

Welcome recognition of Bangladeshi as first-ever 'pollution' refugee

French court's landmark decision is a new milestone in fighting environmental disasters



KAMAL AHMED

THE recent verdict by a French court stopping the deportation of an unnamed Bangladeshi on the grounds of deadly air pollution in Dhaka has raised eyebrows among

many of us. In some of our newspapers and portals, an undertone of ridicule and aspersion against the assumed lack of patriotism in him was evident. Environmentalists, however, celebrated it as a landmark ruling as governments will now have to take tackling air pollution as a matter of urgency to prevent mass migration. For the last few decades, we have heard a lot about climate refugees, mostly as a result of forced displacements following extreme natural events or disasters caused by climate change. However, the person in question is probably the first legally recognised "pollution" refugee of the world.

This verdict also has special significance as it comes after a ruling by the United Nations Human Rights Committee from a year ago, stating that it would be unlawful for governments to return people to countries where their lives might be threatened by the climate crisis. The UN decision was largely a symbolic one as it did not have any legal binding on any country,

which the French court's ruling has on its national government. It has special significance due to the fact that the appeals court not only upheld the man's plea on the increased risks of premature death, it further observed that the drugs that the man was receiving in France were not available in Bangladesh.

There is no question about the lethal danger in the quality of air in Dhaka. Its deterioration during winter is particularly noticeable. According to the United Nations Environment Programme's (UNEP) BreathLife campaign, Dhaka's air quality is 5.7 times over the safe level recommended by the World Health Organization. It is well-known that many elderly people with breathing problems, in recent years, have been forced to leave Dhaka to other parts of the country in search of fresher air. But, shockingly, air quality in many other cities are even worse, as the BreathLife data shows—Khulna and Barishal both have over eight times the safe level. It puts the number of deaths annually in Bangladesh from air pollution at 166,598 and worryingly enough, the quality of air indoors is not less harmful than outdoor air quality.

The reasons behind air pollution are not unknown—it mostly comes from brick kilns, the fumes coming out of automobiles and industrial chimneys and dust generated from the construction work of various infrastructure projects



A child walks along a dusty road in Dhaka.

PHOTO: AFP

and ever expanding urbanisation. Environmentalists allege that the government response to combatting air pollution is at best a feeble one. It is true that the government has taken some actions against the polluting brick kilns. However, it has failed to take any meaningful steps to ensure setting up Air Treatment Plants at large industrial units and reduce emissions from traffic. Banning older polluting vehicles from plying the roads to restricting imports of such automobiles have been deferred repeatedly due to political pressure from some vested groups. The irony, however, is that while French automobiles are rarest of the rare on Dhaka's streets, the largest beneficiaries of exporting the worst

polluting vehicles, including diesel run and used or refurbished ones to Bangladesh, are the countries in Asia—namely India, Japan and China.

A few years ago, there was quite a global stir when it emerged that some companies were selling fresh air in bags or cans. Soaring air pollution in world cities created demands for fresh air and some innovative entrepreneurs came up with a solution that was as unthinkable as it was expensive. And the obvious market was China, which at that time had the worst ranking of urban air pollution in the world. A BBC report then quoted the price of a bottle of fresh air at USD 24, which holds around 160 breaths—15 pence or about Tk 12

for one breath. A Canadian company named Vitality used to collect air from the Canadian Rockies and compress it into containers. Later, they entered the Indian market too. A few other companies, including some British ones, also joined to exploit this opportunity, reported *The Guardian* a year later. I wonder whether it would shock anyone if we discover that those fresh air bottles have a market in Dhaka too.

In this context, the court victory by one of our fellow countryman in France should be welcomed. There is more than one reason to see it as a positive development. It will certainly make government leaders in Western countries look at the issue of climate migration in urgency and assist developing and vulnerable nations with more resources to tackle pollution. Until they do, rights groups will be able to explore legal recourse to help migrants with health conditions linked to pollution. Big corporations will also face closer scrutiny in relocating polluting industries to developing countries.

Besides, governments in the worst affected countries will face increased domestic pressure to act sooner and more decisively as pollution becomes an important factor in hurting the image of the country. However, there is nothing more effective than resistance from within.

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PROJECT SYNDICATE

Saving US democracy from Corporate America



KATHARINA PISTOR

The insurgency that overran the US Capitol on January 6, 2021, just as Congress was certifying the results of the 2020 presidential election, was a

wake-up call for business in America. And yet, most sectors and companies have looked the other way.

To its credit, the National Association of Manufacturers responded to the insurrection with a sharply worded statement condemning the violence and calling on political leaders and law enforcement to bring the disorder to an end. "This is not law and order. This is chaos," the association said. "It is mob rule. It is dangerous."

The NAM statement has been widely praised in the media. Coming from a trade group that has long supported US President Donald Trump, it is certainly better than the response from those congressional Republicans who have promoted Trump's lies about the election even after the insurrection. But the NAM statement ultimately falls short in its own way. At stake in the current political crisis is not just "law and order" but democratic constitutionalism itself.

"Law and order," after all, is what every tinpot dictator invokes after installing themselves in office by whatever means available. In this context, mob rule is often a necessary interlude from one "order" to another. What matters is the extent to which a particular political order adheres to democratic and constitutional principles. This is the criterion by which we distinguish between orders that should be toppled (by revolution

or otherwise) and those that should be protected through all constitutional means at our disposal.

Playing by the rules is critical for social peace and economic prosperity. But for too long, businesses in the US and elsewhere have paid lip service to "the rule of law" while lobbying for preferential legal changes. Much of the "law and order" that they want to uphold exists for their own benefit, irrespective of how the electorate has voted or of what average households really need from the government.

Big business controls the political process not with stronger, better arguments, but with money. And the US Supreme Court has played its own role in the problem by declaring in *Citizens United vs. Federal Election Commission* that spending by corporations or wealthy individuals to influence opinions is no different from the free speech exercised by natural persons.

Over the past four years, the Trump administration has delivered on pretty much everything that corporate America could have wanted. It cut corporate taxes, rolled back many of the regulations that were instituted to protect the financial system from another crisis, and gutted environmental-protection policies, even as the disastrous effects of climate change have become more obvious.

Even during the pandemic, the administration has favoured large corporations over small businesses, and asset-holders over ordinary people. Last but not least, vacancies on the federal bench have been filled with conservative judges who will favour business over labour, the environment, and racial and gender equality.

After reaping these benefits for four years, corporate America might have been expected to abandon the demagogue in the White House once he had turned openly against the constitutional order upon which those

gains were legally codified. Yet, most business leaders stood by as Trump spread lies about the election and the electoral certification process, and still have not spoken up even after he incited his followers to march on the Capitol. According to Bloomberg, the events of January 6, which left five people dead, have been met with "silence" from "some of the president's wealthiest donors."



PHOTO: ANDREW HARNIK/ASSOCIATED PRESS

In October 2019, on the cusp of the new election campaign cycle, Facebook CEO Mark Zuckerberg hid behind the First Amendment when faced with demands that he do more to control how his platform is used.

Meanwhile, Big Tech platforms, already on the defensive after a series of lawsuits and announced antitrust investigations, have finally decided to enforce their own rules of conduct, having realised belatedly that outright lies and incitement to violence might not be so good for business after all.

In October 2019, on the cusp of the new election campaign cycle, Facebook CEO Mark Zuckerberg hid behind the First Amendment when faced with

demands that he do more to control how his platform is used. Only after violent rioters had ransacked the Capitol did he finally suspend Trump's account. Similarly, Twitter, which has served as Trump's bully pulpit since day one of his administration, finally suspended his account after he continued to make false claims about election fraud following the insurrection.

Needless to say, Big Tech's free-speech advocacy has always been a ruse in the service of its bottom line. None of the major social-media platforms has ever actually operated as a neutral "marketplace of ideas." Rather, their algorithms are specifically designed to spread high-impact, emotionally charged posts, usually without distinguishing between credible news outlets and professional propagandists. Worse, the

major platforms have long known that users "engage" more with outrageous lies than with subtle truths, and are more likely to be incited by hatred and tribalism than persuaded by arguments.

Trump's false claims about voter fraud and a "stolen" election spread like wildfire across these platforms, even though none withstood scrutiny when brought before dozens of courts—including many Trump-appointed judges. In fact, Facebook and Twitter continued to disseminate lies that Trump's own lawyers dared not repeat in court for fear of the legal repercussions.

The suspension of Trump's social media accounts has triggered a debate between those decrying Soviet-style censorship and those arguing that private firms can do as they please. But both sides have missed the point. Like all companies, the tech giants operate within a system of law that rests on a democratic constitutional order. Determining the rules by which social media operates is a task for elected legislatures, not for Zuckerberg, Twitter CEO Jack Dorsey, or any other Big Tech tycoon. It is lawmakers who decide whether and how these platforms should be shielded from liability for the content they carry, or whether they should be deemed utilities and regulated accordingly.

If democratic constitutionalism is to survive, democratic governance must prevail over business interests. Corporate America can hardly be trusted to stand in for democracy after it has once again demonstrated its lack of interest, if not outright contempt for, the democratic order.

Katharina Pistor, Professor of Comparative Law at Columbia Law School, is the author of *The Code of Capital: How the Law Creates Wealth and Inequality*.

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ON THIS DAY IN HISTORY

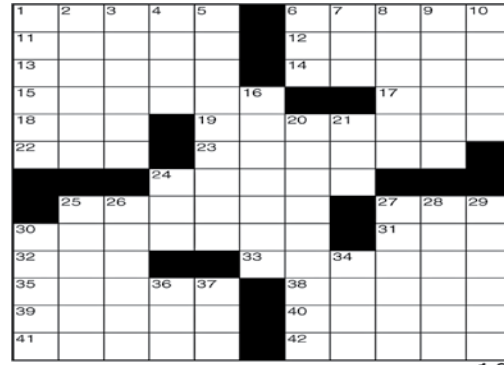


JANUARY 19, 1966
Rule in India transferred to Indira Gandhi

Following the sudden death of Indian Premier Lal Bahadur Shastri eight days earlier, Indira Gandhi became prime minister of India on this day in 1966, assuming the office first held by her father, Jawaharlal Nehru.

CROSSWORD BY THOMAS JOSEPH

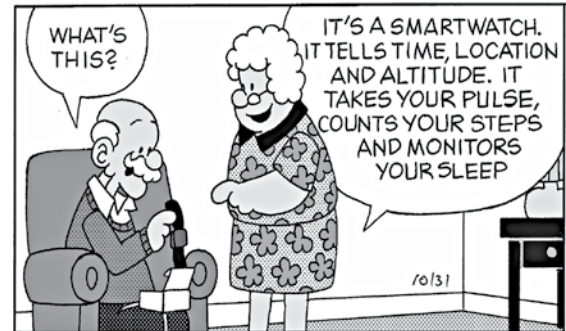
- ACROSS**
- 1 Sea dogs
 - 6 Writer P.D.
 - 11 River catch
 - 12 Singly
 - 13 Curaçao's neighbor
 - 14 Squander
 - 15 Adversaries
 - 17 Baronet's title
 - 18 Second person
 - 19 Sheens
 - 22 German article
 - 23 As a precaution
 - 24 Spoil
 - 25 Dogs' digs
 - 27 Braying beast
 - 30 Reading
 - 31 Join the crew
 - 32 Crew need
- DOWN**
- 1 Was rude, in a way
 - 2 Show up
 - 3 Shutter part
 - 4 Oompah producer
 - 5 Mares' mates
 - 6 Mouth mover
 - 7 Imitating
 - 8 Forest growths
 - 9 Whole
 - 10 Prophetic ones
 - 16 Ray
 - 20 Long-necked onions
 - 21 Wee bit
 - 24 Bearded beast
 - 25 Buster of comedy
 - 26 Book boo-boos
 - 27 Esoteric
 - 28 Became unpleasant
 - 29 Workout wear
 - 30 Bed parts
 - 34 Oxford, e.g.
 - 36 Pitch's kin
 - 37 Canadian grazer



YESTERDAY'S ANSWERS

BELAY BALER
ELITE ABIDE
GIVEN DICES
EAST LENT
ADAM OVEN
IAN STENCIL
DRDRE NEEDY
ATLEAST TEN
EDNA COAX
PITH PARK
ANDES RAILS
TRIAL INLET
SEEDY DELAY

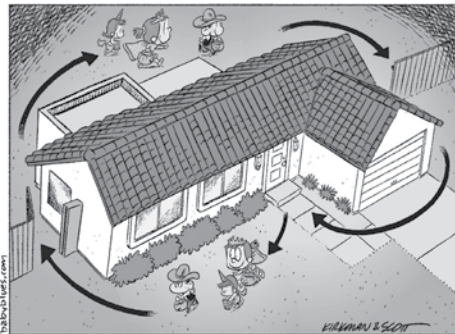
BEETLE BAILEY



BY MORT WALKER



BABY BLUES



BY KIRKMAN & SCOTT



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