

## RETHINKING LAW

# Reimagining Sustainability for the Global South: A CALL FOR JUSTICE, INNOVATION, AND EQUITY

**For the Global South, home to nations burdened by colonial histories and entrenched economic inequalities, the Sustainable Development Goals (SDGs) must be more than aspirational rhetoric. They require contextualised, justice-oriented strategies that reflect the unique political, ecological, and socio-economic landscapes of these regions.**

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In an age shaped by climate emergencies, widening inequality, and growing geopolitical tension, the notion of sustainable development emerges as both an aspiration and a necessity. For the Global South, home to nations burdened by colonial histories and entrenched economic inequalities, the Sustainable Development Goals (SDGs) must be more than aspirational rhetoric. They require contextualised, justice-oriented strategies that reflect the unique political, ecological, and socio-economic landscapes of these regions. Our recently published book, *Implementation of Sustainable Development in the Global South: Strategies, Innovations, and Challenges* (Hart Publishing 2024), engages with these themes in depth. This opinion piece draws from the book's opening chapter, 'Reimagining Routes to Sustainability,' to highlight the transformative pathways and structural reorientations necessary to realise the SDGs in the Global South.

The SDGs are guided by the promise to "leave no one behind," yet their practical implementation has often failed to account for entrenched disparities between the Global North and South. Indeed, the economic prosperity of many developed nations was built on centuries of extractive colonialism, resource plunder, and environmental degradation—realities that have directly contributed to the current global inequalities. Exploitative trade regimes, asymmetric investment flows, and inadequate climate finance continue to reinforce these disparities. According to the World Bank's International Debt Report 2024, developing countries spent a record \$1.4 trillion to service their foreign debt in 2023, funds that could have been used to strengthen climate mitigation, build infrastructure, or expand social protection systems.

In this backdrop, the foundational argument in our work is about moving beyond the "one-size fits all" development paradigm. Sustainable development must not be dictated solely by global agendas designed without a clear understanding of local contexts. Uniform policy

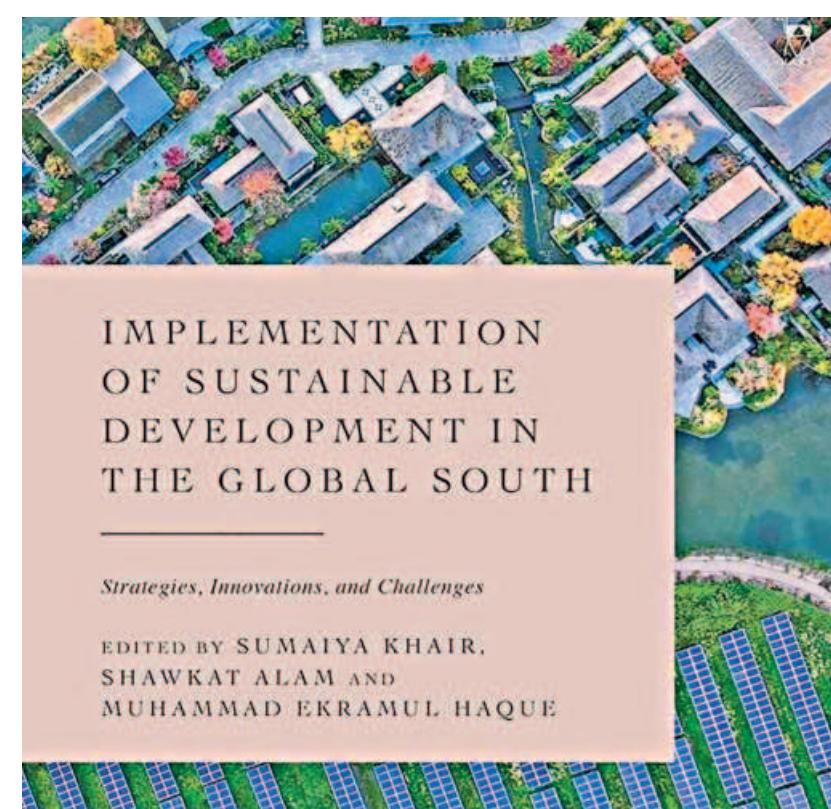
frameworks can obscure the nuances of community-specific realities, often erasing valuable indigenous knowledge and socio-cultural practices. Effective implementation of the SDGs requires policies shaped through inclusive, participatory processes that prioritise the voices of the marginalised.

Adapting global initiatives to local realities is no simple task. The SDGs embody a noble vision for global justice and sustainability, but without empowering local actors, these goals risk becoming mere performative exercises. Many communities, especially in the Global South, are excluded from international agenda-setting spaces. Yet these same communities are expected to implement and live the outcomes of decisions made elsewhere. A meaningful localisation process must empower these stakeholders by involving them in planning, decision-making, and implementation.

The discourse on sustainable development gets enriched when diverse knowledge systems, particularly those of Indigenous peoples are recognised as legitimate and valuable. What scholars term "onto-epistemological pluralism" reflects the importance of respecting alternative worldviews, cosmologies, and cultural practices that offer unique insights into sustainability. These perspectives are not simply add-ons; they challenge the dominant neoliberal development models and offer genuinely transformative alternatives. Indigenous philosophies of stewardship, collective ownership, and balance with nature offer a roadmap to sustainability that is ethical, practical, and environmentally sound.

Central to this reimagining is the principle of co-creation. Development initiatives must no longer be conceived in elite circles and then handed down to local populations. Instead, we must foster a model where affected communities are active collaborators from the outset. Participatory development not only empowers communities but also builds trust, enhances transparency, and fosters innovation that is grounded in lived experiences.

Another critical shift is required in how we understand our relationship with the environment. The current era demands a radical departure from anthropocentrism, the idea that human



## IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT IN THE GLOBAL SOUTH

*Strategies, Innovations, and Challenges*

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interests should dominate all decision-making. An ecocentric worldview, in contrast, recognises the intrinsic value of all life and the interdependence of ecosystems. Legal and policy frameworks must evolve to reflect this paradigm, embedding the principles of ecological justice and stewardship at the heart of sustainable development.

We argue for a decisive shift in how development success is measured. Gross Domestic Product (GDP) continues to dominate policy thinking, but it fails to account for environmental degradation, social inequity, and well-being. Alternative frameworks that include social indicators, environmental health, and human development are essential. Similarly, financing for the SDGs must move beyond official development assistance and encompass a broader set of tools: domestic revenue mobilisation, debt restructuring, equitable trade, climate finance, and meaningful technology transfers. A global financial architecture that supports rather than constrains sustainable development must be a collective priority.

Good governance remains a linchpin in achieving the SDGs. Effective, transparent, and inclusive governance structures are crucial for implementing sustainable development strategies. However, governance must be multilevel, linking international frameworks with national policy and local implementation. In this context, public officials must be equipped not only with technical knowledge but also with strategic foresight, ethical leadership, and cultural competence.

Additionally, civic organisations, grassroots movements, and academic institutions hold a crucial role, acting as both watchdogs and collaborators. They enrich policy formulation, advocate for marginalised communities, and drive accountability. Their engagement is essential to ensure that sustainability efforts are not only technocratic exercises, but also democratic processes rooted in justice and inclusion.

We must also reimagine policy coherence and data governance. Development goals must be integrated across sectors and levels of government,

breaking the silos that often impede effective action. Reliable, disaggregated, and timely data is critical for measuring progress, identifying gaps, and informing policy decisions. Investment in data infrastructure, particularly in the Global South, is a foundational requirement for effective SDG implementation.

Bangladesh serves as a compelling case study. The country has made significant progress in reducing poverty, improving gender parity, and enhancing disaster resilience. Yet, it continues to face entrenched challenges such as urban inequality, climate vulnerability, and limited access to global markets and technology. Bangladesh thus illustrates the dual realities of potential and precarity that define sustainable development in much of the Global South. It also highlights the ingenuity of bottom-up approaches such as women-led development programmes, community-based climate adaptation, and legal mobilisation for environmental justice that deserve wider recognition and support.

As we move closer to the 2030 deadline, the SDGs stand at a critical crossroads. Over 30% of the goals are off track or regressing. This sobering reality demands a renewed global compact—one that centres equity, redresses historical injustices, and puts the agency of the Global South at the forefront of development governance. Developed countries must fulfil their commitments to finance, trade justice, and climate action—not as acts of benevolence, but as moral and legal obligations arising from historical responsibility.

Our book, *Implementation of Sustainable Development in the Global South*, is both a scholarly contribution and a call to transformative action. It urges scholars, policymakers, and practitioners to shift from rhetoric to responsibility, from abstraction to action. Let us reimagine development not as a gift from the powerful to the poor, but as a shared endeavour rooted in dignity, rights, and mutual respect.

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## LAW VISION

## FDI in Bangladesh: A Supplement to BIDA's Investment Summit

SEKANDER ZULKER NAYEEN

The Bangladesh Investment Development Authority (BIDA) recently hosted an Investment Summit to attract Foreign Direct Investment (FDI) to the country. The initiative was widely praised, with particular commendation for the Executive Chairman, Mr. Ashik Chowdhury, whose presentation raised expectations for a substantial influx of foreign capital. However, in a post-Summit media briefing, Mr Chowdhury took a pragmatic stance, clarifying that the Summit was merely an effort to promote Bangladesh as a potential investment destination, encouraging investors to overcome their previous negative perceptions of the country's investment environment and ensure that Bangladesh remains on their menu of investment destinations. During the same media briefing, he further acknowledged that no foreign investor would immediately commit to investing in the country simply because they attended the Summit.

Mr Chowdhury's post-Summit briefing sounds reasonable, as foreign investors typically evaluate several critical factors, including legal, economic, political, and operational aspects, before investing in a developing economy like Bangladesh. This piece will focus on certain legal aspects, particularly investment protection, to supplement BIDA's efforts in promoting FDI in Bangladesh.

Foreign investors generally

enquire about two tiers of legal mechanisms: the international investment protection mechanism and the domestic judicial mechanism. Regarding the international investment protection mechanism, Bangladesh offers impressive substantive and procedural protection. It has signed around 33 Bilateral Investment Treaties (BITs) and five Treaties with Investment Provisions (TIPs) to ensure substantive and procedural investment protection standards. All these treaties commit to ensuring the most common substantive investment protections, namely, Minimum Standard of Treatment (MST), Fair and Equitable Treatment (FET), National Treatment, Full Protection and Security (FPS), and protection against expropriation. Additionally, the country's Foreign Private Investment (Promotion and Protection) Act 1980 ensures similar substantive protection standards, allowing investors to bring claims under this law in the absence of enabling investment treaties between Bangladesh and the investor's home state.

On procedural protection, most of the investment treaties Bangladesh has signed allow investors to sue Bangladesh in an international arbitral forum, most commonly before the International Centre for Settlement of Investment Disputes (ICSID). Furthermore, Bangladesh is a member country of the ICSID and the New York Convention (NYC), which provides investors access to ICSID arbitration

against Bangladesh and the enforcement of the arbitral award in the territory of Bangladesh under the NYC.

However, Bangladesh's domestic judicial mechanism may not seem impressive in investors' pre-investment assessments. Investors typically engage with the domestic judiciary in various

ways. For instance, upon investing in the country, they may enter into contracts with local traders, suppliers, individuals, and even the government, and resort to the local judiciary, mainly the civil courts, in case of any breach of these contracts. Consequently, before investing, they primarily enquire about the effectiveness of the judiciary in terms of trial length, litigation costs, case management, court automation, e-judiciary, Alternative Dispute Resolution (ADR), and so

on. To develop an overall perception of judicial effectiveness, they usually depend on some globally recognised indices, such as the Ease of Doing Business, the Index of Economic Freedom, and the World Justice Project - Rule of Law Index.

Unfortunately, the Bangladeshi judiciary does not maintain a good ranking in those indices. For



example, it was ranked, mainly for the enforcement of contracts, at 189th out of 190 countries in the index of 'Ease of Doing Business'. The Index of Economic Freedom scored judicial effectiveness in Bangladesh as below the world average. A similar ranking has been revealed by the World Justice Project, where the country's judicial effectiveness has been ranked at 127th out of 142 countries.

Although Bangladesh offers robust international investment

protection standards, as previously noted, its reputation in this regard has been undermined by the inefficiency of its domestic judicial system in supporting these protections. In particular, an international arbitral award is required to be submitted before the Dhaka District Judge Court for recognition and enforcement. The court proceeds to enforce the award following the Arbitration Act 2001 and the Code of Civil Procedure (CPC) 1908 as if it were its own judgments. Therefore, such enforcement of arbitral award depends upon the effectiveness of the civil justice system in the country, which always struggles to survive amid inadequate logistical support, including technological one, amid intricate procedural requirements under the CPC.

Sometimes, the award-debtor misuses CPC's provisions to delay the enforcement for an indefinite period. As a result, the court cannot provide prompt and effective support for the enforcement of the awards. Moreover, in some instances, judicial interference in the investment arbitration proceeding and enforcement has further undermined Bangladesh's reputation. A well-cited example is the *Saipem v. Bangladesh* arbitration, where the Bangladeshi court's intervention in the arbitral proceedings and enforcement process drew substantial international criticism.

To address the issues of judicial

Commission has proposed, among others, improvements in trial length reduction, ADR promotion, and e-judiciary implementation. Additionally, the government is reportedly preparing to amend the CPC too, easing procedural hurdles.

However, legal amendments alone may not sufficiently restore investor confidence, given the existing case backlog and an inadequate number of judges in our civil courts. Besides continuing the current reforms, Bangladesh should consider introducing dedicated, technology-driven special courts, perhaps Commercial Courts, across judicial tiers. These courts should be staffed by specially trained judges with expertise in IT, ADR, Investor-State Dispute Settlement, and arbitration law, and operate under simplified procedural rules. Additionally, the current interim government, along with the next elected government, should make a clear and specific commitment to continue judicial reforms, ensuring that investors receive the necessary legal protection by the time they commence business operations. Such targeted interventions would significantly complement BIDA's initiatives and could serve as a meaningful step toward ensuring that Bangladesh is both an attractive and secure investment destination.

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