



On his Inauguration Day on January 20, 2025, US President Donald Trump laid out a sweeping plan to maximise fossil fuel production, rolling back environmental protections and withdrawing the US from the Paris Agreement. FILE PHOTO: REUTERS

## TRUMP'S RE-WITHDRAWAL FROM PARIS AGREEMENT

# What it means for the world



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On the very first day of assuming office on January 21, 2025, US President Donald Trump signed an executive order to immediately withdraw the US from the Paris Agreement. His justification is that the agreement imposes an unfair burden on the US economy, and it favours other big emitters like China. This second-time withdrawal will take effect after one year. We may recall that Article 28.1 of Paris Agreement restricts exiting by any party after three years of its ratification date. Then it takes another year for the withdrawal to be finally effective. So, the last time Trump pulled out of the agreement, it ultimately took almost four years to take effect. However, it lasted only for four months—from November 2020 till President Joe Biden rejoined the treaty in early 2021.

This sad but expected news comes at a time when 2024 has been the hottest year on record. The global average temperature in 2024 reached 1.5 degrees Celsius above the pre-industrial levels—the aspirational goal under the Paris Agreement. The whole world is reeling from multifarious impacts of climate change: from the raging wildfires burning Los Angeles, to the devastating hurricanes in Southeast US, to torrential rainfall submerging Spain's Valencia, to floods in several districts in Bangladesh.

Global data from the last decade shows that developed countries in particular are being affected by the changing climate much more than before. The Global South has been suffering from climate change more severely, with their poor adaptive capacity. According to the 2024 UNEP Emissions Gap Report, the world is on its way to see up to 3.1 degrees Celsius warming by the end of this century. Before President Biden left office, he announced the new US goal to cut greenhouse gas (GHG) emissions by more than 60 percent from peak levels by 2035, a goal that would likely require a rapid transition away from fossil fuels. Currently, the US is the second largest emitter, contributing to around 13 percent of global emissions, but it is historically the largest contributor, with 25 percent of global share. So, it cannot shirk off its responsibility from solving the signature problem of runaway climate change.

On the domestic front, the US's re-withdrawal from the Paris Agreement will be accompanied by an aggressive roll-back of Biden-era environmental and climate initiatives, as was done during Trump's first term. But domestic politics and economics in the US is not likely to allow him to fully reverse the momentum of climate and renewable energy initiatives.

For example, the achievements under the Inflation Reduction Act and Bipartisan Infrastructure Law will continue to push clean energy forward while state, local and private sector leaders will carry the torch even farther. Elon Musk, Trump's close confidant, is avant-garde in producing and marketing electric vehicles for global markets. Unlike the federal government's non-leadership, 24 states have formed the bipartisan US Climate Alliance, which represents 54 percent of the US population and 57 percent of its economy, committing collectively to achieve net zero emissions in no later than 2050. Another area of bipartisan consensus that Congress passed and Biden signed is the ADVANCE Act, which will incentivise for developing new nuclear energy technologies.

But Trump's withdrawal is likely to have a more severe global impact than during its short-lived earlier exit. The US will remain away not just from the most open and public form of global diplomacy, but also lose its leadership in transitioning away from dirty fuels.

Second, the provision of climate finance will suffer the most, affecting acutely vulnerable low-income countries and small island developing states in particular. The US was the largest contributor, but Trump is bent on cutting all international climate finance, which will weaken global mitigation, adaptation and loss and damage actions. The ongoing reforms of the multilateral financial institutions led by the World Bank and aimed at ensuring a minimum level of climate

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justice are likely to stall, or progress at a snail's pace.

Mobilisation of private sector finance will heavily suffer as well. The US has the greatest influence on mobilising private and other forms of international finance, which are channelled to drive climate action. This is happening at a time when major European nations, such as France, Germany and the UK, are slashing their aid budgets.

With the absence of US leadership in climate diplomacy, European countries, China and other major economies of G20 are likely to play bigger roles. European countries, with their shrinking aid budget, may not be able to compensate for the US exit. Obviously, China is likely to step in, consolidating its lead role. It is currently the largest polluter, contributing around 30 percent of global emissions alone, but its historical share is about 12 percent since the First Industrial Revolution.

The Chinese vice-president, in his statement at COP29, said since 2016, China has provided over \$24.5 billion to support climate actions in other developing countries. Also, the country pledged to expand its south-south climate cooperation fund, established almost a decade ago, to channel resources for promoting renewable energy, adaptation, and technology transfer to vulnerable countries. This support aims at bridging the gap left by unmet pledges from Western nations, including the US.

Though China still emits the most, its leadership in the renewable energy supply chain will further fuel protectionist backlash in Western countries. Several countries have imposed substantial tariffs on China's electric vehicles, including elimination of Chinese processed metals from their factories. China is the world's largest producer of wind turbines, solar panels, lithium batteries and electric vehicles.

But the Western objection to classifying China as a developing country under the UNFCCC remains, because it is not obligated to contribute to climate finance, but only "encouraged" to do so under Article 9.2 of the Paris Agreement. Their argument is that China, as the second largest economy and the largest emitter, must share the global cost of its own pollution. With the expected lame duck role of the US delegation at the upcoming COP30, let's look forward to seeing the leadership stints to be played by major powers including China.

## QUICK ENHANCEMENT OF ELECTRICITY AND ENERGY SUPPLY ACT

# A repeal that retains impunity



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During Sheikh Hasina's rule, the power and energy sector enjoyed the ultimate lack of accountability. This is the first sector where the fascist regime established an ideal model for political and economic corruption, and later implemented it in other sectors, including education, health, and transportation.

The basis of this structure was a black law, the Quick Enhancement of Electricity and Energy Supply (Special Provisions) Act, 2010, which contradicted the constitution's basic principles, undermined public interests, and destroyed the country's economic capacity. After the fascist regime's fall and during the interim government's tenure, the demand to repeal this law quickly took shape. In the meantime, the validity of two of its sections, which were most detrimental to public interests, were challenged in the High Court followed by their annulment. Eventually, the government issued an ordinance to repeal the entire law. But two articles were added in that ordinance that are potentially more dangerous than the repealed law. They not only undermine public interests, but also degrade the spirit and aspirations of the July uprising.

But why is the interim government taking this seemingly anti-public stance? Before we look for the answer, let's see what this law actually contained and what became of it after the repeal.

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### The black law's history and evolution

Often termed the "Impunity Act," the Quick Enhancement of Electricity and Energy Supply (Special Provisions) Act was supposed to be in force for a period of two years from 2010, but was later extended for a total of 16 years in four phases, with the implementation period being till 2026.

Under the sub-heading "Publicity of the plans or proposal," Section 6(2) states, "Notwithstanding anything contained in sub-section (1), the Processing Committee mentioned in section 5 shall consult and bargain with a single or limited number of organizations about any purchase, investment plan or proposal and, with approval of the Minister, Ministry of Power, Energy & Mineral Resources, select an organization for the said work..."

That is, work can be awarded, with the consent of the minister, through

communication and negotiation with a single or limited number of organisations, ignoring competitive tenders or bids.

Under the sub-heading "Bar to jurisdiction of Court, etc," Section 9 states, "No question regarding the validity of any act done or purported to be done, any action taken or any order issued or direction given under this Act, shall be raised in any court."

After Hasina's fall, Supreme Court lawyers Dr Shahdeen Malik and Tayeb-Ul-Islam Showrov filed a writ with the High Court, challenging the validity of sections 6(2) and 9. On November 14, 2024, the High Court bench of Justice Farah Mahbub and Justice Debashish Roy Chowdhury declared the provisions

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illegal. Then on November 28, 2024, the interim government repealed the law by promulgating the Quick Enhancement of Electricity and Energy (Special Provisions) (Repeal) Ordinance, 2024.

### New 'impunity' in the ordinance

In the repeal ordinance itself, the government has added new provisions for impunity in sections (2) (a) and (b) under Article 2.

Section (2)(a) states, "Any contract entered into or any action taken under a contract entered into under the said act immediately before such repeal shall be deemed to have been validly entered into or taken."

Section (2)(b) goes on to say, "Any proceeding under a contract entered into or taken under the said act shall continue or be carried out as if the said act had not been repealed."

That is, all projects taken under the law till the repeal have been considered valid, and can continue. That means the government has

repealed the law but considers all the previous sins as virtues. This is against the constitution's fundamental rights, the consumer's fair rights, and a violation of energy justice. This ordinance has set a terrible precedent by hindering fair energy transition.

So, is the repeal ordinance an attempt to protect the interests of the corrupt oligarchic class in the power and energy sector? Or is there a subversive attempt to make this government unpopular and lead it astray? Let us explore the possible reasons.

First, the power and energy ministry was known as a hotbed of corruption and misrule during Hasina's rule. An anti-national nexus of dishonest bureaucrats, businesspeople, and politicians was the driving force behind this misrule. They have created an oligarchic class and looted the sector by establishing a legal framework. This class has thrown away the people's rights by making plunderous expenses, and in turn, profits.

Because of them, the cost of generating electricity per unit grew from around Tk 2 in 2009-2010 to above Tk 11 in 2023-2024. Because of them, Bangladesh's power and energy sector has lost its domestic capacity and has become an import market.

This oligarchic class has gradually weakened the sector's public branch and enriched privatisation in the name of reform. They have created opportunities to loot thousands of crores in the name of capacity charges by keeping private power plants idle for years. To continue this looting and shield criminals of the fascist era, they have imposed these provisions.

Second, the current energy adviser, who is the former energy secretary, is not keen on breaking the cycle of privatisation. That is why, although the new government formed reform commissions on 11 issues, none has been formed for the power and energy sector as yet. Such anti-people decisions indicate towards his new position not being free from conflict of interest.

Third, the main spirit of the student-mass uprising was to eliminate discrimination. But discriminatory provisions have been left in place to stop all competition in the energy sector.

Fourth, the nexus of corrupt bureaucrats, businesspeople, and politicians—who are allies of autocracy and are trying to prevent progress—has re-emerged. These looters of public wealth are determined to protect laundered money and have facilitated these new provisions.

By providing new legal protection for these crimes, the government has shown that the ghost of tyranny is still present, and instead of chasing it away, it may very well be protecting it.

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