

## Implementation of climate change legislation of the several areas: A study of Bangladesh

Bashir Md Zahangeer  
Bae Jung Saeng

PhD Student, School of laws, Chonbuk National University  
Professor, School of laws, Chonbuk National University

### Abstract

'German Watch's Global Climate Risk Index (CRI)' has provided information about Bangladesh is very close to risky position and most vulnerable due to change of climate. There are several reason workings behind this. One of them is 'extreme environment within last twenty years since 1990 around the world.' Among the neighboring countries, 54percent from India and 3 percent from Myanmar total along with 57 percent Trans Boundary River in Bangladesh (Ganges, Brahmaputra and Meghna). There is no control over the mentioning River by the government of the Peoples Republic of Bangladesh. During the rainy season, heavy rain flow almost 90 percent towards the Bay of Bengal as a natural drainage system. Populations, of Bangladesh are increasing in chronological order. Some of the city and village district has been sufferings for huge population with high density. Extensive poverty and population growth, density, limited adaptive capacity and low investment, high level of engagement of inefficient local governance has created one of the worst affected areas in the planet. With this huge population, about two million people every year increased and thousands of people living in each square kilometer, a recent conducted survey showed this information. One third of population is living under poverty in Bangladesh. Therefore, this government does not have the ability to respond to natural disasters and proper aiding to the affected people. It has often be said that 5 to 7.5million people are affected by water short ages due to global climate change, Bangladesh coastal areas, low-lying areas are too vulnerable for rising sea levels and extreme weather conditions raised more possibility of cyclones in 2009 like Bangladesh. In 2018, rainfall agricultural yields might be reduced by 50%by 2020. In the case of population, growth and hunger would have a very negative impact on food security. Movement in response of environmental and climate change, is a normal human adaptation strategy. However, people cannot simply migrate to other countries; national immigration laws restrict the entry of non-citizens into other countries. International law only recognizes a very small class of forced migrants 'refugees', 'stateless persons', and those eligible for complementary protection. In this article I tried to describe about the impact of climate change upon the Bangladesh. On the other hand, some suggestions for overcoming this upcoming disaster.

### I

#### Introduction

*'We want to begin that (Migration) now, and do it over the next twenty, thirty or forty years, rather than merely, in fifty to sixty years' time, simply come looking for somewhere to settle our one hundred thousand people because they can no longer live in Kiribati, because they will either be dead or drown. We begin the process now, it's a win-win for all and very painless, but I think if we come as refugees, in fifty to sixty years' time, I think they would become a football to be kicked around '.*<sup>1</sup>

Climate change will be the biggest health problem as well as hazard of Bangladesh.<sup>2</sup> The World has always been changed between the hot and cold periods due to a multiplicity of

---

<sup>1</sup>President Anote Tong in D. Wilson, 'Climate Change: Nobody is Immune' (Islands Business, 2008) cited in V. Kolmannskog and F. Myrstad, 'Environmental Displacement in European Asylum Law' (2009) p.11.

<sup>2</sup>Shakeel Ahmed Ibne Mahmood, Impact of Climate change in Bangladesh: The role of public Administration and

factors. Cross-border displacement and the effects of climate change have been identified as a normative gap in the international protection regime.<sup>3</sup> Like all other nations of the world, Bangladesh also acted on the global call for the protection and conservation of natural environment and ecology. <sup>4</sup>Global warming also happened by the greenhouse effect on the earth surface as a result sea level rise sharply.<sup>5</sup>However, it has often been said that the world will going to become worst place for humanity due to climate change within next hundred years. Estimate predicts that 2100 AC world will warm more 1.8 degree Celsius and overall temperature will be increased at around 4 degree Celsius. Crops produce depends on the climate condition so it will bring bad impact over the country's economy. Although, it could possibly be as high as 6.4° C. Food production will be particularly sensitive to climate change, because crop yields depend directly on climatic conditions (temperature and rainfall patterns) and could lead to food yields being reduced by as much as a third in the tropics and subtropics. Analysis of climate change induced displacement can be traced back to earlier deliberations on environmental displacement, which were particularly prominent during the 1990s. <sup>6</sup> Meanwhile future tropical cyclones will become stronger, with faster wind speeds increasing the amount of damage they cause; floods will become more common due to changing rainfall patterns and glacier melt in the summer; sea-level rise could inundate large areas of low lying countries; and the changing climate may indirectly cause misery by increasing the incidence of disease and conflict. Furthermore, biological diversity the source of enormous environmental, economic, and cultural value will be threatened by climate change. 'Climate change Mitigation' which refers to efforts to reduce greenhouse gas emissions or to capture greenhouse gases through certain kinds of land use, such as tree plantation is the main response that must be made to prevent future impacts of climate change. Bangladesh is a signatory of international treaties, conventions, and protocols in protection of environment and ecology.<sup>7</sup> However, in 1990, the Intergovernmental Panel on Climate Change (IPCC) identified the potential impacts of climate change on human migration.<sup>8</sup> It noted that, millions

---

Government's Integrity, Journal of Ecology and the natural environment vol. 4(8), pp. 223-240, may, 2012.

<sup>3</sup>This was expressly recognized at the 2010 High Commissioner's Dialogue on Protection Challenges (8–9 December 2010) Breakout Session 1: Gaps in the International Protection Framework and in Its Implementation, 'Protection Gaps and Responses', Report by the Co-Chairs, 3.

<sup>4</sup>The English word 'ecology' is taken from the Greek oikos, meaning house, the immediate human environment. In 1870, the German Zoologist Ernst Haeckel first gave the word its broader meaning, the study of the natural environment and of the relations of organizations to each other and to their surroundings. General use of the word came only in the late 1800s, when European and American scientists began to call themselves ecologists. The first societies and journals explicitly devoted to ecology appeared in the early decades of this century. Man is an integral part of the ecology of the world. Pressure of population and reduce of the forest and ecological component led to an ecologically unsound decision and to an economic, social and environmental disaster. Local forests are being cut rapidly for firewood. See details, Robert E. Ricklefs, Ecology Third Edition, New York: W. H. Freeman and Company 1990, p. 3

<sup>5</sup>Anawar Ali, Climate Change impact and adaption assessment in Bangladesh, Climate reshechClim Res vol. 12: 109-116, 1999

<sup>6</sup>J.L. Jacobsen, 'Environmental Refugees: A Yardstick of Habitability' (November 1988) Worldwatch Paper p.86; A. Suhrke and A. Visentin, 'The Environmental Refugee: A New Approach' (1991) Ecodecisionp.73;N. Myers, 'Environmental Refugees in a Globally Warmed World' (1993) p.43

<sup>7</sup>Annual Report- 2007 of Department of Environment, Ministry of Environment and Forest, GoB, Dhaka: DoE, 2007, p. 63

<sup>8</sup> 'What does the IPCC report say about climate change in Bangladesh?' available at <https://www.dhakatribune.com/uncategorized/2015/02/16/what-does-the-ipcc-report-say-about-climate-change-in-bangladesh> last visited 09-07-2018

of people would likely be displaced by coastline attrition, seaside flooding and agricultural interruption. <sup>9</sup>There was no effective's law in early year of independence.<sup>10</sup> However, there are many measures that may be taken in developing countries that include reducing domestic emissions and deforestation as well as advocating of mitigation with the developed world. Average weather temperatures rising; more extreme hot and cold spells, rainfall being less when mostly needed for agriculture, in the monsoon when it already causes floods, melting of glaciers in the source areas of Bangladesh's rivers. Climate change might require deliberation of migration and resettlement outside of national borders. <sup>11</sup> The impact will be intensified by the fact that, Bangladesh is both one of the most populated and one of the poorest nations on earth. There are already many innovative projects in Bangladesh and addressing the growing impacts of climate change on local and international communities. Many more adaptation techniques need to be transferred from other parts of the world or developed country. Organizations to disseminate their ideas and experiences among likeminded NGOs in Bangladesh and develop their responses to climate change. Further more. Continued research is necessary to determine more accurately future and present effects of climate change on Bangladesh. As a low-lying, densely populated delta nation, with a significant proportion of its population living in coastal or flood-prone areas, Bangladesh is one of the country's most vulnerable to climate change. <sup>12</sup>Any complete system of contamination control will contain at least four basics such as devising of pollution policies, administration of the scheme of control, implementation of controls, and exploration.<sup>13</sup>

Firstly I would like to thanks to the Professor Bae Jaeng Saeng Dean, Law School of Chonbuk National University, Republic of Korea for giving me time and encouragement to write this paper, especially My Professor is deeply concern regarding this issues. I am grateful for the support and interest of my respective Supervising Professor. Without his help and contribution, it was very hard task to complete my article on Bangladesh perspective. It goes without saying that any errors contained in this article are entirely my own.

---

<sup>9</sup>Intergovernmental Panel on Climate Change (IPCC), Climate Change: The IPCC Scientific Assessment: Final Report of Working Group I (Cambridge: CUP, 1990). This was underscored in its most recent report..G. C. Hegerlet al., 'Understanding and Attributing Climate Change' in S. Solomon et al., (eds), Climate Change 2007: The Physical Science Basis: Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (Cambridge: CUP, 2007); IPCC, Climate Change 2007: Synthesis Report: Summary for Policymakers (Cambridge: CUP, 2007).

<sup>10</sup>Md. MokarromHossan Evolution of environmental Policies in Bangladesh (1972-2010), Journal of the Asiatic Society of Bangladesh (Hum.), Vol. 59(1), 2014 p. 39

<sup>11</sup>R. T. Watson, M. C. Zinyowera, R. H. Moss and D. J. Dokken, IPCC Special Report: The Regional Impacts of Climate Change: An Assessment of Vulnerability: Summary for Policymakers (Geneva: IPCC, 1997) Part 6.8.

<sup>12</sup> Global risk analysts, Maplecroft, use GIS data to identify countries according to their vulnerability to manage risks posed by future climate change. Of 166 countries, Bangladesh is rated 12th and is defined as extremely vulnerable:<[http://maplecroft.com/portfolio/doc/climate\\_change/Climate\\_Change\\_Poster\\_A3\\_2010\\_Web\\_V01.pdf](http://maplecroft.com/portfolio/doc/climate_change/Climate_Change_Poster_A3_2010_Web_V01.pdf)> (last visited on 3 May 2015). 60% of Bangladesh's population lives in flood-prone areas: World Bank, \_Data: Climate Change. Some 40 million people live in coastal areas, with 5 million residing in highly vulnerable areas within 100 km of the coast and less than 12 meters above sea level: Koko Warner et al., In Search Of Shelter: Mapping the Effects of Climate Change on Human Migration and Displacement (2009), 13.

<sup>13</sup>J. McLoughlin and E. G. Bellinger, Environmental Pollution Control: Introduction to Principles and Practice of Administration (International Environmental Law & Policy Series), London, U.K: Graham and Trotman Ltd., 1993, p. 21

## II

### Current situation of climate change and its impacts on Bangladesh

Due to monsoon weather, Bangladesh is considered as a hotspot of cyclone. <sup>14</sup>Past 120 years there are a number of cyclones hit in Bangladesh amounted by 154 cyclones and more than 68 tropical Storms. <sup>15</sup> With an average speed near about 223 km per hour, cyclone sidr hit the southwest coast in Bangladesh in 2007 and casualties about 56000 injuries affecting 10 million people. <sup>16</sup>The statistics shows that the extreme harm occurred due to the cyclone storm surge caused by cyclone-induced storm wave.<sup>17</sup>An important part of Bangladesh is low coastal area, which is flooding every year during rainy season. The projected sea-level rise, along the coast of Bangladesh in 89cm, 88cm. In addition, natural disaster causes more houseless population in Bangladesh. More intense storm surges on top of the sea level rise that may occur especially more death and destruction, or loss in low-lying coastal areas of Bangladesh. The dry season, which can worsen drought (in winter), the potential for dry conditions, while. Climate change is a threat to ecosystems in Bangladesh. Specific risks may 1 °C increase of about 0.5 ° C with a different order of Barnes, Bangladesh and associated sea level rise. Climate across the western coast of India and adjoining Bangladesh could be flooded the coastal mangrove in 1985 and 1998, an additional temperature and it is expected to rise in November. This landscape provides major natural resources of water, fisheries, land, wildlife and forests. <sup>18</sup>Bangladesh is the 37 no venerable country due to the climate change with no groundwork to protect this disaster. <sup>19</sup>However, although overall climate warming and extreme temperature increases, and only the low winter temperature of 5 ° C to last 38 years were recorded, the lowest, in January 2007 . Bangladesh, one of the biggest deltas with low-lying landscape, population density, poverty, illiteracy, lack of institutions, such a natural disaster causes of geographical location and obviously is one of the most vulnerable country in the worlds. The Street, mostly is easy to flooding during the rainy season, leaving the main part of the country consists of the floodplain (almost 80%). In addition, the negative effects of climate change including a particularly high temperatures, rising sea levels, cyclones and storm surges, saline intrusions, heavy monsoon rains has worsened the overall economic development scenario of Bangladesh. Bangladesh has a population of life expectancy 63 years at birth about 150 million (2011), and adult literacy rate of 47.5%. Bangladesh has achieved

<sup>14</sup> The United Nations Development Programme (UNDP) has ranked Bangladesh as the world's most vulnerable country to tropical cyclones (UNDP 2004).

<sup>15</sup> Based on the observed maximum sustained surface wind measured at a height of 10 m averaged over 3 minutes, tropical storms are classified as super cyclonic (wind speed over 220 km per hour), very severe cyclonic (119-220 km per hour), severe cyclonic (90-119 km per hour), cyclonic (60-90 km per hour), deep depression (51-59 km per hour), and depression (32-50 km per hour) (IMD 2010).

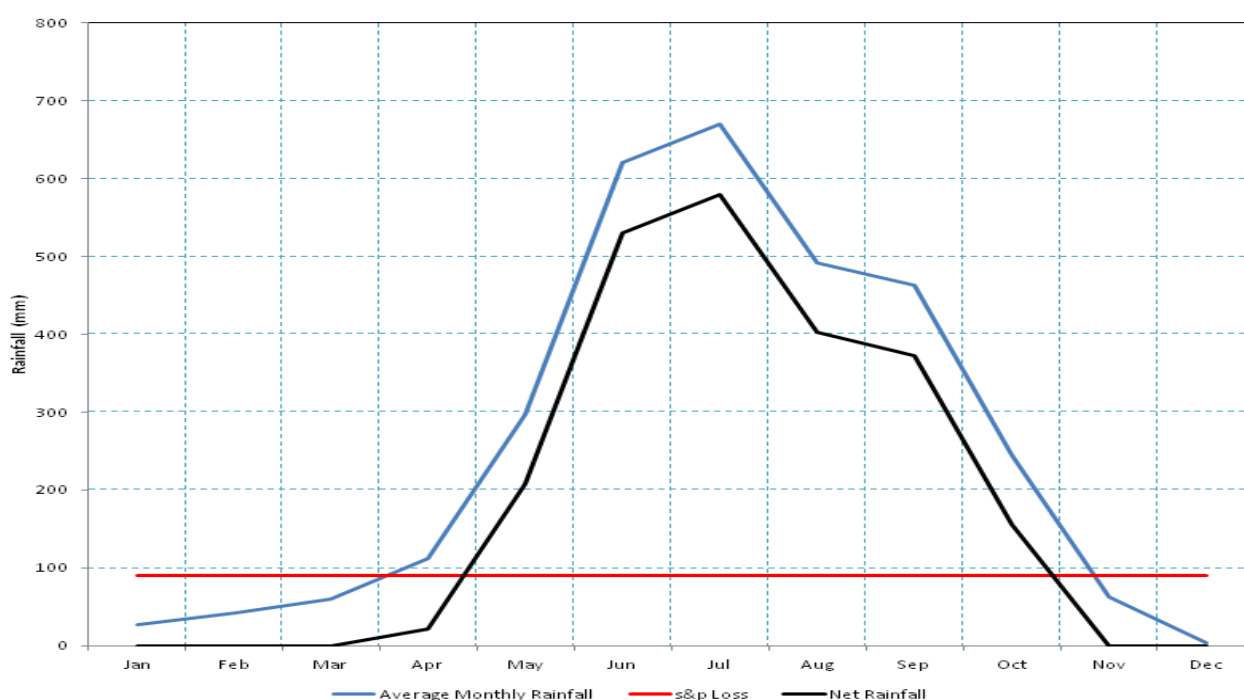
<sup>16</sup> The four worst affected districts were Bagerhat, Barguna, Patuakhali and Piroipur. The seven moderately affected districts were Barishal, Bhola, Gopalganj, Jhalkathi, Khulna, Madaripur and Shariatpur

<sup>17</sup> Storm surge refers to the temporary increase in sea height in a particular locality due to extreme meteorological conditions (i.e., low atmospheric pressure and strong winds) (IPCC 2007).

<sup>18</sup>Vijulpe, C. (1 December 1995). Issues in the management of the environment and natural resources in Bangladesh Journal of Environmental Management. 45 (4): 319–332.

<sup>19</sup>'Bangladesh Disaster Risk and Climate Change Program' available at <<https://www.worldbank.org/en/country/bangladesh/brief/bangladesh-disaster-risk-climate-change-program>> last visited 07-07-2018

140 out of 177 countries under the Recent Human Development Report. Bangladesh has an average annual population growth rate of around 2% (4.6% in urban areas), almost 75% of the population lives in rural areas and a population density of 954.4 (people per sq. km.). Bangladesh is predominantly Agricultural with two thirds of the population engaged in farming or Agro-based industrial activity mainly. The climate of Bangladesh can be characterized by high temperatures, heavy rainfall, high humidity, and fairly marked three seasonal variations like hot summer, shrinking winter and medium to heavy rains during the rainy season. The annual population growth of Bangladesh is about 2 percent whereas urban area belongs to 4.6 percent birth rate. Near about 80 percent of Bangladeshi peoples are living in rural area with the density of about 960 (people per km). Bangladesh is primarily agricultural based countries. Two-thirds of the population is engaged in agriculture based industrial activities. Bangladeshi climate would be defines as hot, heavy rainfall, high humidity and fairly characterized by heavy rains during the rainy winter and mid-season. For sustainable planning, assessment to be made ad hoc nature between researcher’s and planning.<sup>20</sup>

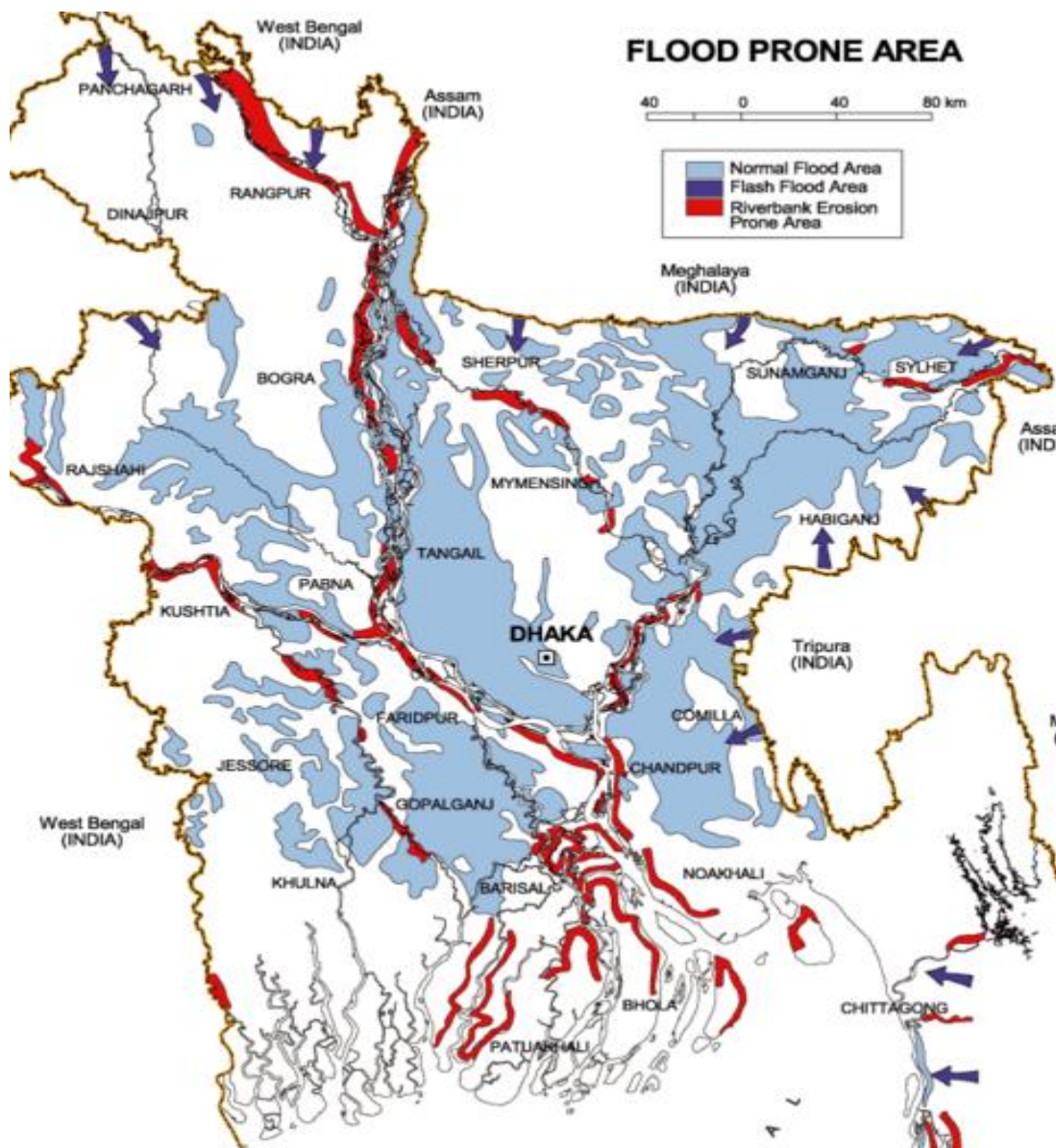


Exclusive Economic Zone (EEZ)<sup>21</sup>

In Bangladesh, most of the cities and towns of coastal belt can cause serious damage due to the sea level rise and suffer disaster impacts associated with climate change; storm surge is at any time. Direct impacts can cause damage to the infrastructure for flooding, water logging and drainage congestion. It was experienced urban areas suffer serious and fall in critical situation by earlier floods in Bangladesh, like urban infrastructure, industrial, commercial and utility services are destroyed. After the flood increases a number of the vulnerability of the urban poor because many interfere with the normal productivity. It should solve 40% of the urban slum population of Bangladesh also mentioned that living in unauthorized settlements of major cities have a high risk of flood disaster trends.

<sup>20</sup>The Fourth Five Year Plan (1990-95), Planning Commission, GoB, June 1995, pp. 1-13

<sup>21</sup>Shakeel Ahmed Ibne Mahmood Impact of climate change in Bangladesh: Role of two Government, Journal of Ecology and the Natural Environment Vol, 6(3) p. 122 March 2014.



**Vulnerable groups:**

The major cities are directly affected because of the risk of natural disasters powered by the effects of climate change, mainly in the major cities of the country. Absence of employment opportunities, infrastructure as well as shortage of the needs for their expectation makes huge problems in socio economics. In the term of woman, they are most vulnerable based on socio economic and political institution. During 1991 Cyclone and Sidr<sup>22</sup> 2007 surge in Bangladesh, in the case of female mortality rate is nearly five times higher than male.

<sup>22</sup>Cyclone Sidr (JTWC designation: 06B, also known as Extremely Severe Cyclonic Storm Sidr) was a tropical cyclone that resulted in one of the worst natural disasters in Bangladesh. The fourth named storm of the 2007 North Indian Ocean cyclone season, Sidr formed in the central Bay of Bengal, and quickly strengthened to reach peak 1-minute sustained winds of 260 km/h (160 mph), making it a Category-5 equivalent tropical cyclone on the Saffir-Simpson Scale. The storm eventually made landfall in Bangladesh on November 23, 2007, causing large-scale evacuations. 3,447 deaths were blamed on the storm. Save the Children estimated the number of deaths associated with the cyclone to be between 5,000 and 10,000, while the Red Crescent Society reported on November 18 that the number of deaths could be up to 10,000. International groups pledged US\$95 million to repair the damage which was estimated at \$1.7 billion (2007 USD).

### III

#### **Law approved by the government of People's Republic of Bangladesh**

##### **Environment Pollution Control Ordinance, 1977**

Environmental Pollution Control Ordinance, 1977, Ordinance No. XIII of 1977, the Water Pollution Control Ordinance, 1970, it is also covered control of environmental pollution, and prevention to air pollution also water pollution, protect to abatement to create environment pollution.

'Air' means the discharge into the atmosphere of foreign gases, vapours, droplets and particles or of excessive amounts of normal constituents, such as the carbon dioxide and suspended particulate matters produced by burning of fossil fuels;<sup>23</sup>

'environment' means the surroundings consisting of air, waters, soil, food, and shelter which can support or influence the growth of life of an individual or group of individuals, including all kinds of flora and fauna; <sup>24</sup>

'pollution' means such contamination, or other alteration of the physical, chemical or biological properties of any air, waters or soil including change in temperature, taste, colour, turbidity, odor or any other characteristics of air, waters, soil or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any air waters, or soil as will, or is likely to, create a nuisance or render such air, waters or soil harmful, injurious, detrimental or disagreeable to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other bonafide uses, or to livestock, wild animals, bird, fish, plants or other forms of life; <sup>25</sup>Ordinance of 1970 regarding environment is little bit similar ordinance in 1977 that deals with the mandate of the Environmental Pollution Control Board and the Board of reconstruction, but they are required to consider extending the air and soil pollution, as well as provide the ability to set up a committee of experts. Board include: physical planning and housing sectors; Secretary of Local Government, Rural Development and Cooperatives Division, Member-in-Charge of the Planning Commission, Ministry of Electricity, water resources and flood control, Forestry, Fisheries and Livestock Department, Department of Agriculture, Interior Ministry of Industry and the Ministry of Public Works and Urban Development and the Chief, flood control and water resources, the Planning Commission; Health Department Service area; Bangladesh Inland Water Transport Authority; Chief Engineer, Public Health Engineering, and Director of Fisheries; A representative from the Bangladesh Meteorological Department. The ability of the board remains the same, but the "air, water, soil, plants, and the disposal of the materials had been included in the new protection system. Afford a reasonable opportunity to inspect and test any waste permit, allow officials to inspect the buildings and land have been extended beyond such visits, search and examination "as well as officials.

##### **The Environmental Court Act 2000**

The 2000 Environmental Court Act supports the Environmental Conservation Act (1995) and the Environmental Conservation Rules (1997) by providing for the establishment of environmental courts for the trial of offences relating to environmental pollution.

An Environment Court shall be constituted with one judge and, in consultation with the Supreme Court, the Government shall-

(a) appoint an officer of the judicial service of the rank of Joint District Judge, and such Judge shall dispose of cases only under environmental laws; and

---

<sup>23</sup>The Environment Pollution Control Ordinance, 1977 Ordinance no. XIII of 1977 article 2 a

<sup>24</sup>The Environment Pollution Control Ordinance, 1977 Ordinance no. XIII of 1977 article 2 f

<sup>25</sup>The Environment Pollution Control Ordinance, 1977 Ordinance no. XIII of 1977 article 2 g

(b) if it considers necessary, appoint a judge of the rank of Joint District Judge for a Division or a specified part thereof to act as the judge of an Environment Court in addition to his ordinary functions, and the said judge shall, in addition to his ordinary functions, dispose of the cases that fall within the jurisdiction of an Environment Court.]<sup>26</sup>

An Environment Court shall be competent to impose penalty for offences under section 5A of this Act and under any other environmental law, to confiscate an equipment or part thereof, a transport used in the commission of such offence or an article or other thing involved with the offence, and to pass order or decree for compensation in appropriate cases; and in addition, the said court may in the same judgment make all or any of the following orders keeping in view of the circumstances of the offence or relevant facts:-

(a) Issuing a direction to the offender or other relevant person not to repeat or continue or, as the case may be, not to do the act or to make the omission which constitutes the offence;

(b) issuing a direction to the offender or other relevant person to take such preventive or remedial measures in relation to the injury or probable injury to environment as the court considers appropriate keeping in view of the circumstances of the offence or the relevant facts,

(c) in case of a direction under clause (b), specifying a time limit and a further direction to submit within the specified time a report to the Director General or other appropriate authority on the implementation of the direction : Provided that where a direction under clause (b) or (c) is issued, the person directed may apply to the court within 15 days of the judgment for review of such direction and the court shall, after giving the Director General a reasonable opportunity of being heard, dispose of the application within 30 days after it is made.<sup>27</sup>

It includes protocols for the establishment of the court, and defines the court's jurisdiction, appropriate penalties, powers of search and entry, and procedures for investigation, trial and appeal. The Environmental Conservation Act, 1995 and the Environmental Court Act 2000 were amended in 2002 and the Environmental Conservation Rules, 1997 were extended to incorporate ambient air quality and exhaust fan vehicles.

It is the protocol for the founding of the court, and the court's jurisdiction, appropriate penalties, investigation, trial and appeal. Environment Conservation Act, 1995 and the Environmental Court Act 2000 were amended in 2002.

### **Other Sectoral Policies**

Dispute their title, the EIA Guidelines for Industries covers significant water sector interventions, including flood control embankments, polder and dykes and roads and bridges. All these water sector interventions for under the 'Red' category of industrial units. These require, in theory, for proposed project construction, re-construction and extension.

In addition to the 1995 Act and 1997 Rules, several other policies deal with the wider concerns of ecosystem health and water quality. There are also several proposed policies that have a bearing on the impact of industrial waste on the environment.

### **The National Water Policy, 1999**

The water policy of the government aims to provide direction to all agencies working with the water sector, and institutions that relate to the water sector in one form or another, for achievement of specified objectives. These objectives are broadly:

The National Water Policy (NWPo) has some 50 clauses of relevance to the environment and it is intended that compliance with the Policy will ensure protection, restoration and

---

<sup>26</sup> Article 4 of The Environment Court Act, 2000 Act No. 11 of 2000

<sup>27</sup> Article 5(2) of The Environment Court Act, 2000 Act No. 11 of 2000



preservation of natural habitats, particularly wetlands, mangroves, other forests and endangered species that depend on them (UNEP, 2001). Specific provisions made under the Policy include:

To address issues related to the harnessing and development of all forms of surface water and ground water and management of these resources in an efficient and equitable manner
To ensure the availability of water to all elements of the society including the poor and the underprivileged, and to take into account the particular needs of women and children
To accelerate the development of sustainable public and private water delivery systems with appropriate legal and financial measures and incentives, including delineation of water rights and water pricing
To bring institutional changes that will help decentralize the management of water resources and enhance the role of women in water management
To develop a legal and regulatory environment that will help the process of decentralization, sound environmental management, and improve the investment climate for the private sector in water development and management
To develop a state of knowledge and capability that will enable the country to design future water resources management plans by itself with economic efficiency, gender equity, social justice and environmental awareness to facilitate achievement of the water management objectives through broad public participation

In general, the policies and legislation adopted to protect misuse water from industrial and other waste. The Environmental Conservation Act, Environmental Conservation Rules, and National Water Policy have suitable clauses relating to industrial pollution. This regulation includes water quality protection, effluent discharge monitoring, zoning regulations for new industries and strengthening of the regulatory system for agrochemical pollution control (UNEP, 2001). There are few action programs and a lack of skills and expertise to take appropriate actions to ensure that both government and private sector developments properly address environmental concerns. With few exceptions, there is still a lack of institutional awareness let alone capabilities to address policy goals and objectives. However, there are few initiatives that aim to tackle the serious problem of water resource degradation that already exists in Bangladesh. The DoE have no guidelines on clean up and no time bound targets. It is our view that there is no real expectation that DoE could cope with even a fraction of the problems. Some of the important laws relating to protection of environment given below:

The National Adaptation Programme of Action <sup>28</sup>
The Bangladesh Climate Change Strategy and Action Plan <sup>29</sup>
The National Plan for Disaster Management
The Ashrayan Project
The Disaster Management Act <sup>30</sup>
The Standing Orders on Disaster <sup>31</sup>

<sup>28</sup>Ministry of Environment and Forest, 2005, National Adaptation Programme of Action (NAPA), Government of Bangladesh..

<sup>29</sup>Ministry of Environment and Forest, 2009, Bangladesh Climate Change Strategy and Action Plan, 2009, Government of Bangladesh.

<sup>30</sup> Adopted by the Government of the Peoples Republic of Bangladesh in 2012.

The Perspective Plan of Bangladesh <sup>32</sup>
The National Strategy for Accelerated Poverty Reduction <sup>33</sup>
Bangladesh Sixth Five Year Plan
The Bangladesh Country Investment Plan
National Agriculture Policy <sup>34</sup>
The National Forestry Policy <sup>35</sup>
The National Water Policy <sup>36</sup>
The National Food Policy <sup>37</sup>
The National Rural Development Policy <sup>38</sup>
The National Land Use Policy <sup>39</sup>
The National Urban Sector Policy <sup>40</sup>
The National Housing Policy <sup>41</sup>
The Bangladesh Environment Conservation Act <sup>42</sup>
The Environment Policy <sup>43</sup>
The Coastal Development Strategy <sup>44</sup>
The Coastal Zone Policy <sup>45</sup>

<sup>31</sup> Adopted by the Government of the Peoples Republic of Bangladesh in 2010. Ministry of Food and Disaster Management, 2010.

<sup>32</sup> Ministry of Food and Disaster Management, 2010. Standing Order on Disaster, available at: <<http://www.lcgbangladesh.org/derweb/doc/Final%20Verion%20SOD.pdf>>. accessed 15 August, 2013.

<sup>33</sup> Adopted by the Government of the Peoples Republic of Bangladesh in 2005.

<sup>34</sup> Ministry of Agriculture, 2013. National Agriculture Policy 2013, Ministry of Agriculture, Government of Bangladesh.

<sup>35</sup> Adopted by the Government of the Peoples Republic of Bangladesh in 1994.

<sup>36</sup> Ministry of Water Resources, Bangladesh, 1999, National Water Policy of Bangladesh,

<sup>37</sup> Ministry of Food and Disaster Management, 2006. National Food Policy of Bangladesh, Government of Bangladesh Adopted by the Government of the Peoples Republic of Bangladesh in 2006.

<sup>38</sup> Ministry of Local Government, Rural Development and Co-Operatives, 2001. National Rural Development Policy -2001, Government of Bangladesh Adopted by the Government of the Peoples Republic of Bangladesh in 2001.

<sup>39</sup> Adopted by the Government of the Peoples Republic of Bangladesh in 2001.

<sup>40</sup> Ministry of Local Government, Rural Development and Co-Operatives, 2011, National Urban Sector Policy, 2011, Government of Bangladesh Adopted by the Government of the Peoples Republic of Bangladesh in 2010.

<sup>41</sup> Ministry of Housing and Public Works, 2008, National Housing Policy of Bangladesh, Department of Public Works, Government of Bangladesh Adopted by the Government of the Peoples Republic of Bangladesh in 2008.

<sup>42</sup> Ministry of Environment and Forest, 1995. Bangladesh Environment Conservation Act 1995 (Act No. 1 of 1995), Government of Bangladesh.

<sup>43</sup> Ministry of Environment and Forest, 1992, Bangladesh Environmental Policy and Action Plan, 1992, Department of Environment, Government of Bangladesh. Adopted by the Government of the Peoples Republic of Bangladesh in 1992.

<sup>44</sup> Ministry of Water Resource, 2005. Coastal Development Strategy, Government of Bangladesh Adopted by the Government of the Peoples Republic of Bangladesh in 2006.

<sup>45</sup> Ministry of Water Resources, Bangladesh, 2005. Coastal Zone Policy, 2005, Government of Bangladesh Adopted by the Government of the Peoples Republic of Bangladesh in 2005.

**National Environmental Policy, 1992**

The National Environment policy (NEP) was adopted on 1992 for the protection and maintainable management of the environment. Here is the main objective of National Environment policy

Preserving the environmental balance and overall development through protection and development of the environment;
Identifying and regulate polluting and environmentally humiliating activities;
Confirming ecologically sound development;

**National Environmental Management Plan, 1995**

Implementing the National Environmental Management Plan (NEMAP), it was developed as a safety device prior to the adoption of the NEP. This regulation conduct to reduce the environmental hazards, improving the natural and artificial environment, habitat and biodiversity conservation, promotes sustainable development and quality indicators of human life (MOEF, 1994) improved. It can also lead to reduce threats resources and better management. NEMAP proposed action and intervention to the government institutions, and non-governmental organizations and of course civil society. The Government's Environment Policy makes four specific statements on land issues.

Formulate a balanced and environmentally sound national land use policy and plan.
Prevent land erosion, preserve and increase soil fertility and stress the need for protection of reclaimed land and for environmentally sound management of newly accreted land.
Encourage the adoption of land use practices that are compatible with various ecosystems of the country.
Reduce the impact of salinity and alkalinity on the land.

**Environmental Conservation Act and Rules**

The Bangladesh Environmental Conservation Act approved in 1995, and the accompanying 1997 Rules, are arguably the most important legislative documents for industrial water pollution. The Act is dedicated to the ‘conservation, improvement of quality standards, and control through mitigation of pollution of the environment’ (Environmental Conservation Act, 1995). The 1997 Environment Conservation Rules made in accordance with the 1995 Act provide additional guidance for specific components under the Act. For industrial water pollution, Bangladesh Environment Conservation Act was passed in 1995, is questionably the most important legal documents in the area of water Pollution. This method is the only ‘the standard quality preservation, improved control over the shrinks of pollution’ (Environmental Conservation Act 1995). Environmental Conservation rules 1997 created followed by the act 1995 provides additional guidance on the specific components of the Act. DOE also responsible for:

Adopting safety measures and determining abatement measures to prevent accidents that may cause environmental degradation.
Advising persons on environmentally sound use, storage, transportation, import and export of hazardous material or its components.
Coordinating with other authorities or agencies that have relevance to the objectives of the Act.
Conducting research and assisting other authorities and agencies in conservation and improvement of the environment.
Investigating locations, equipment, manufacture or other processes, ingredients, or materials, to ensure improvement of the environment, and control and mitigation of Pollution.
Collecting, publishing and disseminating information regarding environmental pollution.
Advising the Government on manufacturing processes and materials that may cause Pollution.

### **Ensuring potable water quality**

It is considered, that in order to protect illegal work enforce the method herein, DOE <sup>46</sup> input research, testing, inspection, industrial plants, equipment, a recording, a register, trapping a document or other important objects, the right to search for a place in violation of the law. Further, the authority also permitted to experiments for collecting and analyzes water, air, soil or other materials under the process lead by this act. If any plant or process is found to be contrary to the rules of the 1995 Act, DOE has the power to enforce the law through a notice after the ending procedure. If someone affected by the pollution or degradation can submit application or is likely to be submitted by an individual or group of individuals, Department may begin a public hearing. Since, 1995 Act, gazetting of the law, all industrial units or projects must receive a 'environment clearance' from the Department of Environment. To acquire the environmental clearance, the industry should sent application under this act including the various types of article and condition.

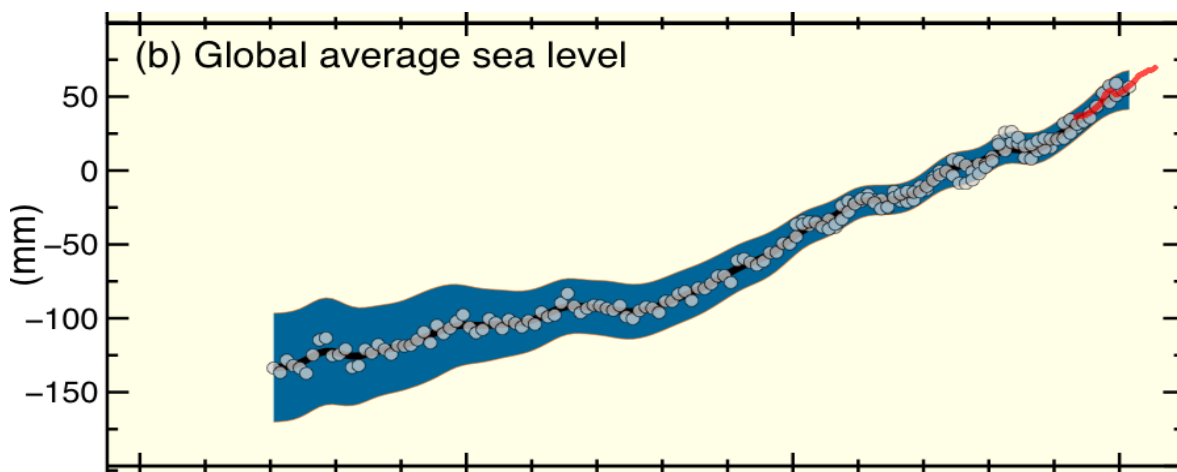
### **Environmental Quality Standards**

Reporting activities, process management set standards, environmental conservation projects 1997 Rules specified criteria for all the industrial units and select confidential industrial wastewater emissions. Based on industrial emissions inland surface water, secondary treatment plant and irrigate the land given to the public sewer. Single emission standards are given for each of the parameters of the industrial equipment, including fertilizer plant; Wheat fiber built large processing units; Pulp and paper mills; cement plant; Industrial boilers; Nitric acid plant; brewery; Sugar production; Leather tanning; Food processing and petroleum refining. However, there are several parameters toxicity is not specified under the rules. For example, copper, cobalt, and no aluminum specified in the waste quality standard.

### **Ecologically Critical Areas**

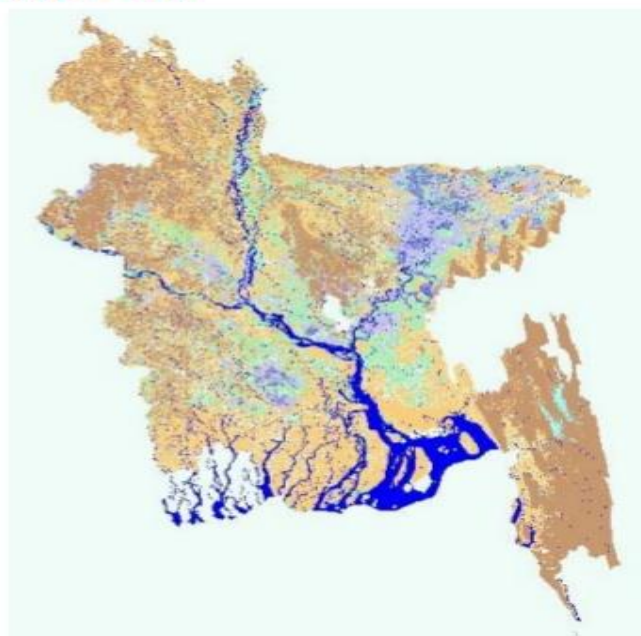
Although the Environmental Conservation Act (1995) deals mainly with processes and activities that make pollution, aspects of the Act also make provision for protection of ecosystems. Under the Act, the government can declare 'ecologically critical areas' in any area likely to reach

<sup>46</sup> DOE stands for Department of Environment in Bangladesh.



Environmentally critical conditions and can specify operations and processes that cannot be initiated or continued in those areas. The Act also confers power to the DoE to order corrective measures to be taken by any person believed to be responsible directly or indirectly, for causing damage to the ecosystem.

### SOLARIS - GIS



Types of Lands in Bangladesh <sup>47</sup>

#### IV

#### Protection of Environment under the constitution in Bangladesh

In 1972 Bangladesh adopted its constitution to protect the rights of all Bangladeshi citizen like others countries in the world. Fundamental human rights extended to the rights of healthy and sustainable environment for all. 'Right to life' is a universal right of all citizens in the world. Court verdict has directly or indirectly involve for the right to healthy environment.

<sup>47</sup>[https://www.google.co.kr/search?q=ecological+critical+area+in+bangladesh&biw=1366&bih=609&source=lnms&tbn=isc&sa=X&ved=0ahUKEwjbmciW7PLAhUKp3IKHaNpCXQQ\\_AUIBigB#tbn=isch&q=ecological+critical+area+in+bangladesh+map+hd&imgsrc=i7vZMZAdVLiXLM%3A](https://www.google.co.kr/search?q=ecological+critical+area+in+bangladesh&biw=1366&bih=609&source=lnms&tbn=isc&sa=X&ved=0ahUKEwjbmciW7PLAhUKp3IKHaNpCXQQ_AUIBigB#tbn=isch&q=ecological+critical+area+in+bangladesh+map+hd&imgsrc=i7vZMZAdVLiXLM%3A)

The country of sub-continent<sup>48</sup> has taken necessary measures to protect their ecosystem. Bangladeshi constitution does not belong any special part to protect environment. Pakistani constitution has adopted rule on its state policy regarding this burning issue. This is not fundamental rights of its citizen under the constitution of Bangladesh. Although the fundamental right to life has been extended with right to liberty, livelihood, healthy environment, inters alia, or protection against debasing treatment. The Supreme Court has documented the right of 'any citizen' or any voluntary organization acting for citizen or the person who has locus Standi <sup>49</sup> to file a writ petition for seeking remedy. To protect environment it has new extension of the era of environmental law in Bangladesh. Articles 31 and 32 of the constitution of Bangladesh protect 'right to life' as a fundamental right. The High Court Division of Bangladesh has explained 'right to life' extends anything that touches life, public health and safety. Enjoyment of pollution free water and air also known to us as a right to life. Fundamental rights, as well as the state policies of Bangladeshi constitution do not undoubtedly provide for the right to clean environment. Bangladesh Constitution provides that 'every citizen has the right to protection from 'action detrimental to the life liberty, body, reputation, or property', unless these are taken in accordance with law.<sup>50</sup> It added that the citizens and the residents of Bangladesh have absolute right to be treated in accordance with law. If these rights are exercise in legal process. 'No person shall be deprived of life or personal liberty saves in accordance with law'<sup>51</sup> Both article are involve with rights to life which is extended right to get clean environment and public litigation as well. Public interest litigation also includes air and noise pollution in 1994. <sup>52</sup> The Supreme Court of Bangladesh also agreed

---

<sup>48</sup> Sub-Continent Politically, the Indian subcontinent usually includes Bangladesh, Bhutan, india, madives, Nepal, Pakistan, and Sri lanka. 'Indian subcontinent.' New oxford Dictuonary New York: Oxford University Press, 2001; p. 929: "the part of Asia south of the Himalayas which forms a peninsula extending into the Indian Ocean, between the Arabian sea and the Bay of Bengal. Historically forming the whole territory of Greater India the region is now divided into three countries named Bangladesh, india, Pakistan.

<sup>49</sup>i. The party is directly subject to an adverse effect by the statute or action in question, and the harm suffered will continue unless the court grants relief in the form of damages or a finding that the law either does not apply to the party or that the law is void or can be nullified. This is called the "something to lose" doctrine, in which the party has standing because they directly will be harmed by the conditions for which they are asking the court for relief.

ii. The party is not directly harmed by the conditions by which they are petitioning the court for relief but asks for it because the harm involved has some reasonable relation to their situation, and the continued existence of the harm may affect others who might not be able to ask a court for relief. In the United States, this is the grounds for asking for a law to be struck down as violating the First Amendment, because while the plaintiff might not be directly affected, the law might so adversely affect others that one might never know what was not done or created by those who fear they would become subject to the law – the so-called "chilling effects" doctrine.

iii. The party is granted automatic standing by act of law.<sup>[1]</sup> Under some environmental laws in the United States, a party may sue someone causing pollution to certain waterways without a federal permit, even if the party suing is not harmed by the pollution being generated. The law allows them to receive attorney's fees if they substantially prevail in the action. In some U.S. states, a person who believes a book, film or other work of art is obscene may sue in their own name to have the work banned directly without having to ask a District Attorney to do so.

<sup>50</sup> Article 31of the Constitution of Bangladesh.

<sup>51</sup> Article 32 of The Constitution of Bangladesh.

<sup>52</sup>Dr. M. Farooque v. Secretary, Ministry of Communication, Government of the People's Republic of Bangladesh and 12 Others was brought before the Supreme Court.

that ‘right to life’ indicate that right to life extends rights for healthy environment for all citizen of Bangladesh. Now a day’s Public interest litigation (PIL) has great contribution for protection of environment.<sup>53</sup> Through PIL is the most effective mechanism for the protection of environment and get remedy under the constitution of Bangladesh.<sup>54</sup>PIL on environmental issues called public interest environmental litigation (PIEL). Therefore, government should develop its economy in that position what is not harm for the environment. That means sustainable development of environment. Supreme Court also is willing to launch the ‘right to a clean environment’. The High Court Division deals with moneymaking shrimp farming and its contrary consequence on the socio-economic development.<sup>55</sup> The campaigners contended that the government orders regarding profitable shrimp farming unfulfilled the essence of Environmental Policy 1992 and break of article 32 of the Constitution.

**V**

**Role of Major International donor and funding organization is relevant to climate displacement in Bangladesh.**

United Nations Development Programme <sup>56</sup>
World Bank <sup>57</sup>
Department for International Development <sup>58</sup>
European Union <sup>59</sup>
Asian Development Bank <sup>60</sup>
Japan International Cooperation Agency <sup>61</sup>
United States Agency for International Development <sup>62</sup>
German Society for International Cooperation <sup>63</sup>

<sup>53</sup> Mr. Justice Umesh Chandra Banerji of Indian Supreme Court.

<sup>54</sup> Under Article 102 of the Constitution by filing a writ petition.

<sup>55</sup> In the case of KhushiKabir and others v. Government of Bangladesh and others.

<sup>56</sup>United Nations Development Programme Bangladesh, Home Page, available at: <http://www.bd.undp.org/bangladesh/en/home.html> [accessed 15 August, 2013].

<sup>57</sup>Coastal Embankment Improvement Project World Bank Bangladesh, Home Page, available at: <http://www.worldbank.org/en/country/bangladesh> accessed 15 August, 2013

<sup>58</sup>Disaster affected communities projects are funded by DFID with the support of local and national partner organizations DFID Bangladesh Operational Plan 2011-2015, Department for International Development, April 2011, 35p.

<sup>59</sup>affected people and disaster risk reduction activities in Bangladesh European Union Delegation, Home Page, available at: <http://www.delbangladesh.eu/en> accessed 15 August, 2013.

<sup>60</sup> ADB also has access to several global climate funds Asian Development Bank, Home Page, available at: <http://www.adb.org/countries/bangladesh/main> [accessed 15 August, 2013.]

<sup>61</sup> Japan International Cooperation Agency, Home Page, available at:<http://www.jica.go.jp/bangladesh/english/office/index.html>.

<sup>62</sup>River erosion, coastal erosion and storm surges in the coastal area of Bangladesh United States Agency for International Development, Home Page, available at: <http://www.usaid.gov/bd> accessed 15 August, 2013.

<sup>63</sup>Global Pilot Programme for Climate Resilience German Society for International Cooperation, Home Page, available at: <http://www.giz.de/en/worldwide/351.html> accessed 15 August 2013.

Swiss Agency for Development and Cooperation
Denmark International Development Agency <sup>64</sup>
Norway Agency for Development <sup>65</sup>
Swedish International Development Authority <sup>66</sup>
Department of Foreign Affairs and Trade, Government of Australia <sup>67</sup>
Cordaid (Catholic Organization for Relief & Development Aid) <sup>68</sup>
World Food Programme <sup>69</sup>
International Organization for Migration <sup>70</sup>
United Nations International Children Emergency Fund <sup>71</sup>
Irish Aid <sup>72</sup>
Food and Agriculture Organization <sup>73</sup>
United Nations Environment Programme <sup>74</sup>
Swiss Agency for Development and Cooperation (SDC) <sup>75</sup>

The main agreement of the Kyoto Protocol were:

1. Net reduction of 5.2% of greenhouse gas (GHG) emissions below 1990 levels by 2012

<sup>64</sup> Denmark International Development Agency, Home Page, available at: <<http://bangladesh.um.dk/en/danida-en>> accessed 15 August, 2013.

<sup>65</sup> Norwegian Agency for Development Cooperation, Home Page, available at: <<http://www.norad.no/en/countries/asia-and-oceania/bangladesh>> accessed 15 June, 2013.

<sup>66</sup> Swedish International Development Authority, Home Page, available at: <<http://www.sida.se/English/Countries-and-regions/Asia/Bangladesh>> accessed 15 June, 2013.

<sup>67</sup> Department for Foreign Affairs and Trade, Government of Australia, Home Page, available at: <<http://www.dfat.gov.au/homs/bd.html>> accessed 25 November, 2013.

<sup>68</sup> Catholic Organization for Relief & Development Aid, Home Page, available at: <<http://www.cordaid.org/en/search/?country=BD>> accessed 15 June, 2013.

<sup>69</sup> World Food Programme, Home Page, available at: <<http://www.wfp.org/countries/bangladesh/overview>> accessed 15 June, 2013.

<sup>70</sup> International Organization for Migration, Home Page, available at: <<http://www.iom.org.bd>> accessed 15 August, 2013.

<sup>71</sup> United Nations International Children Emergency Fund, Home Page, available at: <<http://www.unicef.org/bangladesh/4926-4947.htm>> accessed 15 August 2013.

<sup>72</sup> Irish Aid, Home Page, available at: <<http://www.irishaid.gov.ie>> accessed 15 August, 2013.

<sup>73</sup> Food and Agriculture Organization, Home Page, available at: <<http://www.fao.org/asiapacific/bangladesh/en>> accessed 15 August, 2013.

<sup>74</sup> United Nations Environmental Programme, Home Page, available at: <<http://www.unep.org>> accessed 15 August, 2013.

<sup>75</sup> Swiss Agency for Development and Cooperation, Home Page, available at: <<http://www.swiss-cooperation.admin.ch/bangladesh/>>en accessed 15 June, 2013.



2. Allowing different countries to have different targets.

3. Countries were free to adopt any method that reduced emissions within their own territories and additional mechanisms were set up that allowed countries to achieve targets based on activities involving other countries (flexible mechanisms). There were 3 main flexible mechanisms: Emissions Trading, Joint Implementation and the Clean Development Mechanism (CDM).

Emissions trading are where Annex 1 countries buy and sell emissions permits among themselves -- an incentive to all to reduce targets and a mechanism for rewarding those that achieved theirs. Joint Implementation is where Annex 1 countries invest in physical climate friendly projects in other members of Annex 1 countries. The aim is to encourage investment in places where it would be cheaper to reduce emissions (e.g., if USA were to invest in a East European country). Clean Development Mechanism (CDM) (Annex 1 countries invest in climate friendly activities in non Annex 1 countries/developing countries (same aim as above plus allow developing countries to have technology transfer investment they desire to allow sustainable development). The criticisms levelled at the Kyoto Protocol were many. The following refer to criticisms of Kyoto based on writings of Axelrod et al "The Global Environment", 2005 and T. Forsyth in "Global Environmental Problems and Politics", 2009. The United States President Donald Trump announced On June 1, 2017, that the United States 2015 would cease all participation in the Paris Treaty on of climate change and he said that 'the Paris Convention (the US) economy will fall,' and 'keep (the United States) a permanent difficulty'.<sup>76</sup> During his presidential campaign, several times, he promises to withdraw from the pact and it will be very positive move for American economy, business and worker as well.<sup>77</sup>The President of United States of America, wanted to withdraw its involvement due to the 'America first' strategy.<sup>78</sup>There is four years obligation to withdraw from the support on Paris accord. The White House later clarifies that the United States will abide by the four-year exits procedure.<sup>79</sup>The member states are agreed in the 112 pages document that they reduce their carbon emissions.<sup>80</sup>

---

<sup>76</sup>Chakraborty, Barnini (June 1, 2017) , Paris Agreement on Climate Change: US withdraws as Trump Call its 'Unfair' available at <<http://www.foxnews.com/politics/2017/06/01/trump-u-s-to-withdraw-from-paris-climate-pact-calls-it-unfair-for-america.html>>last visited 09-07-2018

<sup>77</sup>Smilowitz, Elliot (June 1, 2017). 'Trump: we are getting out of Paris climate deal' available at <http://thehill.com/policy/energy-environment/335955-trump-pulls-us-out-of-paris-climate-deal>

'Paris Climate Deal: Trump announces US will withdraw', BBC News. June 1, 2017. Retrieved June 1, 2017. Available at<<https://www.bbc.com/news/world-us-canada-40127326>> last visited 09-07-2018

<sup>78</sup> Easley, Jonathan (June 2, 2017) 'Trump cements America first doctrine with Paris withdrawal' available at <<http://thehill.com/homenews/administration/336014-trump-cements-america-first-doctrine-with-paris-withdrawal>>last visited 09-07-2018

<sup>79</sup> 'Bucking Trump these cities state and companies commit to Paris accord' The New York Times. June 1, 2017 available at<<https://mobile.nytimes.com/2017/06/01/climate/american-cities-climate-standards.html>>. last visited 09-07-2018

<sup>80</sup> 'COP21: The Pacific countries that need the Paris 1.5 C temrrature rise agreement to stay alive'

Independent. London, England. 12 December 2015. Retrieved 6 April 2016.

<<https://www.independent.co.uk/environment/cop21-the-marshall-islands-and-other-pacific-countries-paris-need-the-15c-temperature-rise-agreement-a6770766.html>>last visited 09-07-2018

## VI

### **COP21 and Bangladesh: Between problems and prospects**

The twenty-first session of the Conference of the Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) was held in Paris from 30 November to 12 December 2015.<sup>81</sup> Concurrently, it was the eleventh sitting of the Conference of the member states (CMP11) following the Kyoto Protocol. The COP21 was the biggest global session ever in the times past where 195 states parties and the European Union participated. After joining at least 55 nations, the agreement will enter in to force and 55 percent global emission as well.<sup>82</sup> The Paris agreement was sign after two weeks long discussion among the participating countries for the purpose of reduce carbon emissions ASAP and keep global warming well below 2 degree Celsius.<sup>83</sup> For the first time in history, the arrangement carried all nations to a unrestricted promise to limit and diminish the harmful impacts of climate change. 'The Paris Agreement is a bridge between today's policies and climate-neutrality before the end of the century' stated by the European Commission. However, the arrangement will become lawfully compulsory only if 55 states that produce at least 55 percent of the world's GHG emissions ratify the agreement. Seychelles, Philippines strongly claim before the world leader that global warming threatened their existence by sea level rise they proposed 1.5 degree Celsius instead of 2-degree Celsius.<sup>84</sup> Some of the country leader explain this treaty as 'ambitious and balanced' and 'historic turning point' for reducing global warming.<sup>85</sup>

### **Bangladesh Concern**

Bangladesh participate COP21 led by higher authority of the Mistry of forest and environment accompanied with a group of parliamentarian, civil society and expert as well. There is a large group of attendance of researchers, think tanks, civil society organizations, Non-Government

---

<sup>81</sup> 19th Session of the Conference of the Parties to the UNFCCC Available at <<http://sdg.iisd.org/events/conference-of-the-parties-to-the-unfccc/>> last visited 05-07-2018

<sup>82</sup> 'Adoption of the Paris Agreement' Proposal by the President UNFCCC. 12 December 2015. Available at <<https://unfccc.int/resource/docs/2015/cop21/eng/l09r01.pdf>>last visited 09-07-2018

The Editorial Board (28 November 2015) 'What the Paris Climate Meeting Must Do' New York Times Retrieved 28 November 2015. Available at <<https://www.nytimes.com/2015/11/29/opinion/sunday/what-the-paris-climate-meeting-must-do.html>>last visited 09-07-2018

Borenstein, Seth (29 November 2015). Earth is a wilder warmer place since last climate deal made Retrieved 29 November 2015. Available at <<http://apnews.excite.com/article/20151129/eu-climate-countdown-since-1997-edf9d62e51.html>>

<sup>83</sup> New UN report synthesizes National Climate Plans from 146 Countries available at <<https://unfccc.int/>>

<sup>84</sup> 'The Pacific Countries that need the Paris 1.5c temperature rise agreement to stay alive' Independent. London, England. 12 December 2015. Retrieved 6 April 2016. Available at <<https://www.independent.co.uk/environment/cop21-the-marshall-islands-and-other-pacific-countries-paris-need-the-15c-temperature-rise-agreement-a6770766.html>>last visited 09-07-2018

'Will 1.5 to stay alive deal be enough to save Seychelles?' The Guardian. London, England. 12 December 2015. Retrieved 6 April 2016 available at <<https://www.theguardian.com/environment/2015/dec/12/climate-change-seychelles-cop21-economy-collapse>>last visited 09-07-2018

<sup>85</sup> 'Doyle, Allister; Lewis, Barbara (12 December 2015)' 'With Landmark climate accord world marks turn from fossil fuel' Reuters. Thomson Reuters. Available at <<https://www.reuters.com/article/us-climatechange-summit-idUSKBN0TV04L20151212#gVKudBATCD0EGdxL.97>>last visited 09-07-2018

Organizations, private division and media personality from Bangladesh in Paris.<sup>86</sup> Bangladesh has submitted its next action plan to the United Nations Framework Convention of Climate Change (UNFCCC). The Paris agreement comes into force from 2020 to prevent average temperature rising above 2 degrees Celsius.<sup>87</sup> 'Not the perfect deal but it's the best deal'. 'No action, just promises' criticized by Professor James Hansen about the agreement.<sup>88</sup> Bangladesh is known for its defenselessness, in coastal area due to the poverty and high density of population make beyond of control scenario, said the expert related. There is no specific obligation to the member states for reducing the emission of carbon. They are promised to reduce its greenhouse Gas (GHG) as you want based. The provision of scaled-up financial resources should aim to achieve a balance between adaptation and mitigation, taking into account country-driven strategies, and the priorities and needs of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change and have significant capacity constraints, such as the least developed countries and small island developing States, considering the need for public and grant-based resources for adaptation.<sup>89</sup> Article 9 of the agreement set a fresh cooperative and measurable goal by 2025. However, financial processes, including financial system channeling and mitigation adaptation, are not clear. We did not gathered good experience from the developed nations about climate financing. This is obviously serious concern for third world country like Bangladesh. According to the agreement, developed country are bound to provide financial assistance to the affected country in the category of Green Climate fund<sup>90</sup> for grant as an alternative soft loan. If the member states (carbon emissions countries) violate the article of the agreement there is no specific provisions to compensation or any kind of liabilities. Even it is harm to save the forest though in accordance with the earth summit 1992 it is legally binding to save the forest for the future generation.<sup>91</sup> Moreover, this agreement does not recognize the concept of the sustainable forest development like Bangladesh. The agreement also includes a bundle of REDD+ features with results-based payments which is a very

---

<sup>86</sup> A. Atiq Rahman 'Paris Agreement and the Bangladesh Perspective' available at <<https://www.thedailystar.net/supplements/new-year-special-2016/paris-agreement-and-the-bangladesh-perspective-195028>> January 01 2016 last visited 07-07-2018

<sup>87</sup> Bangladesh Submit its action climate plan ahead 2015 Paris agreement announcement 25 september 2015 available at <<https://unfccc.int/news/bangladesh-submits-its-climate-action-plan-ahead-of-2015-paris-agreement>> last visited 09-07-018

<sup>88</sup> Md Habibur Rahman 'COP21 and Bangladesh: Between Problem and prospect ' available at <<http://www.theindependentbd.com/printversion/details/30345>> last visited 09-07-018

<sup>89</sup> Article 9 sub article 4 of the Paris agreement on the climate change

<sup>90</sup> The Fund is a unique global platform to respond to climate change by investing in low-emission and climate-resilient development. GCF was established to limit or reduce greenhouse gas (GHG) emissions in developing countries, and to help vulnerable societies adapt to the unavoidable impacts of climate change. Given the urgency and seriousness of this challenge, the Fund is mandated to make an ambitious contribution to the united global response to climate change.

<sup>91</sup> The Earth Summit in Rio de Janeiro was unprecedented for a UN conference, in terms of both its size and the scope of its concerns. Twenty years after the first global environment conference, the UN sought to help Governments rethink economic development and find ways to halt the destruction of irreplaceable natural resources and pollution of the planet. Hundreds of thousands of people from all walks of life were drawn into the Rio process. The Summit's message that nothing less than a transformation of our attitudes and behaviour would bring about the necessary changes was transmitted by almost 10,000 on-site journalists and heard by millions around the world.

hopeful indication planned for Bangladesh. <sup>92</sup>With a high ambition and meet the basic need of its huge population how Bangladesh cut the emission of greenhouse gas whereas there is an obligation upon the developed and developing country reduce to GHG? There is no provision for fixing amount of compensation of the GHG emitter's countries. <sup>93</sup>Lastly, we can easily say that the Paris agreement encouraged the country to participate and embrace renewable energy in green technology to increase low-carbon emission.<sup>94</sup>

## VII

### Procedural Right: Inadequate Remedies

Trial information and public participation in environmental decision on environmental impact assessment is limited to the various regulations guiding the procedure. Some rules in the framework legislation indicate access to environmental information. The Supreme Court of Bangladesh introduced suomotuaction. This is remedy under tort law and treated as nuisance. One may also get relief against environmental hazards under Criminal Procedure empowers a magistrate to issue a conditional order for removal of nuisance.<sup>95</sup> The courts empower to issue primitive measures for urgent cases of nuisance.<sup>96</sup> To protect environmental pollution one can get remedy under the Specific Relief Act and Civil code of Procedure.<sup>97</sup> Bangladesh Penal Code also specifies some punishment for Environment Pollution.<sup>98</sup> Bangladesh Penal Code belongs to the following laws for the protection of environment.

i. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general, dwelling or carrying on business in the neighborhood or passing along a public way
--

ii. Whoever voluntarily corrupts or fouls the water of any public spring or reservoir so as to render it less fit for the purpose for which it is ordinarily used.
--

iii. Sale or offer for sale of any article of food or drink which has been rendered noxious and adulteration of articles of food or drink intended for sale.
--

iv. Public nuisance meaning any act or omission, which causes any common injury, danger or annoyance to the public.
---

### Financial frameworks

Bangladesh has numerous diverse institutional funding appliances on climate change adaptation. The annual development programme, Planning Commission the best contributor of annual development programme (ADP). In 2009–2010, programmes related to climate

<sup>92</sup>The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries was launched in 2008 and builds on the convening role and technical expertise of the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP).The UN-REDD Programme supports nationally led REDD+ processes and promotes the informed and meaningful involvement of all stakeholders, including indigenous peoples and other forest-dependent communities, in national and international REDD+ implementation.

<sup>93</sup><[https://unfccc.int/sites/default/files/paris\\_agreement\\_english\\_.pdf](https://unfccc.int/sites/default/files/paris_agreement_english_.pdf)>last visited 09-07-2018.

<sup>94</sup><<http://www.theindependentbd.com/printversion/details/30345>> last visited 09-07-2018.

<sup>95</sup> sections 133 and 144 of the Code of Criminal Procedure 1898,(Cr.P.C).Section 133

<sup>96</sup> Section 144,of the Code of Criminal Procedure (Cr.P.C).

<sup>97</sup> Sections 52 to 55 of the specific Relief Act 1877, order 39 rules 1 and 2 of Code of Civil Procedure 1908.

<sup>98</sup> The Penal Code 1860.

change in the non-developmental budget increased from 24 to 115. Bangladesh Climate Change Trust Fund. Bangladesh allocated US\$100 million for the 2010–2011 financial years to implement the BCCSAP.<sup>99</sup> Denmark, Sweden, Switzerland and the United Kingdom to support the implementation of BCCSAP. The pilot program for climate resilience. US \$ 50 million in grants and concessional loans as a balance US \$ 11 million was approved in October 2010.

## VIII

### **Feature and limitation to eliminate this problem**

Application and reform needs of the environmental laws in Bangladesh:

The law was adopted in the post-Stockholm, this was for land, forests, water, minerals, wildlife, and management processing of natural resources, fisheries, had a minor environmental significance. The main concern of this law was not the assignment management and sustainable use and exploitation of natural resources. In the second stage, resource oriented. Pollution Prevention law was adopted that aims at long-term management and sustainable use of natural resources. Various international conventions on the global level, treaties, and protocols have also contributed to promote the development of environmental law decision.

### **Evolution of Environmental Laws at the National Level**

In accordance with the global trend, through the adoption of new laws in various countries around the world, updating the environmental legal system or move to an existing revision. Development of environmental law in national system shows the following trends:

Crystallization of Environmental Issues in Constitution as many as 106 countries of the world have incorporated environment related provisions in their Constitution. While some of the state constitutions have mentioned environment in the preamble, others have opted to mention environment either as right or duty or as a matter of public interest.

More than 106 countries in the world include environmental provisions in the Constitution to determine the environmental issues of the Constitution. Although some of the state added environmental issue on preamble on the Constitution, others chose to mention the environment as one of the problems of such rights or obligations or of public interest. There are several countries define the environmental rights as a matter of case law and affected by the case law.<sup>100</sup>

### **Integrating Environment in Policy Documents**

In most cases, the policy regime has been more prompt in incorporation of environmental thoughts than the legal arena. Most of the policy documents in Bangladesh have incorporated many progressive notions and values including environment whereas no single law still gives unconditional right to a clean environment. More Comprehensive Coverage of Environmental issues, legal development on environment has not remained limited to pollution or conservation goals only. Rather the broader dimensions of environmental issues have recognized and suggested to ensure achievement of legal commitment and monitoring. Laws of many countries have required and laid down procedure for dispute settlement, environmental impact assessment (EIA), environmental quality standard, education and information. Use of Economic Instruments for balancing the conflicting demands of economic development and Environment, new principles have emerged in the economic sector to operate the notions of tax incentives, user pays, and environment funds and so on. In most cases, government policy has encouraged more than a legal opinion on the integration of environmental arena. Most of

---

<sup>99</sup> Bangladesh Climate Change Strategy and Action Plan (BCCSAP).

<sup>100</sup> M C Mehta vs. Union of India (AIR 1987 SC 985); AIR 1992 Kant 57

the recent documents of Bangladesh on policy document don't describe about unconditional right of healthy environment. According to information in the broader legal environment for the development of environmental problems, it has remained limited to contamination or maintenance purposes. Many national laws and regulations is necessary for dispute resolution, environmental impact assessment (EIA), environmental quality standards, training, and procedures for information. Provision for Public Participation and Review decision regarding the serious pollution matter. As we know there are many good countries follow this way in decision making process.

### **Recognition of International convention and treaty about climate changing issue:**

It has often been said that the scarcity of the environmental law one of the great obstacle to protect environment in Bangladesh. Writ petition filed by BELA (Bangladesh Environmental Lawyers Association) about to get clarification of the court for 'Locus Standi' under the Bangladesh Constitution Article 102 of the (PIL). Bangladesh Supreme Court recognizes to practice public interest litigation in our country. Some NGOs are also working to protect environment separately. Form the ministry of environment and forests the government level, on the other hand work together with Non-Government Organization.

### **Precautionary measure for Environmental Protection**

Government effectively transparent, it is essential to take measures to implement a program for climate refugees and distribution of land among the landless people including climate-displacing persons. Civil society representative must also be part of the decision-making panel for land distribution.

## **IX**

### **Conclusion**

Bangladesh has a long practice of environmental strategies. This paper shows inordinate number of policies that are beleaguered at environmental problems. For the reason, some overlap may be observed. This article discusses the environmental policy history of Bangladesh. At the same time, it emphasizes the formulation process after a long period of the state Environmental Policy 1992. Implementation is now necessary to re-evaluate their effectiveness. Many studies carried out in the environment over the last few decade capacity problems with the government, civil society and other stakeholders It has been enhanced to develop a better policy environment for Bangladesh.

### **Reference**

1. R. T. Watson, M. C. Zinyowera, R. H. Moss and D. J. Dokken The Regional Impacts of Climate Change: An Assessment of Vulnerability: Summary for Policymakers.
2. J. McLoughlin and E. G. Bellinger, Environmental Pollution Control: Introduction to Principles and Practice of Administration.
3. J.L. Jacobsen, 'Environmental Refugees: A Yardstick of Habitability.

Report

4. Dinah Shelton and Alexandre Kiss Judicial handbook on Environmental Law United Nations Environment Programme.
5. Jane McAdam & Ben Saul Displacement with Dignity: International Law and Policy Responses to Climate Change Migration and Security in Bangladesh November 2010 <http://ssrn.com/abstract=1701486>.
6. Climate Displacement in Bangladesh: Stakeholder, Laws and Policies- Mapping the existing institutional Framework. July 2014.
7. Displacement Solutions & Young Power in Social Action (YPSA).

8. James S. Pender What is Climate Change? And How it will effect Bangladesh? Annual Report- 2007 of Department of Environment, Ministry of Environment and Forest, GoB, Dhaka.
9. Intergovernmental Panel on Climate Change (IPCC), Climate Change: The IPCC Scientific Assessment: Final Report of Working Group I.
10. Jane McAdam Professor, Faculty of Law, University of New South Wales Climate Change Displacement and International Law: Complementary Protection Standards.
11. Environmental Laws: Bangladesh Context.
12. MousumiPervin Mainstreaming climate change resilience into development planning in Bangladesh I Published by IIED, 2013 Pervin, M. 2013. Mainstreaming climate change resilience into development planning in Bangladesh.
13. IIED country report. IIED, London.
14. JonaRazzaque Bar at Law Ph.D. Candidate (University of London) Access to Environmental Justice Role of the Judiciary in Bangladesh.
15. David Michel Amit Pandya Coastal Zones and Climate Change Alexandra ClemettA Review of Environmental Policy and Legislation in Bangladesh.

#### Article

16. Shakeel Ahmed Ibne Mahmood Impact of climate change in Bangladesh: Role of two Government, Journal of Ecology and the Natural Envirnment Vol, 6(3).
17. Md. MokarromHossanEVOLUTION OF ENVIRONMENTAL POLICIES IN BANGLADESH (1972-2010), Journal of the Asiatic Society of Bangladesh (Hum.), Vol. 59(1), 2014.
18. MD SAIFUL KARIM IMPLEMENTATION OF THE MARPOL CONVENTION IN BANGLADESH Macquarie Journal of International and Comparative Environmental Law (2009) Vol 6.