

Right to Climate Justice: Need for a Decisive Change in Policies for Environmental Protection of Bangladesh

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Abstract

Climate change is one of the most pressing international issues because of its devastating consequences on the environment both now and in the future. Ecosystem concerns, biodiversity loss, and health issues are only some of the difficulties Bangladesh has been facing in this area. This issue has been addressed by several environmental laws enacted by the government of Bangladesh, such as the Environment Courts Act of 2012, the Bangladesh Environment Conservation Act of 1995, and the Bangladesh Environment Conservation Rules of 1997. The government has also ratified around 45 international treaties to protect its environment, as seen by its participation in international conferences conducted in places like Stockholm, Rio, and Johannesburg. The lack of coordination, lack of expertise, lack of labor, overuse of natural resources, etc., prevent these laws and guidelines from being implemented even when they are written. To that end, this article surveys regulations in various nations that could serve as models for Bangladesh. Furthermore, it investigates whether Bangladesh might mitigate the effects of climate change and better prepare for its inevitable arrival by employing economic tools provided as part of international responses to the issue. In this piece, we explore why the people of Bangladesh need a dramatic shift in environmental protection policy in order to defend their right to climate justice. We explore the environmental protection policies in Bangladesh and their current level of implementation. We believe that effective policies that address the causes of climate change and protect the environment are necessary to fulfill the right to climate justice.

Keywords: climate change, environmental protection, Bangladesh, policies, right to climate justice

Introduction

The climate makes Bangladesh an especially vulnerable region. Policy makers in Bangladesh are responding to climate change with approaches that are both inspiring and puzzling. Adaptation to climate change is a very contentious and politically charged subject in nations like Bangladesh (Alam, A.) (2019). One of the most debated aspects of climate change policy is how problems and options for adaptation are framed (Routledge, P. (2015). Rising sea levels, severe flooding, protracted droughts, frequent cyclones, and the human cost of temperature change

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all have devastating effects on Bangladeshi society, including the loss of life, extensive property damage, strained infrastructure, the uprooting of entire communities, and an ongoing tide of internal migration. Nineteen coastal areas are particularly vulnerable to climate change as a result of rising temperatures (Ataur, R.) (2020).

While the economy and infrastructure of Bangladesh have advanced greatly in recent years, global warming poses a serious threat to their continued growth and prosperity. The connection between progress and the escalation of climate change around the world in Bangladesh is puzzling. Even if the economy has improved and society has progressed, climatic dangers and their devastating effects on people's lives have not changed. The reason for this is that development policies and practices failed to take into account the needs of marginalized populations and the environment. While already being at a disadvantage, the poor have less access to resources and fewer ways to adapt to climate change. They don't have the resources to avoid those dangers. The knowledge that could help people adapt better to the climate's shifting conditions is unavailable to them. Despite the growing danger posed by climate change, women, people of color, and indigenous communities have less or no access to the same resources as men. If we want to make sure that the most vulnerable people aren't hit harder than they should by climate change, we need to protect their right to climate justice.

2. The Right to Climate Justice

Vulnerable communities, such as those in poor countries, indigenous peoples, women, and children, bear a disproportionate amount of the burden of climate change's effects. As a result, addressing climate change and adapting to its effects in a fair and equitable manner is considered as a human right (Daly, E., & May, J. R.) (2019).

According to the UNFCCC's preamble, "parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated duties and separate capabilities" (Venn, A. (2019). To "make financing flows consistent with a road-map towards low greenhouse gas emissions and climate-resilient development," as stated in the 2015 Paris Agreement, is a central tenet of the UN's climate change policy (UNFCCC, 2015).

The United Nations Human Rights Council has also declared climate justice to be a fundamental human right. Specifically, the Council stated in a resolution from 2008 that "the adverse effects of climate change have a range of direct and

indirect implications for the effective enjoyment of human rights" and demanded "actions to promote and defend the human rights of individuals affected by climate change" (UNHRC, 2008).

The right to climate justice is a topic that has been explored by several academics. Former Irish President and UN High Commissioner for Human Rights Mary Robinson claimed in a 2008 article that "climate change challenges the fundamental foundation of human rights" and urged "the recognition of the right to a clean and healthy environment as a human right" (Robinson, 2008). The environmental law specialist Cinnamon Carlarne said in 2015 that "climate change is a matter of social justice and human rights" and demanded "a more inclusive and equitable approach to global climate governance" (Carlarne, 2015).

Human rights, such as the right to life, health, and a secure environment, are inextricably intertwined with the right to climate justice. Women, children, and the elderly are particularly sensitive to the negative effects of climate change on fundamental rights. All people have the right to a healthy and sustainable environment, free from the negative effects of climate change. Olawuyi, David S. (2015).

State action to reduce greenhouse gas emissions and increase resilience to climate change is necessary to fulfill the right to climate justice. Actions to lessen the emission of greenhouse gases and fortify against their effects are included. Vulnerable populations must also be included in discussions about and participation in responses to climate change if justice is to be achieved in this area (Schapper, A. (2018).

The disproportionate effects of climate change on marginalized communities are thus recognized as a basis for the human right to climate justice. The UNFCCC, the UN Human Rights Council, and a growing body of academics all affirm this right. To protect this right, we must work to lessen the severity of climate change and help those most affected by it adapt to the changes that are inevitable.

3. The concept of the right to climate justice in Bangladesh

Bangladesh is a victim of climate change and has few means to mitigate its effects, making the right to climate justice an urgent concern (Rhaman, M.) (2016). In accordance with the UN Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, all people have the right to climate justice. According to Article 3(1) of the UNFCCC, rich nations are obligated to help poorer nations adapt to the consequences of climate change. Additionally, in the context of climate change, the Paris Agreement acknowledges the relevance of the right to develop

ment and the right to an appropriate standard of living (Article 2).

The Constitution of Bangladesh also guarantees the right to climate justice. The right to a safe and wholesome environment is an integral part of the fundamental freedoms guaranteed by Article 32 of the United States Constitution. The State shall provide for the preservation and enhancement of the natural environment, as the Constitution shall require (Article 18A). The right to climate justice in Bangladesh is protected by these constitutional guarantees.

People in Bangladesh have a right to climate justice if they are provided with a healthy environment and have a voice in environmental decision-making. In addition, it involves the developed world accepting its responsibility for the climate crisis and working with the developing world to lessen the effects of global warming (Stapleton, S. R.) (2019). As it strives to rectify the unequal distribution of costs and benefits associated with climate change, the right to climate justice is intrinsically tied to the ideals of equity and fairness.

4. Legal and Policy Frameworks

Bangladesh's existing legal and policy frameworks for dealing with climate change are cognizant of the significance of the right to climate justice. The British Columbia Climate Change Adaptation and Mitigation Strategy (BCCSAP) was created in 2009 and serves as a comprehensive strategy outlining the country's priorities in response to climate change (Khan, M. M.) (2009). The strategy acknowledges the country's susceptibility to climate change consequences and the necessity of protecting vulnerable communities. It also acknowledges the value of inclusive methods and public input into policymaking (Hasan, M. M.) (2022).

More specifically, the government has set up the Ministry of Environment, Forest, and Climate Change; the Climate Change Trust Fund; and the Bangladesh Climate Change Resilience Fund; all of which work to mitigate the effects of climate change. The right to climate justice depends on the actions taken by these institutions (Alam, K., Shamsuddoha, M., Tanner, T., Sultana, M., Huq, M. J., & Kabir, S. S.) (2011).

While the necessary legal and policy structures exist, resource shortages and a lack of institutional ability frequently make it difficult to put them into practice. Furthermore, the efficacy of climate change policies and initiatives is hampered by a lack of public participation in decision-making processes.

Legal and regulatory frameworks are in place to protect the right to climate justice, which is guaranteed by both international law and the Constitution of Bangladesh. However, its execution faces various obstacles. These include limited resources, weak institutions, and a lack of public input. Opportunities to protect the right to climate justice exist, however, thanks to factors such as a robust civil society and the government's dedication to combating climate change. Protecting vulnerable communities and distributing the costs and benefits of climate change fairly depends on upholding the right to climate justice (Das, J.) (2019).

5. Policies for Environmental Protection in Bangladesh

Bangladesh has created a number of policies and programs to safeguard the environment and promote sustainable development in response to the threats posed by climate change and environmental degradation. Here are some of the most important plans and programs.

5.1 National Environment Policy

Adopted in 1992, the NEP has since undergone three major revisions in 1997, 2010, and 2018. The goals of the NEP are to encourage sustainable development and boost the standard of living in Bangladesh by providing a framework for environmental preservation and management. Air pollution, water pollution, hazardous waste management, and biodiversity conservation are just some of the many issues that the NEP recognizes as top priorities.

5.2 National Biodiversity Strategy and Action Plan

Adopted in 2006 and updated in 2016, the NBSAP is a comprehensive plan to protect and preserve the nation's biodiversity. Destroying habitats, overfishing, pollution, and climate change are all threats to the rich biodiversity that exists in Bangladesh, which is why the NBSAP was created. Protected areas, sustainable livelihoods for local communities, and encouraging sustainable use of natural resources are just a few of the many goals laid out in the NBSAP.

5.3 National Forest Policy

Since its inception in 1979, the National Forest Policy (NFP) has undergone two major revisions in 1994 and 2016. Bangladesh's forest resources are threatened by deforestation, illegal logging, and conversion to agriculture and other purposes; the NFP works to safeguard and conserve these resources. To stop illicit logging and other forest devastation, the NFP lays forth a number of steps to be done, such as creating protected areas, encouraging community forestry, and strictly enforcing rules and regulations.

5.4 National Water Policy

In 1999, we established the National Water Policy (NWP), and in 2013, we updated it. Water pollution, overuse, and climate change are all threats to Bangladesh's water supply, which is why the NWP was created. The NWP outlines a variety of actions to be implemented, such as creating institutions for water management, fostering integrated water resources management, and strictly enforcing anti-pollution laws and regulations.

5.5 Climate Change Strategy and Action Plan

Adopted in 2009 and updated in 2016, the CCSAP is a strategy and action plan for combating climate change. The CCSAP is Bangladesh's national policy for dealing with climate change, which threatens the country's progress and its people's quality of life. Adaptation, mitigation, capacity building, technology transfer, and financing (SM) are just some of the CCSAP's identified priority areas. Both Mahfuzur and Barua (R. and S. (2016).

The CCSAP aims to integrate climate change considerations into national development plans and budgets. To do this, the CCSAP promotes the creation of sector-specific policies and strategies that account for the effects of climate change in areas including agriculture, water resources, energy, and transportation. The CCSAP also highlights the importance of promoting low-carbon development pathways and building climate-resilient infrastructure and ecosystems.

In addition to these measures, Bangladesh has ratified a number of treaties and conventions concerning environmental preservation and climate change at the international level. Among these are the UN Convention to Combat Desertification (UNCCD), the UN Convention to Combat Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), and the Paris Agreement (UNCCD). The South Asian Association for Regional Cooperation (SAARC) and the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) are two examples of international and regional initiatives that Bangladesh is a part of to promote cooperation on environmental protection and sustainable development.

6. Limitations of Existing Policies for Environmental Protection in Bangladesh

The following are the vital limitations in the existing policies for environmental protection in Bangladesh:

6.1 Limited Implementation Capacity:

The inability to fully put them into effect is a key drawback of the current policy. Many of the policies remain unimplemented due to a lack of technical expe

rience, financial resources, and institutional ability, resulting in poor protection against the impacts of climate change.

6.2 Insufficient Funding:

Environmental protection initiatives in Bangladesh need substantial funding in order to be effective. Inadequate safeguards against climate change impacts result from insufficient funding for these measures.

6.3 Inadequate Integration:

The lack of consideration of climate change in national development planning is another shortcoming of the current strategies. There is a lack of sector-wide coordination when environmental protection policies are formulated, which hampers their effective implementation.

6.4 Lack of Public Participation:

In Bangladesh, public input and consultation on environmental protection policies is often lacking. Therefore, communities are not adequately protected from climate change consequences because policies do not adequately represent their needs and interests.

7. The Need for a Decisive Change in Policies for Environmental Protection

The poverty rate and people's access to healthcare and education have both decreased dramatically in Bangladesh in recent years. However, the ecology has suffered as a result of the country's progress. Deforestation, water pollution, air pollution, and loss of biodiversity are only a few examples of the environmental degradation caused by rapid population increase, urbanization, and industrialisation (Baniya, B., Giurco, D., & Kelly, S.) (2021). A radical shift in environmental protection policy is required in this setting to secure the right to climate justice.

8. Challenges and Opportunities

Bangladesh still has a ways to go before it can fully safeguard the environment and promote sustainable development, despite these policies and measures. Lackluster leadership and enforcement of environmental laws and regulations, insufficient funding, and low levels of public understanding and input into environmental policy are all contributing factors.

However, various obstacles prevent Bangladesh from fully realizing its claim to climate justice. Among these difficulties are:

1. Poor leadership, bribery, and a lack of political will all act as roadblocks to

- enforcing Bangladesh's environmental laws and regulations. This leads to insufficient monitoring and reporting of environmental impacts and poor enforcement of environmental regulations.
2. Developing nations like Bangladesh may struggle to gather the necessary funds to fully execute environmental rules and regulations. In order to finance environmental programs, the government frequently accepts foreign funds and help, which might undermine local ownership and the long-term viability of the initiatives.
 3. Bangladesh's minimal public participation in environmental decision-making processes might lead to insufficient consideration of local populations' concerns and demands. Lack of buy-in and ownership of environmental projects, together with heightened conflict and opposition, might result from this.
 4. Because of their traditionally subordinate responsibilities and lower financial status, women in Bangladesh are typically hit harder by the effects of climate change. As a result, they may have less control over adaptation and mitigation measures and less access to knowledge and resources.

These obstacles are real, but so are the chances to advance climate justice in Bangladesh. Among the possibilities are:

1. Methods based in the community: Local communities can benefit from community-based methods to environmental management and climate change adaptation because these strategies strengthen community agency, foster project ownership and longevity, and fortify communities against the negative effects of climate change.
2. Methods of funding innovation: Environmental initiatives can receive the funding they need to be implemented thanks to novel financing structures including climate finance, green bonds, and public-private partnerships, all of which encourage ownership and sustainability.
3. Building the technical and institutional capacity for implementing environmental initiatives, while encouraging ownership and sustainability, is made possible through the transfer of technology and increased capacity.
4. Methods that take into account the differences between the sexes: Addressing the disproportionate impacts of climate change on women and encouraging their participation and leadership in environmental decision-making processes, can be accomplished through gender-responsive methods to environmental management and climate change adaptation.

However, Bangladesh faces many environmental and developmental issues, but it also has many opportunities to meet them. The growing availability of climate finance is a major opportunity since it can bolster the introduction of

climate-resilient and low-carbon policies and projects. The government of Bangladesh has already tapped into the Green Climate Fund, the Adaptation Fund, and the Global Environment Facility to help combat climate change.

Nature-based solutions, which have the potential to combat climate change and environmental degradation while simultaneously delivering social and economic benefits, are another promising avenue for action. Greenhouse gas reduction, carbon sequestration, and biodiversity protection are all aided by nature-based solutions including reforestation, ecosystem restoration, and sustainable agriculture.

9. Recommendations for Environmental Protection and Climate Justice in Bangladesh

To ensure environmental protection and climate justice in Bangladesh, the following recommendations are proposed:

9.1 Strengthening Implementation Capacity:

In order to safeguard the environment and adapt to climate change, it is crucial to build up the necessary institutional capacity and technical skills. Developing human resources, expanding organizational capabilities, and fortifying existing institutions are all viable options for accomplishing this.

9.2 Increasing Funding:

Adequate finance is essential for successful policy implementation. It is crucial to mobilize domestic resources, investigate novel financing options, and secure international climate finance in order to improve funding for environmental protection and adaptation in the face of climate change.

9.3 Mainstreaming Climate Change into Development Planning:

Integrating climate change considerations into national development planning is crucial for achieving the desired level of sectoral integration and coordination. At all echelons of government, development plans, policies, and programs should account for the effects of climate change.

9.4 Promoting Public Participation:

Communities will be directly impacted by environmental protection and climate change policies, so those policies should be developed with their input. By incorporating civil society organizations and other interested parties into the policy-making process, we can accomplish this goal.

9.5 Strengthen disaster risk reduction measures:

Natural disasters, such as floods and cyclones, pose a significant threat to Bangladesh. Early warning systems, evacuation plans, and disaster response procedures are all parts of the disaster risk reduction infrastructure that the government should work to improve. Natural disasters can be mitigated through government investments in infrastructure, such as flood protection embankments.

9.6 Promote sustainable agriculture:

Bangladesh's agricultural industry is highly susceptible to the effects of global warming. The government should encourage environmentally sound farming methods like planting climate-resilient crops, using water wisely, and maintaining healthy soil. The government should also fund R&D on climate-resilient crop development so that people can continue to feed even as the planet warms and cools.

9.7 Strengthen international cooperation:

As a developing nation, Bangladesh lacks the resources necessary to effectively combat the effects of climate change. The environmental difficulties facing the country can only be overcome with the participation and support of the international community. To combat climate change, the government should boost international collaboration and partnerships to have access to necessary resources, technologies, and experience.

10. Conclusion

The protection of the environment and the promotion of sustainable development in Bangladesh are both contingent on the realization of the right to climate justice. To combat climate change and environmental degradation and advance the country's development goals, a sea change in environmental protection policy is required. While Bangladesh has adopted a number of policies and programs to protect the environment and promote sustainable development, the country still confronts a number of obstacles that must be overcome before it can realize its environmental protection and development goals. Opportunities exist, however, for Bangladesh to tackle these problems and reach its environmental and development goals, thanks to things like rising awareness of the value of nature-based solutions and rising funding for climate change adaptation.

To safeguard the environment and guarantee human rights, however, the government and all parties must respect the right to climate justice. To tackle the country's environmental problems, Bangladesh needs a dramatic shift in policy, legislation, and investment. To accomplish economic growth, human rights protec

tion, and the Sustainable Development Goals, the government must prioritize climate-resilient development. Environmental protection and climate justice in Bangladesh can only be achieved by a collaborative effort between the government, the private sector, civil society organizations, and individual citizens.

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