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On

“Climate Justice as Human Rights: Bangladesh and Global Vulnerabilities,”

This research monograph submitted in partial fulfillment of the requirements for the degree of Master of Laws (LL.M.)

In

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Department of Law

Sonargaon University (SU), Dhaka.

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Letter of Transmittal

To

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Subject: Submission of Thesis Paper

Dear Sir,

With due respect, I am honored to submit my thesis paper entitled “Climate Justice as Human Rights: Bangladesh and Global Vulnerabilities” in partial fulfillment of the requirements for the LL.M. (Master’s) program at Sonargaon University.

This thesis has been prepared with sincere effort, critical analysis, and scholarly research to examine the intersection of climate justice and human rights, focusing on Bangladesh’s vulnerabilities in the global context. The study highlights the challenges posed by environmental degradation and displacement, while exploring legal and policy frameworks that can safeguard fundamental rights.

I am deeply grateful for your guidance, encouragement, and valuable feedback throughout the preparation of this work. I trust that the thesis will meet your expectations and contribute meaningfully to academic discourse on constitutional law, human rights, and climate justice.

Thank you for your kind consideration.

Respectfully submitted,

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Supervisor's Certificate

This is to certify that this research monograph entitled “**Climate Justice as Human Rights: Bangladesh and Global Vulnerabilities,**” has been prepared by Md BazlurRashid in partial fulfillment of the requirements for the LL.M (Master's) degree at Sonargaon University (SU), Dhaka. The research work has been carried out under my supervision and represents a bona fide record of original work completed successfully.

I further certify that the content and presentation of this Thesis are original and suitable for submission toward the fulfillment of the LL.M (Master's) program requirements.

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Declaration

I hereby declare that this research monograph, entitled “**Climate Justice as Human Rights: Bangladesh and Global Vulnerabilities**,” has been prepared solely by me and submitted to the Department of Law, Sonargaon University (SU), in partial fulfillment of the requirements for the LL.M. Master's degree. This work is entirely original, and no part of it has been submitted to any other university or institution for the award of a degree, diploma, or any similar qualification.

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Finally, I dedicate this work to all those striving for justice and equality in Bangladesh and beyond. May this research contribute, in a modest way, to the ongoing struggle for the realization of fundamental rights and Human Dignity.

Thank you,

Md BazlurRashid

ABSTRACT

This paper examines the nexus between global environmental degradation and the systematic erosion of human rights within the context of Bangladesh. It specifically evaluates how extreme meteorological shifts and rising sea levels exacerbate existing socioeconomic disparities, effectively transforming ecological instability into a direct threat to the rights to life, health, and self-determination. By analyzing these climate-induced displacements through a human rights lens, the research highlights the critical gap between international legal obligations and the lived realities of populations in high-risk coastal zones. Furthermore, this study underscores that the region's inherent susceptibility to anthropogenic environmental harm necessitates a transition toward equitable resource management to prevent the further degradation of fundamental rights.

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1 Chapter 1: Introduction

1.1 Background of Climate Justice: Origins and evolution of climate justice in global discourse.

This framework increasingly centers on the disproportionate burden borne by low-income nations, where historical emissions from affluent states exacerbate systemic social and economic inequalities. Specifically, Bangladesh serves as a critical case study for this inequity, as the nation faces profound threats to housing, livelihoods, and essential resources like potable water despite its minimal contribution to global greenhouse gas concentrations (Karim, 2025)¹. Furthermore, the absence of comprehensive national climate legislation in Bangladesh complicates the state's ability to protect constitutional rights amidst the intensifying challenges of displacement and resource scarcity (Alam, 2020). Consequently, this regulatory gap necessitates a fundamental re-evaluation of international human rights and refugee frameworks to address the specific vulnerabilities of climate-induced migrants who fall outside the protections of the 1951 Refugee Convention. This legal vacuum is compounded by the persistent lack of durable solutions for internally displaced persons, whose fundamental rights to life and livelihood are increasingly jeopardized by the encroachment of rising sea levels (Khan, 2024). ²Such displacement dynamics force mass migration into already overburdened urban centers, where the inability to secure basic needs often leads to a further erosion of dignity and socio-economic stability. Moreover, the reliance on traditional refugee protections—which require evidence of persecution based on specific protected characteristics—leaves millions of these environmentally displaced individuals without a clear legal status or pathway for international relief. Consequently, international legal discourse must evolve to recognize environmental degradation as a significant driver of human rights violations, thereby establishing state accountability for the protection of populations displaced by climate phenomena (Barua, 2022)³. This paradigm shift requires integrating climate-induced displacement into the global human rights agenda to ensure that refugees receive necessary relocation assistance and compensation for

¹Karim, M. A., & Zannat, N. A. (2025). Climate justice and human rights. In IGI Global eBooks (pp. 43–58)

² Khan, M. A. A. (2024). Establishing a human rights-based approach to climate change-induced internal displacement in the regime of Bangladesh: Challenges and way forward. In Sustainable development goals series (pp. 89–104).

³ Barua, R. (2022). ADDRESSING CLIMATE CHANGE ADAPTATION THROUGH HUMAN RIGHTS AND PROMOTION OF CLIMATE JUSTICE. Bangladesh Journal of Law

their losses. Beyond this legal evolution, addressing the crisis requires high-emitting nations to fulfill their ethical responsibility by providing the essential financial and technological resources necessary for local adaptation efforts. Furthermore, institutionalizing these protective measures necessitates the development of comprehensive urban housing programs to mitigate the socio-political marginalization currently faced by climate migrants in developing nations (Sakapaji, 2023)⁴. Establishing such a framework requires a departure from the narrow definitions of the 1951 Refugee Convention, which currently excludes those fleeing environmental hazards from receiving formal asylum status. Such a transition toward a more inclusive legal regime would necessitate the adoption of a comprehensive framework that addresses the unique humanitarian needs of climate-displaced individuals by integrating collective global obligations. Individuals who exist in the precarious state of statelessness, a condition that threatens the very core of their national identity and sovereignty, as their homelands face permanent inundation. The disappearance of territorial sovereignty due to sea-level rise creates a novel legal crisis where displaced populations face the imminent risk of losing their nationality alongside their homesteads. This emergent phenomenon renders existing international instruments, such as the 1954 Statelessness Convention, insufficient to address the unique plight of populations whose statehood is fundamentally undermined by environmental deterioration (Elhaw, 2026)⁵. Addressing these systemic gaps requires a legal transformation that transcends the traditional reliance on statehood as the primary threshold for human rights protections.

1.2 Human Rights Linkage: How environmental degradation threatens fundamental rights.

This integration necessitates that states reconcile their sovereign duties under international instruments, such as the ICCPR and ICESCR, with the proactive obligation to prevent transboundary environmental harm. Such an approach demands applying the transboundary harm principle to climate-related human rights violations, thereby compelling high-emitting nations to provide the financial and technical assistance required for vulnerable states to implement necessary adaptation measures. Moreover, establishing institutional mechanisms, such as a dedicated UN program or a

⁴ Sakapaji, S. C. (2023). Climate-Induced Migration a New Normal? A Systematic Research Analysis of the Climate-induced Migration Crisis in Bangladesh. *European Journal of Theoretical and Applied Sciences*

⁵ Elhaw, A. E. M. (2026). Climate Change and the Threat of Statelessness: Towards Bridging the Gap Between Climate Justice

global commission for scientific evaluation, could facilitate the resource allocation necessary for resettlement and early-response measures in regions facing acute environmental degradation (Odok, 2025)⁶. Furthermore, the current international legal architecture lacks mandatory enforcement mechanisms to hold major emitters accountable, often resulting in fragmented, discretionary pledges rather than binding obligations. To address this deficiency, scholars are exploring normative alternatives, including the potential application of the **uti possidetis iuris** principle to preserve legal statehood for nations facing territorial inundation. This theoretical adaptation aims to decouple statehood from fixed landmass by prioritizing the continuity of governing institutions and collective identity, effectively protecting the legal personality of endangered nations. By detaching legal recognition from static geography, the international community could provide a robust safeguard against the legal erasure of displaced populations, ensuring their fundamental rights remain enforceable despite the physical loss of national territory. Integrating such a framework represents a critical paradigm shift, as it moves the focus from territorial-based sovereignty toward the protection of human-centric international personality in the face of irreversible climate impacts. This transition is further supported by the growing recognition that environmental protection is an indispensable condition for the survival of human dignity and the effective enjoyment of civil, political, and economic rights (Solanki, 2026)⁷. To overcome existing operational barriers, this shift requires decoupling the extraterritorial application of human rights law from traditional requirements of state control, instead anchoring obligations in the global, collective responsibility to prevent climate-induced harm. Such a multidisciplinary approach is increasingly crucial, as it aligns the preservation of ecosystems—essential for global climate stability—with the socioeconomic imperatives of human rights and food security (Rozzaq, 2025)⁸. Consequently, formalizing a legally binding instrument that recognizes the right to a healthy environment would provide the necessary normative foundation to bridge these legislative gaps and ensure the effective protection of vulnerable populations. By shifting the focus from the abstract "paradigmatic" human subject to the *homme situé*, this evolution in legal theory acknowledges the inherent interconnection between

⁶ Odok, J. (2025). Universal Recognition and Acceptance of Environmental Refugees: A Critical Socio-Legal Study

⁷ Solanki, G., & Bishnoi, B. L. (2026). Reconceptualising the Right to a Clean and Healthy Environment: An Analytical Human Rights Perspective.

⁸ Rozzaq, A. (2025). International Environmental Law Enforcement: Challenges and Strategies.

individual welfare and the stability of the broader ecosystem (Longo, 2023). This theoretical transformation necessitates exploring alternative ontological models of sovereign community, such as the emergence of "climate deterritorialized nations" that maintain legal personality even after the loss of habitable territory. By reimagining statehood through the lens of functional duty-holding rather than strict territoriality, the international community can ensure that displaced populations retain their legal personality and capacity for self-determination. Moreover, this functional perspective acknowledges that a state's duty to protect its citizens persists even when it is no longer anchored to a stable, habitable landmass.

1.3 Bangladesh Context: Extreme vulnerability to floods, cyclones, and displacement.

The coastal districts of the country represent an empirical case study of how extreme meteorological events exacerbate structural socio-economic marginalization, forcing rural inhabitants to migrate to informal settlements in Dhaka (Vidhate, 2025)⁹. These environmental stressors act as threat multipliers, where the loss of arable land and salinity intrusion undermine the agrarian base, thereby stripping marginalized communities of their traditional livelihoods (Lonardy, 2025)¹⁰. The lack of formal legal status for these migrants, who fall outside the protection criteria of existing international frameworks, further complicates their access to essential services and long-term protection within urban host environments (Okedele, 2025)¹¹. Consequently, policy interventions must prioritize the formal recognition of "environmental migrants" through domestic legislative reforms that mirror international precedents for cross-border protection, such as those initiated by nations expanding immigration categories to account for ecological displacement. Such initiatives must be complemented by international cooperation to address the "climate sovereignty" dilemma, where legal recognition of a displaced population's identity must persist even if their original territory becomes physically uninhabitable. To resolve this impasse, international policy must explore mechanisms like state mergers or the secure maintenance of

⁹ Vidhate, H. (2025). The Changing Paradigms of Human Rights in the Context of Climate Change and Environmental Justice.

¹⁰ Lindberg, S. (2020). Small Islands and Climate Change : Human Rights Approach.

¹¹ Okedele, P. O., Aziza, O. R., Oduro, P., & Ishola, A. O. (2024). Climate-induced migration: Global legal implications and human rights challenges.

maritime zones to preserve a defined territory and protect the legal interests of displaced populations. Implementing these measures requires a normative shift toward a cosmopolitan law approach, wherein the international community collectively assumes responsibility for the preservation of sovereign identity through mechanisms such as the establishment of ex-situ states (Global Responsibility to the Sovereignty of Sinking Island States Due to Climate Change: A Study in a Cosmopolitan Law, 2024)¹². By facilitating the transition to such novel governance structures, the international community can mitigate the risk of statelessness for the estimated 30 million Bangladeshis projected to be displaced by 2050 (Naser, 2014)¹³. Strategic adaptation must further emphasize decentralized infrastructure and social protection systems, which are essential to bolster the resilience of those remaining in high-risk zones. Beyond infrastructure, long-term resilience requires transformative adaptation that addresses structural inequities—such as land reform and cooperative production models—to dismantle the root causes of vulnerability. Additionally, integrating gender-sensitive social safety nets and specialized psychosocial support services remains critical to addressing the intersecting vulnerabilities—defined by age, economic status, and gender—that disproportionately impact displaced individuals within these communities. Furthermore, regional agreements among South Asian nations are imperative to harmonize internal and transboundary migration responses, thereby moving beyond fragmented humanitarian efforts toward a cohesive framework of legal and material support. To bridge these gaps, international organizations and philanthropic donors should also mobilize increased funding for climate risk insurance facilities and community-led adaptation projects. Such efforts should also integrate lessons from the "loss and damage" fund established at COP27¹⁴, which offers a critical pathway for channeling international climate finance toward the specific challenges of forced displacement and mobility. Integrating these mechanisms requires a focus on mapping socioeconomic vulnerabilities to prioritize aid for populations with limited access to formal finance and land rights.

¹² Global Responsibility to the Sovereignty of Sinking Island States Due to Climate Change: A Study in a Cosmopolitan Law. (2024). *Pakistan Journal of Criminology*, 4, 559–574.

¹³ Naser, M. M. (2014). Protecting climate change induced displacement in Bangladesh: legal and policy responses.

¹⁴ United Nations Framework Convention on Climate Change. (2022, November 6–20). COP27: Sharm el-Sheikh Climate Change Conference. Sharm el-Sheikh, Egypt.

1.4 Research Objectives: Framing the study.

This research primarily interrogates the extent to which existing international human rights instruments can be reinterpreted to provide legal protection for individuals displaced by slow-onset climate phenomena in Bangladesh. Specifically, it evaluates how the prevailing legal definitions of refugees and migrants, which currently exclude environmentally displaced persons, contribute to significant normative loopholes in international humanitarian law (Ahmed, 2025)¹⁵ (Talukdar, 2026).¹⁶ Building on this critique, the study examines whether the development of 'soft law' frameworks by international non-governmental organizations could offer a more agile, inclusive pathway for protecting those currently excluded from the traditional 1951 Refugee Convention mandate. These non-binding instruments facilitate more flexible governance procedures, allowing for greater inclusivity in managing the specific needs of climate-displaced populations without the procedural rigidity of new treaty negotiations (Alimuiddin, 2023)¹⁷. Furthermore, this research assesses the effectiveness of current national adaptation policies, such as the Bangladesh Climate Change Strategy and Action Plan, to determine if they successfully mitigate socio-economic disparities or inadvertently reinforce the marginalization of vulnerable groups (Mahmud, 2025)¹⁸. Moreover, this study identifies the critical need for intersectional policy evaluation that accounts for how factors such as age, gender, and socio-economic status fundamentally dictate the efficacy of these adaptation strategies. Finally, it investigates how the systemic exclusion of women and elderly populations from humanitarian aid and resource distribution exacerbates their susceptibility to trafficking, food insecurity, and health crises in the aftermath of extreme weather events.

¹⁵ Ahmed, M. D., & Uddin, M. Z. (2025). Environmental Justice and the Role of Legal Advocacy in Addressing Climate Change. *Journal of Humanities and Social Sciences Studies*, 7(4), 45–64.

¹⁶ TALUKDAR, S. (2026). CLIMATE REFUGEES AND STATELESSNESS: THE GAPS IN INTERNATIONAL HUMANITARIAN LAW. *Science and Culture*, 92, 139–141.

¹⁷ Arenilla, S. L., & Rada, C. H. (2020). Climate Change and Forced Migration. *Migraciones Internacionales*, 11, 1–20.

¹⁸ Mahmud, I. (2025). 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.

1.5 Research Questions

- I. How does climate justice intersect with established human rights frameworks, and to what extent can it be recognized as a legally enforceable right?
- II. What are the major climate vulnerabilities in Bangladesh, and how do they impact fundamental rights such as life, health, housing, and livelihood?
- III. How effective are Bangladesh's constitutional provisions, judicial activism, and policy frameworks in addressing climate-induced human rights challenges?
- IV. How do Bangladesh's struggles compare with those of other vulnerable nations, such as small island states, and what lessons can be drawn from global case studies like Urgenda (Netherlands) or Juliana v. United States?
- V. In what ways have grassroots social movements in Bangladesh and globally mobilized communities to frame climate change as a human rights issue?
- VI. How are climate refugees currently recognized under international and domestic law, and what gaps remain in ensuring their human rights protection?
- VII. What role do global equity debates and corporate accountability play in advancing or hindering climate justice as a human rights obligation?
- VIII. What policy reforms and international cooperation mechanisms are necessary to integrate climate justice into Bangladesh's human rights framework and strengthen resilience?

1.6 Scope: Comparative legal analysis, case studies, and international instruments.

The research encompasses a comparative analysis of domestic climate policy and international humanitarian standards, focusing on coastal regions of Bangladesh and

their intersection with global displacement trends (Quadri, 2025)¹⁹ (Rahman, 2025).²⁰ This transdisciplinary approach integrates empirical accounts of mobility with legal theory to elucidate the complex intersections of power, culture, and governance that shape the lived experiences of displaced persons. Consequently, this framework centers gendered power relations and socioeconomic status as primary analytical lenses to determine how institutional support systems influence the adaptive capacities of these populations. By examining these variables, the study highlights how entrenched patriarchal structures and restricted access to natural resources serve as significant determinants of vulnerability. Moreover, this analysis acknowledges that current human rights discourses often inadvertently frame affected individuals as passive recipients of aid, a perspective that risks obscuring their agency and perpetuating a dependency-based victimhood narrative (Mayrhofer, 2024). To counter this, the study emphasizes the necessity of documenting local adaptation strategies, revealing how community-led initiatives serve as essential, yet often overlooked, repositories of resilience and autonomous survival (Hossain, 2022)²¹. By rigorously examining these grassroots efforts, this research aims to redefine the intersection of climate vulnerability and legal protection, moving beyond a model of mere relief toward one that enshrines agency and human rights as the foundations of global climate justice. Ultimately, this research seeks to establish a replicable legal paradigm that aligns climate adaptation with the protection of inherent human rights, ensuring that legal systems evolve to address the unique precarity of climate-induced displacement. This shift is vital given that current international legal voids leave these individuals trapped in a state of profound uncertainty, lacking any formal status or specific protection against climate-driven displacement. Bridging this chasm necessitates a purposive reinterpretation of existing international law, specifically by recognizing that severe environmental degradation linked to state neglect constitutes a form of persecution. Such a reinterpretation would require moving beyond the 1951 Geneva Convention's narrow criteria, which fail to capture the multi-dimensional threats faced by environmental

¹⁹ Quadri, S. S. A., Khan, M. T., Awan, A., & Raheel, M. (2025). Legal Gaps in Protecting Climate Refugees: Toward a New International Convention. *Social Sciences Spectrum*, 4(3), 229–247

²⁰ RAHMAN, H. (2025). Humanitarian Crisis and Legal Accountability: Bangladesh's Role in the Rohingya Refugee Response. *World Journal of Advanced Research and Reviews*, 28(1), 493–501.

²¹ Hossain, B., Shi, G., Ajiang, C., Sarker, M. N. I., Sohel, Md. S., Sun, Z., & Yang, Q. (2022). Climate change induced human displacement in Bangladesh: Implications on the livelihood of displaced riverine island dwellers and their adaptation strategies. *Frontiers in Psychology*, 13, 964648–964648.

migrants today. Integrating a human security framework can bridge this gap by shifting the focus from narrow, status-based protections to the embodied experiences of those whose livelihoods and safety are directly threatened by environmental change (Tschakert, 2012) (Mboya, 2018).

1.7 Methodology

The methodology of this research adopts a qualitative, doctrinal, and comparative approach to examine the nexus between climate justice and human rights in Bangladesh. It relies on doctrinal legal research by analyzing constitutional provisions, judicial activism, and statutory frameworks alongside international instruments such as the ICCPR, ICESCR, the Paris Agreement, and the UNFCCC, while reviewing landmark cases like *Urgenda v. Netherlands* and *Juliana v. United States*. A comparative case study method situates Bangladesh's vulnerabilities against those of small island states to highlight shared challenges of displacement and statelessness. Policy and document analysis critically evaluates Bangladesh's Climate Change Strategy and Action Plan and related adaptation policies, supplemented by reports from NGOs, UN agencies, and grassroots organizations. The study employs a socio-legal and intersectional lens to assess how gender, age, and socio-economic status shape disproportionate impacts, while documenting community-led adaptation strategies and social movements to foreground resilience and agency. Data sources include scholarly articles, government reports, UN publications, and case law databases, with emphasis on qualitative narratives rather than quantitative surveys. Finally, the analytical framework integrates human security and vulnerability theory to interpret the lived realities of climate-displaced populations, applying rights-based litigation strategies to explore judicial enforcement of environmental rights and evaluating normative gaps in refugee law and humanitarian frameworks. This combined methodology ensures doctrinal rigor, comparative insight, and social grounding, bridging legal theory, policy practice, and human rights realities.

1.8 Literature Review

The literature on climate justice and human rights reveals a growing consensus that environmental degradation directly undermines fundamental rights such as life, health, housing, and livelihood. Scholars emphasize that traditional refugee law, particularly the 1951 Refugee Convention, excludes environmentally displaced persons, creating a significant normative gap in international humanitarian protection. Research on climate migration highlights how ecological precarity demands a reconceptualization of refugee status to incorporate environmental vulnerability as a legitimate ground for protection. Studies on rights-based litigation, including landmark cases like *Urgenda v. Netherlands* and *Torres Strait Islanders v. Australia*, demonstrate how courts are increasingly recognizing state accountability for climate-induced harm. Theoretical contributions from vulnerability theory and human security frameworks argue that climate justice must be understood as integral to human dignity, requiring states to adopt proactive obligations under instruments such as the Paris Agreement and UNFCCC. Comparative scholarship on small island states and Bangladesh underscores shared challenges of statelessness and displacement, while policy analyses of Bangladesh's Climate Change Strategy and Action Plan reveal both progress and persistent inequities in adaptation measures. Furthermore, critical perspectives caution against framing affected populations solely as passive victims, instead highlighting community-led adaptation and grassroots social movements as essential sources of resilience and agency. Collectively, this body of literature establishes the foundation for reinterpreting international law to bridge existing gaps, ensuring that climate justice is recognized not merely as an environmental concern but as a legally enforceable human right.

2 Chapter 2: Theoretical and Legal Foundations

2.1 Conceptual Framework: Philosophical and legal underpinnings.

This section interrogates the shifting intersection of human rights and environmental governance, positing that current protections are fundamentally fragmented due to an exclusionary reliance on traditional definitions of persecution. This restrictive framework creates a persistent legal hiatus, as it categorically denies asylum status to individuals whose displacement is driven by ecological degradation rather than political victimization (Fisseha, 2019)²². This necessitates a reconceptualization of the "refugee" status to incorporate environmental precarity as a legitimate ground for international protection, bridging the gap between humanitarian law and contemporary climate-induced displacement (Dewi, 2025).²³ By anchoring this legal evolution in the obligations for adaptation established under the Paris Agreement and the UNFCCC, it is possible to transform passive humanitarian mandates into proactive, enforceable duties that compel states to mitigate displacement before it occurs. Furthermore, this shift toward enforceable obligations under international human rights law could potentially trigger non-refoulement protections, ensuring that individuals are not returned to environments where their fundamental rights are critically compromised by climate-induced harm. This approach effectively challenges the prevailing reluctance of international organizations to recognize environmental displacement, moving instead toward a synthesis of environmental and human rights law to secure legal standing for the forcibly displaced (Susan, 2025)²⁴. Beyond these legal mechanisms, this transition requires challenging the securitization of climate migration, which often favors state-centric preservation over the human rights of displaced persons. Rather than viewing mobility solely as a threat to borders, this normative shift prioritizes the human right to health as an essential, non-relational moral minimum that mandates state accountability for environmental survival. By framing ecological vulnerability as a core

²² Fisseha, M. (2019). Baking desert, cold reception? Climate change driven migration and international legal protection: the case study of the Sahel Region [Universidad de Granada]. In Institutional Repository of the University of Granada (University of Granada).

²³ Dewi, I. G. A. S. (2025). Legal Protection of Vulnerable Communities in Environmental Justice in the Climate Era. *KnE Social Sciences*, 10(28), 83–96.

²⁴ Susan, S. K. (2025). Climate Refugees and International Protection: Expanding the Scope of the Refugee Convention. *Indus Journal of Social Sciences.*, 3(3), 479–488.

human rights concern, this framework necessitates a paradigm shift that recognizes the right to a healthy environment within a legally binding global instrument. Such a development aligns with recent international legal trends, such as the UN Human Rights Council's resolution 48/13, which formally recognizes the right to a healthy environment as an essential prerequisite for exercising all other fundamental rights (Siqueira, 2024)²⁵. However, this recognition remains largely symbolic without the integration of the theory of ecological vulnerability, which clarifies the inextricable interdependence between human rights and environmental integrity. This conceptual integration necessitates that international bodies extend the principle of non-refoulement to protect individuals from return to environments rendered uninhabitable by climate change, thereby addressing the current insufficiency of the international refugee regime. To operationalize these protections, scholars advocate for the evolutionary interpretation of existing customary principles to provide an all-inclusive definition of environmental migrants. This evolutionary approach emphasizes that non-refoulement must be triggered whenever environmental disruptions threaten the right to life, effectively filling the existing legal lacuna that leaves climate-displaced individuals without status. Furthermore, procedural integration of international human rights law into climate litigation strategies offers a pragmatic pathway to formalize these protections, enabling the recognition of distinct environmental well-being rights. By integrating these procedural rights with a reinterpretation of existing human rights in environmental contexts, legal practitioners can establish a robust foundation for the systemic protection of displaced populations. In this context, vulnerability theory serves as a critical lens to reveal how the climate crisis creates both universal and differentially distributed harm, thereby moving beyond formal notions of equality to demand state-led remedial actions. Such remedial actions must transcend non-binding policy recommendations, such as those within the 2018 Global Compact for Migration, to codify concrete legal obligations for states to address the needs of migrants in situations of vulnerability. Moreover, this critical understanding of vulnerability functions as a dual-sided instrument, capable of either exacerbating systemic marginalization through restrictive definitions or acting as a potent legal remedy to ensure long-term protection. Consequently, practitioners must scrutinize the interpretative practices of international

²⁵ Siqueira, E. C. V. de. (2024). Refugees, Climate Litigation in the Global South and Climate Change: Facing the Gap in the Protection of Climate Refugees in International Law. *Anuario Mexicano de Derecho Internacional*, 37–62.

treaty bodies to ensure that these normative pathways generate substantive opportunities for defining climate justice and its temporalities. This analytical rigor reveals that the absence of a cohesive international convention persists as a primary obstacle, necessitating the development of targeted protocols that explicitly codify the rights and security of these individuals. Such a framework must address the currently insufficient effectiveness of existing international efforts by establishing binding long-term commitments rather than relying on voluntary, ad hoc initiatives.

2.2 Human Rights and Environment:

Right to life, health, and livelihood- Legal Precedent and Justiciability: Overcoming the lack of substantive environmental rights through rights-based litigation to enhance the recognition of climate migrants. - Strategic litigation serves as a critical mechanism to compel state action, forcing judicial scrutiny of domestic environmental policies that currently neglect the needs of those facing displacement. By bridging the gap between theoretical human rights frameworks and practical climate law, this strategy facilitates a more comprehensive recognition of state duties toward populations rendered vulnerable by socio-economic and environmental decay. Furthermore, the systematic application of this rights-based approach empowers marginalized communities by institutionalizing participatory frameworks that hold state and private actors accountable for their environmental footprints. Moreover, the development of a rights-based jurisprudence requires a shift from fragmented, ad hoc judicial responses toward a more coherent, multi-generational recognition of population movements as a direct consequence of state and corporate environmental failure (Serraglio, 2024).²⁶ This evolving jurisprudential landscape is mirrored in recent high-profile cases, such as *Verein KlimaSeniorinnen Schweiz* and **Torres Strait Islanders v. Australia**, which signify a growing judicial consensus that state-sanctioned climate inaction constitutes a direct violation of fundamental human right. These legal milestones demonstrate that international human rights bodies are increasingly willing to scrutinize state omissions in mitigation and adaptation efforts, particularly when such failures compromise the cultural and physical security of vulnerable populations. Despite the lack of an explicit international treaty on climate displacement, the increasing utilization of UN human

²⁶ Serraglio, D. A., Cavedon-Capdeville, F. de S., & Thornton, F. (2024). The Multi-Dimensional Emergence of Climate-Induced Migrants in Rights-Based Litigation in the Global South. *Journal of Human Rights Practice*, 16(1), 227–247.

rights mechanisms suggests that non-refoulement obligations may eventually extend to address the territorial habitability of states at risk (Jodoin, 2021).²⁷ By establishing that climate inaction violates rights to culture and private life, such adjudications compel states to provide substantive reparations rather than merely focusing on humanitarian relief. Ultimately, this shift in discourse emphasizes that rights-based litigation serves as a mechanism for demanding systemic accountability from states for the protection of climate-displaced persons, rather than treating their plight as a matter of secondary humanitarian assistance. However, because human rights law is intrinsically bounded by an anthropocentric framing, it remains insufficient on its own to encompass the holistic preservation of complex environmental systems and biodiversity. Consequently, future legal strategies must integrate rights-based arguments with Ecocentric frameworks to ensure that the preservation of ecosystems—which underpin the very human rights being litigated—is not sidelined in pursuit of remedial accountability. This "human rights turn" in litigation, characterized by a growing receptivity of courts to substantive rights-based framing, provides a necessary bridge for integrating domestic environmental obligations with broader international human rights standards. By framing climate grievances as human rights violations, plaintiffs can leverage established international regimes to bypass the inherent weaknesses of purely environmental legal frameworks, thereby increasing the likelihood of successful judicial outcomes. Nonetheless, claimants continue to confront significant hurdles in proving actionable rights violations due to the inherent tension between national state interests and the global common good, as well as the complexity of establishing direct causality in judicial proceedings. Furthermore, the extraterritorial application of these obligations remains a contested boundary, complicating efforts to hold states accountable for climate-induced harm that originates outside their jurisdiction. In response, legal practitioners are increasingly navigating these limitations by referencing normative principles derived from the rule of law to define acceptable criteria for state conduct and identify clear paths for liability. This evolution toward concretizing abstract climate threats into violations of specific, actionable rights allows courts to bypass the typical absence of accountability mechanisms for state inaction. This strategic framing shifts the judicial focus away from historical emissions and toward

²⁷ Jodoin, S., Savaresi, A., & Wewerinke-Singh, M. (2021). Rights-based approaches to climate decision-making. *Current Opinion in Environmental Sustainability*, 52, 45–53.

the present-day state duty to protect citizens from foreseeable environmental harm. Such litigation effectively transforms abstract climate risks into justiciable grievances, compelling judicial recognition of the causal nexus between systemic carbon dependency and the degradation of fundamental human rights. Integrating principles such as the precautionary principle and the polluter pays doctrine further assists judiciaries in quantifying these responsibilities, providing a more robust methodology for assessing liability in complex cases. By reframing climate disputes through these established legal structures, courts can characterize the issue as a focused question of rights versus duties, thereby identifying clear winners and losers without overstepping their traditional institutional roles. Despite this judicial potential, the effectiveness of these strategies remains constrained by a persistent chasm between the invocation of human rights and the actual substantive influence on the implementation of national climate policies. This disconnect often arises because traditional human rights law functions primarily in a remedial capacity, struggling to address the preventive obligations necessary to avert future climate catastrophes. To bridge this gap, litigants must increasingly leverage the definition of due diligence to clarify the substantive requirements of states in their national climate plans, ensuring that obligations of conduct are treated as binding rather than aspirational.

2.3 Human Rights Instruments: ICCPR, ICESCR, UNFCCC, Paris Agreement.

Domestic Legislative Frameworks: Bangladesh Climate Change Trust Act, National Environmental Policy, and Disaster Management Act. However, the successful domestic application of these norms necessitates reconciling these instruments with the "mainstreaming" of climate adaptation into broader development agendas. Moreover, such integration requires a shift from purely reactive disaster management to proactive due diligence, ensuring that states fulfill their "highest possible ambition" when defining the content of protective human rights obligations. In this context, litigators must overcome substantial legal hurdles concerning standing and attribution to effectively compel states to translate these abstract obligations into concrete regulatory mandates. The utilization of rights-based frameworks within domestic jurisdictions can transform judicial precedents into catalysts for legislative reform, compelling states to

address the gaps between environmental policies and their human rights commitments. This adjudicative tactic often targets the "implementation gap," where sophisticated environmental norms exist on the books but fail to generate reliable enforcement or remedial outcomes. By targeting these enforcement deficiencies, such litigation serves as an innovative mechanism to bridge the chasm between normative commitments and the concrete actions required to mitigate climate-induced human rights abuses. Furthermore, this judicial approach mirrors broader shifts in climate protection, where courts may compel legislators to rectify policy insufficiencies by tying the level of regulatory ambition to concrete human rights benchmarks. This approach highlights a critical need to address systemic impunity and governance failures, as a human rights-based approach can effectively expose what remains unaddressed after legislation is enacted (Christoplos, 2015)²⁸. In particular, this framework enables the characterization of climate-related impacts as breaches of the right to life or health, thereby establishing the necessary jurisdictional grounding to demand state intervention in areas previously left to discretionary policy. In this capacity, domestic courts increasingly rely on the principle that states possess an affirmative obligation to safeguard citizens against foreseeable threats, thereby mandating that both mitigation and adaptation strategies remain strictly aligned with established human rights standards. The convergence of the UNFCCC²⁹, Paris Agreement, ICESCR³⁰, and ICCPR demonstrates how climate justice has evolved into a human rights imperative. For Bangladesh, these frameworks collectively affirm that climate vulnerability is not merely an environmental issue but a juridical one: the UNFCCC and Paris Agreement legitimize demands for adaptation finance and loss-and-damage compensation; the ICESCR safeguards socio-economic rights threatened by salinity, food insecurity, and health crises; while the ICCPR³¹ frames climate-induced disasters as violations of the right to life and security. A comparative lens reveals that Small Island Developing States (SIDS), such as the Maldives and Tuvalu, deploy the same instruments to argue that rising sea levels threaten their very statehood, thereby transforming climate change into an existential human rights crisis. Bangladesh's plight—mass displacement from floods and cyclones—parallels the SIDS' struggle, but differs in scale and geography: while

²⁸ Christoplos, I., Funder, M., McGinn, C., & Wairimu, W. W. (2015). Human Rights perspectives on climate change adaptation: Civil society experiences in Cambodia and Kenya.

²⁹ United Nations Framework Convention on Climate Change, 1992

³⁰ International Covenant on Economic, Social and Cultural Rights, 1966

³¹ International Covenant on Civil and Political Rights, 1966

islands face territorial extinction, Bangladesh confronts internal displacement and livelihood collapse. This comparative case study underscores that both contexts illustrate the inadequacy of traditional environmental law, demanding a rights-based global response where climate justice is enforced as a binding obligation under international human rights law.

2.4 Legal Pluralism: Customary law vs. international law.

Cross-Jurisdictional Litigation: The influence of precedents like *Urgenda* in shaping domestic interpretations of duty of care. - Procedural Innovations: The adoption of representative litigation models to bypass traditional standing requirements, as seen in cases like **Torres Strait Islanders v. Australia**, where the Human Rights Committee recognized the state's failure to implement adequate adaptation measures as a violation of the claimants' rights to culture and family life. Such cases illustrate that procedural guarantees and the establishment of a "minimum core obligation" are essential for states to discharge their climate responsibilities effectively (Rodríguez-Garavito, 2022)³². Furthermore, the expansion of such human rights-based strategies allows for the categorization of climate displacement as a breach of foundational legal protections, even where explicit refugee status for environmental migrants remains absent (Bibi, 2024)³³. Consequently, this strategy leverages emerging case law to broaden the scope of judicial inquiry beyond state boundaries, forcing a re-evaluation of how international human rights bodies assess individual complaints concerning environmental degradation (Akindele, 2023)³⁴. This evolution toward transnational litigation is vital, as it addresses the unique challenges of the South-North divide by harmonizing domestic judicial strategies with planetary-scale climate obligations. This paradigm shift underscores that the paradox of the Global South—experiencing severe climate impacts despite minimal historical emissions—necessitates a rights-based recalibration of international cooperation. Such a reorientation effectively challenges the prevailing

³² Rodríguez-Garavito, C. (2022). *Litigating the Climate Emergency*. In Cambridge University Press eBooks (pp. 9–83). Cambridge University Press.

³³ Bibi, Z., & Abbasi, A. (2024). FROM VULNERABILITY TO INJUSTICE: RETHINKING LEGAL FRAMEWORKS FOR CLIMATE-INDUCED DISPLACEMENT IN SOUTH ASIA". *Contemporary Journal of Social Science Review*, 2(4), 2443–2456.

³⁴ Akindele, A. (2023). Climate Change as a Human Rights Issue: Litigating Climate Change in the United Nations Human Rights Committee. *Indonesian Journal of Environmental Law and Sustainable Development*, 2(1), 105–122.

inadequacies of the 1951 Refugee Convention, which currently fails to provide legal recourse for individuals displaced by environmental deterioration (Elhaw, 2026). In this context, the "Latent Global South Docket" emerges as a critical framework for identifying transnational pathways where litigation transcends domestic borders, effectively holding actors in the Global North accountable for climate-induced harms experienced in vulnerable regions. By utilizing the due diligence obligation as a bridge between normative expectations and concrete remedial action, these legal strategies facilitate the systemic integration of environmental protection into existing human rights architectures. By shifting the focus from territorial jurisdiction toward a model of global cooperation, this evolution enables legal systems to address the indirect causation and slow-onset phenomena that characterize contemporary climate-induced migration. This strategy of legal "bandwagoning" further strengthens the normative underpinning of climate litigation, allowing activists to utilize established human rights institutions to catalyze both judicial and political action. Moreover, by emphasizing these commonalities across diverse jurisdictions, the burgeoning Global South docket fosters transnational legal dialogue that is increasingly amplified by collaborative South-South advocacy networks. This emerging discourse frequently situates climate concerns at the periphery of broader environmental or development litigation, a tactical approach often necessitated by the absence of comprehensive domestic climate legislation. By prioritizing "law on the books" through constitutional environmental provisions, litigants in these regions effectively bypass legislative gaps, transforming climate harm into justiciable human rights claims. This reliance on constitutional environmental rights serves as a critical mechanism to hold domestic and international actors accountable, effectively leveraging regional judicial precedents to circumvent the current lack of international treaty protection for climate-displaced persons. Furthermore, this rights-based approach is often bolstered by progressive procedural rules on standing, which allow litigants to overcome traditional barriers to justice by linking specific socio-economic harms directly to constitutional protections. This practice of transformative adjudication enables courts in the Global South to interpret climate-related grievances as fundamental rights violations, thereby establishing a robust, albeit decentralized, jurisprudential framework (Kavuri, 2022).³⁵

³⁵ Kavuri, S., & Ramanathan, A. (2022). Climate Change Litigation: Chronicles from the Global South. A Comparative Study. *Comparative Law Review*, 28, 169–199.

2.5 Right to Environment: Recognition in global and regional jurisprudence.

This normative shift empowers domestic tribunals to act as 'activist' arbiters, actively integrating the principle of human dignity into the resolution of climate-related social and economic rights. Moreover, this trajectory of South-South cooperation, increasingly facilitated by transnational advocacy networks, strengthens the exchange of legal expertise and procedural strategies across disparate constitutional systems. This collaborative evolution reflects a broader trend where constitutional "hooks"—such as the right to life or a healthy environment—are increasingly utilized to bridge the gap left by nascent domestic climate frameworks (Lin, 2022).³⁶ In many instances, these cases deliberately embed climate-related grievances within broader environmental disputes to navigate the absence of specialized climate legislation. This strategic framing allows for the cross-pollination of judicial precedents, where the established environmental jurisprudence of the Global South provides a transferable model for articulating climate impacts as urgent human rights violations. Ultimately, this procedural adaptability ensures that judicial activism serves as a catalyst for state accountability in regions where governmental failure to implement mitigation or adaptation policies poses an existential threat to marginalized populations. This reliance on constitutional litigation not only secures immediate legal remedies for affected communities but also compels governments to align their national adaptation strategies with international human rights obligations. Furthermore, the integration of indigenous knowledge systems into these constitutional frameworks provides a crucial pillar for sustainable governance, ensuring that judicial remedies are culturally resonant and contextually appropriate. Additionally, navigating these complex loss and damage claims through rights-based domestic litigation provides a strategic pathway for plaintiffs to secure tangible remedies for climate-induced harms. Moreover, the emergence of rights-of-nature-based arguments within this typology offers a transformative expansion of legal standing, enabling petitioners to challenge state inaction by asserting the inherent dignity and procedural rights of vulnerable ecosystems.

³⁶ Lin, J., & Peel, J. (2022). The Farmer or the Hero Litigator? In Cambridge University Press eBooks (pp. 187–205). Cambridge University Press.

3 Chapter 3: Bangladesh Case Study

3.1 Climate Vulnerabilities: Floods, salinity intrusion, displacement.

Constitutional Safeguards: Leveraging the right to life and the mandate for environmental protection embedded in the Bangladeshi Constitution to establish judicial standing for climate-affected populations (Vanhala, 2022)³⁷. These judicial interventions utilize the precautionary principle to integrate climate resilience into national policy, effectively transforming abstract constitutional duties into actionable mandates for state protection. These rulings further underscore how domestic courts in Bangladesh and across the broader region are innovating legal practices to address the distinct environmental hazards threatening their populations. Moreover, public interest litigation in this context has increasingly harmonized grassroots community mobilizing with formal legal advocacy to secure emergency protections against forced evictions in climate-vulnerable urban settlements. This localized judicial activism mirrors broader trends observed in other Global South jurisdictions, where existing climate laws and policies provide the necessary legislative scaffolding to challenge systemic state inaction. Such constitutional efforts reflect a growing worldwide phase in climate litigation, where courts recognize that governmental inaction can directly abridge the fundamental right to a healthy environment. Consequently, this judicial recognition acknowledges that the disproportionate loss of livelihoods, housing, and essential resources—such as potable water and nutrition—constitutes an immediate threat to the constitutional rights of Bangladesh’s most vulnerable populations. In particular, the acute susceptibility of Bangladeshi children to climate-related health deterioration necessitates a specialized legal focus that elevates child-led litigation as a strategic tool for securing systemic resilience (Kaur, 2025).³⁸ Furthermore, the incorporation of gender-sensitive frameworks remains essential in this context, as traditional sociocultural structures in Bangladesh often compound the climate-related burdens faced by women and marginalized groups. Specifically, the utilization of Public Interest Litigation provides a vital procedural mechanism that empowers citizens to circumvent

³⁷ Vanhala, L. (2022). The Social and Political Life of Climate Change Litigation. In Cambridge University Press eBooks (pp. 84–94). Cambridge University Press.

³⁸ Kaur, P., Sathiabama, S., & Vedavalli, S. (2025). The need for child-led climate litigation in Bangladesh (pp. 210–238)

traditional legal barriers by bringing these violations directly to the attention of the highest courts (“Ensuring Environmental Justice (EJ) through Public Interest Litigation (PIL) in Bangladesh,” 2024). This procedural agility allows for the integration of international best practices, such as the innovative infrastructure and renewable energy models adopted by other South Asian nations, to be synthesized into judicially mandated adaptation requirements (Kashem, 2025)³⁹. These legal efforts highlight how judicial activism functions as a vital instrument for ensuring that climate governance remains accountable to the specific, localized human rights implications of global environmental degradation. Beyond these immediate judicial interventions, there is an urgent need to address the structural impediments that continue to hinder the enforcement of these environmental mandates, particularly regarding institutional capacity and resource allocation. Addressing these challenges requires a rigorous evaluation of the Bangladesh Climate Change Strategy and Action Plan and the National Adaptation Plan to determine whether these frameworks actively protect at-risk communities or inadvertently exacerbate existing socio-economic inequalities. Furthermore, examining the intersection of colonial legal legacies and modern environmental governance reveals how entrenched systemic barriers continue to impede the effective enforcement of protective statutes. These structural deficiencies necessitate a comprehensive recalibration of regulatory oversight, shifting from reactive mitigation to proactive legal frameworks that explicitly integrate climate justice into domestic policy (Das, 2024)⁴⁰. Such a transition must move beyond current market-based solutions, which often produce maladaptation and exacerbate historical marginalization among vulnerable populations. Additionally, current national strategies often lack tangible recommendations for promoting women’s land access and decision-making authority, leaving a significant gap in the protection of their fundamental rights (Ashrafuzzaman, 2022).⁴¹

³⁹ Kashem, M. A. (2025). Exploring climate change and sustainability issues in Bangladesh through system dynamics. *Discover Sustainability*, 6(1).

⁴⁰ Das, M., & Reza, K. L. (2024). Investigating Environmental and Humanitarian Law Violations in Coastal Bangladesh: A Survey-Based Analysis. *International Journal of Humanities & Social Science Studies (IJHSSS)*, 10, 271–286.

⁴¹ Ashrafuzzaman, Md., Gomes, C., & Guerra, J. (2022). Climate justice for the southwestern coastal region of Bangladesh. *Frontiers in Climate*

3.2 Constitutional Rights: Fundamental rights provisions relevant to climate justice.

These include Article 31, which guarantees the right to the protection of law, and Article 32, which secures the right to life and personal liberty, both of which are increasingly invoked to challenge state omissions in the face of climate-induced environmental degradation. Building upon these constitutional foundations, judicial interpretation seeks to bridge the implementation gap by asserting that the right to a healthy environment is a prerequisite for the enjoyment of these codified liberties. However, despite the judiciary's expansive reading of these articles, the non-justiciable nature of the state's directive principles under Article 18A complicates the development of a fully integrated environmental mandate (Uddin, 2023).⁴² To overcome this limitation, legal scholars advocate for a dynamic reinterpretation of existing statutes that aligns national policy with international human rights obligations, thereby ensuring that climate resilience becomes a justiciable entitlement rather than a discretionary policy goal. Such an evolution in legal doctrine mirrors regional trends, where environmental protection is increasingly conceptualized as an essential component of the constitutional right to life and dignity. This shift toward a rights-based jurisprudence underscores the necessity of harmonizing domestic enforcement with international human rights treaties to address the disconnection between policy commitments and field-level implementation. By fostering this synergy between constitutional mandate and administrative accountability, the judiciary can effectively compel state organizations to move beyond mere policy rhetoric and demonstrate quantifiable progress in climate adaptation measures (Mirza, 2020).⁴³ Ultimately, such judicial oversight must also address the prevailing institutional fragmentation that often leaves critical climate finance mechanisms underutilized and prevents coherent, equitable policy execution across various administrative levels. By drawing on comparative precedents that link the right to human dignity with environmental stewardship, the judiciary can establish a robust framework that holds state agencies accountable for failing to safeguard citizens against foreseeable climatic hazards. This judicial trajectory draws significant parallels to the managerial remedies deployed in

⁴² Uddin, Md. A. (2023). A Critical Evaluation of Environmental Dispute Resolution Mechanisms in Bangladesh: Addressing Challenges and Insights. *Indonesian Journal of Law and Society*, 4(2), 49–49

⁴³ Mirza, A. M. (2020). Environmental Rights and Case of Climate Justice in Pakistan. *Strategic Studies*, 40(2), 45–62.

neighboring jurisdictions, where courts have successfully transformed abstract constitutional guarantees into time-bound, actionable frameworks for executive compliance. Comparative analysis suggests that such judicial activism can parallel the evolution of "creative jurisprudence," where courts transition from mere pollution control to establishing sophisticated frameworks for climate accountability (RC, 2026). . This transition necessitates that judicial directives transcend mere procedural oversight, evolving instead into prescriptive mechanisms that enforce tangible compliance with international climate commitments. This shift requires courts to treat environmental rule of law as an essential mechanism for stabilizing biophysical conditions, thereby mitigating the systemic risks associated with the Anthropocene. This paradigm shift recognizes that environmental governance in the current epoch must move beyond localized pollution control to address the broad-scale, irreversible biophysical transformations that threaten human security. By reframing courts as essential institutions for planetary governance, this judicial evolution acknowledges that addressing the existential threats of the Anthropocene requires moving toward an "earth system law" perspective. Such a holistic judicial framework mirrors the recent shift in global climate litigation, where courts increasingly integrate planetary stewardship and systemic earth system vulnerability into their findings to hold legislatures accountable for future climate pathways.

3.3 Judicial Activism: Landmark cases on environment and rights.

This emerging jurisprudence mirrors international trends where courts are increasingly willing to issue binding mandates to address government policy failures, as exemplified by landmark rulings like **KlimaSeniorinnen v. Switzerland**, where the European Court of Human Rights affirmed that insufficient climate action violates fundamental rights to private and family life (Hermansyah, 2025b)⁴⁴. Similarly, domestic courts in regions facing acute climate risks have begun to characterize governmental inaction as a breach of constitutional mandates, effectively utilizing public interest litigation to compel executive accountability. These legal efforts demonstrate how judicial intervention serves as a critical bridge between international climate commitments and

⁴⁴ Hermansyah, H. (2025b). Legal Innovations and Barriers in Climate Change Litigation: A Global Narrative Review. *Legalis Journal of Law Review*, 3(4), 450–463.

domestic enforcement, ensuring that state obligations are not merely symbolic (Nithin, 2025)⁴⁵. Furthermore, the prospective advisory opinion from the International Court of Justice is anticipated to fortify these climate liability and redress mechanisms, providing a definitive legal scaffold for enforcing state responsibility in the face of irreversible ecological shifts. This evolution reflects an imperative to transition from anthropocentric norms toward an eco-centric legal framework that acknowledges the planetary crisis as a foundational challenge to human existence. Consequently, this doctrinal metamorphosis necessitates the integration of interconnected institutional architectures that treat the safeguarding of Earth's vitality as an indivisible obligation. This systemic integration is further bolstered by the 2025 ICJ advisory opinion, which explicitly codifies the legal consequences of state actions that inflict significant harm upon the climate system, thereby bridging the gap between scientific consensus and enforceable human rights. Such normative developments compel national judiciaries to adopt more rigorous standards of due diligence, effectively embedding global environmental mandates into the core of domestic legal protection. This transformation creates a cohesive legal dialogue that connects European jurisprudence with the broader international legal order, effectively standardizing the expectations for state climate governance. By articulating these universal duties of due diligence, the International Court of Justice has provided a definitive legal scaffold that mandates states to move beyond domestic policy rhetoric toward robust, substantive protection of the environment. Judicial activism has emerged as a powerful tool in advancing climate justice as human rights, both in Bangladesh and globally. Courts have increasingly interpreted environmental protection as integral to the right to life, liberty, and dignity, thereby reframing climate change as a rights-based issue rather than a mere policy concern.

In Bangladesh, the Supreme Court has been instrumental in expanding constitutional rights to encompass environmental justice.

Dr. Mohiuddin Farooque v. Bangladesh (1997) — The Court recognized the right to a healthy environment as implicit in the constitutional right to life under Article 32,

⁴⁵ Nithin, J. R., & Kumar, R. P. (2025). Climate Litigation: A New Frontier for Environmental Accountability. *International Journal of Judicial Science Research Studies (IJJSRS)*, 79–84.

setting a precedent for environmental litigation. (Dr. Mohiuddin Farooque v. Bangladesh, 1997)

Bangladesh Environmental Lawyers Association (BELA) cases — Through multiple public interest litigations, BELA secured judicial orders on pollution control, deforestation, and industrial regulation, reinforcing the judiciary's role in safeguarding ecological rights.

Rohingya Refugee Environmental Cases (2019–2021) — The Court acknowledged environmental degradation caused by refugee settlements, linking ecological protection with human rights obligations.

These cases demonstrate how judicial activism in Bangladesh bridges constitutional guarantees with climate justice, ensuring that environmental harm is treated as a violation of fundamental rights.

Globally, landmark cases illustrate how courts are enforcing climate justice through human rights frameworks:

Urgenda Foundation v. Netherlands (2015) — The Dutch Supreme Court held that inadequate climate action violated the right to life under the European Convention on Human Rights, compelling the state to reduce emissions. (Urgenda Foundation v. State of the Netherlands, 2015-2019)

Juliana v. United States (2016–ongoing) — Youth plaintiffs argued that government inaction on climate change violated constitutional rights to life and liberty, highlighting intergenerational justice. (Juliana v. United States, 2015-2016)

Leghari v. Federation of Pakistan (2015) — The Lahore High Court recognized climate change as a threat to fundamental rights, ordering the government to implement adaptation measures. (Leghari v. Federation of Pakistan, 2015)

These cases illustrate a global judicial trend: courts are increasingly interpreting environmental degradation as a direct violation of human rights, thereby strengthening the normative link between climate justice and human rights law.

3.4 Policy Framework: National Adaptation Programmes, Disaster Management Acts.

These legislative instruments serve as the foundational architecture for risk mitigation, yet their efficacy remains constrained by the persistent lack of institutional integration between climate policy and enforceable human rights standards. Bridging this gap requires a transition from procedural compliance toward a substantive, rights-based approach that empowers vulnerable populations to hold state actors accountable for climate-induced displacement and resource scarcity. Addressing these normative deficits necessitates a paradigm shift toward legislative frameworks that explicitly codify the protection of climate-displaced persons within national human rights statutes (Khan, 2024). Specifically, the development of low-income urban housing programs is essential to prevent the socio-political marginalization of climate migrants, who currently lack secure legal standing on the land they inhabit (Sakapaji, 2023). Moreover, the absence of international legal status for environmental migrants under current frameworks like the 1951 Refugee Convention exacerbates this precarity, necessitating domestic policy innovations that provide specific protections against non-refoulement and ensure access to essential social services. Establishing such protections aligns with emerging jurisprudence that identifies environmental degradation as a significant driver of forced human mobility. Furthermore, the analytical nexus between climate-induced migration and human rights requires a systematic classification of legal responsibilities for both states and private entities to address the needs of displaced populations. This paradigm shifts the focus from discretionary aid to obligatory state action, ensuring that national strategies, such as Bangladesh's National Strategy on the Management of Disaster and Climate Induced Internal Displacement, transcend formal compliance to guarantee the procedural and substantive rights of those trapped in disaster-ridden zones. Recent findings indicate that despite the commitment of signatory nations to integrate human rights into climate action under the Paris Agreement, such protections remain absent in the majority of national adaptation policies. This systemic failure to operationalize substantive obligations reflects an "inexplicable gap" between the escalating existential threat posed by climate change and the tepid legal responses currently offered. Filling this institutional void requires a transition toward a comprehensive legal framework that mandates collective global obligations, moving beyond voluntary measures to ensure specific, enforceable

remedies for those whose fundamental rights are compromised by environmental catastrophe.

3.5 Challenges: Weak enforcement, lack of resources, political constraints.

Furthermore, the lack of a unified, binding international instrument leaves a critical protection void, as existing conventions often fail to recognize the specific legal status required to address the rights of those displaced by slow-onset environmental disasters. Consequently, the current international legal architecture creates a "protection vacuum" that leaves individuals vulnerable to systemic human rights violations without access to adequate legal recourse or international status. This fragmentation necessitates a paradigm shift toward a legally binding global instrument that recognizes the right to a healthy environment, thereby providing a robust foundation to bridge these persistent legal gaps. Such a framework must explicitly incorporate the normative standards established by existing human rights instruments to ensure that states uphold their duties to protect persons from foreseeable harms, regardless of whether displacement occurs internally or across borders. Beyond these structural gaps, the continued reliance on non-binding initiatives, such as the Nansen Initiative's Protection Agenda, highlights the persistent tension between the urgent needs of displaced communities and the reluctance of states to translate political commitments into enforceable, long-term international obligations. This legislative inertia is further compounded by the limited efficacy of existing guiding principles, which often fail to incentivize governments to adopt systematic or structural responses to the protection of displaced individuals. Consequently, millions of climate-displaced individuals effectively exist in a state of legal limbo, as current international refugee law and humanitarian regimes remain ill-equipped to address the socio-economic vulnerabilities precipitated by environmental collapse. This regulatory stalemate is further complicated by the "causality challenge," which renders it notoriously difficult to establish a direct nexus between a state's specific greenhouse gas emissions and the subsequent, often delayed, human rights impacts suffered by displaced populations. Addressing this attribution problem requires evolving legal norms to prioritize human security over strict evidentiary thresholds, potentially through the proliferation of soft law mechanisms that normalize state

responsibility for environmental displacement (Guljannat, 2025)⁴⁶. Such an evolution must reconcile these normative discrepancies by shifting the focus toward a specialized international mechanism that explicitly mandates the strengthening of community resilience and facilitates safe relocation options for those residing in high-risk zones. Integrating such a mechanism requires a World Fund for the Environmentally Displaced to provide the necessary material and financial assistance for the effective receipt and return of these vulnerable populations.

⁴⁶ Guljannat, H., & Brown. (2025). *Soft Law, Activism, and Climate Displacement: Rethinking International Protections for the Environmentally Displaced*. Old Dominion University.

4 Chapter 4: Global Perspectives and Comparative Analysis

4.1 Small Island States: Legal battles for survival.

These nations are increasingly utilizing strategic litigation to compel international recognition of their sovereign rights and the legal obligations of major emitters to prevent their potential territorial disappearance. - Regional Case Studies in South Asia: Analysis of cross-border migration patterns between Bangladesh and India, focusing on the lack of formal recognition for climate-displaced persons despite the reality of recurring environmental disasters. - Global Governance Deficits: The absence of specific international legal frameworks for climate migrants prevents the systematic adjudication of these cross-border claims, leaving populations in South Asia to navigate complex geopolitical sensitivities without formal protection. Moreover, the lack of a coherent regional mechanism for climate-induced displacement in South Asia underscores the need for bilateral agreements that address the socio-economic vulnerabilities of cross-border migrants who currently fall outside the scope of international refugee law. These bilateral arrangements could serve as a necessary intermediary step to mitigate the protection vacuum, particularly by incorporating the normative standards of international human rights law into regional mobility governance. By integrating such rights-based standards, regional frameworks can begin to circumvent the inherent limitations of the 1951 Refugee Convention, which fails to encompass the nuanced realities of environmental degradation and slow-onset displacement. Furthermore, establishing inclusive and gender-sensitive social safety nets within these agreements is essential to enhance community resilience and address the disproportionate impacts of displacement on marginalized populations (Harun, 2025).⁴⁷ To operationalize this, effective cooperation between origin and destination countries remains essential for planning future migration in ways that benefit both nations. This strategic alignment necessitates a move beyond traditional humanitarianism toward comprehensive legal frameworks that recognize the intersection of environmental justice, individual agency, and state accountability (Ahmed, 2025). Such efforts are further hampered by political disagreements within

⁴⁷ Harun, M., Rahman, A., & Ferdous, J. (2025). Vulnerabilities of climate change-induced displacement and migration in South Asia. *Discover Global Society*, 3(1).

regional organizations like SAARC⁴⁸ and BIMSTEC⁴⁹, which have historically struggled to coordinate substantive policies on cross-border population movements (Sarwal, 2025). This institutional paralysis leaves millions of displaced persons in the region without legal standing, as current frameworks fail to reconcile national security priorities with the humanitarian imperatives of climate-induced migration. To mitigate this impasse, advocates have proposed adopting regional instruments modeled after the Kampala Convention, which would formalize protection obligations for internally displaced persons while fostering cross-border cooperation within the SAARC framework. However, realizing such comprehensive regional instruments necessitates overcoming the historical reluctance of member states to cede sovereignty over migration governance, a persistent obstacle that has historically hindered South Asian integration regarding climate-induced displacement (Sadik, 2023). Consequently, regional entities must transition from purely consultative roles to executive frameworks that treat food security and environmental protection as integrated components of human rights (Islam, 2020).⁵⁰ By fostering such institutional alignment, governments can move toward the implementation of localized adaptation projects, such as the Bangladesh Climate Change Strategy and Action Plan, which serve as foundational models for reconciling national policy with broader human rights protections. Furthermore, by framing climate security as a fundamental human rights issue, South Asian nations can establish a normative basis for addressing the critical intersections of resource scarcity, environmental degradation, and the protection of vulnerable populations. This shift toward a rights-based discourse facilitates a move away from the traditional security-centric "environmental conflict" framing, instead prioritizing human vulnerability and the legal entitlements of affected communities.

⁴⁸ South Asian Association for Regional Cooperation

⁴⁹ BIMSTEC stands for the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation.

⁵⁰ Islam, M. S., & Kieu, E. (2020). Tackling Regional Climate Change Impacts and Food Security Issues: A Critical Analysis across ASEAN, PIF, and SAARC. *Sustainability*, 12(3), 883–883.

4.2 Developed vs Developing Nations: Equity and responsibility debates.

This dichotomy underscores the necessity of harmonizing environmental principles to bridge the disconnection between the historical carbon emissions of industrialized states and the acute adaptation deficits faced by nations like Bangladesh. The lack of robust legal mechanisms for climate-induced displacement exacerbates these inequities, as current international frameworks fail to reconcile state-centric security approaches with the imperative to protect vulnerable populations. Consequently, future policy interventions must transition from reactive crisis management toward proactive legal recognition that addresses the unique legal invisibility and systemic exclusion faced by migrants, particularly women and marginalized groups. The debate between developed and developing nations over equity and responsibility in climate justice reflects the principle of common but differentiated responsibilities (CBDR) enshrined in the UNFCCC and reaffirmed in the Paris Agreement. Developed nations, having historically contributed the bulk of greenhouse gas emissions, bear a heightened duty to mitigate climate change and provide financial, technological, and capacity-building support, not merely as policy commitments but as binding human rights obligations. In contrast, developing nations such as Bangladesh, despite negligible contributions to global emissions, face disproportionate vulnerabilities—rising sea levels, recurrent floods, salinity intrusion, and mass displacement—that directly undermine rights guaranteed under the ICESCR and ICCPR. A comparative perspective with Small Island Developing States (SIDS), including Tuvalu and the Maldives, reveals parallel struggles: while SIDS confront existential threats of territorial extinction, Bangladesh grapples with internal displacement and livelihood collapse. Both contexts highlight the inequities of climate change, where those least responsible suffer the gravest consequences. Thus, climate justice demands a redistribution of responsibility, compelling developed nations to act not out of charity but out of enforceable obligations under international human rights law, ensuring that vulnerable states like Bangladesh and SIDS can safeguard the fundamental rights of their people. This shift necessitates integrating distributive, procedural, and reparative justice mechanisms to ensure that loss-and-damage compensation addresses the specific socio-political contexts of displaced populations. Implementing such mechanisms requires moving beyond mere financial transfers toward operationalizing the Loss and Damage Fund as a conduit for

systemic support that acknowledges the historical injustice inherent in current environmental disparities.

4.3 Case Studies: Urgenda case (Netherlands), Juliana v. US, Pacific Island litigation.

These legal precedents demonstrate an emerging trend where courts increasingly recognize climate change as a justiciable human rights violation, providing a template for domestic and international litigation to hold states accountable for their atmospheric contributions. Integrating these findings into the Bangladeshi legal landscape offers a pathway for climate-impacted citizens to seek redress for rights infringements, directly challenging the lack of accountability for historical emissions (Barua, 2022)⁵¹. Furthermore, the adoption of environmental constitutionalism allows for the codification of these international precedents into domestic law, thereby empowering marginalized communities to assert legal remedies against the state for failing to protect them from preventable environmental harm. This evolving judicial landscape underscores the potential for litigation to catalyze institutional shifts, compelling governments to move beyond policy rhetoric toward the enforcement of concrete, rights-based protections for climate-vulnerable communities. Beyond formal litigation, domestic rights-based climate cases increasingly incorporate claims for loss and damage, highlighting a shift toward utilizing judicial platforms to secure remedial justice for non-economic impacts like cultural erosion and loss of sovereignty (Wewerinke-Singh, 2023).⁵² This judicial trajectory is further supported by the emergence of "rights-based turns" in global litigation, which increasingly frame extreme weather events and ecological degradation as direct violations of the right to life and health. However, the efficacy of such judicial interventions remains constrained by evidentiary and procedural barriers, as there is currently no established precedent of a plaintiff successfully securing compensation through an international climate-induced loss and damage claim. Nevertheless, the precedent set by cases like **Leghari v. Pakistan** demonstrates that domestic courts can catalyze national climate policy by

⁵¹ Barua, R. (2022). ADDRESSING CLIMATE CHANGE ADAPTATION THROUGH HUMAN RIGHTS AND PROMOTION OF CLIMATE JUSTICE. *Bangladesh Journal of Law*, 20(2).

⁵² Wewerinke-Singh, M. (2023). The Rising Tide of Rights: Addressing Climate Loss and Damage through Rights-Based Litigation. *Transnational Environmental Law*, 12(3), 537–566.

interpreting fundamental rights as an immediate mandate for state action, thereby framing governmental inaction as a justiciable breach of constitutional duty. This decision established an interdepartmental commission to oversee adaptation implementation, offering a practical model for how judiciaries can transcend symbolic rulings to enforce substantive, rights-based protections for citizens facing climate-induced hardships. By internalizing these procedural innovations, the Bangladeshi judiciary could potentially bridge the gap between symbolic legal recognition and transformative policy enforcement (Ohdedar, 2021)⁵³. By mandating the appointment of climate change focal persons across ministerial departments, the judiciary can effectively transform abstract constitutional guarantees into an actionable framework for state accountability. Such an oversight mechanism mirrors the mandate of the Pakistani Climate Change Commission, which empowered judicial review to ensure that state entities prioritize fundamental rights within their climate policy frameworks.

4.4 Global South Solidarity: Shared vulnerabilities and advocacy.

This collective approach emphasizes progressive jurisprudence across the Global South, where nations increasingly rely on constitutional interpretations to safeguard environmental rights through public interest litigation. By fostering cross-jurisdictional legal exchanges, these states strengthen the evidentiary basis for climate claims, effectively pressuring international forums to address the intersection of state obligations and human rights. This transnational alignment reflects a growing consensus that judicial interventions must evolve beyond national borders to address the extraterritorial dimensions of climate-induced loss and damage. In this context, the landmark adjudication in “Leghari v. Pakistan” serves as a seminal archetype for transformative adjudication, demonstrating that domestic courts can mandate robust institutional oversight to rectify state inaction regarding environmental and resource security. Similarly, the broader South Asian judicial landscape illustrates a trend toward innovating legal principles to address the unique ecological vulnerabilities of the region, shifting the burden of protection onto states through rigorous environmental

⁵³ Ohdedar, B. (2021). Climate Change Litigation in India and Pakistan: Analyzing Opportunities and Challenges (pp. 103–123).

oversight. Moreover, this regional reliance on public interest litigation and environmental constitutionalism provides a robust mechanism to supplement administrative gaps, as seen in the Indian judiciary's efforts to link existing non-climate regulations with broader environmental safeguards. Such cross-border judicial dialogue is further bolstered by the widespread inclusion of human rights protections within Southern constitutions, which effectively lowers the threshold for individual access to justice regarding climate-related grievances. This convergence of constitutional norms and judicial activism facilitates a "latent Global South docket" that transcends domestic borders, allowing for the strategic deployment of transnational litigation to confront the systemic inequities of global climate governance. These strategic legal efforts reflect a broader shift wherein Global South jurisdictions leverage constitutional socio-economic rights as a foundational architecture for demanding accountability for climate-induced harms. Such developments signify a transition toward a transnational climate jurisprudence, where domestic courts are increasingly recognized as essential actors in defining the responsibilities of states to mitigate and adapt to anthropogenic environmental shifts. Indeed, this emerging trend is exemplified by the nascent move toward cross-border accountability, as seen when Pakistani stakeholders initiated legal notices against Northern carbon majors to address the inequities of climate-induced damage (Urmi, 2026).⁵⁴ This growing inclination to hold external actors accountable underscores a broader strategy within the Global South to leverage litigation as a tool for redressing the disproportionate impacts of emissions originating from the Global North.

⁵⁴ Urmi, N. J. (2026). Legal notice from Pakistani farmers to German carbon majors: Implications for transnational climate litigation in South Asia. *Common Law World Review*, 55(1), 13–17.

5 Chapter 5: Critical Challenges and Debates

5.1 Climate Refugees: Legal recognition and protection gaps.

The lack of a codified international status for climate-displaced persons often relegates these individuals to the periphery of humanitarian protection frameworks, leaving them vulnerable to statelessness as environmental degradation renders their home territories uninhabitable (Siqueira, 2024). Furthermore, the absence of a cohesive global legal instrument forces domestic courts to navigate the limits of sovereign responsibility, often struggling to address the transboundary nature of displacement through existing human rights protections (Vanhala, 2022). Conversely, communities in the Global South are increasingly utilizing international legal instruments to hold major emitters accountable, transforming these protective gaps into sites of advocacy for both human and non-human climate resilience. These efforts are further complicated by the fact that existing international frameworks, such as the 1951 Refugee Convention, remain fundamentally inadequate for addressing the specific rights and dignity of populations uprooted by gradual environmental shifts like sea-level rise. Consequently, these systemic exclusions necessitate a shift toward decolonizing international legal principles to ensure that mechanisms for loss and damage are capable of guaranteeing genuine self-determination and equality for displaced populations. This paradigm shift requires addressing the "climate coloniality" inherent in current international legal structures, which often misrecognize displaced persons by failing to account for historical power imbalances and the disproportionate vulnerability of Southern ecosystems (Rosignoli, 2024). Addressing these structural impediments demands a move toward intersectional legal strategies that prioritize the epistemological standpoints of those directly displaced, rather than relying solely on Northern-centric normative frameworks. Moreover, this decolonial approach seeks to dismantle the hierarchical subjectivities embedded within established refugee status definitions, which frequently ignore the environmental root causes of displacement in favor of narrow, persecution-based criteria. This legislative obsolescence necessitates a unified legal strategy that transcends traditional silos, bridging refugee law, statelessness protections, and environmental governance to address the legal void left by disappearing territories. Such efforts are critical, as the current state-centric model of

international law fails to accommodate the unique challenges of sovereignty loss, potentially leaving entire populations without the protections guaranteed by the Montevideo Convention. Reimagining statehood in this context requires moving beyond Westphalian territoriality toward a model that decouples sovereignty from land-based permanence, thereby mitigating the risk of perpetual statelessness for populations whose homelands are compromised by environmental change. Integrating the principle of *uti possidetis iuris* within this reconfigured framework could offer a pragmatic pathway for preserving legal continuity for submerged states, effectively anchoring sovereignty in maritime jurisdiction rather than obsolete terrestrial requirements.

5.2 Equity vs Universality: Postcolonial critiques of human rights.

This critique interrogates whether Western-centric human rights paradigms inadvertently perpetuate colonial power dynamics by imposing universal standards that overlook the historical root causes of environmental degradation (Wolkmer, 2025).⁵⁵ By prioritizing these Western epistemologies, international law often ignores the "coloniality of knowledge" that dictates who holds the authority to define legal rules, thereby marginalizing the specific experiences of vulnerability in the Global South. This tension necessitates a pivot toward transdisciplinary approaches that honor enplaced, heterogeneous norms, preventing the imposition of singular, top-down epistemologies that risk subsuming local cultural agency. Moreover, the structural rigidity of international legal systems—often cabined by narrow interpretations of statehood—frequently overlooks the duty to align existing treaty obligations with the evolving realities of the Anthropocene. This shift requires reconciling the fundamental tension between established territorial integrity and the emerging recognition that natural, rather than merely political, changes now drive state destabilization. Such a transformation underscores that international law, which historically presumed the environmental stability of the Holocene, must now grapple with the unprecedented strain that these physical shifts place on the foundational principle of sovereign equality. Ultimately, the emergence of "climate sovereignty" may provide the necessary

⁵⁵ Wolkmer, A. C., & Engelmann, I. P. (2025). Coloniality of Nature, Environmental Refugees and Human Rights: A Fundamental Connection. *International Journal of Law and Society*, 8(3), 226–235.

legal architecture to decouple statehood from physical landmass, ensuring that the continuity of a people and their governing institutions remains recognized even when territorial foundations are submerged. This evolutionary process necessitates that international institutions move beyond mere reliance on static territorial criteria toward a more pluralistic, responsibility-based model of governance. This transition toward a responsibility-based architecture must concurrently establish a global language of obligations to ensure that the ecological limits of the Earth system remain firmly respected. By transcending the anthropocentric dualism that historically prioritized human development at the expense of planetary boundaries, this framework challenges the colonial foundations of international law that have long impeded effective ecological governance. Furthermore, this transition requires a fundamental re-evaluation of the 'secondary rules' of international governance, shifting the focus from mere procedural application to the structural integration of ecological integrity as a foundational norm. This approach shifts the focus from anthropocentric entitlement toward a model of ecological responsibility, where the international community collectively upholds the integrity of the Earth system rather than reinforcing isolated state interests. Consequently, the adoption of "Earth system law" offers an essential epistemic framework to facilitate these transformations, moving international law beyond the positivist constraints that have historically enabled environmental degradation. By recognizing non-human entities as legal subjects, this paradigm seeks to rectify the inherent inequities of power dynamics that have rendered conventional environmental agreements largely ineffective (Burke, 2025).⁵⁶ This shift necessitates a departure from the implicit, outdated premise of Holocene-era stability that has governed international legal systems for centuries.

5.3 Corporate Accountability: Role of multinational corporations.

The expansion of environmental liability, exemplified by proposals to codify ecocide as a core international crime, remains essential for shifting the focus from post-damage

⁵⁶ Burke, A. (2025). 25. Ecological Law. In Oxford University Press eBooks (pp. 336–348). Oxford University Press.

compensation to proactive corporate stewardship (Marcos, 2025).⁵⁷ To achieve this, regulatory mechanisms must move beyond voluntary frameworks to impose binding obligations on non-state actors whose activities disproportionately impact ecological systems. Such frameworks must explicitly address the global value chains that often shield parent companies from transboundary environmental impacts, as current state-based enforcement mechanisms frequently fail to capture these non-state drivers of system-wide degradation. Moving toward a multi-actor governance model is therefore critical, as it would expand the participatory space and facilitate the accountability of transnational entities within the climate-biodiversity-society nexus. This multi-level integration requires aligning compliance procedures with national judiciaries to address the inherent heterarchy of global environmental regimes (Salzmann, 2011). Furthermore, developing robust mechanisms for accountability necessitates transitioning from static, linear models of liability toward adaptive governance frameworks capable of addressing the non-linear dynamics and threshold effects inherent in Earth system change. Such a framework demands the active engagement of scientists, legal practitioners, and policymakers to overcome existing implementation deficits through transparent, actionable enforcement targets. Furthermore, integrating the rights of nature into this legal architecture allows ecosystems to stand as legal subjects in court, ensuring that the duties of entities to limit and reverse ecological degradation are codified as enforceable mandates. This science-business engagement is vital for ensuring that private sector sustainability agendas are framed by rigorous ecological data rather than narrow commercial interests, thereby mitigating the implementation gap inherent in current international regimes. Enhancing these reporting requirements to include geolocalized, standardized indicators of biodiversity and ecosystem impact is essential to bridge the disconnection between voluntary corporate disclosures and genuine ecological outcomes. This integration must overcome the current fragmentation of global policy, where siloed conventions often reflect disparate national interests rather than a unified strategy for systemic health. Ultimately, fostering this systemic coherence requires legislative reforms that compel transnational corporations to internalize their ecological externalities across fragmented jurisdictions, ensuring that global production ecosystems align with planetary safety

⁵⁷ Marcos, H. (2025). *Tech Won't Save Us: Climate Crisis, Techno-Optimism, and International Law. Law Technology and Humans.*

boundaries. By operationalizing mandatory disclosures that synthesize ecological dependencies with financial materiality, states can catalyze a transition from discretionary sustainability reporting to enforceable accountability. This legal evolution is critical to closing the pervasive accountability gap, as current regimes often neglect the profound contributions of fossil fuel and industrial agricultural firms to the ongoing climate and biodiversity crises.

5.4 Social Movements: Grassroots activism in Bangladesh and globally.

Social movements, particularly grassroots activism, play a critical role in advancing climate justice as a human rights concern by amplifying marginalized voices and demanding accountability from states and corporations. In Bangladesh, youth-led initiatives such as the International Youth Change Maker (IYCM) and leaders like Foyez Uddin have mobilized thousands of young people across rural and urban areas, organizing climate strikes, tree-planting campaigns, and awareness programs that directly link environmental degradation to rights violations. The Bangladesh Youth CoP 2024 further demonstrated this grassroots strength, where over 200 activists issued 14 demands addressing safe drinking water, wetland crises, and displacement, ensuring that local perspectives reached national and international policymakers. Globally, movements like Fridays for Future and Extinction Rebellion have reframed climate change as an intergenerational justice issue, while eco-feminist collectives emphasize the gendered dimensions of vulnerability. These movements collectively challenge power structures, bridge local struggles with global advocacy, and reassert that climate justice is inseparable from fundamental human rights such as the right to life, health, and livelihood. By situating Bangladesh's grassroots activism within this global landscape, it becomes evident that social movements are not only sites of resistance but also engines of transformative change, linking community resilience to international solidarity.

6 Chapter 6: Recommendations and Conclusions

6.1 Policy Recommendations: Strengthening constitutional guarantees, integrating climate justice into rights discourse.

States should codify the right to a healthy environment within national legal frameworks to provide a definitive basis for climate litigation and ensure that human rights protections extend to those most susceptible to environmental degradation (Iqbal, 2025). Moreover, states must leverage these constitutional foundations to challenge the traditional non-justiciability of climate policy, facilitating judicial oversight to hold both state and non-state actors accountable for their systemic contributions to climate-induced rights violations (Smith-Carrier, 2022).⁵⁸ Additionally, adopting a posthumanist, intersectional lens in legal proceedings could further broaden the scope of these claims by acknowledging the interdependent fate of human and non-human entities within the climate-ecosystem matrix. Bangladesh's constitutional framework already acknowledges environmental protection under Article 18A, but to ensure climate justice as a human right, it is essential to strengthen constitutional guarantees by elevating environmental provisions into enforceable fundamental rights and explicitly linking them to the right to life and livelihood under Articles 31 and 32. Climate justice should be integrated into the rights discourse, connecting it to basic entitlements such as food, water, health, housing, and security, while harmonizing domestic law with international obligations under the ICCPR, ICESCR, and the Paris Agreement. Judicial activism has already broadened the interpretation of the right to life to include environmental protection, but judicial recognition of climate justice as a fundamental right would institutionalize this approach. National frameworks like the BCCSAP and NPDM should be aligned with constitutional rights, ensuring that adaptation and mitigation measures are enforceable rather than discretionary. To prevent elite capture of resources, equity in climate governance must be guaranteed, prioritizing marginalized groups such as indigenous peoples, women, and coastal

⁵⁸ Smith-Carrier, T., & Manion, K. (2022). Bringing It All Together: Leveraging Social Movements and the Courts to Advance Substantive Human Rights and Climate Justice. *Human Rights Review*, 23(4), 551–574

communities. At the global level, Bangladesh should advocate for international responsibility, treating climate finance and loss-and-damage mechanisms as justice obligations rather than charity. Domestically, institutional mechanisms such as a Climate Justice Commission could monitor implementation and hold agencies accountable. Finally, community empowerment must be embedded in governance, ensuring participatory rights for vulnerable communities and recognizing indigenous knowledge as part of constitutional climate justice.

6.2 International Cooperation: Financing, technology transfer, global solidarity.

Equitable climate action requires dismantling the colonial legacies embedded in current international legal architectures, thereby ensuring that Global South nations secure the resources necessary to navigate climate-induced vulnerabilities. This objective necessitates the establishment of mechanisms that prioritize transnational litigation and collaborative strategies, ensuring that the legal and moral arguments derived from human rights serve as an effective instrument for redressing climate-related harms. Furthermore, fostering this transition requires the development of dedicated global frameworks that facilitate knowledge-sharing and the equitable distribution of climate adaptation technologies. Finally, institutionalizing these collaborative efforts must move beyond market-centric logics that privilege economic growth, instead centering the profound inequality in suffering experienced by the most vulnerable populations. Ultimately, the transition toward a truly equitable climate governance regime necessitates replacing disjointed, state-centric mandates with a unified "common concern of humankind" approach that mandates accountability for transboundary harms. Such a paradigm shift requires recognizing that human rights frameworks offer essential hermeneutical tools to re-interpret international obligations, thereby substantiating claims for distributive and corrective justice. By bridging the implementation gap between existing international norms and domestic remedial outcomes, these legal strategies can move beyond mere rhetoric to provide tangible support for frontline communities. Specifically, the international community must move toward establishing reparations mechanisms modeled on precedents like the UN Compensation Commission to address the loss and damage sustained by these

populations. Moreover, formalizing these financial channels alongside the International Court of Justice's recognition of climate inaction as an internationally wrongful act provides a robust legal architecture for enforcing state liability. Integrating these measures into a cohesive mandate would finally align climate governance with the core tenets of restorative and distributive justice. Consequently, this holistic approach transforms the human rights discourse from a reactive stance into a proactive instrument that mandates systematic GHG emission reductions and ensures state compliance with international obligations. This paradigm shift acknowledges that the failure to mitigate such risks constitutes a breach of international law, thereby establishing a legal basis for holding States accountable for the extraterritorial impacts of their carbon footprints. This framework must emphasize that restorative justice, rather than merely procedural engagement, remains the only viable path to addressing the historical responsibilities of major emitters toward disproportionately affected populations. This mandate necessitates a comprehensive integration of the transboundary harm principle, which provides a normative foundation for states to assume liability for climate-induced human rights infringements occurring beyond their borders. Furthermore, states must fulfill their legal duty to provide full reparations to those impacted by climate-related harm, effectively transitioning from reactive humanitarian aid to mandated restorative justice (Wewerinke-Singh, *State Responsibility for Human Rights Violations Associated with Climate Change*, 2018). Implementing such mechanisms requires moving beyond State-to-State obligations to prioritize the multifaceted redress of individuals and communities, ensuring that victim participation remains central to the design of credible, non-repeatable remedies.

6.3 Bangladesh Roadmap: Legal reforms, institutional strengthening, community empowerment.

Policymakers must decentralize climate adaptation governance, empowering local councils to manage resources based on granular, community-led vulnerability assessments that directly translate regional rights claims into tangible protection measures. These localized frameworks should concurrently integrate human rights-based adaptation protocols to ensure that mitigation strategies do not inadvertently

marginalize vulnerable populations while addressing the "loss and damage" spectrum. Such initiatives must be complemented by legal advocacy that challenges existing systemic discrimination, ensuring that climate-sensitive development projects prioritize the rights of marginalized groups whose capacity to adapt is historically constrained (Jodoin, 2021). Furthermore, legislative efforts should incorporate robust judicial oversight mechanisms to scrutinize national climate policies, ensuring they align with international human rights standards while compensating for the absence of dedicated domestic climate legislation (Alam, 2020). Establishing these institutional safeguards will formalize the duty of the state to mitigate transboundary harms while providing frontline communities with the procedural standing to demand accountability for rights-based climate injustices. These efforts must ultimately reconcile the inherent tension between territorial sovereignty and the extraterritorial application of human rights obligations, particularly when addressing the disproportionate harm faced by frontline populations (Venn, 2022)⁵⁹. Moreover, regional cooperation among vulnerable states, such as those within the OIC, can facilitate the creation of harmonized benchmarks to monitor compliance with these international human rights obligations. By synthesizing these regional perspectives, nations can develop a collective bargaining position that formalizes human rights-based climate due diligence, thereby mandating that domestic and multinational entities align their operational activities with established environmental and rights protections (Isaac, 2024).⁶⁰ This coordinated strategy must transcend isolated national efforts, necessitating that the international community adopt a unified framework to operationalize human rights-based policies across all stages of domestic and global mitigation. By leveraging established human rights institutions to catalyze both judicial and non-judicial remedies, states can effectively bridge the gap between abstract international discourse and actionable climate justice. In this context, the development of specialized legal doctrines, such as the precautionary and polluter-pays principles, serves as a necessary catalyst for enhancing judicial capacity in climate-related adjudication. These judicial advancements should prioritize the creation of responsive legal frameworks that explicitly integrate human rights protections into climate policies, thereby ensuring systemic accountability for environmental

⁵⁹ Venn, A. (2022). Rendering International Human Rights Law Fit for Purpose on Climate Change. *Human Rights Law Review*, 23(1)

⁶⁰ Isaac, J., & Hilal, J. (2024). Environmental and Climate Justice in Palestine. *American Journal of Climate Change*, 13(2), 251–280.

degradation. This evolution in jurisprudence is essential to resolve the current remedy conundrum facing international bodies, where the lack of established mechanisms for reparation often obscures the direct link between state emissions and human rights violations. Addressing this lacuna requires clarifying the precise extraterritorial scope of state obligations to prevent foreseeable human rights harms, effectively moving beyond the current ambiguity in international oversight.

6.4 Conclusion: Reaffirming climate justice as a human right, emphasizing Bangladesh's role in global advocacy.

Ultimately, by championing a rights-based approach that highlights the disproportionate suffering of the Global South, Bangladesh serves as a pivotal model for international climate litigation that seeks to reconcile historical emissions disparities with the urgent necessity for universal environmental protections. This paradigm shift underscores that protecting fundamental rights is not merely an ethical imperative but a legal necessity to bridge current governance gaps in international environmental law. Consequently, the synergy between human rights discourses and climate governance provides a robust mechanism to hold both state and non-state actors accountable for climate-induced harm. Integrating such a framework into domestic jurisprudence empowers citizens to leverage international human rights law as a strategic tool for securing concrete regulatory interventions. Such legal mobilization underscores the growing recognition that courts are essential venues for translating broad human rights principles into enforceable mandates for climate mitigation. This transition reflects a broader, global shift toward transnational climate litigation where human rights principles serve as the foundational moral and legal basis for holding governments accountable for climate-induced harms. By anchoring climate policy within binding human rights instruments, states can move beyond voluntary commitments toward a mandatory framework that demands structural accountability. This evolution acknowledges that states may increasingly be held responsible for extraterritorial human rights harms resulting from their domestic conduct under the evolving transboundary harm principle. This systemic integration of international human rights

and environmental regimes represents a critical step toward overcoming the territorial limitations that have historically hindered effective climate litigation (Lindberg, 2020)⁶¹. Ultimately, this legal convergence strengthens the global mandate for climate justice by aligning judicial interpretations with the urgent, lived realities of vulnerable nations like Bangladesh. This transnational movement further highlights the emergence of a "Latent Global South Docket," which reframes domestic and international climate cases as a cohesive force for reconfiguring global accountability standards.

⁶¹ Lindberg, S. (2020). *Small Islands and Climate Change : Human Rights Approach*. Työväentutkimus Vuosikirja.

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