

LEGAL ACCOUNTABILITY IN CLIMATE-INDUCED DISPLACEMENT IN BANGLADESH AND PERSPECTIVES FROM INTERNATIONAL HUMAN RIGHTS LAW

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Abstract

Bangladesh is one of the countries most affected by climate-induced displacement due to rising sea levels, frequent cyclones, riverbank erosion, and flooding. These environmental challenges have forced millions of people to abandon their homes, creating urgent questions about their legal protection and access to justice. This paper examines the concept of legal accountability in the context of climate-induced displacement, exploring both domestic and international frameworks. By analyzing Bangladesh's constitutional provisions, relevant laws, and policies, the study identifies significant gaps in protecting displaced populations. It further investigates international human rights instruments, including conventions and treaties, to highlight how they can inform and strengthen accountability mechanisms. Comparative case studies from other vulnerable nations are also considered to provide practical insights. The findings suggest that while international law offers valuable guidance, Bangladesh requires comprehensive legal reforms and effective enforcement strategies to ensure the rights of displaced communities are protected. This study concludes by proposing recommendations for integrating human rights principles into climate displacement policies and enhancing legal accountability for affected populations.

Key Words: Climate-Induced Displacement, Legal Accountability, Human Rights, Bangladesh, International Law, Environmental Migration, Protection of Vulnerable Populations

INTRODUCTION

Climate change is no longer a distant threat: it is displacing people now. Around the globe, rising sea levels, more frequent cyclones, riverbank erosion, floods, and salinity intrusion are forcing communities from their homes. In Bangladesh, the stakes are particularly high. More

than half the country is low-lying delta, and the confluence of environmental pressures is pushing thousands if not millions to move, either temporarily or permanently¹.

Despite recognition of these shifts, legal protections for those displaced by climate factors are weak or fragmented. International human rights law offers a framework: treaties such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), Bangladesh's own Constitution (via provisions like Article 15, guaranteeing basic necessities, and Article 18A, on environmental protection), and domestic legislation like the Environment Conservation Act, 1995 aim to protect rights linked to health, environment, livelihood and housing². Yet in practice, people displaced by climate impacts often lack secure housing, land rights, legal recognition, or assistance. Policies are patchy, coordination across government departments is weak, and many displaced live in informal settlements with very limited protections.

Legal accountability the idea that governments and institutions are bound by law to protect, respect, and remedy human rights violations—is critical here. Without accountability, legal rights and treaty obligations risk being empty words. When displacement happens, victims must have access to justice; states must be answerable for failures; laws must be enforced; policy frameworks must include legal remedies. In Bangladesh especially, where climate displacement is increasing but legal recognition is limited, strengthening accountability mechanisms can mean the difference between vulnerable communities being ignored or being protected.

This paper explores how international human rights law may guide legal accountability for climate-induced displacement in Bangladesh. Its aims are to examine existing legal obligations, evaluate the gaps in domestic law and practice, and propose ways in which international legal norms can be internalised in national policy and law. Some of the guiding questions are:

- What obligations do Bangladesh and the international community have under human rights treaties, conventions, and customary international law to protect people displaced by climate change?
- How do Bangladesh's domestic laws, policies, and constitutional provisions currently address climate-induced displacement, and where are the gaps?
- What lessons or models from other nations (or from international human rights jurisprudence) may help strengthen legal accountability in Bangladesh?

To handle these questions, the paper is organised as follows. After this introduction, Part I offers a brief account of climate-induced displacement in Bangladesh: scale, causes, and the lived experience of displaced communities. Part II explores international legal frameworks—treaties, conventions, judicial decisions—which impose duties on states and institutions. Part III assesses Bangladesh's domestic legal landscape: constitutional law, environmental

¹ Ahmad Ibrahim & Mahbuba Kamal, *Bangladesh Faces a Legal Void on Climate-Induced Migration*, BLAST (Sept. 14, 2025), <https://blast.org.bd/2025/09/14/8123/>.

² Climate Rights International, *"My Body Is Burning": Extreme Heat and Labor Rights in Bangladesh* (Report, July 2025), <https://cri.org/reports/my-body-is-burning-extreme-heat-and-labor-rights-in-bangladesh/>.

legislation, policy documents (such as the National Strategy on Internal Displacement Management), and other regulation. Part IV compares selected case studies or international models. Part V draws out recommendations for law reform, policy strengthening, and mechanisms to ensure accountability. The paper concludes with reflections on the way forward.

STATEMENT OF PROBLEM

While Bangladesh is among the countries most affected by climate change, its legal and institutional mechanisms to protect climate-displaced persons remain underdeveloped. There is no comprehensive law specifically addressing climate-induced displacement; constitutional provisions related to housing, environment, equality, and life do not explicitly guarantee rights for climate-displaced persons. Although Bangladesh has ratified key international human rights treaties, enforcement is uneven, legal remedies are rare, and vulnerable populations—especially those in informal settlements—face insecure tenure, eviction, loss of livelihood, and limited legal recognition. This gap means that despite growing displacement, many displaced persons live in precarity with little recourse. The state's obligations under both domestic and international human rights law are not yet matched by policy or legal machinery that ensures accountability for harms caused or allowed. The problem is thus twofold: absence of explicit legal frameworks or protections for climate-displaced persons, and lack of accountability when displacement occurs or when rights are violated.

RESEARCH QUESTIONS

1. What are the international legal obligations—through treaties, conventions, soft law, and jurisprudence—that apply to state responsibility for climate-induced displacement?
2. How well do Bangladesh's constitutional provisions, legislation, policies, and institutional practices address the rights of climate-displaced persons?
3. What are the key gaps in legal accountability in Bangladesh in terms of prevention, protection, remedies, and restitution?
4. What international or comparative models might Bangladesh adopt or adapt to strengthen legal accountability for climate-induced displacement?

RESEARCH OBJECTIVES

- To map the international human rights law framework relevant to climate-induced displacement and identify obligations binding on states.
- To examine the current domestic legal, constitutional, and policy instruments in Bangladesh that relate to climate displacement.
- To analyse the gaps between international obligations and domestic practice in Bangladesh, especially with respect to rights to housing, land, livelihood, and access to justice.
- To propose concrete reforms, institutional mechanisms, or legal tools for Bangladesh to ensure stronger accountability for displacement-related human rights harms.

RESEARCH METHODOLOGY

This study will employ a qualitative, doctrinal, and comparative research method. First, **doctrinal legal analysis** will look into treaties ratified by Bangladesh (for example, the ICESCR, Convention on the Rights of the Child, etc.), constitutional provisions (e.g., Articles 15 and 18A), environmental statutes such as the **Bangladesh Environment Conservation Act, 1995**; policy documents like the **National Strategy on Internal Displacement Management**; and reports by civil society and governmental bodies.

Second, **comparative case studies** will be used. These may include countries with similar climatic vulnerabilities which have enacted legal or policy frameworks to protect climate-displaced persons, or international judicial decisions interpreting human rights in displacement contexts. Third, **secondary literature review** will draw on academic journal articles, books, policy reports, NGOs, and think tank research to identify both gaps and best practices. Additionally, where available, reports including statistics (for example on number of displaced people, land loss, urban informal settlements) will be employed to ground the legal arguments in real data.

Data sources will include official legal texts, constitutions, governmental policy documents, UN human rights committee observations, civil society reports (e.g. BLAST, Displacement Solutions), academic works (e.g. *Climate-Change and Migration: Law and Policy Perspectives in Bangladesh*) and field accounts reported in reputable media or NGO documentation.

Limitations of the study may include scarcity of formal legal cases on climate displacement in Bangladesh, limited availability of recent data for some affected regions, and difficulties in measuring the effectiveness of accountability mechanisms in practice.

BACKGROUND / CONTEXT

Climate-Induced Displacement in Bangladesh

Bangladesh lies at the frontline of climate change. Its geography a low-lying delta crisscrossed by rivers, with long coastlines facing the Bay of Bengal makes it highly vulnerable to sea level rise, cyclones, flooding, riverbank erosion and salinity intrusion. By 2050, sea level rise alone could displace over one million people in southern coastal districts of Bangladesh, according to recent modelling³. Riverbank erosion is similarly destructive: approximately 10,000 hectares of land are lost each year, affecting millions living along riverbanks in districts such as Kurigram, Gaibandha, Sirajganj and Madaripur⁴.

Projections suggest that by mid-century up to 18 million people could be displaced due to sea level rise, alone. While natural disasters displace people temporarily, slow-onset change

³Benar News, *Climate Report: Rising Seas Could Displace 1.3M Bangladeshis* (date not provided), <https://www.benarnews.org>.

⁴Press Xpress, *Nearly a Million in Southern Bangladesh May Be Displaced by 2050!* (date not provided), <https://pressxpress.org>.

(erosion, salinity intrusion, land loss) creates longer-term pressures that force migration within and toward cities⁵.

The affected populations are often the poorest, women, children, indigenous or ethnic minorities, and those in informal housing who lack secure tenure. These groups suffer disproportionately: women head households often lose livelihoods and have fewer resources to move; children are disrupted in education and health; indigenous people lose ancestral land and cultural connections. Though precise statistics on these groups are scattered, many reports emphasize that vulnerability is highest among women and children in coastal, riverbank and low-lying districts⁶.

International Perspective

Globally, climate-induced displacement is growing. According to the Internal Displacement Monitoring Centre, on average hundreds of thousands of people are displaced each year by natural disasters; slow-onset environmental changes (sea level rise, desertification) contribute increasingly to migration pressures. Many forecasts warn of tens or hundreds of millions displaced globally by mid-century if mitigation and adaptation are insufficient.

International human rights law has begun to catch up. There are core treaties and instruments that, while not always speaking explicitly of “climate refugees”, create obligations relevant to displacement, housing, livelihood, health and equality.

- The **Universal Declaration of Human Rights (UDHR, 1948)** in Article 25 states that everyone has the right to a standard of living adequate for the health and well-being of themselves and their family, which includes housing, food, medical care and necessary social services⁷.
- The **International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)** in Article 11 obliges States Parties to recognize everyone’s right to an adequate standard of living, which includes adequate housing. States must take steps continuously to improve living conditions⁸.
- The **Convention on the Rights of the Child (CRC, 1989)** sets out, among many things, the right of the child to an adequate standard of living, which can be severely disrupted by displacement.
- The **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979)** requires states to ensure equality in rural and urban areas regarding housing, sanitation and access to services, which becomes critical when displacement pushes women into marginalized living conditions.

⁵Int’l Ctr. for Climate Change & Dev. (ICCCAD), *Climate-Induced Displacement: Loss and Damage in Bangladesh* (date not provided), <https://icccad.net>.

⁶Md. R. Islam et al., *Climate Change Impacts and Adaptations on Health of Internally Displaced People (IDP): An Exploratory Study on Coastal Areas of Bangladesh*, PubMed Central (PMC), <https://pmc.ncbi.nlm.nih.gov>.

⁷Universal Declaration of Human Rights art. 25, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948).

⁸International Covenant on Economic, Social and Cultural Rights art. 11, Dec. 16, 1966, 993 U.N.T.S. 3.

These instruments establish legal obligations for states: to respect, protect, and fulfil rights, even in situations of displacement. They also recognize special vulnerability of certain groups (women, children, disabled) and require non-discrimination in access to housing, health, livelihood, etc.

LEGAL FRAMEWORK

Domestic Legal Protections in Bangladesh

Bangladesh's Constitution enshrines several provisions that are pertinent to climate-induced displacement, particularly concerning the right to life, housing, and dignity.

- **Right to Life and Housing:** Article 31 of the Constitution⁹ guarantees the right to protection of law, while Article 32 protects the right to life and personal liberty¹⁰. The Supreme Court has interpreted these provisions to include the right to shelter, emphasizing that the right to life encompasses the right to live in a home with dignity. This interpretation underscores the state's obligation to provide adequate housing to its citizens, including those displaced by environmental factors.
- **Environmental Protection:** Article 18A mandates the state to protect and improve the environment for the enhancement of human well-being¹¹. This provision is particularly relevant in the context of climate-induced displacement, as it underscores the state's responsibility to mitigate environmental degradation that leads to displacement.
- **National Strategy on Internal Displacement Management (NSIDM):** In 2021, Bangladesh developed the NSIDM to address disaster and climate-induced internal displacement. This strategy adopts a rights-based approach, aiming to make vulnerable communities resilient to climate change and disasters through sustainable management of displacement.

Despite these constitutional and policy frameworks, the implementation of rights for climate-displaced persons remains inadequate. There is no comprehensive law specifically addressing climate-induced displacement, and existing laws and policies often lack enforceability, leaving displaced individuals without adequate protection and support.

International Legal Obligations

Bangladesh is a party to several international treaties and conventions that impose obligations related to climate-induced displacement.

- **Universal Declaration of Human Rights (UDHR):** Article 25 of the UDHR recognizes the right to an adequate standard of living, including housing, as a fundamental human right. This provision serves as a basis for holding states

⁹CONST. OF THE PEOPLE'S REPUBLIC OF BANGL. art. 31.

¹⁰Id. art. 32.

¹¹Id. art. 18A.

accountable for ensuring the housing rights of their citizens, including those displaced by climate change¹².

- **International Covenant on Economic, Social and Cultural Rights (ICESCR):** Article 11 of the ICESCR recognizes the right of everyone to an adequate standard of living, including adequate housing. States parties are obligated to take steps to achieve the full realization of this right, which includes addressing the needs of those displaced by environmental factors¹³.
- **Convention on the Rights of the Child (CRC):** The CRC emphasizes the right of children to an adequate standard of living and protection from environmental hazards. This is particularly pertinent in the context of climate-induced displacement, where children are among the most vulnerable.
- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):** CEDAW obligates states to ensure equality in rural and urban areas regarding housing, sanitation, and access to services. This is crucial for addressing the specific needs of women displaced by climate change.
- **International Court of Justice (ICJ) Advisory Opinion (2025):** In a landmark advisory opinion, the ICJ affirmed that states have obligations under international human rights law to respect and ensure the effective enjoyment of human rights by taking necessary measures to protect the climate system and other parts of the environment. This opinion underscores the legal duties of states to address climate-induced displacement and protect the rights of affected individuals¹⁴.
- **Inter-American Court of Human Rights (IACHR) Advisory Opinion (2025):** The IACHR issued an advisory opinion affirming that a stable climate is a human right, obliging states to take urgent and effective action against climate change. This opinion further reinforces the legal responsibilities of states to prevent and address climate-induced displacement.

While Bangladesh has constitutional provisions and policies that address aspects of climate-induced displacement, there remains a significant gap in comprehensive legal frameworks to protect the rights of displaced individuals. International legal instruments provide a robust foundation for holding states accountable for their obligations towards climate-induced displacement.

However, the challenge lies in translating these international obligations into effective domestic laws and policies that ensure the protection and rights of displaced persons. Strengthening legal accountability mechanisms at both national and international levels is essential to address the growing issue of climate-induced displacement and uphold the rights and dignity of affected populations.

¹²Marci Hoffman, *Researching the Right to Housing*, GlobaLex (Hauser Global L. Sch. Program, 2008), https://www.nyulawglobal.org/globalex/Right_Housing1.html

¹³Id.

¹⁴Walter Kälin, *How the ICJ's Advisory Opinion on Climate Change Addresses Displacement, International Protection and Ongoing Statehood*, *Researching Internal Displacement* (2024), <https://www.researchinginternaldisplacement.org>.

LEGAL ACCOUNTABILITY IN CLIMATE-INDUCED DISPLACEMENT

Climate-induced displacement has become one of the most pressing challenges in the 21st century, particularly for countries like Bangladesh that are highly vulnerable to floods, cyclones, riverbank erosion, and rising sea levels. Legal accountability in this context refers to the responsibility of states, as well as international actors, to ensure that individuals affected by such climate-related disasters are adequately protected and their rights respected. This includes preventing displacement when possible, mitigating harm, ensuring access to essential services, and providing remedies for losses suffered¹⁵.

In the context of climate-induced displacement, legal accountability encompasses the obligation of states to adhere to both domestic and international legal standards that protect individuals' rights. According to international human rights law, this involves upholding rights such as life, health, housing, and non-discrimination, even when displacement results from environmental factors¹⁶. Legal accountability also means that states can be held liable when failures in planning, disaster management, or adaptation strategies result in harm to vulnerable populations.

State Obligations and Liabilities

States have a series of obligations under domestic and international law to protect displaced populations. Domestically, Bangladesh's Constitution guarantees the right to life (Article 32) and the right to housing and dignity (Articles 14 and 15), which impose a legal duty on the government to prevent harm from environmental displacement (Bangladesh Constitution, 1972, <https://bdlaws.minlaw.gov.bd/act-367.html>). This includes creating disaster-resilient housing, planning relocations, and providing relief during floods or cyclones.

Internationally, under the **Universal Declaration of Human Rights (UDHR)**, every individual has the right to an adequate standard of living, including housing, health, and well-being, which directly applies to displaced populations. Similarly, the **International Covenant on Economic, Social and Cultural Rights (ICESCR)** obligates states to protect economic, social, and cultural rights, including the right to adequate housing and food, which are often disrupted during climate-induced displacement.

Failure to fulfill these obligations can lead to state liability. For instance, if a state ignores early warnings for floods or does not provide adequate evacuation and resettlement, it could be argued that it has violated human rights obligations¹⁷.

¹⁵Camila Bustos, *A Human Rights Approach to Climate-Induced Displacement: A Case Study in Central America and Colombia* (Pace Univ. Sch. of L. Research Paper, 2023).

¹⁶Jane McAdam & Ben Saul, *Displacement with Dignity: International Law and Policy Responses to Climate Change Migration and Security in Bangladesh*, UNSW L. Research Paper No. 63 (2010).

¹⁷Babul Hossain et al., *Climate Change Induced Human Displacement in Bangladesh: Implications on the Livelihood of Displaced Riverine Island Dwellers and Their Adaptation Strategies*, 13 FRONTIERS IN PSYCH. 964648 (Oct. 13, 2022), <https://doi.org/10.3389/fpsyg.2022.964648>.

INTERNATIONAL HUMAN RIGHTS LAW IN ENFORCING ACCOUNTABILITY

International human rights law provides the normative framework to enforce accountability for climate-induced displacement. Instruments such as the **Convention on the Rights of the Child (CRC)** ensure that children affected by environmental disasters are protected and have access to essential services (United Nations, 1989, <https://www.unicef.org/child-rights-convention>). The **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** mandates that states protect women, particularly rural women who are often disproportionately affected by displacement.

These conventions are not only normative but also provide mechanisms for accountability. The UN Human Rights Committee can review state performance and make recommendations when rights are violated, including in cases of environmental displacement. Additionally, climate accountability initiatives, such as the UNFCCC's **Loss and Damage Mechanism**, provide a platform to hold states responsible for inadequate adaptation measures.

CASE ANALYSIS

1. Bangladesh: Legal Gaps and Constitutional Responsibilities

Bangladesh faces significant challenges due to climate-induced displacement, particularly from river erosion, flooding, and rising sea levels. Despite constitutional provisions that mandate the government to protect the environment and ensure the right to a healthy life, there is a lack of comprehensive legal frameworks to address the needs of displaced populations. The Constitution of Bangladesh (Articles 18, 32, and 31) places responsibility on the government to protect and improve the environment and biodiversity and ensure the right to a healthy environment, emphasizing the role of the State in protecting the rights of its citizens¹⁸. [GCHR Journal](#)

However, as highlighted by the UNFCCC in its 2012 report, Bangladesh's legal infrastructure does not adequately address climate displacement. The report notes that while the government has acknowledged the reality of climate displacement and developed measures to address it through national climate change adaptation planning, there is insufficient data and problems of attribution and validation, making it challenging to implement effective legal solutions.

2. Philippines: Legal Actions and Accountability Initiatives

In the Philippines, the Commission on Human Rights conducted a landmark inquiry into the role of major greenhouse gas emitters in contributing to climate change and its impacts on human rights. The Commission found that citizens may hold their governments accountable

¹⁸Isaac McNeill et al., A Lack of Legal Frameworks for Internally Displaced Persons Impacted by Climate Change and Natural Disasters: Analysis of Regulatory Challenges in Bangladesh, India and the Pacific Islands, ____ [Journal/Publisher details missing].

for a failure to both adapt and mitigate climate change. It considered that “concrete metrics” are required to hold governments accountable and that it is sufficient to establish the absence of meaningful action¹⁹.

Additionally, a group called Global Legal Action on Climate Change (GLACC) filed a petition against various government departments in the Philippines, seeking relief from dangers arising from flooding, which is expected to worsen and become more consequential due to climate change. The applicants asked the court to issue a writ of mandamus requiring the defendant government agencies to carry out the provisions of two flood control laws.

These actions underscore the legal accountability of the state in addressing climate-induced displacement and the role of judicial mechanisms in enforcing environmental and human rights obligations.

3. Maldives: Legal Challenges and Environmental Concerns

The Maldives, a small island nation highly vulnerable to sea-level rise, has faced legal challenges concerning environmental degradation and its impact on local communities. A recent case illustrates the legal challenge to an individual project due to environmental concerns. A law firm presented a legal case to stop a reclamation project, highlighting the importance of legal frameworks in addressing climate-induced displacement and environmental protection.

Furthermore, a report by Human Rights Watch describes how the Maldives government's failure to consult local communities and to adequately mitigate the impact of reclamation and other development projects has harmed island residents. The report emphasizes the need for legal accountability in ensuring that development projects do not exacerbate displacement and that the rights of affected communities are protected²⁰.

CHALLENGES AND GAPS IN BANGLADESH

Legal and Policy Gaps

Bangladesh faces significant challenges in addressing climate-induced displacement due to gaps in legal and policy frameworks. The National Strategy on Internal Displacement Management (NSIDM), while a step forward, lacks comprehensive implementation mechanisms and clear accountability structures, leading to inconsistent application and limited impact on affected communities.

¹⁹Human Rights Law Centre, *Philippines Commission on Human Rights Finds that the World's Largest Emitters of Greenhouse Gas Emissions Engaged in “Wilful Obfuscation” of Climate Science and Breached Human Rights* (2018), <https://www.hrlc.org.au>.

²⁰Human Rights Watch, *“We Still Haven't Recovered”: Local Communities Harmed by Reclamation Projects in the Maldives* (Feb. 21, 2023), <https://www.hrw.org/report/2023/02/21/we-still-havent-recovered/local-communities-harmed-reclamation-projects-maldives>.

Additionally, climate migrants in Bangladesh often fall through legal cracks, as they are neither recognized as refugees under the 1951 Refugee Convention nor protected under domestic laws. This legal invisibility exacerbates their vulnerability, leaving them without access to essential services and support²¹.

Barriers to Enforcing Accountability

Legal Barriers

The absence of a dedicated legal framework for climate-induced displacement in Bangladesh hampers the enforcement of accountability. Without clear legal definitions and protections, displaced individuals struggle to claim their rights, and authorities lack the mandate to address their needs effectively²².

Political Barriers

Political will is often lacking, with climate-induced displacement not prioritized on the national agenda. This neglect results in inadequate funding, delayed responses, and a general lack of urgency in addressing the issue²³.

Socio-Economic Barriers

The socio-economic challenges faced by displaced populations, including poverty, lack of education, and limited access to healthcare, are compounded by climate change. These factors make it difficult for affected individuals to rebuild their lives and for communities to adapt to new circumstances²⁴.

Institutional Barriers

Institutional fragmentation and lack of coordination among various government agencies and non-governmental organizations lead to inefficient responses. This disjointed approach results in overlapping efforts, resource wastage, and missed opportunities for comprehensive support.

Limitations of International Law

International legal frameworks, such as the 1951 Refugee Convention, do not recognize climate-induced displacement, leaving a significant protection gap. While the United Nations

Joydeep Chowdhury, Climate Displacement and Legal Invisibility: Rethinking Refugee Law through Bangladesh's Experience, Sonargaon Univ. (2024), <https://orcid.org/0009-0005-5737-6679>.

²²Id.

²³ Chakma Kisinger & Kenichi Matsui, Responding to Climate-Induced Displacement in Bangladesh: A Governance Perspective, 13 SUSTAINABILITY 7788 (2021).

²⁴ Ritu Bharadwaj et al., *Exposed and Exploited: Climate Change, Migration and Modern Slavery in Bangladesh* (IIED, 2021).

has acknowledged the issue, binding legal instruments are lacking, and existing guidelines are non-enforceable, limiting their effectiveness in compelling states to take action.

RECOMMENDATIONS AND CONCLUSION: STRENGTHENING LEGAL ACCOUNTABILITY FOR CLIMATE-INDUCED DISPLACEMENT IN BANGLADESH

Policy and Legal Reforms for Enhanced Protection

Bangladesh's existing legal framework lacks a dedicated climate law, relying instead on disparate environmental laws and policies with weak enforcement mechanisms. This fragmentation hampers effective protection for climate-displaced populations. To address this, it is imperative to enact a comprehensive Climate Displacement Protection Act that explicitly recognizes climate-induced displacement and outlines the state's responsibilities towards affected individuals. Such legislation should integrate human rights principles, ensuring that displaced persons have access to housing, land, and property rights, and are provided with durable solutions. Drawing inspiration from international instruments like the UN Guiding Principles on Internal Displacement, Bangladesh can develop a rights-based approach that aligns with its obligations under international human rights treaties.

Integration of Human Rights Principles in Disaster Management and Climate Adaptation Laws

While Bangladesh has established the Disaster Management Act (DMA) and the National Strategy on Internal Displacement Management (NSIDM), these frameworks often lack a consistent human rights-based approach. The DMA, for instance, addresses disaster risk management but does not explicitly incorporate principles such as free, prior, and informed consent, which are crucial for respecting the rights of displaced communities. To rectify this, it is essential to revise these laws to explicitly incorporate human rights principles, ensuring that the voices of affected communities are heard and their rights upheld throughout the disaster management and climate adaptation processes.

Role of Civil Society, NGOs, and International Cooperation

Civil society organizations (CSOs) and non-governmental organizations (NGOs) play a pivotal role in advocating for the rights of climate-displaced populations in Bangladesh. Their involvement in monitoring land distribution processes, providing legal aid, and ensuring transparency is crucial for effective implementation of policies. Furthermore, international cooperation is vital in providing technical assistance, capacity building, and financial support to strengthen Bangladesh's response to climate-induced displacement. Collaborative efforts between the government, CSOs, and international partners can foster a more inclusive and effective approach to addressing displacement.

Summary of Key Findings

- Bangladesh's legal framework lacks a comprehensive law addressing climate-induced displacement, leading to fragmented and inconsistent protections for affected populations.
- Existing disaster management and climate adaptation laws often fail to incorporate human rights principles, undermining the effectiveness of responses to displacement.
- Civil society organizations and NGOs play a critical role in advocating for the rights of displaced individuals and ensuring transparency in policy implementation.
- International cooperation is essential in providing the necessary resources and expertise to strengthen Bangladesh's capacity to address climate-induced displacement.

Reaffirming the Importance of Legal Accountability

Legal accountability is fundamental in ensuring that the rights of climate-displaced populations are protected and upheld. Without a robust legal framework that explicitly recognizes and addresses displacement, affected individuals remain vulnerable to exploitation and marginalization. By enacting comprehensive laws that integrate human rights principles and establishing clear mechanisms for accountability, Bangladesh can create an environment where the rights of displaced persons are respected and their needs are met.

Suggestions for Future Research

- **Impact Assessment of Existing Laws:** Conduct comprehensive studies to evaluate the effectiveness of current disaster management and climate adaptation laws in addressing the needs of displaced populations.
- **Comparative Analysis:** Examine the legal frameworks of other countries facing similar challenges to identify best practices and lessons that can be applied in the Bangladeshi context.
- **Community Perspectives:** Engage with displaced communities to understand their experiences and perspectives, ensuring that future policies are informed by those directly affected.
- **Monitoring and Evaluation Mechanisms:** Develop frameworks to monitor and evaluate the implementation of policies and laws, ensuring that they effectively address the needs of displaced populations and hold accountable those responsible for their displacement.

By addressing these areas through focused research, Bangladesh can develop a more comprehensive and effective legal framework that not only addresses the immediate needs of climate-displaced populations but also ensures their long-term protection and integration into society.