. ... On 21st of November, we had a big celebration where also people declared they oppose this port.*

5. Presentations by two experts - Siddharth Chakravarthy on Promotion of Culture Fishers in the Context of BE and Soumya Dutta on Climate Change, Aggressive Oceanic & Coastal Development and Future of Fishers Livelihoods
6. Oral testimonials from 5 community representatives on Maheshkhali SEZ, and deep sea fishworkers, dry fish workers, tourism development, crab culture in Cox Bazaar.
7. Case study presentation by COAST on Gothivanga village in the Bay of Bengal

EVIDENCE PRESENTED

Evidence was presented on the following points -

- 1. That the Blue Economy is primarily a scheme for acceleration of extractivism and exploitation led by international organizations**

The Bangladesh Report prepared by the Research Team of the BE Tribunal shows that the Bangladesh government is restructuring and revisiting their ocean related policies based on an umbrella policy, named Bangladesh Integrated Coastal and Ocean Management Policy

(ICOMP). ICOMP was drafted based on the guidance given by the World Bank and European Union in order to amend laws, policies, and institutions connected to 27 functions of the Blue Economy. The World Bank has suggested deregulation in order to bring forth these Blue Economy components. As a part of the implementation of the Blue Economy in Bangladesh, the Bangladesh government has envisioned coastal fishing hamlets and their adjacent areas as Coastal Zones for investment. 23 Coastal Zones have been identified to be developed into Special Economic Zones. The government has also received bilateral investments from Japan, China and India in the Government to Government (G2G) Economic Zone, thereby creating the Japanese Economic Zone in Arihajar Upazila of Naryanganj District, Chinese Economic and Industrial Zone in Anwara of Chattagram and two Indian Economic Zones, Kustia and Mongla. The aim of these projects is increasing exploitation of coastal and marine resources, for profits.

The Bangladesh Report points to this in the Special Economic Zone on Maheshkhali island, off the coast of Cox's Bazar. The Maheshkhali island has an area of 362.18 sq.km land and riverine area, and the people depend on agriculture, fisheries, salt harvesting and handicrafts. According to the 2011 census, the total population of the island is ~3.2 lakh. Maheshkhali is one of the islands chosen for developing infrastructure projects, including a container port, thermal power projects, LNG terminal and more, covering a total land area of 3167 ha, ie. 31.67 sq.km, which is 8% of the total area of the island. The Bangladesh Report further states that when the sub-district (Upazilla Nirbahi) officer was questioned, he said that the people of the island were happy about the developments, but local political parties and CSOs said that they were unaware of any of the development projects and there was no information in the public domain.

The motives of extraction and exploitation are also visible in the manner in which culture fisheries is being promoted in Bangladesh. In 2018, the World Bank approved a \$240 million Bangladesh Sustainable Coastal and Marine Fisheries Project (BSCMFP) for fisheries sectoral development. Part of this programme has been the promotion of the expansion of culture fisheries farms all over the low-lying and waterlogged areas of Bangladesh.

The shift that has occurred in the fisheries sector was captured by Siddharth Chakravarthy, a researcher with The Research Collective (TRC-PSA), in his presentation on aquaculture. He pointed out that aquaculture is one of the fastest growing sectors in the world, growing at 7.5% per year and surpassing fish production from all wild sources. According to FAO, culture fisheries has created employment, higher yield, and kept prices in check. But, the Jury notes that this is not a simple, organic process, rather it is a result of several factors that have been brought together - decline in capture fisheries, climate crisis, plateauing of the green revolution, and changes in the logistics nodes.

Siddharth pointed out that capture fisheries have plateaued since the 1990s, with the fish/mile ratio reduced to a third since 1950. Since the 1980s, there have been changes in technology and increasing times spent at sea but the catch per fleet is 1/3rd of the catch in the 1950s. Climate change has exacerbated this issue since warming oceans have redistributed the fish

stocks in the ocean itself; fish will move to colder water, ie further from coastal areas and fishers will have to go further in. Coastal industrialisation, thermal plants and chemical units, along with mega tourism projects, have all played a significant role in the coastal waters warming as well as in polluting the sea to the extent, where fish depletion in the coastal waters has been made the reality. At the same time, there is a plateauing of the green revolution - agricultural productivity is declining, and land based animal protein is no longer perceived as sustainable. Hence, there is a shift in the agrarian sector, and there is a narrative to save the farming crisis by encouraging fisheries based projects. The fourth of these factors is logistics, which is being driven to containerisation - one container moving from port to river to road. He added - *There is an in-built logic to containerisation. It is like the clock and works in its rhythm that is opposed to nature. Container ship has its schedule set a year in advance and needs to keep its schedule. Missing even a day will change a lot of things and cause huge losses to the MNCs that often operate these. Nature and fishing are cyclical in nature as fishworkers will say. Hence, from a Blue Economy perspective, natural seafood production is not possible, for example, containers cannot have different size fishes or different types. So we will see a push towards more monocultures as they can be frozen into blocks easily.*

What this indicates is the manner in which the agenda of ‘development’, whether of industrial production or of food production is monopolised towards a certain kind of aggressive production model that has serious implications for people and ecosystems.

2. That the Blue Economy leads to further marginalisation of already marginalised groups

The Blue Economy agenda has no space for participation of local communities, or their development in real terms. This is seen in Bangladesh in the manner in which the Maheshkhali SEZ is being developed, tourism development in Cox Bazaar and the disregard for fishworkers in Cox Bazaar and Gothivanga village.

a. Displacement in Maheshkhali

The Bangladesh Report points out that in Maheshkhali island, small-scale fishworkers were living as a self-employed group, but became economic migrants with the construction of the SEZ zone. With the new Seaboard Economic Zone project, they are facing forced eviction again.

The testimonial of Mamun ul-haq makes clear the vulnerability of the people living here -

In Materbari, coal power projects have started and deep sea activities are taking place. Because of these current activities many local people are jobless now. There is a crisis of fishing. Cargo ships are coming in, therefore many small fish which we can see in the rivers are depleting now. In Materbari the natural lagoons are also disappearing. The natural shrimps around our area were of high quality, but that project is also closed now. When the financial possibilities of earning are affected, that leads to our suffering as well. At one point, manual labourers were recruited locally. They would recruit 2000 laborers at one time. But what is happening now is that the powerful, rich people in Dhaka are bringing in tenders to recruit people from outside. In this example, I am focusing only on the unskilled workers. The big contractors are bringing unskilled workers from outside. Our people are out of work now.

b. Disregard of fishworkers, Cox Bazaar and Gothivanga

The Research Team noted that the workers in the dry fish yard are distress migrants from nearby districts. The report points to the marginalisation of the community - *“The entire family works as daily wage labourers on a contract basis in the dry fish yards. The Dryfish processing becomes a household income generating activity. Most of the women dry available quantities of fish in the free space of their houses and sell to the dry fish producer on a weekly basis They are paid according to the size and weight of the dry. We observed that workers were paid low and especially women are paid very low compared to the men workers. Their earnings are meagre as they depend upon the fish catch which is highly seasonal (rainy season no job).”* But rather than plans to support these communities, the plan is to transform the existing domestic airport in Cox Bazaar to an international airport, taking up large stretches of the dry fish yard.

Aman Ullah, a fishworker working with dry fish testified saying that profits are low and that there is no government support, and this in turn leads them to pay low wages to the workers - *“Our problem is the sutki (dry fish) cultivation that we do, we don't get the desired price for it. The government excludes us. There is no mechanism for sutki cultivators and we are not able to make profits. There is no support or mechanism created for the ones who are labourers. We, who are sutki cultivators, often cannot pay their wages. Fish in the sea are reducing day by day, the reason for this is trawling. If the big trawlers are stopped, then the fish in the sea will be alive. There is no mechanism of loan from the government. Often it happens that we have to sell our fish at a cheap price. We can't keep our labourers because of financial constraints.”*

This was reiterated by Eneit Ullah, a crab cultivator - *I am a crab businessman and our work is affected. The projects are closed now. Crab exports are not happening to Malaysia, China and other countries. So we are not getting the desired price in our business. The crabs are supposed to be sold at a particular time, and with the*

financial constraint they could not do it. Therefore, many crabs died. We did not get any support from any banks or through any schemes. The conditions of the value chain are bad. Therefore, we are not getting the right price. The government should do some serious thinking into this. The hunters are not getting the right amount, they are upset because of that. Even if we procure enough crabs, the suppliers are also not there. They are also facing loss and not able to make profit. The suppliers keep telling us that almost every month they are facing loss. Just because of the value chain, we are not able to sell and lending of money is also not taking place. We don't know how to navigate this situation.”

The case study done by COAST found similar lack of support for fishworkers in Gothivanga village in Maheshkhali. There are ~5500 people living in the village, of which ~3500 are registered fishermen, and women and children catch fish in the nearby river. The only educational institution is a junior school. Fishers use traditional methods of fishing and almost no modern technology is available to them. The study states - *Most of the time they have to struggle to survive. Bigger and technology based fishing catch large amounts of ship and dump the smaller fish, which has reduced the catch of smaller fishers. They do not have enough opportunities to earn a decent living. There is a lack of investment in human capital for employment.*

At the same time, other livelihood opportunities are also closed off.

c. Pushing out of existing small tourism workers in Cox Bazaar

The Bangladesh Report points out that in Cox Bazaar, as part of the Mega Tourism project, pond beautification projects were initiated in three traditional ponds - Laldighi, Golghihi and Bazarghata. Poor households who live around the ponds have been served eviction notices because of the claim that the beauty of the ponds was being lost due to ‘illegal occupants’. No provision was made for compensation or relocation of project affected families.

The issues with tourism development under the Blue Economy model was also validated by the testimonial of Asif ud-dolah, who pointed out that because of increasing tourism, big contractors have started taking over the space and pushing out the local community. In his words -

“In Cox’s Bazar tourism sector, you know that many people are coming here from various countries. As many people have started coming in, so the big contractors come here to conduct financial dealings. The areas near to the sea/ocean are bought by the big companies now and they plan to do business here. People who live in these areas or have their own small business have to leave their place now. In other words, they are being forced out from their own place. There is no rehabilitation plan for them either. Slowly, the business which belongs to us will go to these big contractors and our local people will be affected. The locals would engage in small business,

some would be related to shell cones and jewellerys and small hotels. But the big companies are affecting their business.”

The experience of Blue Economy in Bangladesh makes clear that rather than supporting local communities, the model further marginalises them.

3. That the Blue Economy wreaks havoc on ecosystems

In addition, the Blue Economy model of aggressive industrial production has serious impacts on the ecosystems that support the life and livelihoods of communities.

Abdul Haleem, a fishworkers from Cox Bazaar points to the problems with trawling - *“The big trawlers cause us difficulty in our daily lives. The big trawler boats put nets to the bottom of the sea and catch all the fish there. They take all the big fish away and the small fishes which are left in the sea, they die eventually. Because of the large ships coming into the area, the small fish therefore die. They destroy our nets. Most of the fishermen who are doing deep sea fishing are facing problems. There is no support from the government in terms of monetary support for our issues. I oppose the big trawlers who come to our seas and hamper our fishing activities.”*

Eniet Ullah, who does crab culture also pointed to the problems with pollution - *“If the sea is polluted that is definitely going to be a problem for us. Big trawlers are doing business here because of which the big crabs and their ecosystem are being destroyed. The big crabs which give babies are dying. We depend a lot on that.”*

Most importantly, the serious vulnerabilities of the climate crisis is a major consideration for Bangladesh that is being completely disregarded. Soumya Dutta, the co-convenor of the South Asian People’s Action on Climate Crisis (SAPACC) pointed out that the Indian Ocean is the warmest of the 5 oceans, with a 1°C rise in temperature as opposed to 0.7°C average over the last 65-70 years. And even within that, the northern Indian Ocean, ie Bay of Bengal region is particularly vulnerable, particularly to cyclones. Studies have shown that the chance of big storms has increased by nearly 3 times in the last 42 years. He also pointed out that this doesn’t affect only the coast, but also tidal areas that may be 50-60 km away from the coast, because of storm surges increasing land submergence. Roughly 1/3rd of Bangladesh is in tidal areas, and so this impacts agriculture as well.

Referring to testimony by Abdul Haleem on bottom trawling, Soumya Dutta further pointed out that the continental shelf produces 25-35% of all fish, and the sea bed is the most biologically productive area which also produces the nutrients required to keep fish alive. So if the sea bed is raked, through bottom trawling or through nodule mining, it will completely

destroy the biological productivity of the ocean. Soumya Dutta highlighted that 92% of heat and 30% of carbon is absorbed by the ocean, and fish are particularly sensitive to temperature and to PH changes, both of these have been massively disturbed.

Soumya Dutta points to the impact that climate change will have on communities - *“For communities depending on nature, it is not a process of change, it is a crisis...By 2060-2070 more than 30 million people who will be climate refugees. As a direct impact of storms, in Amphan, 10.5 lakh houses were severely damaged.”* He points out that while early warning systems have been created, it is not enough - *“You have to work with coastal communities to increase resilience. Knowledge created by people’s perspectives is important to counter the industry’s idea. The industry is looking at the climate crisis as a way to invest but their ‘solutions’ will work for sustainable profit making, not for nature, It doesn’t consider what will happen to coastal communities, these are expendable. Nature and market have very different rules - if you put a monetary tag, you are inevitably entering into a destructive cycle. People and nature have to be centre stage.”*

JURY OBSERVATIONS

At the end of the Tribunal, Jury members made interim observations, in the presence of all participants and journalists. The Jury made a special mention that what is seen as a Blue Economy model of development is actually a neo-liberal agenda of intensive production models. This kind of aggressive industrial production was actually set in motion in the 1980’s with the economic agenda of the World Economic forum and it was termed to be ‘the great reset’. However, in reality, what actually happened was a continuation of a neo-liberal agenda which has resulted in destructive development.

The jury also noted that such development agendas are set by the club of rich northern countries, led by the World Economic Forum, international financial institutions and multilateral development banks. These institutions place conditionalities on States, who are unable to exercise sovereignty or even participate in the decisions that influence such conditionalities. This system has its roots in capitalism that goes back to a few centuries. In Bangladesh as well, the World Bank has suggested changes to 27 laws and policies in order to implement Blue Economy and on its part, the Bangladesh Government has proposed the Bangladesh Integrated Coastal and Ocean Management policy as an umbrella document.

In such a system, what is sacrificed is the value of human lives and the environment. The issues of displacement, loss of livelihood and food security, particularly for marginalised groups, as seen in Bangladesh, is worrying. Communities have been treated as expendable commodities, resulting in production systems that have no place for people and livelihoods. The case of small scale fishworkers in Maheshkhali who have been pushed out because of the creation of an economic zone, the pond beautification project for which many marginalized

families were evicted all point to this lack of value in human life. On the one hand, the justification is that jobs are being created through industries such as aquaculture and tourism, on the other hand, there are no real estimates of how many jobs and livelihoods have been lost in the process. The Blue Economy is literally “*fishing without fishers*”, and having “*coasts without communities*”.

The Jury members critically commented on the absence of women’s representative voices in the tribunal. The research team clarified that the area of Cox Bazar and Maheskhali, in which the study had been undertaken, was very conservative and women were not considered to openly participate in a tribunal like process. However, from the jury members’ own experiences with women’s protest against intensive aquaculture practices in Bangladesh, it was reasonable to expect that women were extensively affected by the Blue Economy model of development.

The Blue Economy framework and approach are also anti-nature and completely destructive of the environment. It was also observed that in the name of a redesign, what is being done is gobbling up every bit of the earth and destroying nature, only to push artificially prepared food like lab food and lab fish. The jury also noted how industrial food production systems such as aquaculture, as is shown in the case of Bangladesh, are environmentally destructive and yet being aggressively pursued in Bangladesh. It is also important to note that the impact has been that it has taken away the last remaining resources from communities who have been able to live sustainably for all these years.

The narrative that is pedaled to justify destructive developmental paradigms is that of job creation. This is true of industries within the Blue economy such as aquaculture, which has gained popularity as an industry that has created jobs and economic well-being.. However, negative outcomes are rarely put within calculations of profits and as a result, for every job that is created, there is a loss of many more from displacement, loss of access to resources, environmental degradation, privatisation of commons and other such consequences.

The jury members were struck by the observation that nature and market do not adhere to the same rules. Only the rules of the market are being played out within the Blue Economy framework . For instance, in the global seafood trade, only some species of fish are valued and even among those, these species need to be of a uniform size, shape and weight. Over and above this, they are expected to be made available at all times of the year. The sea food trade embodies only the principles of the market, giving an impetus to monocultures. This completely destroys diversity in the marine ecosystem, commodifying nature and its resources and destroying the balance in the ecosystem. Ignoring nature’s rules to satisfy the market is a dangerous trend and needs to be addressed.

The Jury also expressed that one of the most worrying concerns was that previously tested and failed mechanisms and technologies continued to be implemented. For example, the world has recognized the issues with coal fired power plants, yet Bangladesh is going ahead with a plan for a coal fired power plant with the help of India. The added concern, the Jury

felt, is that the first proposal for a coal fired power plant was in West Bengal, India, where it was rejected as being environmentally destructive and only then was it proposed to be set up in Ramphal, Bangladesh - in the midst of the rich Sunderbans. The geo-politics between nation states has a huge role to play in such decision making and is a matter of grave concern.

The Jury also felt that it is important to think about alternatives. The Jury believes that there is a need to critically assess the assumptions on which these development paradigms are based, and also actively seek answers and provide alternatives. The Jury noted that during the time of COVID crisis, the world has witnessed a collapse of global trade, and local production has sustained the economy, showing that there is a possibility for a different kind of a reset.

This is the long term agenda of capital. It is not just the Governments at the country level- they don't really have any control. The developmental agendas are set formally by the conditionalities of the IMF, World Bank.... There is no sovereignty even of governments..... The complete destruction of nature is the root of capital. The harmony that existed, if it ever existed has been breached to an extent that we can destroy our own resources. But certainly in the interim, we are destroying the lives and the existence of the communities who are left with no other alternative.. Reducing them to utmost penury.

We must pose a question of an alternative. As an economic paradigm alternative. We need to start thinking, what do we eat, is it sustainable in terms of energy.... -**Mr. Anand Grover, Senior Advocate & Former UN Rapporteur, India**

It is time for new solidarities to reclaim South Asia as a people's South Asia. I've looked closely at the Green Revolution and the new language of the green economy and the blue economy is the anti-green economy and the anti-blue economy..... The Blue Economy is fishing without fishers. You want the fish, but not the fishermen. You want the coast, but not the coastal communities....But the same group that is designing the great reset is gobbling up the earth, against nature, against human rights, against centuries of common rights. ... The Blue Economy and this tribunal is showing us a world where there will be no food, there will be no people. There cannot be trade without production and we have witnessed in the covid lockdown, long distance trade collapsed. It was the local production that survived. We need to take lessons from nature. We need to take lessons from our traditional communities on how to build resilience in times of climate change. And most importantly, we don't live in ways that contribute to hunger, inequality, climate change, disaster and covid epidemics.. - **Dr. Vandana Shiva, Environmental Activist and Food Sovereignty Advocate.**

I'm struck by the observation how nature and the market have different rules. It brought me to think about how values are what has been lost- the value of human life. We are working with it, to ensure that it becomes the guiding principle to any development. This is counter to the neo-liberal agenda. What comes through clearly is the issues of displacement, issues of loss of livelihood, insecurity.... Given the crisis that has befallen all of us, this is an opportunity for a different kind of reset and how does one initiate such a reset. - **Mr. Ezra Mbogiri, Executive Director, Abika Uhaki Foundation, Kenya.**

It is not surprising that a lot of stereotypical expectations are proving to be true again and again. So the absence of community stakeholders in the planning and decision making is not at all surprising....Testimonies were eye opening and took us to practical and concrete problems. For example, the first testimony was about the Matarbari coal fired power plant. Now, the whole world has recognized the issues with coal fired power plant, but Bangladesh is going ahead, with the help of India. It has begun the destruction of Sundarbans on our side. Interestingly, the power plant was rejected by West Bengal because they didn't want their Sundarbans to be affected, so it has moved to our side. So this is the other the politics to be considered- the relationship between India and Bangladesh, which is an obstacle to move towards a healthier (development)- **Ms. Sheerin Parvin Huq, Member-EC, Naripokko, Women Rights Activist, Bangladesh**

JURY VERDICT

The case made before this Tribunal clearly points to several omissions and failures by the Government of Bangladesh, International Financial Institutions and Multilateral Development Banks. The evidence presented is direct and clearly shows that there has been a complete violation of rights of the people, particularly that of their right to food security. The model of development is ecologically destructive and increasing inequality and unjustly criminalising those who speak out and protest these actions.

1. Transforming the current paradigm of development:
Blue Economy is a part of the on- going economic agenda of the 80s, which was the great reset. It is a continuation of the neoliberal agenda on many fronts. It is only about property, and it is not bothered about ecosystems. Blue Economy is a continuity and acceleration of extractivism, exploitation and externalizing costs. While the narrative that is being peddled is of creation of jobs, the loss of jobs is ignored.
 - a. The Government of Bangladesh must rethink the developmental paradigm that it is pursuing and revisit the projects that it is developing, from the perspective of the socio- economic and political perspectives of fishing communities too. It is imperative that Bangladesh align its commitments towards its people and the environment, enshrined under its own Constitution and the various international instruments, particularly the International Covenant on Economic, Social and Cultural rights and the Convention on Biological Diversity
 - b. It is also important for International Financial institutions and the Multilateral Development Banks, which seem to be setting the developmental agenda for Bangladesh, to respect States' sovereignty and make sure to include the

Government of Bangladesh and its democratic systems, in decision making regarding developmental projects.

2. Make sure to adopt inclusive and participatory development protocols:

It is clear that there is no participation of ordinary citizens, who are affected by governance or developmental decision making. Persons who are affected by the developmental projects are not counted as stakeholders, and are not included in the planning and decision-making process. People who are marginalized are further marginalized by the Blue Economy model and it is taking away the last resources of the communities who are dependent on it. The marginalized are being treated as expendable and there is a clear loss of value to human life in pursuance of the development agenda. This is in violation of Bangladesh's commitments under the United Nations Basic Principles and Guidelines on Development based Eviction and the International Covenant on Economic, Social and Cultural Rights and most importantly, violative of the Fundamental Rights under the Constitution of Bangladesh.

There is an urgent need for the Government to align its policies, laws and projects that have been pursued under Blue Economy in accordance with commitments under the Constitution and various international instruments. At the same time, it is also important for the Government of Bangladesh to include its people in developmental decision making and ensure participatory and inclusive development.

3. Pay immediate attention to climate crisis and environmental concerns:

It is evident that nature and the market have different rules, and nature has a higher place, and must be given priority. However, what becomes clear is that the Blue Economy does not respect ecological limits or the commons and failed ideas of climate resilience, which have been tested in other countries (and have not worked) are still being pursued. In this context, there is a need for the Government of Bangladesh to undertake an accurate scientific assessment of ideas that are being propagated as climate solutions to avoid mistakes being committed again.

4. Seek alternatives:

For sustainable and inclusive development, there is a need to question the current model of development and actively pursue an alternative model. What Bangladesh and the world needs is an alternative growth and development paradigm that is based on harmony with nature and not only on profit. The responsibility seeking such an alternative lies not only at the level of the State of Bangladesh, but also with the multilateral development banks and international financial institutions.