

## **Right Based Solutions of Better Settlements of Climate Displacement in Bangladesh**

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Bangladesh is one of the countries most vulnerable to the impacts of climate change and is set to become even more as a result of quick climate change. Bangladesh has ranked fifth among 10 countries most vulnerable to climate change-induced natural disasters in the last two decades from 1993 to 2012, according to a new report. During the period, Bangladesh suffered damages worth US\$1,832.70 million, wrought by 242 types of natural catastrophes, states the Climate Risk Index (CRI) 2014. Bangladesh suffers from regular natural hazards, including floods, tropical cyclones, storm surges and droughts. These hazards are already leading to the loss and destruction of housing, land and property, the loss of livelihoods and widespread displacement across the country.

The Government of Bangladesh is well aware of this looming crisis, claiming that 20 million people could be displaced in Bangladesh by sea level rise alone over the next 40 years. A range of alternative predictions estimate that Bangladesh would lose 15 percent of its landmass and displace over 35 million people from 19 districts in the event of a one meter sea level rise in this century; that more than 200 million people may be displaced permanently from their traditional habitats due to cyclone, tidal surge and river bank erosion combined with high saline water intrusion; or that approximately 63 million and 78 million people might be displaced in 2015 and 2020 respectively.

However, at present, through a combination of lack of political will as well as a lack of financial and technical resources, there are currently no comprehensive mechanisms to provide support and to ensure the rights of climate displaced persons. Among the 64 districts of Bangladesh, 26 coastal and mainland districts are already producing climate displaced people. The districts have record of displacement in Bangladesh are listed below:

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No	Coastal Districts	No	Mainland Districts
1	Satkhira	14	Nilphamari
2	Khulna	15	Kurigram
3	Bagerhat	16	Rangpur
4	Pirojpur	17	Gaibandha
5	Barguna	18	Jamalpur
6	Patuakhali	19	Bogra
7	Bhola	20	Sirajganj
8	Feni	21	Rajshahi
9	Laxmipur	22	Munshiganj
10	Noakhali	23	Manikganj
11	Chittagong	24	Rajbari
12	Cox's Bazar	25	Faridpur
13	Chandpur	26	Shariatpur

The rehabilitation of displaced persons by government and non-government sectors are, to date, insignificant in terms of the total number of displaced persons. Importantly, livelihood problems remain after the rehabilitation of displaced persons. There should be a rights-based solution to this problem. There should be initiatives to generate sustainable employment opportunity for the rehabilitation of climate displaced persons. Therefore, there is a need to review the relevant policies and institutional frameworks identifying the protection gaps and adopting new policies to protect the environmental migrants. To face the challenge of mass displacement (both internal and external) as a result of climate Change, Young Power in Social Action (YPSA), a social development organisation, has been implementing Bangladesh Housing, Land and Property ( HLP) rights initiative with the support of Displacement Solutions (DS) for better settlement of climate displaced Peoples since 2012. The main objective of this project is to identify rights-based solutions and actions that could be undertaken to resolve the displacement of these climate-affected communities as well as to ensure and safeguard their housing, land and property rights. YPSA has conducted three studies that examined in detail the true picture of land availability in Bangladesh for climate displaced persons as well as the potential durability of future resettlement. YPSA identified different Policies, Plans, Projects, Acts, Standing Orders, Strategies and Programmes of Action relevant to climate displacement in Bangladesh.

**The National Adaptation Programme of Action (2005) :** Bangladesh National Adaptation Programme of Action (NAPA, 2005) identifies 15 priority activities, including general awareness raising, capacity building, and project implementation in vulnerable regions, with a special focus on agriculture and water resources. The first priority project of the National Adaptation Programme of Action (NAPA) has received financial support from the Least Developed Countries Fund and is being implemented by the Ministry of Environment and Forest. The NAPA, produced in partnership with other stakeholders, highlights the main adverse effects of climate change and identifies adaptation needs. The general objectives of the NAPA are: i) To make information about climate change impacts and adaptation available to decision makers; ii) To incorporate potential adaptation measures into overall development planning process; iii) To make development resilient to climate change; and iv) To promote the sustainable development of Bangladesh.

The National Adaptation Programme of Action (NAPA) treats migration as an undesirable outcome of climate change. NAPA Priority Project No. 11 “Promoting Adaptation to Coastal Crop Agriculture to Combat Salinization”, mentions long term outcomes including community adaptation to flood, tidal surge and sea level rise. However, one of the stated goals of Project No. 11 is that “affected communities would not migrate to cities for job and livelihood” and the “social consequences of mass scale migration to cities would to some extent be halted”. In NAPA Project No. 12 “Adaptation to Agriculture Systems in Areas Prone to Enhanced Flash Flooding– North East and Central Region”, the desired long-term outcomes include “people might get a means to continue with farming, instead of migrating to cities after the flood. This would to some extent reduce social problems of migration of the distressed community to cities”. Migration can be a legitimate adaptation response to climate change and it is important that this negative portrayal of migration is updated and removed from these policy documents.

**The Bangladesh Climate Change Strategy and Action Plan (2009) :** The main climate change strategic framework is the Bangladesh Climate Change Strategy and Action Plan (BCCSAP), published in 2008 and updated in 2009. The BCCSAP is a 10-year programme (2009-2018) designed to build the capacity and resilience of the country to meet the challenge of climate change. The BCCSAP is designed as a 'living document' to continue to implement the nation's climate change adaptation and mitigation programmes, as well as to deepen understanding of the phenomenon. It lists 44 different programmes and 145 actions for implementation. In the first five year period (2009-13), the programme was designed to comprise six pillars: i) Food security, social protection and health; ii) Comprehensive disaster management; iii) Infrastructure; iv) Research and

knowledge management; v) Mitigation and low carbon development; and v) Capacity building and institutional strengthening.

The Bangladesh Climate Change Strategy Action Plan (BCCSAP) makes clear reference to adaptation, mitigation, research and development, capacity building, institutional development, mainstreaming, disaster management and knowledge management. However, there is no mechanism for ensuring the implementation of the activities as there is no implementation strategy. In terms of addressing climate change migration and displacement, the BCCSAP states that “Migration must be considered as a valid option of the country. Preparations in the meantime will be made to convert this population into trained and useful citizens for any country”, suggesting the aspiration that such displaced people become ‘useful citizens’ by moving abroad. Whilst it is initially positive that migration is viewed as an effective and positive response to the effects of climate change, this broadly reflects the narrow policy of Bangladesh in that people displaced by climate change should migrate internationally, rather than within Bangladesh.

**The National Plan for Disaster Management:** Bangladesh has a number of institutional structures to achieve technical monitoring, capacity building, preparedness and response. The National Plan for Disaster Management (NPDM) 2010-2015 is an outcome of the national and international commitments of the Government of Bangladesh. The priority areas of focus for the National Plan for Disaster Management (NPDM) are: i) Articulate the long-term strategic focus of disaster management in Bangladesh; ii) Demonstrate a commitment to addressing key issues, including: risk reduction, capacity’ iii) Building, information management, climate change adaptation, livelihood security, iv) issues of gender and the socially disadvantaged; v) Show the relationship between the Government vision, key result areas, goals and strategies, and to align priorities and strategies with international and national drivers for change; vi) Guide the disaster management and risk reduction In the development and delivery of guidelines and programmes; vii) Illustrate to other Ministries, NGOs, civil society and the private sector how their work can contribute to the achievements of the strategic goals and government vision on disaster management.

**The Disaster Management Act (2012):** The Disaster Management Act (2012) has created mandatory obligations and responsibilities for Ministries, committees and appointments to ensure transparency in the overall disaster management system. The objectives of the Disaster Management Act (2012) are: i) Substantial reduction of the overall risks of disasters to an acceptable level with appropriate risk reduction interventions; ii) Effective implementation of post disaster rehabilitation and recovery measures; iii) Emergency humanitarian assistance to the most vulnerable communities;

iv) Strengthening institutional capacity for effective coordination of disaster management involving Government and NGOs; and v) Establishing a disaster management system capable of dealing with all existing hazards.

The Disaster Management Act is intended to promote a comprehensive disaster management programme including an all-hazard, all-risk, all-sector approach where risk reduction, as a core element of disaster management, has equal emphasis with emergency response management and a greater focus on equitable and sustainable development.

**The Standing Orders on Disaster (2010) :** The Ministry of Disaster Management and Relief (MoDMR) launched an extensive consultation in order to finalize the updated version of the Standing Orders on Disaster (SOD). The SOD describe the roles and responsibilities of citizens, public representatives, NGOs, Ministries and other organizations in disaster risk reduction and emergency management. The SOD also established the necessary actions required to implement Bangladesh's disaster management model.

The Standing Orders on Disaster (SOD) are intended to clarify the duties and responsibilities of all concerned people related to disaster management. All Ministries, Divisions, Departments and Agencies prepare their own Action Plans in respect of their responsibilities under the Standing Orders. The National Disaster Management Committee and Inter-Ministerial Disaster Management Coordination Committee ensure the coordination of disaster related activities at the National level. Coordination at District, *Upazila* and *Union* levels is ensured by respective District Disaster Management Committee (DDMC), *Upazila* Disaster Management Committee (UZDMC) and Union Disaster Management Committee (UDMC). The Department of Disaster Management facilitates this process and renders necessary assistance.

**The Ashrayan Project :** The objective of the Ashrayan project is to settle landless and homeless families (particularly those who are landless as a result of tropical cyclones, river erosion and floods) on *Khas* land and to provide those families with living accommodation and deeds of title jointly in the name of the husband and wife. The Ashrayan-1 Project was implemented from 1997 to 2010 and resettled and rehabilitated 108,646 families. Ashrayan-II is designed for implementation from 2010 to 2014 and intends to resettle and rehabilitate a further 50,000 families. Ashrayan-II has very recently been extended to 30 June, 2017.

The project has been working directly with civil and human rights issues in the target populations. The houses or barracks for the ethnic minority people are raised designed to maintain the culture and heritage of the resettled populations. Under the revised

Development Project Proposal (DPP), multi-storey buildings will be constructed in City Corporation and municipal areas at the District and Upazila levels to rehabilitate landless persons.

**The National Strategy for Accelerated Poverty Reduction (2005) :** The National Strategy for Accelerated Poverty Reduction: “Unlocking the Potential” was launched in October 2005. The Strategy lists eight specific avenues to achieve accelerated poverty reduction: i) Supportive macro-economics; ii) Choice of critical sectors to maximise pro-poor benefits with special emphasis on rural, agricultural, informal and Small and Medium Enterprise (SME) sectors; iii) Safety net measures to protect the poor; iv) Human development through education; v) Health and sanitation; vi) Participation and empowerment; viii) Promotion of good governance; ix) Improved service delivery and finally; x) Caring for environment. The Poverty Reduction Strategy Paper II (2009-10) put emphasis on agricultural development considering the impacts of climate change induced natural disasters risk.

**The Bangladesh Sixth Five-Year Plan (2011-2015) :** According to the Ministry of Planning, climate change is not only an environmental issue, but a challenge that could destabilize the economy. The Sixth Five Year Plan provides a detailed list of focus areas, including: i) Food security; ii) Social protection; iii) Health; iv) Disaster Management; and v) Infrastructure.

The Sixth Five Year Plan is based on the foundations of the National Adaptation Programme of Action (NAPA) and the Bangladesh Climate Change Strategy and Action Plan (BCCSAP). The Sixth Year Plan also notes that the Government may need to strengthen existing institutions and may need to create and develop new institutions to respond effectively to the challenge of climate change.

**National Agriculture Policy (2013) :** Bangladesh Government approved “National Agriculture Policy 2013” with focus on agriculture production, alleviating poverty through generating jobs, and highlighting food security. The agriculture policy has focused on high yielding varieties (HYV) of rice and other crops, fertilizer and mechanized irrigation over the decades. The overall objective of the National Agriculture Policy is to make the nation self-sufficient in food through increasing production of all crops including cereals and ensure a dependable food security system for all. The specific objectives of the National Agriculture Policy are to: i) Ensure a profitable and sustainable agricultural production system; ii) Increase production and supplies of more nutritious food crops and thereby ensuring food security and improving nutritional status; iii) Develop the improved crop production technologies through research and training; iv) Promote competitiveness through commercialization of agriculture land v) Establish a self-reliant and sustainable agriculture adaptive to climate change and responsive to

farmer's needs; vi) develop marketing system to ensure fair prices of agricultural commodities; vii) Take necessary steps to ensure environmental protection as well as 'environment-friendly sustainable agriculture' through increased use of organic manure and strengthening of the Integrated Pest Management (IPM) programme; viii) Take appropriate steps to develop an efficient irrigation system and encourage farmers in providing supplementary irrigation during drought with a view to increasing cropping intensity and yield;

The National Agriculture Policy (2013) stated that “ Government of Bangladesh will have a contingency plan for taking up emergency agricultural rehabilitation programmes (ARP) to recover from the crop losses due to any natural disaster at both the farmers' and national levels and this timeline will be short to long term basis. Government will take all kinds of cooperation from NGOs, entrepreneurs, private research and social service institutes for support disaster affected farmers.” According to the National Agriculture policy (2013), Government will develop “Agriculture disaster Recovery Grant and Crop Insurance” for survive climate change induced disaster affected farmers.

**The National Water Policy (1998) :** The National Water Policy (1988) provided the first comprehensive short, medium and long-term perspectives for managing water resources in Bangladesh. The Policy focuses on the importance of water for fisheries and wildlife, water for the environment and for preservation of wetlands. The National Water Policy (1988) has 16 components, which describes policy measures to be undertaken to achieve the above objectives. These policy measures include: i) River basin allocation; ii) Public and private involvement; iii) Public water investment; iv) Water supply and sanitation; v) Water and agriculture; vi) Water and industry; viii) Water, fisheries and wildlife; ix) Water and navigation; x) Water hydropower and recreation; xii) Water for environment; xiii) Water for preservation of haors, boars, and beels; ix) Economic and financial management; x) Research and information management; and xi) Stakeholder participation.

**The National Food Policy (2006) :** The goal of the National Food Policy (2006) is to ensure a dependable food security system for all people of the country at all times. The Policy clarifies three basic concepts: i) Ensure adequate and stable supply of safe and nutritious food; ii) Enhance purchasing power of the people for increased food accessibility; and iii) Ensure adequate nutrition for all (especially women and children).

**The Coastal Zone Policy (2005) :** The Coastal Zone Policy (CZP) recognizes the importance of ecosystem and biodiversity conservation. The Policy states that the coastal development process aims to meet, on an overall basis, the national Goal for economic growth, poverty reduction and social development. The Policy also aims to abide by the

Code of Conduct for responsible fisheries, the Code of Conduct for responsible mangrove management and other international conventions and treaties including the targets of the Millennium Development Goals.

The stated goal of the Policy for the Integrated Coastal Zone Management (ICZM) is “to create conditions, in which the reduction of poverty, development of sustainable livelihoods and the integration of the coastal zone into national processes can take place”. Section 4.2 of the Policy focuses on basic needs and opportunities for livelihoods. In this section it is mentioned that to meet basic needs of the coastal people and enhance livelihood opportunities, the Government policy should be as follows: i) Alleviation of poverty through creation of job opportunities and finding options for diversified livelihoods would be the major principles of all economic activities. Economic opportunities based on local resources will be explored to enhance income of the people; ii) Private sector and the NGOs will be encouraged to implement activities for the poor people; iii) Special measures will be taken during the period of disaster; iv) *Khasland* will be distributed among the landless and a more transparent process of land settlement will be ensured; and v) An effective program for land reclamation will be developed.

**The Coastal Development Strategy (2006) :** The Coastal Development Strategy (2006) links the Coastal Zone Policy (CZP) with development programs and interventions. The objectives of the Strategy are: “to select strategic priorities and actions in implementation of the CZP with emphasis on the creation of the institutional environment that will enable the Government of Bangladesh to embark on a continuous and structured process of prioritization, development and implementation of concerted interventions for the development of the coastal zone”.

The Coastal Development Strategy (2006) describes the priorities and targets based on the Coastal Zone Policy (CZP) objectives, the problems and issues in the coastal zone and the available resources. The Strategy represents a departure from ‘business as usual’ in the management of the coastal zone towards utilizing its potential. It describes ‘governance’ of the coastal zone. The Strategy takes into account emerging trends, including increasing urbanization, changing patterns of land use, declining land and water resources, unemployment and visible climate change impacts. However, there is no effective land distribution strategy for those whose land is lost due to erosion.

**The Environment Policy (1992) :** The Environmental Policy built upon the 1992 United Nations Conference on Environment and Development (The Rio Conference) and acknowledged that sustained development of the country was based on the well-being of the environment and ecosystems as they provide the services necessary for ensuring progress. The objectives of the Environment Policy were: i) Maintain ecological balance



and overall development through protection and improvement of the environment; ii) Protect the country against natural disasters; iii) Identify and regulate activities which pollute and degrade the environment; iv) Ensure environmentally sound development in all sectors; and v) Ensure sustainable, long term and environmentally sound use of all national resources. The Environment Policy recognized the need for a better and more comprehensive approach to address climate change and environment issues.

**The National Housing Policy (2008) :** The objectives of the National Housing Policy are to “Make housing accessible to all strata of society.... the high priority target groups will be the disadvantaged, the destitute and the shelter-less poor; and to develop effective strategies for reducing the need to seek shelter through formation of slums.... to relocate them in suitable places”. The Policy states that the Government recognizes the difficult situation in which the poor live in slums and squatter settlements.

The strategy of the Government for implementing the National Housing Policy is to act as a promoter and facilitator and, to a limited extent, as a provider. The salient features of the housing strategy envisaged in the National Housing Policy are: i) Housing will be given due priority in national development plans; ii) The role of the Government in housing will be to supply serviced land at reasonable prices and to help create and promote housing financing institutions; iii) Efforts will be made to increase affordability for the disadvantaged and the low income groups through providing credit for income generation; iv) Improvement and rehabilitation of the existing housing stock will be given priority by the Government alongside new housing; and v) Ensuring the conservation of the natural environment and preservation of cultural heritage in new housing projects.

The Policy specifically provides in paragraph 5.8.9 that “rehabilitation for river erosion and other natural disaster affected communities should be ensured in the village land bank”. Housing reconstruction and rehabilitation in disaster prone areas is one of the major components of the National Housing Policy. Paragraph 5.10.2 states “necessary action should be taken urgently for reconstruction and re-building of damaged houses by cyclones, floods and other natural disasters. Special rehabilitation programmes including easy terms of housing loan should be ensured for communities in disaster prone areas”.

**The National Urban Sector Policy (2010) :** The National Urban Sector Policy (2004) recognizes that urban areas will form a network of distribution where each centre will fall into a hierarchy. This policy also recognizes that rural to urban migration plays a key role in urbanisation and that it has both positive and negative consequences. To achieve balanced urbanisation rural urban migration must be properly guided to avoid over concentration of population in one or few cities. The Policy has a special focus on Urban Land Management (Paragraph 5.5).

The Policy emphasizes that the Government must exert some degree of control over the use and development of urban land based policies and regulations. A range of urban planning tools including land use planning, transportation planning and management, site planning, subdivision regulations and building regulations can be applied to minimize environmental impacts of urban development activities. In the Urban Land Management section (paragraph 5.5.7), the Policy emphasizes: i) Reforming land transfer laws to counter trends towards land accumulation; ii) Implementation of land-banking and land-pooling programmes that allow the government to increase its pool of land which can be exchanged for low-cost housing sites in the city; iii) Undertaking land readjustment projects that include low-cost land and housing sites; iv) Allocating *khas* land/acquired land for housing the poor; and v) Allocating reasonable proportion of land in urban places for housing the poor.

The National Urban Sector Policy (2004) makes provision for in-situ upgrading and improvement of slums, resettlement of slum dwellers and seeks to ensure tenure security for urban poor. The Policy states that there should not be any eviction of slum dwellers without proper rehabilitation. The Policy also states that master plans should designate areas for slum rehabilitation and that the Government should provide the urban poor with access to infrastructure and services to all inhabitants of slum/informal settlements. The Policy also makes provision for the allocation of land and finances for slum improvement programmes in all urban areas.

**The National Land Use Policy (2001):** The National Land Use Policy (2001) highlights the need, the importance and the modalities of land zoning for integrated planning and management of land resources of the country. The Policy emphasizes the distribution of *Khas* lands among landless people in Bangladesh. *Khas* land is Government owned land and applies to agricultural land, non-agricultural land and water bodies. However, these programmes have met with mixed success due to vested interests illegally occupying *Khas* land, a lack of political will, the inefficiencies in the way local and national administration is organized and the absence of an updated, systematic and universally accepted source of information on land resource availability and land rights.

The Policy also mentions the need to formulate a Zoning Law and Village Improvement Act for materializing the identified land zoning area. The Policy highlights the need for land zoning for the coastal area of Bangladesh. It also describes the need for definite guidelines and raises the possibility of undertaking coastal land zoning through an inter-ministerial task force.

**National Rural Development Policy (2001):** The National Rural Development Policy consists of 30 programmes under seven sections, including: i) Poverty Alleviation; ii)

Agro-based Rural Economy; iii) Education for Rural Areas; iv) Rural Health Services and Nutrition Development; v) Rural Population Control; vi) Rural Industries Development; vii) Empowerment of Rural Women; viii) Cooperatives for Rural Development; ix) Rural Environment Promotion; and x) Power and Fuel Energy. The Policy emphasizes the Integration of all activities in rural development with a view to alleviating poverty; improving the quality of life of women and the poor and the economic development of landless and marginal farmers. Paragraph 5.8 of the Act relates to the “Development of Rural Housing” and Article 6 states: “Families, who become landless, displaced, shelter less due to river erosion, will be provided with shelter within a short time on priority basis and will be rehabilitated in the nearest government *Ashrayan/Adarsha Gram* project areas”. Paragraph 5.9 relates to Land Use and Development and Article 4 states “Giving priority to the use of land for rural poverty alleviation will be continued and ensured in the allocation, distribution and leasing out of *Khas* land and government water body”.

But there are no clear indications how population displacement problems will be addressed in these policies, law, strategies, act and programmes. In addition, there are no detailed action plans with a timeframe to tackle this problem.

To face the challenge of mass displacement (both internal and external) as a result of climate Change, Young Power in Social Action (YPSA) has been implementing Bangladesh Housing, Land and Property (HLP) rights initiative with the support of Displacement Solutions (DS) for better settlement of climate displaced Peoples since 2012. The main objective of this project is to identify rights-based solutions and actions that could be undertaken to resolve the displacement of these climate-affected communities as well as to ensure and safeguard their housing, land and property rights.

For strengthen the advocacy campaign on solving the crisis of havoc for climate displaced peoples YPSA recently developed the 5 key actions for ensuring rights of climate displaced peoples are as follows:

1. Climate displacement monitoring mechanism should be implemented across Bangladesh
2. The rights of climate displaced persons should be incorporated into existing climate change law and policy
3. Distribution of Government *Khas* land should be effective, transparent and just and take into account the needs of climate displaced persons
4. Non-agricultural *Khas* land should be allocated for climate displaced persons
5. Effective return, relocation and rehabilitation programmes should be implemented for all climate displaced persons

Bangladesh has signed and is bound to respect many key international human rights treaties that provide important human rights protections to climate displaced persons, including:

- The International Covenant on Economic, Social and Cultural Rights (Bangladesh acceded on 5 October 1998);
- The International Covenant on Civil and Political Rights (Bangladesh acceded on 6 September 2000);
- The Convention on Elimination of All Forms of Discrimination against Women (Bangladesh acceded on 6 November 1984); and
- The Convention on Rights of the Child (Bangladesh ratified on 3 August 1990).

Further, although non-binding, Bangladesh is bound to respect the UN Guiding Principles on Internal Displacement as they reflect and are consistent with international human rights and humanitarian law.

The UN Guiding Principles on Internal Displacement define an “internally displaced person” as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of....natural or human-made disasters, and who have not crossed an internationally recognized state border.”

Thus, the majority of persons displaced by the effects of climate change will be internally displaced persons for the purposes of the Guiding Principles. To this end, this report recommends the following 7 steps that could be taken by the Government and national, regional and international stakeholders, in order to create and implement a truly effective and coordinated response to climate displacement in Bangladesh:

- Undertake a comprehensive review of existing national laws and policies
- Design and implement rights-based national laws and policies
- Undertake a review and re-design of the existing institutional framework
- Design and implement domestic land solutions
- Increase coordination and knowledge sharing among international and regional donors
- Create an UN and NGO working group on climate displacement
- Improve coordination & communication between the Government & civil society.