jurisdiction. It can settle disputes brought by the UN member states regarding an alleged breach of an international obligation if the states concerned have accepted its jurisdiction. The role of ICJ is to settle the legal disputes submitted to it by states and to give advisory opinions on legal questions referred by authorised UN organs. Non-state actors can neither be complainant nor defendant. However, states may take up the case of an individual before the ICJ. In 1993, the ICJ appointed a Chamber for environmental matters, which can appoint assessors and scientific experts to assist with scientific questions related to the environment.

In the context of UNFCCC and Kyoto Protocol, which prefer self-governing dispute settlement mechanisms, it can be established that prior negotiations have been unsuccessful in the absence of an Annex on UNFCCC arbitration if there is no other method to settle the dispute. So,

The right to environment is now well-recognised in our legal system since the apex court expanded the meaning of fundamental right to life to include safe environment.

Bangladesh may think of bringing the issue on behalf of its climate-affected people before ICJ, and also explore the other dispute settlement mechanisms to ascertain the relationship between the claimant and the respondent, and their respective legal commitments. Some other forums are Permanent Court of Arbitration (PCA), World Trade Organization (WTO) Dispute Settlement Body, and the UN Convention on the Law of the Sea (UNCLOS).

Climate litigation in the domestic court

Climate litigations based on different cause of actions are filed in different countries, and are mostly based on environmental statutes. In US and Australia, cases are brought in the climate change context, seeking judicial review of government actions in relation to GHG. In US, litigations have been filed under tort actions, Clean Air Act (Massachusetts v. EPA), Endangered Species Act, and so on. In Argentina, a case filed in 2003 against the government revealed the failure of the government to make the infrastructure changes needed to protect flood-affected people.

However, according to a number of legal experts including Mary Christina Wood, Professor, Oregon School of Law, US, the most promising course of action for fighting climate change through litigation is using the Public Trust Doctrine. Doctrine of public trust is a common law principle originally developed in the Roman Empire. It means that rivers, seashores, forests and the atmosphere, are held by the government in trusteeship for the free and unhindered use of the general public. As trustee, the government must protect the natural assets for the beneficiaries of the trust, who are the present and future generations of citizens. There is no question that treating the atmosphere as a public trust is consistent with the central purpose of the trust doctrine. Therefore, the fiduciary obligation of the government as trustee is to protect atmosphere for its own citizens and, at the same time, all other nations have the same duties based on co-tenancy relationship to one another.

The concept of stewardship or trusteeship is well established, and could be an useful avenue to protect natural resources and public land. In one case in India (*M.C. Mehta v Kamal Nath, 1997*), the court applied the notion of public trust in protecting and preserving the natural resources. Moreover, one of the strongest judicial iterations of the public trust came from the Philippines Supreme Court in a case brought on behalf of children [*Opasa v. Factoran (Sup. Ct. Phil. 1993)*]. The legal system of Bangladesh is based on English common law and, therefore, public trust doctrine would be part of its jurisprudence. So, if the atmosphere is considered a natural resource, the Bangladesh government could be defendant against the claim of coastal fisher folk under public trust doctrine.

Guided by the constitutional provision of ownership in Bangladesh, and subject to the other statutory legal provisions, land can be owned by private individuals, by the government and by cooperatives. Article 13[a] of the Fundamental State Policy (part II) states: "State ownership is ownership by the state on behalf of the people through the creation of an efficient and dynamic nationalised public sector embracing the key sectors of the economy." This provision may be interpreted to compel the government of Bangladesh to protect natural resources as common property under the concept of public trust doctrine.

Moreover, the State Acquisition and Tenancy