

## Impressive climate change adaptation record

But we still need to do more

WE thank former UN secretary general Ban Ki-moon for his comment that Bangladesh is the best teacher in climate change adaptation while addressing an audience at the conference on climate change adaptation in Dhaka. It is true that Bangladesh has come up with some innovative adaptation practices such as developing water resilient crops, home solar systems and a climate trust fund and these can be emulated by other countries.

However, this also brings to the fore the fact that Bangladesh is one of the most vulnerable countries to climate change and is at the receiving end of global warming. And the biggest polluters that have caused global warming are the developed countries who must take responsibility for burdening the developing nations of the world with the devastating effects of climate change. Developed countries are yet to disburse most of the funds they have committed to combat climate change.

At the same time, those projects that are related to combatting climate change have to be run efficiently. This can be possible if these projects are monitored and evaluated like the annual development programme (ADP) as recommended by Transparency International Bangladesh (TIB). Also, activities under development projects and climate change trust funded projects often overlap; thus there should be a synergy between the two. A climate finance policy must be formulated as soon as possible.

While we are trying our best to adapt to the realities of climate change, it is undeniable that in the home front there is much to be done. Most of all, we need to save our rivers, the lifelines of towns and villages, and reverse the cycle of river-grabbing, dumping of industrial wastes and erosion that are killing these lifelines. Apart from the loss of biodiversity, the death of rivers and river erosion have added to the retinue of climate change refugees who have lost their land and livelihoods and are forced to rush to the cities to survive. We must breathe back life into our rivers.

## Unique way of 'warning' a doctor!

It's the patients who would suffer more

ALTHOUGH the Chattogram Medical College Hospital (CMCH) authorities may choose to term its action against a physician of the hospital as a "warning" to him, many would see his transfer from CMCH to a Rangamati hospital as more of a punishment.

The issue originated when our cricket team captain Mashrafe Mortaza, who happens to be the local lawmaker also, visited Narail Sadar Hospital on April 24. He took exception to the fact that four doctors were absent from duty and spoke to one of the absentee doctors on telephone which went viral. Some doctors took umbrage in the language that Mashrafe used in talking to the doctor which prompted the "warned" doctor to pass comments on his Facebook page in unparliamentary language.

We wonder whether good sense has taken leave of us. The matter smacks of uncivility in our use of words and lack of sobriety in public discourse and mutual interaction. We believe that Mashrafe was justified as the representative of the local people to express his displeasure at the absence of the doctors but might have been more temperate while expressing his mind. And in reacting to the MP's comments, the choice of words of the said doctor, we feel, could have been far more refined.

However, do the doctor's comments merit the action that the hospital administration has taken against him? Many would see his transfer from CMCH to a Rangamati hospital to be a punishment. We believe the CMCH decision would put the patients more at a distress than anyone else because the doctor in question happens to be a paediatric oncologist, one of the only three in this country. And he has been posted to a hospital where cancer treatment facilities do not exist. Doctors like him are a rare commodity in this country, and keeping a specialist doctor unutilised will affect patients seriously. We believe there could be other ways of reproaching the said doctor.

We plead for restoration of civility in public discourse and a bit more circumspection in administrative decision making.

## LETTERS TO THE EDITOR

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### BTRC reduces bandwidth capacity of major telecoms

The news came as a surprise to many when the two MNC telecom companies, Grameenphone and Robi, were accused of dodging government dues. As shown in the audit reports, both GP and Robi have not been able to pay their dues to the government. GP and Robi both owe BTRC more than Tk 12,500 crore and Tk 850 crore, respectively.

As such, the telecom regulatory body has directed the two companies to pay the dues to the government. The telecom companies are however delaying the payment and BTRC officials have commented that they would do everything legally possible to retrieve the money. In a recent development, BTRC has limited the bandwidth of both Grameenphone and Robi as a form of penalty. However, the reduced bandwidth will affect the customers rather than the service providers.

The subscribers will suffer as the networks are becoming increasingly disruptive. The chairman of BTRC has even said that NOC and calls of the two companies would be blocked if necessary. Thus, the earlier the involved parties resolve this issue, the better it will be for the subscribers.  
Mohammad Zonaid Emran, *By email*

# International Green Court: A solution to achieving climate justice?



SHARABAN TAHURA ZAMAN

WE'RE running out of time on climate change. The UN Intergovernmental Panel on Climate Change's (IPCC) report released in October 2018, revealed that there are only a dozen years left for global

warming to be kept to a maximum of 1.5 degrees Celsius (2.7 degrees Fahrenheit). Reaching temperatures beyond that, even half a degree higher, will significantly worsen the risks of droughts, floods, extreme heat and poverty for hundreds of millions of people. Of course, we are already feeling these symptoms as the five hottest years on record, globally, all took place within the current decade. According to scientists at National Oceanic and Atmospheric Administration, 2016 was the hottest, 2015 the second hottest, and 2017 the third hottest—2018 is currently on track to be the fourth hottest. Urgent changes are needed in order to keep global temperatures down.

However, the existing climate regulatory regime, built upon 27 years of negotiations, has already proven woefully inadequate to help the world reduce greenhouse gas emissions that are exacerbating climate change, and to remedy their consequences.

One of the key reasons behind such failure is that the existing, legally binding climate change agreements are designed without a mechanism of enforcement. Being non-punitive, non-adversarial and flexible in nature, existing legal mechanisms are failing to cope with the scale of the global issue and its wide-ranging impact on individuals, leaving climate change justice issues unaddressed.

In this context, there is a growing demand for the establishment of an international court which can address significant gaps in the current international environmental legal order. That sounds like a great idea! Though a number of challenges are rooted there. First, if the existing climate regime is non-punitive, non-adversarial and flexible in nature, how can we enforce it in an international court? Among other things, it involves challenges in identifying the "actionable rights" that will determine which climate change transgressions lie within the scope of the court, establishing appropriate standards for proving a legally cognisable causal link between greenhouse emissions and the relief sought, and developing methods for awarding remedies. Obstacles also



Bangladesh is one of many countries to be affected by the problem of climate-change-induced migration.

PHOTO: AFP

lie with global cooperation, different priorities for the developed and the developing countries, the exercise of absolute sovereign power, anarchic nature of the world order, and thus the perceived unenforceability of international law.

Nevertheless, these obstacles should not be viewed as insoluble. We should expand our understanding of what is possible by reimagining the tools of international law. Establishing a new specialist International Court can be an effective way forward, depending on how we can design it.

First, the international court should not be structured in a traditional form where prosecutors will look to persuade a judge to punish polluters. That would be more in line with a criminal court and will discourage states to be party to this process. The international court should be a forum with a goal to elevate behaviours/actions in line with mutually agreed standards, rather than to punish.

Second, the judge of the court must be sufficiently specialised so that the judiciary is able to weigh competing interpretations of complex scientific evidence against salient geopolitical, and international economic and social development priorities.

Third, both state and non-state actors

should have standing (be able to initiate cases) before the court.

Fourth, states should be bound by the decisions of the court (what is called compulsory jurisdiction). States that allow environmental degradation in contravention of mutually agreed international standards should be held accountable.

Fifth, the court should rely on clear, precise, and enforceable language, to be found in a new era of international environmental laws. Aspirational treaty language is insufficient to protect the environment.

So the overall purpose of the international court on the matter related to environment would be: to build trust among the international community; to clarify legal obligations; to harmonise and complement existing climate regulatory regimes; to provide access to justice to a broader range of actors; and to create workable solutions for enforcement of international standard.

However, on the matter of "compulsory jurisdiction" of the court, imagining an international court holding states accountable might seem overly optimistic, particularly when only 66 countries agree to the compulsory jurisdiction of the International Court of Justice

(ICJ). But then again, if we look to the effectiveness of the Dispute Settlement Body at the World Trade Organization, and arbitration under the international investment regime, we can clearly learn the lesson that compulsory jurisdiction is possible when the costs of non-compliance are deemed to be sufficiently high. The European Court of Human Rights, similarly, has demonstrated that compulsory jurisdiction can work for equitable public interest. Moreover, in the European Court of Human Rights, vast majority of cases are initiated by non-state actors which empowered non-state actors in enforcing global standards to change the politics of transnational adjudication.

An international court for the environment could be a better forum to overcome climate inaction, global cooperation, economic conflicts, and enforcement problems if we can construct it adequately with the aim to vigorously enforce mutually agreed obligations and standards. However, establishing an international court will require more support. Therefore, let's start considering how to turn it into a reality in the interest of future generations.

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## Tea and wine, and the twain shall meet

ZHOU SHUCHUN and DAVID GOSSET

DURING one of his visits to Europe, President Xi Jinping referred to tea and wine as beverages symbolising the difference and compatibilities between Chinese and European cultures. Indeed, a cross-civilisation perspective better reflects the new dimension of China-Europe relations in recent years.

China and Europe are considered "two major civilisations", as well as "two major markets" and "two major forces" in the world today. According to China's Policy Paper on the European Union published late last year, the third of its kind since 2003, it is imperative to uphold inter-civilisation dialogue to facilitate mutual learning.

Such an attitude has proved to be increasingly important for meeting the challenges facing the international community. In a world undergoing unprecedented changes, it's mandatory to reaffirm the convergence between rather than the clash of civilisations. Still, the matter hinges on the west's relations with other civilisations and cultures. As the centres of eastern and western civilisations, China and Europe are expected to set an example for promoting cultural exchanges across the world at large.

Since the Industrial Revolution, Europe and its younger extension across the Atlantic have been the dominating forces in the world. However, the rise of emerging economies over the past decades has somewhat reduced the west's relative weight in global affairs, economically and otherwise.

The 21st century has been driven by not only multilateralism but also multi-conceptualism. In a global village where the advancement of transportation and communication has reduced geographic distances, economies continue to interact while civilisations and cultures continue to coexist, or live together, as part of a biosystem, to borrow a concept put forth by 19th century German biologist Heinrich Anton de Bary.

The west and the east have had significant intellectual encounters in the previous century. The interactions between Martin Heidegger and Kuki Shuzo or Tesuka Tomio, the dialogue between Arnold Toynbee and Daisaku Ikeda, and the conversations between Carl Gustav Jung and Ezra Pound are references for cross-cultural exchanges. It's true that conflicts between the east and west have occurred. There

were the tragedies brought about by colonial and imperial invasions of countries and the oppression of people living in the colonies that resulted from these invasions. There was the military confrontation in the Pacific that ended with the use of the atomic bombs in Hiroshima and Nagasaki, ending one of the darkest chapters in human history. But the deeper roots of those destructions can be traced to 19th century western nationalism and the rivalries among the European powers, which eventually led to the two world wars.

In fact, a renewed serious intercultural dialogue between the west and the east, China in particular, would reveal there are profound elements of convergence between different traditions which, contrary to what Samuel Huntington suggests, are not destined to clash.

a long-term view of history shows is that of a surprising compatibility between Chinese and western civilisations.

Matteo Ricci, who interestingly is better remembered by China than Europe, was able to articulate Confucianism and some of the key principles of Christianity by using their connection in relation to the dignity of man. The principle of accommodation wisely put into practice by the Jesuits would have been less easy to implement had there been greater cultural estrangement separating the two traditions.

Also, the notion of an "Axial Age" would not have been conceptualised by Karl Jaspers had there been no commonality between the Zhou Dynasty (c.11th century-256 BC) and Greco-Roman Europe. And French litterateur René Etiemble would not have presented



SOURCE: WWW.BELTANDROAD.NEWS

Take China and Europe for example. The cultural compatibility is explained, to a certain extent, by the fact that both civilisations are, above all, humanistic. They have evolved under different forms, but both essentially put the dignity of man at the centre of their preoccupations, a dignity nurtured by objective social mechanisms and self-cultivation.

Beyond recurrent discourse on Sino-western strategic rivalries or debates on the possibility of a modern-day "Thucydides trap", the real pattern that

in *L'Europe Chinoise* (1988) the deep impact that Chinese culture had on 18th-century France. There is, indeed, a relative conceptual alignment between the secularism of western modernity and the immanence of Confucian ethics.

It is undeniable that there is a certain degree of closeness between eastern and western traditions. The echoes of the ancient Silk Road still deafen, not because it describes material transactions along the routes crisscrossing Eurasia, but because it is a powerful metaphor for

cross-fertilisation between the west and east beyond the passage of time.

British philosopher and historian Isaiah Berlin has said all racial or ethnic conflicts arise from the pursuit of a monistic world. The mansion of a civilisation needs to have windows, or it will not only miss all the good views outside, but also suffocate to self-destruction. An expression used by Chinese anthropologist Fei Xiaotong indicates a higher level of wisdom. An acceptable rendering into the English language of Fei's insight could be: Appreciate one's own beauty and those of others, so they can coexist and harmony can prevail.

As one of the dimensions of a global network connecting civilisations, relations between the west and China are of great importance. Their importance derives from the solutions to the global problems their synergies can offer. The nature of the answers that the two sides will formulate depends primarily on their ability, in a world of growing interdependence, to make full use of the compatibility between the two traditions.

In order to fully realise the enormous potential that cooperation presents, a constant dialogue aimed at deepening mutual understanding is necessary. If Sino-European relations could be read as something of a yardstick to predict the future, the voyage bodes well for whatever vessel we choose to undertake this journey.

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