

A Human Rights Critique of Bangladesh's Climate Change Strategy and Action Plan (BCCSAP)
& National Adaptation Plan (NAP) (2023-2050): Assessing Participation, Equity, Accountability, and
Justice in Adaptation Policy

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Imtiaz Mahmud

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Abstract:

Climate change is no longer just an environmental crisis; it has become a direct threat to the protection of fundamental human rights. In Bangladesh, one of the most climate-vulnerable countries in the world, rising seas, recurrent cyclones, salinity intrusion, and river erosion threaten the lives and livelihoods of millions. However, these effects of climate are not impacting everyone equally. Marginalized groups like Indigenous peoples, women, children, slum-dwellers, and low-income groups continue to face the devastating impact of climate change, which is exacerbating the pre-existing inequalities. This Paper examines whether Bangladesh's two key adaptation frameworks, the Bangladesh Climate Change Strategy and Action Plan (BCCSAP, 2009) and the National Adaptation Plan (NAP, 2023–2050), have effectively protected those most at risk or reinforced the very vulnerabilities they seek to address.

Using a rights-based approach (RBA) as the guiding framework, the paper assesses these policies through the principles of participation, equity, accountability, and non-discrimination. While the BCCSAP was one of the earliest comprehensive national climate plans for Bangladesh, it largely reflected a top-down and technocratic approach, prioritizing infrastructure projects over community voices. The NAP adopts a more progressive language on gender and Indigenous knowledge, but evidence shows that structural gaps remain, particularly around meaningful participation and Free, Prior, and Informed Consent (FPIC) for Indigenous peoples.

The analysis also examines climate finance and the role of international cooperation, highlighting how loan-based mechanisms and donor-driven agendas frequently restrict rights-based adaptation. By linking Bangladesh's climate governance with its obligations under international human rights law, the study argues that adaptation cannot be reduced to technical fixes, but rather must ensure justice, accountability, and community agency at its core. Without this shift, adaptation risks becoming another form of exclusion. The paper concludes that for Bangladesh and for international partners, the challenge is not only to adapt to climate impacts, but to do so in ways that protect dignity, rights, and justice.

Table of Contents

1	Introduction.....	5
2	Climate Injustice and Bangladesh’s Vulnerability	6
3	Climate Change and the Rights-Based Approach	9
3.1	Understanding the Rights-Based Approach (RBAs) to Climate Action.....	9
3.2	The Impact of Climate Change on Human Rights	10
3.3	Application of RBA in Adaptation Policies.....	11
3.4	Evaluating the BCCSAP Through a Rights-Based Lens	12
4	Critical Analysis of the Bangladesh Climate Change Strategy and Action Plan (BCCSAP) and its National Adaptation Plan (2023-2050).....	13
4.1	From Early Strategy to Update Plan	13
4.2	Participation: Consultation Without Co-Decision	14
4.3	Non-Discrimination: Structural Inequity Persists	17
4.4	Accountability: From Reporting to Remedy.....	19
5	Duty to Cooperate and Shared Responsibility.....	22
5.1	Bangladesh’s Climate Finance Landscape.....	23
5.1.1	Grants vs. Loans: A Rights Perspective.....	25
5.1.2	When Funding Ignores Rights	26
5.1.3	A Constrained Space for Rights-Based Adaptation.....	26
5.2	External Influence on National Adaptation	28
5.3	Gaps in Rights-Based Cooperation	28
5.4	Loss and Damage Fund.....	29
5.5	Moving Forward	30
6	Conclusion	31

1 Introduction

Climate change is one of the biggest challenges to human rights in our time. It affects everyone, but not in the same way. The people who have the least, those living in coastal areas, small islands, remote villages, and informal settlements, are the ones facing the worst impacts. For them, climate change is not a future threat; it is already damaging their homes, livelihoods, health, and safety. These people are being displaced from their land, losing access to clean water, and struggling to recover from storms and floods that keep getting worse.

International human rights law says that states and other duty-bearers must respect, protect, and fulfil basic rights, including the right to life, health, food, housing, and water. Climate change is making it harder for millions of people to enjoy these rights. Therefore, when governments take action to adapt to climate change, they must ensure that their plans do not harm people or leave the most vulnerable populations behind. That means following key human rights principles like participation, equity, accountability, and non-discrimination. In 2015, when the Paris Agreement was adopted, countries agreed to take climate action while respecting human rights. The UN Human Rights Council (UNHRC) has also called on states to include rights-based thinking in their climate plans.¹ The International Court of Justice (ICJ) reaffirmed that states have binding legal duties to uphold human rights under international law to prevent climate harm and protect human rights, both within and beyond their borders.²

Bangladesh is one of the countries most affected by climate change³ due to its geographical location, high population density and dependence on its climate-sensitive sector, such as agriculture and fisheries, rising sea level, cyclones, and flooding repeatedly uproot millions, making the country highly vulnerable despite being the least greenhouse gas emitter. However, not everyone in Bangladesh is affected the same way. Cyclones, floods, and droughts not only destroy land, livelihoods, and property but also exacerbate existing issues, such as inequality, landlessness, and inadequate public services. For example, people in the northeast face frequent flooding, while communities in the Chittagong Hill Tracts

¹ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Understanding Human Rights and Climate Change* (Geneva, 2015), <https://www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf>.

² *Advisory Opinion on the Obligations of States in respect of Climate Change*.

³ The World Bank Group, *Climate Risk Country Profile: Bangladesh* (2021).

(CHT) deal with droughts and water shortages.⁴ Women, Indigenous people, and low-income groups often feel the devastating effects of climate disasters.⁵

This paper examines whether Bangladesh's climate adaptation strategies, the Bangladesh Climate Change Strategy and Action Plan (BCCSAP) (2009) and the National Adaptation Plan (NAP) (2023-2050), protect the rights of those most affected by climate change or exacerbate existing inequalities by reinforcing the same structures that create vulnerabilities. It also examines how far these policies align with international human rights standards and principles of the Rights-based Approach (RBA), focusing on participation, equity, non-discrimination, and accountability.

The paper uses a qualitative policy analysis, drawing on secondary sources, including legal documents, academic research, and community case studies. It begins by setting the context of climate injustice in Bangladesh and then defines the rights-based approach. The main sections assess the BCCSAP and NAP using RBA principles, followed by an analysis of climate finance, external influences, and gaps in rights protection. This analysis will provide a detailed examination of BCCSAP and the NAP from the perspective of international human rights law.

2 Climate Injustice and Bangladesh's Vulnerability

Among all global crises, climate change remains one of the most far-reaching threats, especially for communities already living with systemic vulnerability. Though the effect can be felt worldwide, it is not evenly distributed, as not every country is affected by the adverse consequences of climate change.⁶ The Global South, particularly countries with limited adaptive resources, faces existential crises and the greatest threat, despite being responsible for the least greenhouse gas emissions.⁷ This asymmetry is known as climate injustice, a condition in which countries that emit the least amount of Greenhouse

⁴ Md Shamsuddoha and Md. Akib Javed, eds., *Locally-Led Adaptation Planning: Communicating Ground Realities to Bangladesh's Nap Process* (Center for Participatory Research and Development (CPRD), 2022), <https://cprdbd.org/wp-content/uploads/2022/04/Locally-Led-Adaptation-Planning.pdf>; Swarnali Chakma, "Water Crisis in the Rangamati Hill District of Bangladesh: A Case Study on Indigenous Community," *International Journal of Disaster Risk Management* 5, no. 2 (2023): 29–43, <https://doi.org/10.18485/ijdrm.2023.5.2.3>.

⁵ Mst. Sabikun Naher, "Reviewing Climate Change Impacts on Indigenous Women in Chittagong Hill Tracts in Bangladesh under the Lens of Feminist Political Ecology," Substack newsletter, *Open-Air Journal*, April 30, 2024, <https://openairjournal.substack.com/p/reviewing-climate-change-impacts>; Fiona Harvey and Fiona Harvey Environment editor, "Financial Toll of Climate Crisis Hitting Women Harder, UN Says," Environment, *The Guardian*, March 5, 2024, <https://www.theguardian.com/environment/2024/mar/05/financial-toll-climate-crisis-women-harder-un>.

⁶ US Environmental Protection Agency, "International Climate Impacts," Overviews and Factsheets, accessed July 24, 2025, <https://19january2017snapshot.epa.gov/climate-impacts/international-climate-impacts>.

⁷ Jason Hickel, "Quantifying National Responsibility for Climate Breakdown: An Equality-Based Attribution Approach for Carbon Dioxide Emissions in Excess of the Planetary Boundary," *The Lancet Planetary Health* 4, no. 9 (2020): e399–404, [https://doi.org/10.1016/s2542-5196\(20\)30196-0](https://doi.org/10.1016/s2542-5196(20)30196-0).

Gases (GHG) bear the heaviest burden of environmental degradation.⁸ Bangladesh, a low-lying deltaic country in South Asia, is frequently cited as one of the most climate-vulnerable countries on the Planet.⁹ As this paper examines BCCSAP and NAP from a human rights perspective, it is essential to contextualize the country's position within the broader framework of global climate injustice and local vulnerability.

To assess Bangladesh's adaptation efforts from a rights-based lens, it's crucial first to understand the structural injustices that exist within the global climate regime, which shape its vulnerability.¹⁰ The Climate crisis is rooted in unsustainable development and years of aggressive industrialization.¹¹ The global temperature has risen at an unprecedented rate since the Industrial Revolution, primarily due to the increased burning of fossil fuels, including natural gas and oil.¹² The average increase in global surface temperature rose to 1.1°C between 2011 and 2020, compared to the preindustrial period (1850-1900) baseline.¹³ While developed countries are responsible for a significant portion of global carbon emissions, developing nations bear the brunt of the consequences of climate change. Bangladesh contributes only 0.4% of global carbon emissions, compared to the top five major emitters (China, the United States, Russia, and Japan).¹⁴ This disparity highlights the need for a just and equitable climate response that acknowledges the historical responsibilities of carbon emitters and the varying capacities of states to address the consequences of climate change.

The effects of climate change in Bangladesh are becoming increasingly severe each year due to its geographic, environmental, and socio-economic conditions. Bangladesh is situated in the floodplain of the Ganges-Brahmaputra-Meghna River system and is inherently vulnerable to river flooding and salinity intrusion. Climate-induced disasters have become more frequent and intense. Between 2000 and 2019, Bangladesh experienced 385 climate-induced disasters, resulting in \$3.72 billion in losses. Some major cyclones not only displaced millions but also claimed thousands of lives and caused extensive damage to infrastructure and agriculture.¹⁵ Salinity intrusion in coastal areas has already rendered

⁸ Molly Marsh, *What Is Climate Justice?* | Oxfam, April 9, 2025, <https://www.oxfamamerica.org/explore/issues/climate-action/climate-justice/>.

⁹ Amruta Veer, "Climate Change Exposes Bangladesh to Greater Risk," *Bologna Institute for Policy Research*, n.d., accessed July 24, 2025, <https://bipr.jhu.edu/BlogArticles/31-Climate-Change-Exposes-Bangladesh-to-Greater-Risk.cfm>.

¹⁰ For a discussion, see section 4

¹¹ Naftaly Mose and Joseph Ngigi Kinuthia, "Effect of Urbanization and Industrialization on Climate Change," *Asian Journal of Natural Sciences* 3, no. 4 (2024): 233–44, <https://journal.formosapublisher.org/index.php/ajns/article/view/14218>.

¹² *Ibid.*, 234.

¹³ Katherine Calvin et al., *IPCC, 2023: Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, H. Lee and J. Romero (Eds.)]*. IPCC, Geneva, Switzerland., First, with Hoesung Lee (Intergovernmental Panel on Climate Change (IPCC), 2023), <https://doi.org/10.59327/IPCC/AR6-9789291691647>.

¹⁴ World Bank, "Urgent Climate Action Crucial for Bangladesh to Sustain Strong Growth," World Bank, October 11, 2022, <https://www.worldbank.org/en/news/press-release/2022/10/31/urgent-climate-action-crucial-for-bangladesh-to-sustain-strong-growth>.

¹⁵ Diego Rojas, "How the Climate Crisis Is Impacting Bangladesh," The Climate Reality Project, January 1, 2025.

thousands of hectares of agricultural land unproductive, making water undrinkable and forcing people to migrate to overcrowded urban slums, where access to water, sanitation, and shelter is already strained.¹⁶

The entire population across Bangladesh is not experiencing climate vulnerability equally. The adverse effects of climate change are deeply gendered, racialized, and classed, and the marginalized groups are suffering the most from the adverse impacts of climate change.¹⁷ Indigenous people in the CHT face increasing drought, deforestation, and water scarcity, which hinders their cultural continuity and threatens their traditional livelihood.¹⁸ The women and girls from the coastal area are often the ones who face increased food insecurity, access to health care, and increased domestic burden during and after any natural disasters.¹⁹ Slum dwellers in urban cities often face inadequate drainage systems and a heightened risk of waterborne diseases during monsoon flooding.²⁰ This shows how climate change intersects with pre-existing structural injustice, exacerbating social vulnerabilities and threatening the fundamental human rights of the marginalized population.

Bangladesh's high exposure to the climate crisis and its low adaptation capacity are key points in the global climate change discourse.²¹ It is imperative that Bangladesh not only focus on technical adaptation solutions but also address the pre-existing structural vulnerabilities that exacerbate the suffering of the affected population. The rooted injustice should be addressed by listening to the voices, needs, and urgencies of the most affected population. In the following section, the paper will argue that national adaptation strategies should not be assessed solely from a technical adequacy perspective, but also in terms of their alignment with the human rights-based approach principles of equity, participation, accountability and non-discrimination. The failure to do so would be catastrophic for the affected populations. It will reinforce the vulnerability of the population that it seeks to remedy.

¹⁶ Ibid.

¹⁷ Rojas, "How the Climate Crisis Is Impacting Bangladesh."

¹⁸ Chakma, "Water Crisis in the Rangamati Hill District of Bangladesh."

¹⁹ Md Shamsuddoha et al., "Impacts of Climate Change-Induced Natural Hazards on Women and Their Human Rights Implications: A Study in the Southwest Coast of Bangladesh," *Journal of Migration and Health* 9 (2024): 100221, <https://doi.org/10.1016/j.jmh.2024.100221>.

²⁰ Zarin Subah et al., "Impacts of Urban Flooding on Gender in a Slum of Bangladesh," *Social Sciences* 13, no. 5 (2024): 248, <https://doi.org/10.3390/socsci13050248>.

²¹ Notre Dame Global Adaptation Initiative, "Notre Dame Global Adaptation Initiative Country Index 2023," Notre Dame Global Adaptation Initiative, accessed July 24, 2025, <https://gain.nd.edu/our-work/country-index/rankings/>.

3 Climate Change and the Rights-Based Approach

3.1 Understanding the Rights-Based Approach (RBA) to Climate Action

Climate change is being perceived not only as a developmental or environmental challenge, but also as a threat to the full realization of human rights.²² This is where the Rights-Based Approach (RBA) becomes central, not just as a policy tool, but as a way to hold states accountable to the people most affected. As climate change impacts increasingly affect the right to life, food, housing, and health, it is imperative that the climate policy responses do not undermine the human rights of individuals and communities, but rather uphold them.²³ Climate-vulnerable countries, such as Bangladesh, where the burden of climate change falls on the poorest and most marginalized populations, the RBA provides a normative and practical framework to address the issue from an adaptation perspective, while focusing on justice, participation, and accountability to protect the lives of the most at risk.

Since the adoption of the Universal Declaration of Human Rights, the human rights-based approach has become increasingly prominent in realizing the development goal of benefiting rights holders. The Human rights-based approach draws from the UDHR and is based on five principles:

- human rights for all;
- meaningful and inclusive participation and access to decision-making;
- non-discrimination and equality;
- accountability and the rule of law for all;
- transparency and access to information.²⁴

Applying these principles to any issue helps identify the responsibilities of duty bearers, primarily states, and the entitlements of rights holders (communities and individuals). It also places an obligation on duty bearers to fulfil their responsibilities. This approach has been consistently reinforced by the legally binding International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). These five RBA principles, when read alongside the International Bill of Human Rights,²⁵ form a shared foundation for interpreting adaptation policies through a lens of dignity and justice, ensuring that these strategies focus not only on the

²² Office of the United Nations High Commissioner for Human Rights (OHCHR), *Understanding Human Rights and Climate Change*.

²³ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Understanding Human Rights and Climate Change*.

²⁴ European Commission, “Human Rights Based Approach.”

²⁵ UDHR, ICCPR, ICESCR

developmental or technical aspects but also on justice and human dignity for all, regardless of ethnicity, social class, religion, or gender, while facing the grave danger of environmental degradation.

In Bangladesh, the RBA for climate change adaptation has a normative foundation. The Bangladesh constitution and international legal commitments, including the Universal Declaration of Human Rights (UDHR), ICCPR, ICESCR, and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), support it. In the Constitution, Article 32 guarantees the right to life and personal liberty, while Article 18A imposes an obligation on the state "to protect and improve the environment and to preserve and safeguard natural resources, biodiversity, wetlands, forests, and wildlife for both present and future citizens."²⁶ The right to life, food, health, housing, and participation are legally binding through international human rights instruments to which Bangladesh is a party.²⁷ The United Nations Human Rights Council constantly reaffirmed that climate change directly threatens the full enjoyment of these rights.²⁸ The Paris agreement reinforced it by stating that parties must address climate change while upholding human rights, equity, and protections for vulnerable groups.²⁹

In July 2025, the International Court of Justice issued an important advisory opinion on the state's legal obligation under both climate treaties, International human rights law, and customary international law to prevent harm to the climate and protect human rights.³⁰ The court stated that the states have duties of due diligence, cooperation, and adaptation. It also confirmed that these obligations are binding and can give rise to state responsibility when breached.³¹

3.2 The Impact of Climate Change on Human Rights

Climate change both directly and indirectly violates human rights. Severe cyclones and flooding have endangered the right to life and health, while drought, irregular rainfall patterns, and saltwater intrusion have threatened the right to food and water. Coastal and riverbank erosion, sea level rise, and climate-induced displacement have endangered the right to housing in various forms.³² For Bangladesh, the risk has started to become visible. Approximately 2.4 million people were displaced, generally not

²⁶ Government of Bangladesh, *Constitution of the People's Republic of Bangladesh*, Ministry of Law, Justice and Parliamentary Affairs, n.d., <http://bdlaws.minlaw.gov.bd/act-367.html>.

²⁷ United Nations General Assembly, *International Covenant on Civil and Political Rights*. United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, Treaty Series, 999, 1966.

²⁸ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Understanding Human Rights and Climate Change*, 6.

²⁹ United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*, T.I.A.S. No. 16-1104., December 12, 2015.

³⁰ *Advisory Opinion on the Obligations of States in respect of Climate Change*.

³¹ *Ibid.*, para 405-406.

³² Ministry of Environment and Forests (MoEF), ed., *National Adaptation Plan of Bangladesh (2023-2050)* (Ministry of Environment and Forests, Govt. of the People's Republic of Bangladesh, 2022), 17–30.

permanently, but often for a prolonged period, in 2024, primarily by cyclones and floods, forcing the affected to migrate to already overcrowded slums.³³ These forced migrations are increasing the risk of forced labour among the displaced population in Bangladesh and abroad.³⁴ Salinity intrusion has already led to the unavailability of drinking water and reduced agricultural yields in the coastal region,³⁵ while drought is creating a severe water crisis in the CHT.³⁶

3.3 Application of RBA in Adaptation Policies

Historically, climate change adaptation strategies were framed and implemented from a developmental and technological perspective, such as constructing large flood embankments, ignoring community-led water management. These interventions often led to waterlogging or unused facilities, reinforcing a top-down approach where technical solutions were prioritized over social equity and participatory governance.³⁷ These matters are most pressing when the absence of rights-based planning results in direct harm to those already marginalized. In the CHT, for example, Indigenous communities are often left out of national adaptation efforts, despite being among the most affected by deforestation, drought, and displacement.³⁸ In coastal areas, women continue to face increased food insecurity and unpaid labor burdens, yet their voices are rarely reflected in project design or delivery.³⁹ Without mechanisms that allow these communities to participate meaningfully or demand accountability, adaptation risks reinforcing the same exclusions it claims to address.

For instance, many planned adaptation projects became ineffective due to the absence of community consultation and accountability.⁴⁰ As outlined in Section 3.1, the RBA requires meaningful participation and accountability, principles that are often missing in Bangladesh's adaptation practices. The RBA requires both because rights without participation and accountability cannot be meaningfully

³³ The Internal Displacement Monitoring Centre, "Global Report on Internal Displacement."

³⁴ Chloé Farand, "The Cycle Pushing Bangladeshi Climate Migrants into Slavery," *Climate Home News*, February 18, 2025, <https://www.climatechangenews.com/2025/02/18/bangladeshi-migrants-climate-change-modern-slavery-iiied/>.

³⁵ *Bangladesh's Coastal Farmers Face Salinisation Crisis*, directed by TRT World, 2022, 03:28, <https://www.youtube.com/watch?v=mIk-TTsEh18>.

³⁶ Chakma, "Water Crisis in the Rangamati Hill District of Bangladesh."

³⁷ Ekhtekharul Islam et al., "Waterlogging in the Southwest Coastal Areas of Bangladesh: Local Adaptation Techniques and Challenges," *American Scientific Research Journal for Engineering, Technology, and Sciences* 68, no. 1 (2020): 112–19, https://asrjetsjournal.org/index.php/American_Scientific_Journal/article/view/5882; Edris Alam and Andrew E. Collins, "Cyclone Disaster Vulnerability and Response Experiences in Coastal Bangladesh," *Disasters* 34, no. 4 (2010): 931–54, <https://doi.org/10.1111/j.1467-7717.2010.01176.x>.

³⁸ Joydeb Garai, "Impacts of Climate Change and Environmental Degradation on Indigenous People in Bangladesh: An Ethnographic Study," *Wild* 2, no. 2 (2025): 13, <https://doi.org/10.3390/wild2020013>.

³⁹ Shamsuddoha et al., "Impacts of Climate Change-Induced Natural Hazards on Women and Their Human Rights Implications," 3–7.

⁴⁰ See section 4.2 for example.

enforced.⁴¹ While the construction of cyclone shelters, in some coastal communities, has been considered an effective way to save lives from the macro level, some communities found it ineffective due to its locations, distance, poor road communication, inhabitant capacity, inadequate water and sanitation facilities, and failure to consider the needs of women, children, the elderly, and the sick.⁴² When Indigenous people are forced to relocate or their forests are acquired for climate adaptation-related projects like “afforestation” without consultation or consent, their spiritual and ancestral connections to the lands are disrupted.⁴³ These adaptation projects may improve macro-level resilience, but they greatly undermine the rights of the people who are directly affected by the intervention. These impacts show us that climate risks intersect with existing protracted structural vulnerabilities such as gender, ethnic identity, and poverty and create additional layers of vulnerability that must be addressed in adaptation policy.

3.4 Evaluating the BCCSAP & NAP Through a Rights-Based Lens

The BCCSAP and the updated NAP are considered the foundational adaptation policies in Bangladesh. While BCCSAP laid the groundwork for recognizing climate risk and resource mobilization, it barely adopted a rights-based approach. Adopting an RBA means more than acknowledging vulnerability; it requires integrating principles such as participation, equity, accountability, non-discrimination, and transparency into every stage of planning and implementation. This includes ensuring affected communities can influence decisions, access information, seek remedies, and have their specific rights recognized and protected throughout the adaptation process. The more updated NAP offered more space to address these concerns and gaps; however, the evidence suggests that many structural gaps remain. Section 4 will apply the principle of RBA as evaluative indicators to analyze BCCSAP and NAP and examine whether they provide adequate protection and promote the rights of the most climate-vulnerable population, or the top-down, technocratic model continues to undermine human rights.

⁴¹ “Human Rights-Based Approach,” UN Sustainable Development Group, accessed July 30, 2025, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>.

⁴² Md. Rayhanur Rahman et al., “Effectiveness of Selected Planned Adaptations in Micro Level: Evidence from Coastal Community in Bangladesh,” *Progress in Disaster Science* 12 (December 2021): 100208, <https://doi.org/10.1016/j.pdisas.2021.100208>.

⁴³ Shapan Adnan and Ranajit Dastidar, *Alienation of the Lands of Indigenous Peoples in the Chittagong Hill Tracts of Bangladesh* (Chittagong Hill Tracts Commission, 2011), 48–52.

4 Critical Analysis of the Bangladesh Climate Change Strategy and Action Plan (BCCSAP) and its National Adaptation Plan (NAP)

Bangladesh is widely recognized as a proactive actor in climate adaptation among climate-vulnerable countries. The BCCSAP was the first comprehensive national-level climate plan, aiming to address the country's extreme vulnerability to sea-level rise, cyclones, floods, salinity intrusion, and displacement.⁴⁴ More than a decade later, Bangladesh sought to renew its National Adaptation vision by introducing the NAP, aligning it with the Paris Agreement's global call for climate justice.⁴⁵ However, beneath the international praise for its proactive adaptation lie persistent concerns about whose voices, rights, and knowledge truly shape these frameworks, raising the question: do these plans actually protect the rights of the communities for whom these policies exist?

This section examines the extent to which these two key policy frameworks incorporate the principles of the right-based approach, including meaningful participation, non-discrimination, and accountability, and identifies the gaps.

4.1 From Early Strategy to Update Plan

Bangladesh's vulnerability to climate change is undisputed; nearly one-third of its population resides in low-lying coastal areas that are prone to rising sea levels, cyclones, and storm surges.⁴⁶ To protect the lives of climate-vulnerable populations, Bangladesh introduced its climate adaptation policy in 2009. It was pragmatic and project-driven, focusing on embankment, cyclone shelters, saline-resistant crops, data management systems, and early warning networks.⁴⁷ The critics noted it as a top-down, technocratic plan introduced for donor financing, rather than empowering and protecting local communities as decision-makers.⁴⁸

Over a decade later, the NAP was presented as an evolution of the BCCSAP, with an ambitious plan to achieve a climate-resilient environment by 2050. It includes clear references to gender, local Indigenous knowledge, and a community-based approach; .⁴⁹ While the NAP does not directly reference

⁴⁴ Zamudio and Parry, "Review of Current and Planned Adaptation Action in Bangladesh."

⁴⁵ Ministry of Environment and Forests (MoEF), *National Adaptation Plan of Bangladesh (2023-2050)*.

⁴⁶ World Bank, "Coastal Resilience in Bangladesh: Protecting Coastal Communities from Tidal Flooding and Storm Surges," World Bank, 2019, <https://www.worldbank.org/en/results/2019/09/10/coastal-resilience-in-bangladesh-protecting-coastal-communities-from-tidal-flooding-and-storm-surges>.

⁴⁷ Ministry of Environment and Forests (MoEF), ed., *Bangladesh Climate Change Strategy and Action Plan, 2009* (Ministry of Environment and Forests, Govt. of the People's Republic of Bangladesh, 2009), 27–29.

⁴⁸ Ryan Stock et al., "Powering and Puzzling: Climate Change Adaptation Policies in Bangladesh and India," *Environment, Development and Sustainability* 23, no. 2 (2021): 2323–25, <https://doi.org/10.1007/s10668-020-00676-3>.

⁴⁹ Ministry of Environment and Forests (MoEF), *National Adaptation Plan of Bangladesh (2023-2050)*, p. i-ii.

a rights-based approach (RBA), these elements overlap significantly with RBA principles, which emphasize that adaptation should be shaped by those most affected. In this paper, I therefore use the RBA as an analytical framework to evaluate how far the NAP aligns with, or falls short of, these standards. This language shift appears to be a move towards human rights principles, aligning with the Paris agreement's preamble, which directs parties to “respect, promote and consider” human rights in climate action.⁵⁰ This alignment indicated a rhetorical shift towards rights-based adaptation.

While the NAP outlines more detailed institutional policy than the BCCSAP, its structure still heavily relies on the existing top-down ministerial control and does not establish a binding process for local co-decision, Free Prior and Informed Consent (FPIC) for the Indigenous communities, or independent community oversight.⁵¹ As such, the transition from BCCSAP to NAP reflects a continuity in top-down climate governance, with incremental inclusionary language but limited structural reform. Without legal guarantees, the human rights promise made under the International Human Rights Law (IHRL), United Nations Framework Convention on Climate Change (UNFCCC), the Paris Agreement, or the Sustainable Development Goals (SDGs) remains just a promise on paper.

4.2 Participation: Consultation Without Co-Decision

Participation is a cornerstone of a rights-based approach to climate adaptation, upheld in Article 25 of the ICCPR and reinforced by the Paris Agreement, which mandates “participatory and inclusive” adaptation processes.⁵² Additionally, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) requires states to obtain FPIC before approving projects that affect Indigenous territories or cultural resources.⁵³ In practice, participation means that communities must be involved from the initial stages of the plan, not just after the plan is drafted.⁵⁴ It requires a clear feedback mechanism, the power to accept or reject proposals, and time to assess the risk involved.⁵⁵

For Bangladesh's climate policy, it means more than inviting community members to a meeting for a consultation workshop; it means giving communities real power to shape, approach, or reject adaptation actions that fundamentally shape their lives and landscapes. The BCCSAP acknowledged

⁵⁰ United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*.

⁵¹ Ministry of Environment and Forests (MoEF), *National Adaptation Plan of Bangladesh (2023-2050)*, 105–7.

⁵² United Nations General Assembly, *ICCPR*; United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*.

⁵³ United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, Art 32.

⁵⁴ Sustainability Directory, “Why Is Community Engagement Important for Adaptive Capacity? → Question,” *Sustainability Directory*, n.d., accessed July 25, 2025, <https://climate.sustainability-directory.com/question/why-is-community-engagement-important-for-adaptive-capacity/>.

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“community-based adaptation” as a core theme but largely framed communities as beneficiaries of expert-designated interventions, such as embankments, shelters, and saline-resilient crops, rather than as action co-designers.⁵⁶ When it occurred, the consultation was primarily project-based and limited in scope, with a mechanism in place for the affected communities to challenge or provide oversight through their representative. Under the RBA, participation must extend beyond symbolic inclusion; rather, it must enable people to influence the project's outcome. In regions like the CHT, where indigenous communities practice distinct land governance and have a collective identity, this includes the right to FPIC as recognized by the UNDRIP. However, the FPIC is not formally embedded in domestic law or climate policy in Bangladesh, leaving indigenous peoples without a practical means to protect their territories. In these cases, consultation without a clear process for collective decision-making and community representation risks reinforcing existing power imbalances rather than addressing them. The NAP aims to build on this by pledging to “inclusive governance” and to develop a “community-driven local adaptation plan”; however, the NAP provides no authority to the affected communities to approve or reject the project proposal, meaning that the participation remains consultative rather than consent-based.⁵⁷ Its provision falls short of creating a legal pathway for indigenous and marginalized rural communities to exercise co-decision-making rights, a principle based in the RBA and supported by the international human rights standards, especially UNDRIP, when it comes to the Indigenous peoples.⁵⁸ For instance, the NAP mentions stakeholder participation and includes representatives of women, youth, ethnic minorities (a term used by the government for Indigenous communities), and people with disabilities in advisory structures, but does not provide any of the FPIC framework or binding obligation for state agencies to obtain consent when adaptation projects impact customary land or provide any guarantees that their voice is actually matter in the decision-making.⁵⁹

However, field realities show that procedural participation often stops at consultative workshops. Datta and Kairy’s study demonstrates how coastal Indigenous communities remain marginalized within mainstream adaptation governance and deprived of genuine co-decision-making.⁶⁰ For instance, Islam et al. (2020) document how the embankment realignment and subsequent expansion of shrimp aquaculture in the Khulna region have exacerbated tenure insecurity and salinity stress for the Munda, and

⁵⁶ Ministry of Environment and Forests (MoEF), *Bangladesh Climate Change Strategy and Action Plan, 2009*, 18–30.

⁵⁷ Ministry of Environment and Forests (MoEF), *National Adaptation Plan of Bangladesh (2023-2050)*, 8–10.

⁵⁸ United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP): Resolution / Adopted by the General Assembly, A/RES/61/295*, Art 18 & 19.

⁵⁹ Ministry of Environment and Forests (MoEF), *National Adaptation Plan of Bangladesh (2023-2050)*, 105–7.

⁶⁰ Ranjan Datta and Barsha Kairy, “Decolonizing Climate Change Adaptations from Indigenous Perspectives: Learning Reflections from Munda Indigenous Communities, Coastal Areas in Bangladesh,” *Sustainability* 16, no. 2 (2024): 769, <https://doi.org/10.3390/su16020769>.

demonstrate how polder embankments exacerbate waterlogging in southwest coastal areas; yet, local governance remains poorly integrated.⁶¹

There is a clear gap regarding the FPIC. Despite the commitments and pledges made to the UNHRC and other international instruments, the government has not supported the UNDRIP; hence, there is no domestic framework in place to operationalize FPIC for Indigenous territories. In the absence of such a framework, the communities lack any means at their disposal through which they could withhold consent or challenge decisions that would impact their land. The government continues to deny the existence of the Indigenous community in Bangladesh, whether in the CHT or the coastal plain.⁶² In the CHT, Roy et al. demonstrated that green projects, such as reserved forests and eco-tourism, are being implemented without consultation or FPIC with Indigenous communities by the military and state agencies.⁶³ This indifference from the state towards the Indigenous communities in the CHT exacerbates the existing rights violations of the Indigenous community.

Relocation from erosion-prone islands or cyclone-affected coastal areas highlights the gap between official commitments and local realities. Studies confirm that households settled under cluster village projects (Ashrayan Prokolpo) often face insecure tenure arrangements, poor structural conditions, and limited access to basic services, including water, employment, healthcare, and education.⁶⁴ A comparative analysis reveals that the project's standard housing designs frequently overlook local housing patterns, livelihoods, and homestead-based practices, leading to a socio-cultural mismatch for the displaced.⁶⁵

These examples show that even though the government now talks more about including local people in climate planning, there's still no legal way for communities to say yes or no, no real shared control over projects, and no easy way to complain if something goes wrong. Thus, participation remains symbolic. Without these safeguards, the power imbalance between central institutions and communities exposed to climate risk remains unchanged.

⁶¹ Islam et al., "Waterlogging in the Southwest Coastal Areas of Bangladesh: Local Adaptation Techniques and Challenges."

⁶² Raja Devasish Roy and Mangal Kumar Chakma, "National Seminar on Indigenous Peoples in Bangladesh: Human Rights and Sustainable Development Goals," paper presented at National Seminar on Indigenous Peoples in Bangladesh, *Bangladesh Indigenous Peoples Forum*, 2015.

⁶³ Ibid.

⁶⁴ Baruah, "Bangladesh Is Undertaking the World's Largest Resettlement Programme"

⁶⁵ Afroza Parvin et al., "Policy, Design, and Way of Life in Resettlement Projects: The Case of Ashrayan, Bangladesh," *International Journal of Disaster Risk Reduction* 77 (July 2022): 4–9, <https://doi.org/10.1016/j.ijdr.2022.103073>.

4.3 Non-Discrimination: Structural Inequity Persists

Equity and non-discrimination are the core elements of any rights-based approach to adaptation. Article 2 & 26 of ICCPR, Article 2 of the ICESCR, and reiterated in CEDAW and CRPD.⁶⁶ These instruments obligate states to ensure that no individual or group is excluded from development benefits due to factors such as gender, ethnicity, social class, or disability. The UN Framework Convention on Climate Change (UNFCCC) and the Paris Agreement both emphasise equity, with the latter urging states to consider “the imperatives of a just transition of the workforce and the creation of decent work and quality jobs” and to prioritise “vulnerable groups, communities, and ecosystems” in adaptation measures.⁶⁷

Yet, the BCCSAP, structural inequity remains embedded in how climate change adaptation is planned, funded, and implemented in Bangladesh. The BCCSAP described women, Children, and the poor as “vulnerable groups” and identified the need for targeted support.⁶⁸ The BCCSAP and the NAP both agree that women, Indigenous people, the rural poor, and other groups that are already at risk face more climate dangers than others. However, this agreement does not lead to any effective protections. According to international human rights law, identifying a specific population as vulnerable creates an increased duty to care and due diligence for states.⁶⁹ States are not only expected to avoid harm but also take proactive steps to protect the rights of the people at risk. The BCCSAP failed to institutionalize legal mechanisms that would uphold the rights of the vulnerable groups in decision-making, project design, or effective remedy.

In practice, the principle of equity in the climate policy of Bangladesh appears more as a narrative than a binding standard. The BCCSAP conceptualized vulnerability primarily through technical indicators such as poverty levels and disaster exposure, but it did not address the structural conditions that reinforce marginalization, including landlessness, gender-based exclusion, and the continued land dispossession of Indigenous communities.⁷⁰ The plan’s structure prioritized large-scale, sector-based projects, including embankments, cyclone shelters, salinity-tolerant crops, river dredging, and other physical works. These actions were designed, financed, and contracted through centralized ministries,

⁶⁶ United Nations General Assembly, *ICCPR*; International Covenant on Economic, Social and Cultural Rights.

⁶⁷ United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*. Art. 4(1), Art. 7(5)

⁶⁸ Ministry of Environment and Forests (MoEF), *Bangladesh Climate Change Strategy and Action Plan, 2009*, XVII, 27–20.

⁶⁹ Maryam Golnaraghi et al., “Climate Change Litigation: Insights into the Evolving Global Landscape,” *The Geneva Association*, April 2021, 26–27, https://www.genevaassociation.org/sites/default/files/research-topics-document-type/pdf_public/climate_litigation_04-07-2021.pdf.

⁷⁰ Groom, Ben, “Climate Change Adaptation: The Bangladesh Experience.”

without explicit measures to ensure that the most marginalized communities benefit equitably or are protected from new forms of harm or dispossession.

The NAP advances the language of gender and social inclusion but lacks mechanisms to ensure that these groups are equitably targeted in budget allocation, land regularization, or benefit-sharing. The NAP attempts to go further by talking about gender mainstreaming and local knowledge, and references to “intersectional disadvantage.”⁷¹ It frames adaptation as an opportunity to advance gender equality and calls for the inclusion of Indigenous & local knowledge in local planning.⁷² However, these commitments remain largely aspirational in the absence of binding legal or financial mechanisms that prioritise vulnerable groups in programme implementation. The BCCSAP and NAP are policy frameworks, not legislation, and do not carry direct legal force under domestic law. As such, they can not be subjected to judicial review in the same way as statutory instruments or administrative decisions. At the same time, affected communities might seek remedies for maladaptive actions or harmful implementation through writ petitions or public interest litigation under Article 102 of the Bangladesh Constitution.⁷³ Bangladesh has a dualist legal system, which means it must ratify and then incorporate international treaties into its national law to enforce them. While Bangladesh is bound by the IHRL treaties like ICCPR, ICESCR, CEDAW, or the Convention on the Rights of the Child (CRC), it has not incorporated these treaties through national legislation.⁷⁴ Nor has it ratified the Optional Protocol of ICCPR and ICESCR, which allows individuals to bring complaints before UN Treaty bodies⁷⁵. Without the incorporation of IHRL into national legislation, they carry persuasive but non-binding weight in judicial review. However, in its judgement of *Hussain Muhammad Ershad Vs. Bangladesh and others*, the Appellate Division of the Bangladesh Supreme Court stated that where domestic laws are unclear or silent, courts should draw upon international human rights principles.⁷⁶ Even so, the lack of formal incorporation still limits the ability of communities to demand accountability for rights-based adaptation failures.

Since there is no enforceable anti-discrimination law in climate planning, these exclusionary practices just repeat themselves over and over again without any sort of accountability. This disconnect

⁷¹ Ministry of Environment and Forests (MoEF), *National Adaptation Plan of Bangladesh (2023-2050)*.

⁷² Food and Agriculture Organization of the United Nations, “FAO - Gender-Lex.”

⁷³ Government of Bangladesh, *Constitution of the People’s Republic of Bangladesh*.

⁷⁴ Mazharul Islam et al., “The Application of International Laws in Bangladesh: A Critical Evaluation,” *Unnes Law Journal* 8, no. 1 (2022): 210, <https://doi.org/10.15294/ulj.v8i1.56458>.

⁷⁵ The Advocates for Human Rights et al., *Bangladesh: Stakeholder Report for the United Nations Universal Periodic Review* (2023), 2, https://www.theadvocatesforhumanrights.org/Res/Bangladesh%20UPR%20Death%20Penalty%20FINAL.pdf?utm_source=chatgpt.com.

⁷⁶ *Hussain Muhammad Ershad Vs. Bangladesh and Others* (Supreme Court of Bangladesh). <https://www.lawyersnjurists.com/article/hussain-muhammad-ershad-vs-bangladesh-and-others/>.

suggests that, despite international commitments, Bangladesh’s adaptation frameworks do not yet operationalize the non-discrimination principle as a legal standard.

4.4 Accountability: From Reporting to Remedy

Accountability in climate adaptation isn’t just about tracking numbers or putting out progress reports once in a while. Under international human rights law, it also means people have the right to speak up, get a fair hearing, and receive justice when their rights are violated. Article 2(3) of the ICCPR makes it clear: even if the harm is caused by the state, people still have the right to an effective remedy.⁷⁷ The ICJ confirmed this in its 2025 advisory opinion, stating that states remain accountable under IHRL along with the climate change treaties, not only for their actions, but also for any actions that lead to climate-related rights violations.⁷⁸ The UN Guiding Principles on Internal Displacement further stress that displaced persons must have access to remedies, including restitution, resettlement, and compensation.⁷⁹

In the climate context, Article 13 of the Paris Agreement introduces a framework for transparency, but it does not establish binding grievance mechanisms for affected communities. This gap is a reason why climate-affected groups are increasingly turning to the IHRL, where recognition of the right to a healthy environment has created a stronger legal foundation for accountability.⁸⁰ The UN Human Rights Council and the UN General Assembly have both affirmed this right, linking it to the enjoyment of other fundamental rights such as life, health, and food.⁸¹

Accountability thus depends on whether states develop domestic legal instruments, ombudsman offices, climate tribunals, and grievance redress portals to institutionalize rights enforcement.⁸² Yet, in climate adaptation policy, accountability remains one of the most underdeveloped dimensions, particularly in countries like Bangladesh, where affected populations lack clear channels to contest harmful interventions. This is not just a policy issue; it directly undermines the right to a clean, healthy, and sustainable environment, which has been recognized as a human right by the UN Human Rights

⁷⁷ United Nations General Assembly, *ICCPR*.

⁷⁸ *Advisory Opinion on the Obligations of States in respect of Climate Change*, para 369–404.

⁷⁹ Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, *Guiding Principles of Internal Displacement*. Principle 28,29.

⁸⁰ Emma Freedman and Jacob Metz-Lerman, “Human Rights-Based Climate Litigation and the Rights of Nature: International Case Review & Analysis,” *Earth Law Center*, May 6, 2025, <https://www.earthlawcenter.org/blog-entries/2025/5/human-rights-based-climate-litigation-and-the-rights-of-nature-case-review-and-analysis>.

⁸¹ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Understanding Human Rights and Climate Change*, 2015, <https://www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf>.

⁸² United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*.

Council and the General Assembly.⁸³ The ICJ in its advisory opinion reinforced that this right places a legal duty on the states to ensure effective remedies when climate actions harm people or their environment.⁸⁴ Without a clear, accessible way for the communities to raise complaints or seek redress, the right to a healthy environment could not be fully enjoyed.

The BCCSAP (2009) barely mentioned public oversight or methods for people to raise complaints. It discussed which institutions were responsible and how progress would be tracked but didn't address how affected communities could push back against harmful projects, seek compensation, or fight for their land. The focus remained mostly on delivering technical results, not on justice. These two are not mutually exclusive; the strategy prioritized infrastructure and measurable outputs over creating safeguards for the rights of the affected communities. The newer NAP (2023–2050) appears more promising on paper. It discusses various layers of monitoring and utilizes performance indicators to track progress. However, even with all that, it still doesn't provide people with a legal means to complain if they're displaced, lose land, or if a project fails. While Bangladesh has general legal provisions to seek remedies for any state violations under its constitution, these are rarely accessible or responsive to people affected by climate adaptation projects, especially in rural or Indigenous areas.⁸⁵ Social and legal barriers in Bangladesh continue to block climate-displaced and marginalized groups from accessing the protections they are entitled to.

This silence exposes a gap between Bangladesh's domestic adaptation framework and the spirit of its global climate commitments. The Paris Agreement underscores transparency and accountability in Articles 13 and 14, which introduce an enhanced transparency framework and a periodic Global Stocktake to assess collective progress.⁸⁶ Yet these processes primarily measure state-level compliance; they do not offer community-level remedies. The Agreement's preamble is more direct in linking climate governance with rights, urging states to “respect, promote and consider their respective obligations on human rights,” including those of Indigenous peoples and persons in vulnerable situations.⁸⁷ Preambles, however, are not legally binding; rather, they act as an interpretive tool and are not enforceable clauses.⁸⁸ Accountability, in this framework, must involve more than annual reporting; it must be rooted in enforceable protections on the ground.

⁸³ United Nations General Assembly, *Resolution 76/300: The Human Right to a Clean, Healthy and Sustainable Environment / Adopted by the General Assembly*.

⁸⁴ *Advisory Opinion on the Obligations of States in respect of Climate Change*.

⁸⁵ Government of Bangladesh, *Constitution of the People's Republic of Bangladesh*, art 102.

⁸⁶ United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*.

⁸⁷ *Ibid.*, Preamble.

⁸⁸ M.H. Hulme, “Preambles in Treaty Interpretation,” *University of Pennsylvania Law Review*, no. 164 (2016): 1281–343.

Along with International Climate bodies, the international human rights bodies have also echoed this concern. The UN Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR) have repeatedly called for effective remedies to be integrated into climate adaptation efforts. In its 2015 statement at COP21, the OHCHR emphasized that accountability means affected persons must have access to judicial and non-judicial mechanisms, including access to information, participation in decision-making, and legal redress.⁸⁹ Despite these clear international guidelines, Bangladesh lacks a climate-specific legal framework to guarantee effective remedies for those harmed by adaptation projects. And as explained earlier, while the state is bound by the IHRL treaties, the absence of domestic incorporation means that those protections remain largely symbolic in practice.

This gap becomes even more apparent when examining relocation programs and land projects that impact people's lives. Communities relocated under schemes like "*Ashrayan Prokolpo*" face tenure insecurity, inadequate housing, and limited access to basic services.⁹⁰ When resettlement sites are unsafe, culturally unsuitable, or contribute to land insecurity, displaced households are left without a formal mechanism to seek legal remedy. Even though IHRL provides the protection of these rights, the dualist legal system obstructs their full implementation in practice. The absence of an effective remedy in climate relocation and adaptation planning reflects a broader gap in accountability structures.

Moreover, the current M&E structure proposed in the NAP is heavily top-down in nature. It centres on technical working groups within ministries and quarterly reporting cycles, with little room for affected communities to demand an audit, provide feedback, or file a complaint.⁹¹ The Indigenous population in the CHT rarely has any real power to review or challenge these projects once they're underway.⁹² There is a clear gap in adaptation accountability in the NAP, where the project/program improves in response to community feedback, which is almost absent from Bangladesh's official climate infrastructure.

To meet its obligations under international human rights law and its Paris commitments, Bangladesh must go beyond performative transparency. It needs to develop a climate accountability architecture that includes:

⁸⁹ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Understanding Human Rights and Climate Change*, 2015, 3.

⁹⁰ UNB, "Khulna Ashrayan Projects Turn Uninhabitable," Prothomalo, June 6, 2018, <https://en.prothomalo.com/bangladesh/Khulna-Ashrayan-projects-turn-uninhabitable>; Parvin et al., "Policy, Design, and Way of Life in Resettlement Projects," 4–7; Mostafa Shabuj, "Ashrayan Project-2: Seven Houses Collapse after Moderate Rain," The Daily Star, July 1, 2021, <https://www.thedailystar.net/news/bangladesh/news/ashrayan-project-2-seven-houses-collapse-after-moderate-rain-2121529>.

⁹¹ Ministry of Environment and Forests (MoEF), *National Adaptation Plan of Bangladesh (2023-2050)*, 121–29.

⁹² Shapan Adnan and Ranajit Dastidar, *Alienation of the Lands of Indigenous Peoples in the Chittagong Hill Tracts of Bangladesh* (Chittagong Hill Tracts Commission, 2011), 49.

- Legal recognition of and enforceability of complaint and grievance resolution mechanisms tied to adaptation processes and outcomes.
- Independent oversight bodies at national and district levels, inclusive of civil society and local/Indigenous representatives.
- Community monitoring platforms for prior human rights impact assessment and tracking local impacts of projects, which may/may not initiate corrective actions.
- Mandated inclusion of remedy options in all resettlements, land, and infrastructure planning under climate adaptation.

Making the government accountable to the people is not a weakness; rather, it's what makes adaptation plans trustworthy. Without it, policies lose their meaning, and affected communities are left out. Bangladesh has an opportunity to demonstrate leadership among climate-vulnerable countries by showing that climate adaptation can be achieved without compromising accountability or social justice. Without this shift, the rights of those most affected by climate change will remain unprotected, and adaptation itself will risk reproducing the very harms it seeks to avoid.

These are not just technical gaps; they show how adaptation planning continues to fall short of Bangladesh's human rights obligations, both under its constitution and the international treaties it has signed. But these shortcomings aren't only Bangladesh's to fix. The reality is that international actors, whose financial, technical, and political influence shapes Bangladesh's adaptation landscape, play a major role. That's why the next section turns to global responsibility. If rights-based adaptation is to mean anything, it can't stop at national reforms. It needs real changes in how international cooperation works, how funds are delivered, who makes the decisions, and who gets to be heard when things go wrong.

5 Duty to Cooperate and Shared Responsibility

The impacts of Climate change are global, so are the responsibilities. Countries that caused the crisis cannot avoid their responsibility in assisting others to deal with the effects of climate change. Major carbon emitters, including the US, China, India, Japan and members of the EU, bear an outsized historical and current share of emissions. Under the UNFCCC, the longstanding principle of Common But Differentiated Responsibilities(CBDR) obliges them not only to reduce emissions but also to support vulnerable states in defending against and recovering from climate impacts.⁹³ From the point of view of

⁹³ United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*. Art 3, Preamble.

international human rights law, these obligations have a legal dimension: states must respect, protect, and fulfil a range of rights, including rights to life, culture, livelihood, and development, and most importantly right to a clean, healthy and sustainable environment both within their own territory and in their historically linked responsibility toward other vulnerable nations.⁹⁴

The Paris Agreement reaffirmed this principle (Preamble, Articles 2 and 4), clearly linking it to human rights obligations and environmental justice.⁹⁵ Article 7 of the Paris Agreement mandates that adaptation planning be country-driven, gender-responsive, participatory, and respectful of human rights.⁹⁶ According to the Maastricht Principles on Extraterritorial Obligations of States, states are obliged not to cause or permit rights harms abroad where they have influence.⁹⁷ The duty to cooperate is one of the core obligations under the UNFCCC, and the ICJ held that states are under a binding obligation to cooperate in good faith to address climate change, covering climate finance, technology transfer, capacity building and shared mitigation efforts, as climate change is a common concern.⁹⁸

For Bangladesh, a country on the frontlines of climate-induced disasters, these obligations must be translated into practical support through mitigation, finance, technology transfer, and capacity building. Climate action cannot be simply voluntary: under the Paris Agreement's enhanced transparency framework, states must provide accessible, predictable climate finance, share technologies, and cooperate in adaptation.⁹⁹ The core question is whether international partners are enabling or undermining a rights-based, locally-rooted adaptation in Bangladesh.

5.1 Bangladesh's Climate Finance Landscape

Bangladesh's adaptation planning has long been financially dependent on the support of external actors. Since the launch of the Bangladesh Climate Change Strategy and Action Plan (BCCSAP) in 2009, much of its adaptation agenda has been shaped not only by internal vulnerability but also by the expectations, conditions, and preferences of bilateral donors. Because Bangladesh depends so much on external funding from donor countries, development banks, and climate funds, these outside actors end

⁹⁴ Lucy Mckernan et al., "States' Human Rights Obligations in the Context of Climate Change: 2020," *The Center for International Environmental Law*, March 2020, 5–7, https://www.ciel.org/wp-content/uploads/2020/03/States-Human-Rights-Obligations-in-the-Context-of-Climate-Change_2020-Update.pdf.

⁹⁵ United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*.

⁹⁶ Ibid.

⁹⁷ *Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights*. Principle 20.

⁹⁸ United Nations, *United Nations Framework Convention on Climate Change*, art 3; *Advisory Opinion on the Obligations of States in respect of Climate Change*, Para 214-218.

⁹⁹ United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*. Art 13.

up having a lot of influence over what gets planned and prioritized. But they often do not have to answer for the impacts of their decisions on the ground.

Bangladesh has always tried to respond to climate change with its own efforts, but it still depends heavily on money from outside. The way climate finance works here shows clear imbalances, not just in what gets funded, but also in who makes those decisions and who actually benefits from them. While the government has demonstrated commendable domestic initiative through the establishment of the Bangladesh Climate Change Trust Fund (BCCTF), the broader financing architecture remains disproportionately tilted toward loan-based external aid and technocratic, infrastructure-focused programming, often at the cost of community agency and equitable outcomes.

The Bangladesh Climate Change Trust Fund (BCCTF), established in 2009 as a nationally funded mechanism, remains a central component of the country's domestic adaptation financing. By 2024, it had received over US\$310 million through national budget allocations.¹⁰⁰ However, its funding patterns indicate a clear prioritization of physical infrastructure over rights-based or community-led responses. Available data suggest that nearly 61% of BCCTF resources have been allocated to physical infrastructure, such as embankments, roads, and cyclone shelters, while only 5% have supported disaster preparedness and early warning initiatives.¹⁰¹ This gap highlights how adaptation is still treated as a technical challenge, focusing on visible engineering solutions over anticipatory, locally grounded strategies. For communities living at the margins, particularly in riverbank, coastal, and Indigenous territories, this kind of thinking risks repeating the very vulnerabilities that adaptation policies aim to address.

On the external side, Bangladesh's reliance on international finance remains substantial, particularly for implementing the major pillars under the BCCSAP and the National Adaptation Plan (NAP 2023–2050). The Bangladesh Climate Change Resilience Fund (BCCRF), launched in 2010 as a multi-donor trust fund, received US\$170 million in grants, of which over 84% went to government-implemented programs, and only 10% to NGOs and community-based initiatives.¹⁰² Though framed as “resilience” funding, the disbursement patterns reproduced long-standing hierarchies, favoring ministries over grassroots collectives and technical expertise over lived knowledge.

¹⁰⁰ Shakila Yasmin, “Mobilizing Domestic Climate Finance: Experience of Climate Change Trust Fund,” National Action Plan Exchange, April 23, 2024, <https://expo.napcentral.org/2024/sessions/mobilizing-domestic-climate-finance-experience-of-bangladesh/>.

¹⁰¹ Ritu Thakur et al., *Climate Finance in Bangladesh, India and Nepal: A Compendium of Finance Sources and Instruments to Support Climate Action*, 63.

¹⁰² World Bank, “Bangladesh Climate Change Resilience Fund,” Text/HTML, World Bank, May 22, 2012, <https://www.worldbank.org/en/news/feature/2012/05/22/bangladesh-climate-change-resilience-fund-bccrf>.

More recently, loan-based adaptation finance has sharply increased. Since 2015, development partners such as the procedural and administrative expectations Agence Française de Développement (AFD), the World Bank, the EU, Japan International Cooperation Agency (JICA), the Asian Development Bank (ADB), etc, have extended over US\$1 billion in loans for climate-resilient infrastructure, urban sustainability, and clean energy transition.¹⁰³ In July 2023 alone, the ADB approved a US\$400 million policy-based loan for climate resilience in Bangladesh.¹⁰⁴ ADB's own reporting confirms that 53% of its US\$1.9 billion total lending to Bangladesh in 2023 was directed to climate-related projects.¹⁰⁵ While these figures demonstrate international engagement, the form that this cooperation takes raises serious equity concerns.

5.1.1 Grants vs. Loans: A Rights Perspective

Article 9 of the Paris Agreement requires developed countries to provide new, additional, predictable, and adequate financial resources to support developing countries in their efforts to mitigate climate change. Yet, in practice, non-concessional loans remain the dominant mode of delivery. Oxfam found that globally, over 70% of reported climate finance was in the form of loans, with many of them overcounted and reported at face value.¹⁰⁶ This undermines the very notion of climate justice and shifts the burden of climate-induced loss and damage onto already vulnerable nations.

In Bangladesh, the effect is cumulative. A large portion of the climate investment relies on international loans or co-financing.¹⁰⁷ Loans for embankments, urban flood protection, or water infrastructure can deepen public debt and limit the government's ability to spend on other essential services. At the same time, loan conditions often come with strict procurement frameworks, timelines, and project models that leave communities without ownership, flexibility, or recourse and far from local realities. This practice is contrary to the international duty to cooperate, which obliges States to support countries at climate risk in ways that increase, not constrain, their ability to realize rights-based adaptation on equitable terms.¹⁰⁸ The ICJ reaffirms this in its 2025 advisory opinion, clarifying that it is

¹⁰³ IMF Communications Department, "Bangladesh and Its Partners Are Launching the Bangladesh Climate and Development Platform to Leverage Adaptation and Mitigation Investments," International Monetary Fund, December 3, 2023, <https://www.imf.org/en/News/Articles/2023/12/03/bangladesh-launch-climate-development-platform-to-leverage-adaptation-and-mitigation-investments>.

¹⁰⁴ Rejaul Karim Byron, "Lenders Join Hands over \$8b Climate Fund for Bangladesh," *The Daily Star*, December 4, 2023, <https://www.thedailystar.net/environment/news/lenders-join-hands-over-8b-climate-fund-bangladesh-3485161>.

¹⁰⁵ Ibid.

¹⁰⁶ Oxfam GB, "True Value of Climate Finance Just a Third of What Rich Countries Report," *Oxfam GB*, October 19, 2022, <https://www.oxfam.org.uk/media/press-releases/true-value-of-climate-finance-just-a-third-of-what-rich-countries-report/>.

¹⁰⁷ Ritu Thakur et al., *Climate Finance in Bangladesh, India and Nepal: A Compendium of Finance Sources and Instruments to Support Climate Action*, 46–60.

¹⁰⁸ *Advisory Opinion on the Obligations of States in respect of Climate Change*.

not optional but a legal obligation for states.¹⁰⁹ Cooperation under this duty means supporting adaptation through non-debt-inducing, needs-driven and rights-aligned assistance rather than loans tied to rigid frameworks.

5.1.2 When Funding Ignores Rights

The types of adaptation activities that receive funding reflect a deeper bias in both national and donor priorities. Infrastructure-heavy interventions are easier to measure and report, as they yield tangible outputs, such as kilometres of embankments built, cyclone shelters completed, or flood barriers repaired.¹¹⁰ These projects align well with the expectations of bilateral donors and multilateral banks, who seek cost-effectiveness, scalability, and quantifiable success.

However, as multiple studies have shown, such projects frequently sideline human rights. The Transparency International Bangladesh (TIB) report from 2017 highlighted that even in most projects under the BCCTF, consultation with local communities, gender-sensitive planning, or Indigenous representation was neglected or absent.¹¹¹

For instance, the Bangladesh Water Development Board (BWDB), a major recipient of both domestic and foreign funds, has been repeatedly criticized for excluding coastal communities from embankment planning, resulting in increased salinity intrusion, land loss, and displacement, without adequate and effective remedy or local oversight.⁹ These technocratic tendencies reproduce top-down governance models that prioritize engineering outputs over social equity or cultural rights. For example, the Bangladesh Water Development Board (BWDB), which receives a significant share of climate finance, has been criticized for excluding local communities from embankment planning without establishing adequate grievance mechanisms or ensuring local oversight.¹¹²

5.1.3 A Constrained Space for Rights-Based Adaptation

Despite commitments to “inclusive governance” and “locally led adaptation,” the actual policy and financing environment leaves little room for community-driven or rights-based climate action. Although major climate finance initiatives, such as the Green Climate Fund (GCF), discuss supporting local adaptation, their funding rarely reaches the ground. There’s no proper framework for defining who

¹⁰⁹ *Advisory Opinion on the Obligations of States in respect of Climate Change*.

¹¹⁰ Yasmin, “Mobilizing Domestic Climate Finance: Experience of Climate Change Trust Fund.”

¹¹¹ Gulam Mohiuddin et al., *Climate Finance and Governance in Project Implementation: The Case of Bangladesh Water Development Board* (Transparency International Bangladesh (TIB), 2017), 24, [https://www.ti-bangladesh.org/images/2017/Final_products_of_BWDB_study_2017/Executive_Summary_\(English\)_BWDB_CFG_TIB_23082017.pdf](https://www.ti-bangladesh.org/images/2017/Final_products_of_BWDB_study_2017/Executive_Summary_(English)_BWDB_CFG_TIB_23082017.pdf).

¹¹² *Ibid.*, 20–22.

the local actors are, and most accredited institutions don't have the experience or systems to work directly with communities. Instead, funding goes through national or international agencies, often following fixed timelines, strict reporting rules, and top-down project models that leave no space for local priorities or participation. As a result, the voices of the people most affected by climate change are missing from the decisions that shape their lives.¹¹³ Projects shaped by Indigenous knowledge systems, customary land relations, or community-led relocation efforts are often not prioritized, as international climate finance mechanisms tend to favor proposals with quantifiable, short-term outcomes that align with fixed budget cycles and standardized performance metrics.¹¹⁴ Due to strict rules regarding budgets and results, community-led projects often fail to qualify. This means important local ideas are left out. However, the Special Climate Change Fund (SCCF), managed by the GEF, does try to address some of the gaps left by the GCF, especially by introducing safeguard policies and grievance systems.¹¹⁵ It also mentions FPIC, but only in limited contexts, like countries that have ratified ILO Convention 169.¹¹⁶ In most cases, participation still means broad consultation, not shared decision-making. Projects continue to go through big multilateral agencies, and the process is slow and technical.¹¹⁷ So even with that, it still does not shift control to communities or make space for bottom-up adaptation.

These structural limitations make it difficult for Indigenous and marginalized rural communities to access direct support for adaptation on their own terms.¹¹⁸ The funding criteria imposed by donors and multilateral agencies rarely recognize culturally embedded land relations or localized knowledge, reinforcing a top-down planning model that reduces communities to “beneficiaries” rather than rights-holders.¹¹⁹ As a result, climate finance risks reproducing the very asymmetries it claims to address, entrenching exclusion under the guise of efficiency.

This is not a problem for Bangladesh, but here the cost is already being paid by the people who had the least to do with causing it. With projections indicating that nearly 13 million Bangladeshis could be displaced due to climate impacts by 2050, the costs of inaction are immense.¹²⁰ Yet, adaptation finance in its current form is often structured more like a technocratic transaction than a vehicle for justice. Without a shift in the global climate finance architecture, one that prioritizes grants over loans, centres

¹¹³ Jessica Omukuti et al., “The Green Climate Fund and Its Shortcomings in Local Delivery of Adaptation Finance,” *Climate Policy* 22, nos. 9–10 (2022): 9–11, <https://doi.org/10.1080/14693062.2022.2093152>.

¹¹⁴ Yasmin, “Mobilizing Domestic Climate Finance: Experience of Climate Change Trust Fund.”

¹¹⁵ *A Human Rights-Based Approach to Climate Finance*, with Alyssa Johl and Yves Lador (Friedrich-Ebert-Stiftung, Global Policy and Development Friedrich-Ebert-Stiftung, Geneva Office, 2012), 8.

¹¹⁶ *Ibid.*, 9.

¹¹⁷ *Ibid.*, 6–9.

¹¹⁸ Omukuti et al., “The Green Climate Fund and Its Shortcomings in Local Delivery of Adaptation Finance,” 9–11.

¹¹⁹ Fred Nelson et al., “Better Climate Funding Means Centering Local and Indigenous Communities,” *Stanford Social Innovation Review*, May 11, 2023, https://ssir.org/articles/entry/better_climate_funding_means_centering_local_and_indigenous_communities.

¹²⁰ World Bank, “Urgent Climate Action Crucial for Bangladesh to Sustain Strong Growth.”

community governance, and incorporates human rights safeguards, Bangladesh's adaptation efforts risk managing risk while leaving injustice unaddressed.

5.2 External Influence on National Adaptation

Even though Bangladesh has control over its own adaptation plans on paper, in practice, external actors, like development banks, donor governments, and UN agencies, have a big influence over what those plans look like.¹²¹ These actors not only provide money but also shape how projects are designed, how they're implemented, and how success is measured.¹²²

For example, major development partners like the Asian Development Bank (ADB), the World Bank, and the Japan International Cooperation Agency (JICA) often set the rules for procurement, timelines, and project evaluation.¹²³ These rules usually reflect what the donors want, like measurable results and fast delivery, rather than what local communities actually need. As a result, national adaptation projects in Bangladesh often end up following a technocratic model that values engineering outputs over justice and participation. Projects like urban drainage systems or "climate-smart cities" may appear promising in donor reports, but they often leave communities out of the decision-making process.¹²⁴ People don't get to decide, adapt, or push back when these projects go wrong.

This kind of influence has also made climate governance in Bangladesh more centralized and top-down. Many project documents mention consultation or stakeholder participation, but in reality, most communities don't have the power to accept, reject, or change adaptation plans that affect their land, homes, or lives. This raises serious questions about whether international support is helping build fair and inclusive systems or just reinforcing the same old hierarchies under the banner of climate action.

5.3 Gaps in Rights-Based Cooperation

Even though global climate agreements often talk about inclusion and participation, what happens on the ground in Bangladesh shows some serious gaps when it comes to protecting rights. There are three main issues that keep coming up.

¹²¹ Md Shamsuddoha and Rezaul Karim Chowdhury, "Unjustifiable Bank Domination over Climate Funds in Bangladesh," *Bretton Woods Project*, November 20, 2009, <https://www.brettonwoodsproject.org/2009/11/art-565619/>.

¹²² David Adam and John Vidal, "Bangladesh Rejects Terms for £60m of Climate Aid from UK," *Environment*, *The Guardian*, February 15, 2010, <https://www.theguardian.com/environment/2010/feb/15/bangladesh-world-bank-climate-finance>.

¹²³ Rabbani et al., *State, Trend, Opportunities and Challenges of Climate Finance Flow in Bangladesh*, 16–17.

¹²⁴ International Finance Corporation, "With IFC Support, Gazipur Set to Develop Bangladesh's First Public-Private Wastewater Management Project," Text/HTML, *IFC*, December 2, 2020, <https://www.ifc.org/en/pressroom/2020/with-ifc-support-gazipur-set-to-develop-bangladeshs-first-public-private-wastewater-management-project>.

First, there are no binding rules in place to protect people's rights, especially when it comes to Indigenous land and community consent. Many international agencies mention participation and equity, but in practice, they rarely make Free, Prior, and Informed Consent (FPIC) or land tenure protection a legal requirement. This is a major concern in Bangladesh, where Indigenous communities are still not legally recognized and remain at high risk of being displaced by climate projects.

Second, most people directly impacted by climate change, especially Indigenous groups and poor rural communities, don't have access to the money or resources they need to adapt on their own terms. Over 80% of international climate finance in Bangladesh goes through central ministries or government agencies. Local groups, Indigenous institutions, and community cooperatives are often left out. This only reinforces the existing inequalities in who gets to decide and who gets support.

Third, there is no clear way for people to raise complaints or seek justice when international adaptation projects cause harm. If someone loses their land due to embankment construction or gets resettled in unsafe housing under a relocation program, there is no formal grievance mechanism they can turn to. This creates a double standard; Bangladesh is expected to report on progress and implementation, but the donor countries funding harmful projects are rarely held accountable when things go wrong.

5.4 Loss and Damage Fund

Loss and damage fund refers to the permanent and irreversible harm caused by climate change, which can not be addressed through mitigation or adaptation strategies.¹²⁵ In Bangladesh, the damage has started to become visible. Rising sea levels are causing land to submerge and erode, salinity intrusion is rendering water unusable, and displacement is becoming increasingly common every year.¹²⁶ This loss goes beyond the technical adaptation. It is not only losing land for the climate change victims but also losing their connection to their history, culture and identity.

According to the Paris agreement, loss and damage are about justice. It is a legal and moral responsibility. Article 8 of the Paris agreement recognised this and the ICJ's 2025 and the Inter-American Court of Human Rights (IACtHR) advisory opinion made it even clearer: states have a binding duty to cooperate and to act with due diligence in addressing the harms caused by climate change.¹²⁷ But ICJ

¹²⁵ United Nations Environment Programme, "What You Need to Know about the COP27 Loss and Damage Fund," United Nations Environment Programme, November 29, 2022, <https://www.unep.org/news-and-stories/story/what-you-need-know-about-cop27-loss-and-damage-fund>.

¹²⁶ *Bangladesh's Coastal Farmers Face Salinisation Crisis*.

¹²⁷ *Advisory Opinion on the Obligations of States in respect of Climate Change*; United Nations Framework Convention on Climate Change (UNFCCC), *The Paris Agreement*; *ADVISORY OPINION OC-32/25 OF 29*.

clarified that it does not establish any legal basis for liability or compensation, which means the current framework lacks an enforceable mechanism to hold states accountable for harm caused.¹²⁸ States still remained subject to customary international law, including the duty to prevent foreseeable harm and provide a remedy.¹²⁹ This matters for countries like Bangladesh, where the impacts are ongoing. Without enforceable pathways to remedy, loss and damage, financial assistance becomes another empty promise without a guarantee of justice.

If duty to cooperate and due diligence are to mean anything, they have to show up here, not in abstract commitments, but in how support is delivered, who gets heard, and whether justice is served. Otherwise, the system will keep managing risks for the powerful, while the most vulnerable continue to pay the price.

5.5 Moving Forward

The principle of "duty to cooperate" is not just a moral idea; it's a legal and political responsibility.¹³⁰ Countries like Bangladesh, along with their donor partners, have already agreed to this through the UNFCCC, the Paris Agreement, and international human rights treaties. But to make sure that adaptation efforts actually protect the dignity and agency of people most affected by climate change, we need serious changes in how funding and decision-making work.

International actors must move beyond promises and take real steps to support rights-based adaptation. This includes:

- Prioritizing grants instead of loans, especially for things like displacement, loss and damage, and local adaptation projects. Giving out loans to countries that didn't cause the crisis only adds to the injustice.
- Alternative financing mechanisms could be carbon pricing or a negative externalities tax on the GHG emitters, which will generate revenue for adapting and implementing climate adaptation and mitigation policies & programs.
- Making sure money goes directly to communities, Indigenous institutions, and local governments so that they can plan and act based on their own needs. Funding should not always go through central ministries or outside experts.

¹²⁸ *Advisory Opinion on the Obligations of States in respect of Climate Change*, para 414–420.

¹²⁹ *Ibid.*, para 418–420.

¹³⁰ See United Nations, *Charter of the United Nations*, Art 1,2,55 and 56.; United Nations General Assembly, *ICESCR*. Art 1.

- Requiring consent from Indigenous and local communities before any project starts on their land. Free, Prior, and Informed Consent (FPIC) must be built into every stage of planning and decision-making.
- Backing legal reforms in Bangladesh that would finally recognize Indigenous peoples in law and create national systems for complaints and justice when rights are violated.
- At the same time, Bangladesh must take stronger control over how adaptation is governed. This means:
 - Making sure that people from marginalized groups are included in how adaptation money is planned, spent, and reviewed.
 - Pushing for international funding agreements to include rights protections, so that climate money doesn't end up doing more harm than good.

If these steps are not taken, adaptation in Bangladesh could turn into something that manages environmental risk but ignores injustice, where plans are made, but rights are left behind.

6 Conclusion

Climate adaptation strategies of Bangladesh will not be successful if the voices and rights of the marginalized and affected remain unheard. This paper shows that even though the BCCSAP and the NAP mark important steps in national planning, they still carry the top-down approach, donor pressure, and limited space for community participation. The words have progressed from BCCSAP to NAP, but the system remained the same.

Adaptation is not just about constructing and repairing infrastructure; rather, it is about protecting the dignity of people and giving them a voice in what affects their lives, obtaining consent before implementing any projects, and ensuring that climate adaptation actions do not become maladaptation.

For Bangladesh, it means turning human rights into a legally binding standard. This includes recognizing the Indigenous communities, creating a feedback and remedy mechanism that people can use, and allowing the locally adapted policy to flourish. For the international community, it means supporting the adaptation plan by providing assistance in a manner that does not exacerbate the debt burden.

Climate change is real. But so is the risk that adaptation could cause more harm than good if it forgets the very people it's meant to protect. This is the moment to do better, not just technically, but justly.

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