

## THE ROLE OF GLOBAL GOVERNANCE MECHANISMS TO PROTECT THE ENVIRONMENT FOR SUSTAINABILITY: A STUDY ON BANGLADESH PERSPECTIVE

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**Abstract**-Many messages in the different religions including the Islam describe the importance of the environment consisting of flora and fauna for our own happiness, which is quite vast and vague and develops with the human civilization. With the change of time and social needs, this global environment has been facing numerous problems such as air pollution, water pollution, over population, poverty, unwise use of natural resources, excessive use of pesticides and herbicides, unplanned urbanization, non compliance with the existing environmental law and policies etc. Consequently, some impacts and changes such as; that causes biodiversity degradation, global warming, acid rain, natural imbalance, extinction of species, deforestation etc, have been found. To cope with this problems, some important legal foundations such as the Role of UNO with Specialized Agencies, the Ramsar Convention 171; the Stockholm Declaration 1972; the Rio Declaration 1992; the Aarhus Convention, 1998, the Biodiversity Convention 1992; the, Kyoto Protocol to the UN Frame Work Convention on Climate Change 1997 along with some important principles such as the polluter Pays, Precautionary Principles, Good faith principle etc; have already been passed but not yet implemented and enforced properly due to non compliance with the international environmental laws and policies, weak enforcement mechanism, non-coordination, absence of international environmental courts etc. Additionally, some international Inter Governmental, Governmental and Non Governmental Organizations such as the ASEAN, SAARC, EU, PADELIA, OAS, UNITAR, Asia Pacific Law Centre, IUCN, WWF, Environmental Law Alliance Worldwide, BELA etc. , have been contributing much to the services of the mankind though the legal education and interpretation. Moreover, as a case study in Bangladesh, it is found that around two hundred environmental laws with international environmental treaties such as ‘the Bangladesh Environment Conservation Act 1995; the Bangladesh Environment Conservation Rules 1997; the Environment Court Act 2000; the Environment Policy and Action Plan 1992 etc’; have been passed to protect and conserve the environment but regrets that these laws are not implemented properly due to the above mentioned grounds with, insufficient penal provisions, lack of man power etc. It is notable that some important principles as above mentioned are absent in the environmental laws of Bangladesh. This study will provide an overview of the role of the International environmental actors based on primary and secondary sources consisting of at least 25 respondents in different criteria such as the various professionals including the university lecturers, lawyers, law enforcing agency, foreigners, students, business man, and ordinary people etc., based on the primary and secondary sources through structured and unstructured questionnaire. In order to build a healthy haven, our home. We need to implement their initiatives strictly including the human rights provisions and the environmental rights at home and abroad under the public international laws for our own sake and existence.

**Keywords:** The Global Governance Mechanisms, Environmental Sustainability.

### 1. INTRODUCTION

Environment<sup>1</sup> is a global issue and has become concerns<sup>2</sup> to the global leaders due to the present state of the environmental degradation. Mrs. Indira Ghandi, the then Prime Minister of India also made it clear that: “The environmental crisis, which is confronting the world, will profoundly alter the future destiny of our planet. No one can be ..... unaffected. The process of

change challenges present international policies. Will the growing awareness of one earth and the one environment guide us to the concept of one humanity?" In this regard, to Professor Rene' Dubas, who was a co-author to the report Human Environment under the title as the theme, remarks that: "The greatest value of the theme would derive precisely from the fact that it will represent the knowledge and the opinion of the world's leading expertise and thinkers about the relationship between man and his natural habitat at a time when the human activity is having the profound affects upon the environment." some historic wars such as the Crusade, French Revolution, etc., took place. As a result, the world became unstable situation and tuned into degradation day by day. In order to tackle the unhealthy environment, some treaties such as the versatile treaties, medina sanad etc., were made. With the end of the World War I, the world leaders began to think for globe peace and security. As a last resort, the League of Nations was established in 1919 based on the Treaty of Versailles<sup>3</sup> but failed. Its concept was originated as far back as 1795 outlined in Immanuel Kant's Perpetual Peace. The Woodrow Wilson's Fourteen Points<sup>4</sup> and the Monroe Doctrine<sup>5</sup> and the Paris Peace<sup>6</sup> etc; were notable in this regard. In this context, the world leaders like Roosevelt, Henry Kissinger, True man etc., organized collectively to meet and avoid the endangering situation. They took serious efforts and finally established the UNO and later on, some other regional organizations such as the OAS, and EU etc., made in order to conserve, develop world environment friendly. The United Nations replaced it after the end of the war and inherited a number of agencies and organizations founded by the League. Despite Wilson's efforts to establish and promote the League, for which he was awarded the Nobel Peace Prize in October 1919. To cope with these problems, many international environmental actors were established. Some of them have been contributing to the environmental development of Bangladesh. The historical discourse supports that some development initiatives were made from 1850 to 1972 and concluded with the creation of the new international organizations in 1945. During this period, peoples and nations would begin to realize that the process of industrialization and development required limitations on the exploitations of certain natural resources and to adopt appropriate legal instruments in this regard.<sup>7</sup> The second stage began in the year 1946 to 1972 with the creation of the UNO including the IUCN an international environmental organization. Later on, the UN conference on the Human Environment was held in Stockholm, Sweden in June 1972. Over this period, a sort of international organization with aptitude in environmental considerations is framed and legal mechanisms are also adopted both in the regional and global arena for addressing pollution and the conservation of environmental resources. The third phase ran from the year of 1972 to 1992 with the Stockholm Conference and concluded with the UNCED in June 1992. The Stockholm Conference has given importance on international organizations at the regional and global level for addressing environmental pollution and its remedies resulting from certain ultra-hazardous activities and so on. It has limited recognition of the relationship between economic development and environmental protection. In the framework, the UN shaped some international environmental issues for meeting up the global environmental hazards. Over this period, a sort of international organization with aptitude in environmental considerations is framed and legal mechanisms are also adopted both in the regional and global arena for addressing pollution and the conservation of environmental resources<sup>8</sup>

## **2. THE ROLE OF INTERGOVERNMENTAL ENVIRONMENTAL ACTORS**

International organization plays an important legislation role in the development of international environmental law but their enforcement function is limited. The International organizations are international legal persons, which may seek to protect their own interest and enforce the obligation that others have towards them. Since the beginning of the nineteenth century, the international organizations have adopted some non binding resolutions addressed to member states. This procedure has taken on increased importance over the years, particularly for new fields of international regulations such as environmental protections. There are many

international intergovernmental institutes in the globe to protect the environment globally. These institutions have been contributing a lot to the development and improvement of the environment for the purposes of achieving sustainable development and environment in the world. A few of them are discussed below:

### ***2.1 The Role of the United Nations Organization***

The world leaders such as Rose Veldt, Vladimir Putin, Stalin etc., made some dreams that the world needs peaceful environment and they tried to establish a world institutions so that we maintain the world environment. They were the pioneer for setting up the United Nations Organization in order to establish the global peace. In fact, the UN<sup>9</sup> is the most important forum for global environmental protection and has played a vital role in the development of international environmental law under the public international law. It can many contribute and address many international environmental issues in many dimensions but unfortunately the United Nations Charter did not contain any direct and specific provision on environmental protection or the conservation of natural resources but have some inherent provisions as to the protection of the environment. But its purpose<sup>10</sup> includes the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian character and this has provided the basis for the succeeding environmental activities. It is noted that no environment or nature conservation body is established amongst the specialized agencies but the United Nations Environment Program along with the Food and Agriculture Organizations and the United Nations Educational, Scientific and Cultural Organization included provisions with environmental conservational issues. Some other important environmental issues<sup>11</sup> also stated in the preamble of the charter. Some implications are also found in the Security Council, the supreme organ. Its main aim is to maintain the international peace and security and has recently, addressed international environmental protection issues which can also be discussed in the General Assembly and may recommend to the Security Council for necessary steps. This council is a recommendatory body. The Economic and Social Council is working closely with the economic and social aspects in the grassroots level of the country. The ECOSOC has contributed to the development of international environmental law. It convened in 1946 and the UN Scientific Conference on the conservation and utilization of Resources was held in 1949. Its five Regional Economic Commissions, established under Articles 68 of the UN Charter have contributed significantly to the development of International environmental law. The ECOSOC has also been involved in the environmental problems. They have fully utilized the regional and local resources for the protection and improvement of the environment. The trusteeship council is not frankly related to environmental issues yet it has obligation to respect the basic objectives. Moreover, it provides significance in natural resource issues, including conservation. The International Court of Justice, sometime referred to as to the World Court or Hague Court, is the UN's principal judicial organ. This Court was established in July 1993. It has a crucial role to the development of international environmental law through general principles and rules elaborated in non-environmental cases and in cases concerned directly with environmental issues.

### ***2.2 The Role of the UN Specialized Agencies***

Around 20 specialized agencies as stated in the [http://en.wikipedia.org/wiki/specialized\\_agencies](http://en.wikipedia.org/wiki/specialized_agencies) have been working for the development and conservation of the environment through out the world. A few of them are discussed critically in this regard:

The United Nations Environment Program<sup>12</sup> was established in 1972 by General Assembly resolution no 2997 following the Stockholm Conference, and the UNEP has made majors strides in the developing world wide environmental data collection and monitoring of environmental degradation. It has been successful in publishing and disseminating works on global and regional environmental issues. However, it has been less successful in getting any real international or even regional co-operation of nations on environmental issues. It has played a significant role in the development of international treaties and actively carried out the

following issues such as the implementation of the UNO's environmental programs, review work on the world environment situation, promoting the scientific knowledge and information contributing the technical aspects of environmental programs, maintaining under review the impact of national and international environmental policies on developing countries, contribute to the development of international environmental law including more than thirty environmental treaties as well as numerous regional Action Plan for the development of several global environmental treaties including the Vienna Convention, 1985 and Montreal Protocol, 1987; the Basal Convention, 1989; and the Biodiversity Convention, 1992 and to guide the development and contribution to the international environmental law etc. The study finds that this program has 13 functions, 13 responsibilities, 20 institutional linking programs, 13 data base treaties and 5 on line journals and several environmental divisions including the Division of the Environmental Law Conventions that deals environmental conservation and sustainable development issues.

The United Nations Development Program: The United Nations Development Program<sup>13</sup> has an active role in all economic and social sectors and has addressed environmental issues since the early 1970s. It is strengthened by its participation in the management of important programs and institutions, such as the Tropical Forestry Action Plan and the Global Environmental Facility. The UNDP also administers several special purpose funds, which are relevant to environmental matters, and is particularly active in translating international efforts into grass-roots programs and activities. It helps to finance a large number of resources, survey and projects related to conservation such as a forestation, ecological changes and training programmes, e.g. Forestry and Watershed Management Training Institute (Argentina), Forestry Training Institute (Philippines) and several other training institutes has in operation in Turkey, Chile, Lebanon and Jordan, which give training for the rigorous application of an environmental approach to the decision-makers in the environment and economic development.

The International Labour Organization: The ILO<sup>14</sup> is concerned with occupational health and hazards since 1919. It has specific concern over the problems of labour e.g. prevention of dust in mining and air pollution control in the industrial developments. Besides, it has an International Occupational Safety and Health Information Centre in Geneva, which distributes abstract materials dealing with air pollution. It has more than 30 national centres for such information. The ILO has adopted a number of Conventions, which set international standards for environmental conditions in the work place including occupation, safety and health. The ILO is working for ensuring the quality of working environment and development.

The Food and Agriculture Organization: The FAO<sup>15</sup> is deeply involved in conservational aspects of soil, forests and territorial water. It has laid down certain norms such as water quality criteria for fish, integrated pest control techniques, the use of sewerage effluents for agriculture, forest and fisheries etc., are to be followed by members' States and organizations. It has established various commissions, conducted conventions and launched associations for the protection of living resources of earth. The FAO is the only specialized agency with an environmental mandate to promote the conservation of natural resources and the adoption of conservation of natural resources and the adoption of improved methods of agricultural production.

The International Maritime Organization: The IMO<sup>16</sup> is an organization for protecting the marine environment from the pollution. In this regard, the International Convention was held in 1954 for the prevention of pollution of the sea by oil. It has contributed by adopting non-binding guidelines, standards, and codes relating to maritime safety and the protection of the marine environment. The IMO activities relating to marine pollution are mainly carried out through the legal Committee and the Marine Environment Protection Committee. In the control of Marine environment, it has developed new methods for the removal of oil from the sea, techniques for protecting coastal areas from pollution and the detection and penalization of deliberate marine pollution for the conservation and development of the marine environment.

**The World Meteorological Organization:** The WMO<sup>17</sup> is related to the hydrological and geographical aspects or meteorological centres and its environment. It has been well known for its Programme of world weather watch based as an International monitoring Systems with world data processing centres in the United States, the Soviet Union and in New Zealand. The advents of satellite techniques have facilitated it to keep watch an atmospheric and maritime pollution in the four major oceans of the world.

**The International Civil Aviation Organization:** The objectives of ICAO<sup>18</sup> are formulated for the protection of life, efficient and economical air transport and generally the development of all aspects of international civil aeronautics. The ICAO is concerned mainly with two aspects only such as to aircraft noises and the problems of sonic boom. It has held several symposiums and seminars on the danger of ozone layers by Jet Crafting and disturbance to ultrasonic rays, supersonic aircrafts etc.

**World Health Organization:** The WHO<sup>19</sup> ascertains the highest possible level of health. Recently, it includes the WHO Commission on Health and Environment in 1970 that assess the impact of environmental change on human health. The world health organization creates a Centre in 1991 for collecting Environmental Health Data.

**International Atomic Energy Agency:** It is an agency<sup>20</sup> based on peaceful uses of atomic energy. It bears significance relating to safety, standards relating to interalina, radioactive effluents and the disposal and transboundary movement of radioactive wastes.

**The World Bank<sup>21</sup>, International Monetary Fund, and General Agreement on Tariffs and Trade**

The World Bank, the International Development Association, the International Finance Corporation, the International Monetary Fund, and the General Agreement on Tariffs and Trade are the central players in developing the international environmental treaties. The World Bank (IBRD) has been making efforts to apply environmental criteria on major economic developments, industrial projects and to the evolution of development goals and strategies, taking proper consideration of the ecological factors. The then World Bank president Robert Mc Namara remarked that these organizations consist of outstanding eminent Ecologists, Biologists, and System-Analysts of the world.

**The United Nations Human Rights Commission:** The Human Rights Commission<sup>22</sup> is established in order to protect and develop the human rights of the people of the world. It has also regional human rights conservation jurisdiction over environmental matters. The European Court of Human Rights is working on such issues at the same manner.

### **3. THE ROLE OF REGIONAL AND SUB-REGIONAL ORGANIZATIONS**

The regional organizations outside the UN system also play a growing role in the development of international environmental treaties or laws.<sup>23</sup> **The European Commission:** The European Commission adopted its first environmental act, on the packaging and labelling of dangerous goods.<sup>24</sup>

**European Court of Justice:** It is the judicial institution of the European Commission or Community (EC) and this Court can exercise all powers relating to environmental issues under article 169 of the EEC Treaty.

**The Europe and the Organizations for Economic Co-operation and Development:** In Europe, apart from the EU, there are three organizations play an important role in the development of regional environmental law and policy. The Council of Europe, the organizations for Economic Co-operation and Development and the Conference on Security and Co-operation in Europe and the more recently the European Bank for Reconstruction and Development has emerged as innovative contributors to European environmental law and policy.<sup>25</sup>

**European Institutions and Conventions:** The contracting States or parties have given much importance on environmental issues in the field of promoting economic and social progress and the improvement of the conditions of life. The contracting parties or participating States affirm that the protection and improvement of the environment as well as the protection of nature and the rational utilization of its resources in the interests of present and future generations, is one of the tasks of majors importance to the well-being of peoples and the economic development of all countries and that many environmental problems, particularly in Europe which can be

solved effectively only through close international co-operation.<sup>26</sup> These success can be achieved in accordance with the principles of international law, ought to ensure, in a spirit of co-operation that activities carried out on its territory don't cause degradation of the environment in another state or in areas lying beyond the limits of national jurisdiction. It seems that the success of any environmental policy presupposes that all population, groups and social forces, aware of their responsibilities, help to protect and improve the environment through the educative action. They also emphasis the economic development and technological progress and it must be compatible with the protection of the environment and the preservation of historical and cultural values that damage to the environment These tendencies are to be avoided by preventive measures and the ecological balance must be preserved in the exploitation and management of national resources. The contracting parties agree to solve the environmental problems by avoiding the harmful agreements like multilateral, bilateral, regional or sub regional dimensions; as well as to encourage the development of an interdisciplinary approach to environmental problems.<sup>27</sup>

Organizations for Economic Co-operation Development: The OECD conference doesn't specify environmental protection among its functions but the organization began to address environmental issues in the year 1970 but OECD became involved in environmental issues for three reasons.<sup>28</sup> First, it has made certain environmental issues recognized to be basically international. Second, it differentiates amongst member countries for environmental standards which could have implications for trade and economic and political relations and third, it is felt that some member countries might insufficiently be prepared to address increasingly environmental problems.

The OSCE charter<sup>29</sup> works in the areas of peace and stability, security, democracy and human rights diplomacy, conflict prevention, crisis management, and post-conflict rehabilitation, environmental matters particular sources of pollution and the conservation of general and particular environmental resources, the quality of fresh waters, and the dumping of waste at sea etc.

The NATO<sup>30</sup> has been contributing to the evolving security environment, supporting security and stability with the strength of its shared commitment to democracy and the peaceful resolution of disputes, freedom and security, human rights and the rule of law., mutual co-operation, solidarity, indispensable foundations for a stable Euro-Atlantic security environment, based on the growth of democratic institutions and commitment to the peaceful resolution of disputes etc; in which no country would be able to intimidate or coerce any other through the threat or use of force, partnership, cooperation, and dialogue etc.

The Organizations of African Unity: The Organization of African Unity has supported the adoption of a treaty on the conservation and development of the nature and natural resources.<sup>31</sup>

7. Organizations of American States: It has played a limited role in promoting the international environmental treaties or laws and its successor organizations named the Western Hemisphere Convention, which is also feasible for the environmental protection.<sup>32</sup>

Asia Zone: Asia has taken only limited measures towards establishing regional environmental organizations. The important role of Japan and the size of China and India shared environmental problems and the need to conserve natural resources will inevitably lead to the creation of such organizations. One of the few regional organizations such as ASEAN. ADB, SAARC etc; has significant contributions to the environmental considerations.<sup>33</sup>

The ASEAN charter<sup>34</sup> deals with the social progress and cultural development regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries in the region and adherence to the principles of the United Nations Charter living in peace, stability and prosperity, equality, non-interference, Settlement of differences or disputes by peaceful manner, renunciation of the threat or use of force and, effective cooperation among themselves, just, democratic and harmonious environment.

The SAARC charter<sup>35</sup> bears a significant role as the ASEAN over the environment. It includes the quality of life, social progress and cultural development mutual trust, strengthen cooperation with other developing countries, strengthen cooperation among themselves in international

forums on matters of common interest; and cooperation with international and regional organizations with similar aims and purposes. It has some areas of cooperation such as Agriculture and Rural Development, Women, Youth and Children, Environment and Forestry, Science and Technology and Meteorology, Human Resources Development, Transport etc. Tourism and Energy.

#### **4. The Role of SOME OTHER INTERNATIONAL INSTITUTIONS**

**International Union for Protection of Nature and UNESCO:** The UNESCO has been deeply involved with research on natural resources and programmes of such problems as Arid-Zones Research and Humid Tropics Research. The report of Secretary-General has highly appreciated the works done by UNESCO. To quote " UNESCO has particular obligations in these fields because it is becoming increasingly clear that development programmes must be structured on the basis of the sound ecological principles and that there is no rational use without conservation.<sup>36</sup>" It has also launched an International Hydrological Decade in 1958 under the banner of intergovernmental oceanographic Commission and it was held with the assistance of UNESCO<sup>37</sup> which is attended by representatives of eighteen government's, seven international organizations, and 107 national organizations established the International Union for the Protection of Nature (IUPN) to promote the preservation and development of the wildlife and the natural environment, public knowledge, education, scientific research and legislation. In 1968, the United Nations Educational Scientific and Cultural Organizations convened an Intergovernmental Conference of Experts on the scientific basis for regional use and conservation of the resources of the Biosphere, which is known as Biosphere Conference, 1968. The Conference considered the human impact on the biosphere including the effects of air and water pollution, over grazing, deforestation and the drainage of wetlands. It has also contributed to peace and security by promoting international cooperation through education, scientific and culture including the conservation and protection of monuments of history.<sup>38</sup>

**International Union for Conservation and Nature:** The IUCN is a unique organization whose members are of governmental and non-governmental actors and which has played an important role in developing treaties to protect wildlife and to conserve the natural resources.<sup>39</sup> It has six commissions along with several specialty groups have been contributing to environmental conservation and development.

**The United Nations Conference on the Conservation and Utilization of Resources:** The UN with the Environmental and Social Council found the activities of the international environmental action in 1947. The United Nations Conference on the Conservation and Utilization of Resources<sup>40</sup> is initiated by the President Franklin D. Roosevelt and Harry S. Truman. The resolution emphasized the importance of the reconstruction of devastated areas. The General Assembly convened a major Conference, 1954 on the conservation of the living resources of the sea, which led to the conservation. The major new development is the alternative given by the General Assembly to the effects of atmospheric nuclear tests and oil pollution. In 1955, the General Assembly adopted the first of a member of resolutions on the use of atomic energy and the effects of atomic radiation which led to the adoption of the Test Ban Treaty in 1963 and it is provided that the political context for Australia and New Zealand to bring actions to the International Court of Justice calling on France to stop all atmospheric nuclear Tests. In the year 1955, 1958, 1959, 1967, 1968, 1971, 1972 are given importance in respect of the prevention of pollution, oil pollution, dumping of radioactive wastes, conservation of marine living resources, prohibition for nuclear explosions rules for packaging and labelling of dangerous goods, and human environment and development.

**International Law Commission:** The International Law Commission has addressed environmental issues. Its draft articles on the legal regime of the high seas and territorial waters led to the development of the Geneva Conventions, 1958 which include provisions, which have influenced the development of environmental law.<sup>39</sup>

**The UN Commission on Sustainable Development:** The objectives of the Commission are to ensure the effective follow-up of UNCED, as well as to enhance international co-operation and

nationalize the intergovernmental decision making capacity for the integration of environment and development issues and to examine the progress of the implementation of Agenda 21 at the national, regional and international levels.<sup>40</sup> At the international level, this manifested itself in the formation of the World Commission on Environment and Development by the United Nations in the mid-eighties, which came to be popularly known as the Brundtland Commission after its Chairperson Madame Brundtland, the former Prime Minister of Norway. The landmark report called “Our Common Future” which proposed the concept of “Sustainable Development” as a global goal which was defined as allowing development for the present generation without jeopardizing the rights of future generations; in other words, the environment or natural resources should not over-exploited.

**Lac Lanoux Arbitral Tribunal:** The Lac Lanoux Arbitral Tribunal, 1957 affirms some important principles concerning limitations on the right of States in their use of shared rivers.

**The Report of the Legal Experts Group:** The World Commission on Environment and Development is set up under the Brundtland Commission to address the environment and development for all the beings of the world for the peaceful environment.<sup>42</sup>

**Organizations Established by the Environmental Treaties:** It is a third category of organization that carries significant values to the development of the international environmental law. A few of them are the Oslo Convention, 1972, the Paris Convention, 1974, etc., are active and have made powers in this regard.<sup>43</sup>

**Non-governmental Contributors:** The Non-governmental Contributors have played a central role in developing international environmental law. It has begun the later half of the nineteenth century and has mobilized the forces of public opinion and concern and sought to contribute to the progressive development of international law. The non-governmental organizations or actors are of six categories such as the scientific Community, non-profit environmental groups and association; private companies and business concerns, legal organizations, the academic community and individuals are the worth of mentioning.<sup>44</sup>

**Scientific Community:** The driving force behind international environmental law is often science. The Non-governmental actors rely upon scientific evidence generated from different sources, including what emerges from international processes such as the IPCC and GESAMP, from non-governmental sources. The last mentioned have long played a role in the development of international environmental law.<sup>45</sup>

**Global Environmental Information Providers:** Internationally a number of environmental organizations have played a particularly important role in developing institutional environmental law. The international Union for the Conservation of Nature IUCN, 1948, World Wide Fund for Nature, Green Peace etc., which have played an active role in developing treaty and other international standards.<sup>46</sup>

**Legal Groups:** Private group and association of lawyers have long played a role in the progressive development of international environmental law. The IUCN Environmental Law Centre and the IUCN Commission on Environmental Law have prepared important draft treaties, which have formed the basis for the formal negotiations. The Natural Resources Defense Council, the Sierre Club Legal Defense Fund (SCLDF), and the Environmental Defense Fund (EDF) etc; have been playing an advocacy role in the development of international environmental law.<sup>47</sup>

**Corporate Sectors:** In the private sector association such as the International chamber of commerce and the Business council for Sustainable Development has sought to ensure for the development of international environmental law. The Business Charter on Sustainable Development, the Declaration of the World Industry Conference on Environmental Management and the Valdez principles has contributed much in this regard.<sup>48</sup>

**Individuals:** Individual citizens have traditionally expressed their involvement in the development and application of international environmental treaties through the activities of environmental organizations. Opinions of the individuals regarding the violation of the human

rights and human rights norms have the rights to complain to international bodies, which can ensure and develop the international environmental law.<sup>49</sup>

**The Role of Media:** The media can play an important role in various aspects of international environmental treaties. The media also provides an opportunity for governments to make standards and to ensure quality of the environment.<sup>50</sup>

**The Role of the International Global Internal Actors:** In order to develop and conserve the globe environment, hundreds of non governmental, intergovernmental organizations have been working directly or indirectly as stated in this website.<sup>51</sup>

## **5. The ROLE OF HUMAN RIGHTS EDUCATION PROVIDERS**

It is noted that human rights and the environmental conservation and development are closely related and interlinked. These international actors have been working as the human rights provider globally. They have been serving to the mankind as the commitments underlined in the universal declaration of human rights 1948 along with the other relevant covenants.<sup>52</sup> They are implementing the environmental rights and broadly human rights as mentioned in the principles of the international environmental laws and policies.<sup>53</sup>

## **6. The ROLE OF REGIONAL ENVIRONMENTAL INSTITUTIONAL CONTRIBUTORS**

Some regional offices and centres such as the United Nations Development Program, the Asia Pacific Centre for Environmental Law, the IUCN, the World Wide Fund for Nature, the Environmental Law Alliance Worldwide, PADELIA, OAS, UNITAR, the South Asia Watch on Trade, Economics and Environment, the Clean Air Initiatives etc; have been tremendously contributing the early mentioned areas including the implementation and harmonization of environmental legislation as well as related institutions for sustainable development and poverty reduction of the environment nationally, regionally and internationally. Their websites<sup>54</sup> have focused their rich publications along with other environmental information.

## **7. BANGLADESH PERSPECTIVES**

**The Role of Environment Courts:** At present, three Courts<sup>55</sup> are working in Bangladesh in order to dispose the environmental offences under the Bangladesh Environment Conservation Act 1995 and its Rules 1997. These Courts are playing an active role for giving environmental rights to all. Therefore, the natural environment is developing day by day. A limited number of cases are brought against the hill cutters in Chittagong but the prosecution is very poor. The defaulters are given very nominal fine. But in Dhaka, the Department of Environment (DOE) filed 84 cases to the Dhaka Environment Court against the polluting textile dyeing industries. But so far it is known, the performance of this court is not up to the mark.

**The Role of Judiciary:** The Supreme Court of Bangladesh is very active to the environmental conservation and development in Bangladesh. A significant number of judgments have been made in favor of the Environmental conservation in Bangladesh with the active role of the Bangladesh Environment Lawyers Association. These cases are made in the form of public interest litigation. It is unfortunate that the subordinate judiciaries are not empowered with this jurisdiction. It is mentioned here that the Indian subordinate judiciaries are enough competent to deal with the cases.

**The Role of Civil Societies:** The civil societies in Bangladesh are quite aware about the environmental conservation and development. In Bangladesh, some NGOs<sup>56</sup> such as the Bangladesh Environmental Lawyers Association (BELA), the Forum of Environmental Journalists, Bangladesh (FEJB), BCAS, etc., with some other international organizations have been contributing a lot in the areas of conservation, environmental justice, environmental rights, environmental jurisprudence etc. in the country. Their websites are quite relevant in this field. It is mentioned here that the coalition of Environmental NGOs was formed in the late 1990s

attached to the Association of Development Agencies Bangladesh (ADAB) to coordinate the activities on the environmental issues in Bangladesh but not authoritatively developed. To promote Environmental Justice doing research and publications, Public Awareness and Campaign Public Interest Litigation, Advocacy, Documentation and Library etc.

The Role of Ministries and Departments: All Ministries<sup>57</sup> and Departments particularly the Ministry of Environment and Forest and the Department of Environment have been playing a critical role to the management and administration of the natural resources in Bangladesh. The special responsibilities and managements on natural resource management and administration are given on the Ministry of Environment and Forest along with the concerned Departments.

The Role of the International Actors in Bangladesh Chapter: Bangladesh has been developing day by day with the active help of the international development partners. Some international organizations such as the UNDP, FAO, WHO, UNICEF, UNESCO, WWF, IUCN etc; have been working in the above mentioned areas with as per the principles of the international environmental law including the environmental governance, sustainability issues, etc; under the head of the public international law .

## **8. SOME CASE STUDIES**

A study has been done in Kuala Lumpur along with the area of the University of Malaya, Malaysia about the performance of the international environmental actors as mentioned earlier. Most of the respondents think that they have been contributing to the environmental conservation and development. Generally, the people working in the organizations do not like to speak more about the performance of the organizations. One of my colleagues who worked in the international organizations but right now working in the University of Malaya spoken as follows: There are many constraints such as non-cooperation with the stakeholders, policy making problems, funding and implementing problems, logistic problems etc. Over all performance of the international environmental actors are satisfactory and quite healthy for our environmental conservation and development.

## **9. RECOMMENDATIONS**

From the above study, some recommendation may be made here such as:

1. The each state party of the international environmental law should implement the provisions of the treaties, convention, declaration etc.
2. The State Party must co-operate and closely work with the International Environmental Actors
3. The UN specialized agencies have been working for the conservation and development of the environment. But their jurisdiction under the public international law is limited. Their jurisdiction may be enhanced.
4. The UNO has been working with the around 20 specialized agencies. These agencies may be expanded.
5. In order to ensure environmental justice to all including the environmental rights, the the jurisdiction of the International Court of Justice may be expanded and should be given independence as the national courts.
6. It is observed that most of the cases the globe environment has been facing numerous environmental problems with degradation. Therefore, the several World Environmental Courts may be established based on the regions for settling the environmental offences like the national environmental courts.
7. In order to make a peaceful and healthy environment, an international coordinating laws may be passed to solve the intergovernmental disputes.

8. There are many provisions relating to the environmental conservation and development issues. These provisions need to be implemented properly and the necessary mechanisms to be developed in that way.
9. Need to implement the principles of the International Environmental Laws.
10. Transparency and accountability in all levels should strictly be made in order to achieve environmental sustainability.

## 10. CONCLUSION

Man is the best creation of the creator. But unfortunately, our beautiful world have been facing numerous environmental problems such as air pollution, water pollution, food security, morality, due to the fact the human beings have been altering the climate change of the globe and most of the cases, they are responsible. The people should be learned from the existing literatures and of course they would be given the religious education about the importance of the environment. The recommendations in the article should be implemented and focused every where. Moreover, it is observed that in the case of non compliance with the international environmental actors, there is no specific environmental penal provisions which should be clearly inserted in the provisions and functions of the international environmental actors for the sake of the environmental sustainability to the mankind on the earth, our home.

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## REFERENCES

<sup>1</sup> It is originated from the French word "environ" which means encircle or make surroundings. To define environment is not an easy task. The word 'Environment' = Environ+ ment, the action of environing; the state of being environed. The conditions under which any person or thing lives or is developed; the sum total of influences which modify and determine the development of life or character. Its normal meaning relates to surrounding's but obviously it is a concept that is relative to whatever object it is which is surrounded. In fact, environment is an integral part of human life. In brief, it is defined as the surroundings of inhabitation and economic activities of the people. Broadly, it is composed of three different components such as natural, techno sphere and social environment. It refers to the "sum total of conditions which surround man at a given point in space and time." Environment as a productive system provides basic supports that are required for flourishing all forms of lives. According to Albert Einstein: "Environment is everything that isn't me".

<sup>2</sup> The earth is polluted in many ways such as accumulation of green house gases, global warming, depletion of ozone layer, increasing rate of extinction of species, short supply of food, mortality of population, global war, over population, migration, land degradation, herbicides, insecticides, pesticides, depletion of ground water, soil erosion, soil productivity loss, urbanization, loss of natural ecosystems, high population density, large volume of solid wastes, air pollution, water pollution, noise pollution, radiation exposure, nuclear power, acid rains, terrorism, green house effect, ozone layer depletion, acid rains, aerosols, loss of biodiversity, land degradation, deterioration of water quality, earthquake, volcano, flood, drought, hurricane, tidal wave, nuclear explosions, oil spill, population pressure, epidemic, deforestation, inhuman treatment to animals, child and forced labour, racial discrimination, apartheid etc.

<sup>3</sup> The Treaty of Versailles was one of the peace treaties at the end of World War I. It ended the state of war between Germany and the Allied Powers. It was signed on 28 June 1919, exactly five years after the assassination of Archduke Franz Ferdinand. The other Central Powers on the German side of World War I were dealt with in separate treaties. Although the armistice signed on 11 November 1918 ended the actual fighting, it took six months of negotiations at the Paris Peace Conference to conclude the peace treaty and ([http://en.wikipedia.org/wiki/Treaty\\_of\\_Versailles](http://en.wikipedia.org/wiki/Treaty_of_Versailles), accessed on 25.1.2010 at 10:32 A.M)

<sup>4</sup> In the Woodrow Wilson, Fourteen Points (October 1918): He states that the world should be made fit and safe to live in. Particularly, that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealings by the other peoples of the world, as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice is done to others it will not be done to us.

<sup>5</sup> In the Monroe Doctrine (December 2, 1823), (President Monroe's seventh annual message to Congress put "European Powers" on notice that American continents were off limits to European colonization and that any attempts to interfere with American lands would be considered the "manifestation of an unfriendly disposition toward

the United States"). This doctrine has reflects an amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. It wished to make a best understanding with his Government. He emphasized that interference in all respects should be stopped and security to be ensured and maintained.

<sup>6</sup> The Paris Peace Conference was the meeting of the Allied victors in World War I to set the peace terms for Germany and other defeated nations, and to deal with the empires of the defeated powers following the Armistice of 1918. It took place in Paris in 1919 and involved diplomats from more than 30 countries. They met, discussed and came up with a series of treaties (Peace of Paris Treaties) in an attempt to form a lasting peace throughout the world.

<sup>7</sup> Phillip Sands, Principles of international Environmental Law (USA: Manchester University Press, 1988), p.25

<sup>8</sup> The Stockholm Conference was held in 1972, Sweden regarding the human environment and development.

<sup>9</sup> The Charter of the United Nations is the foundational treaty of the international organization called the United Nations. It was signed at the San Francisco War Memorial and Performing Arts Center in San Francisco, United States, on June 26, 1945, by 50 of the 51 original member countries (Poland) and see ([http://en.wikipedia.org/wiki/United\\_Nations\\_Charter](http://en.wikipedia.org/wiki/United_Nations_Charter))

<sup>10</sup> To maintain international peace and security, to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and To be a center for harmonizing the actions of nations in the attainment of these common ends.

<sup>11</sup> To save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

-To reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

-To establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

-To promote social progress and better standards of life in larger freedom.

<sup>12</sup> The United Nations Environment Programme (UNEP) coordinates United Nations environmental activities, assisting developing countries in implementing environmentally sound policies and practices. It was founded as a result of the United Nations Conference on the Human Environment in June 1972 and has its headquarters in Nairobi, Kenya. UNEP also has six regional offices and various country offices. Provide leadership and encourage partnership in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations; <http://www.unep.org/> accession on 8.1.2010 at 5.00 P.M.

<sup>13</sup> UNDP is the UN's global development network, an organization advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. We are on the ground in 166 countries, working with them on their own solutions to global and national development challenges. As they develop local capacity, they draw on the people of UNDP and our wide range of partners. An Frameworks and strategies for sustainable development ; Effective water governance; Access to sustainable energy services , Sustainable land management to combat desertification and land degradation, Conservation and sustainable use of biodiversity; National/sectoral policy and planning to control emissions of ODS and POPs and see the <http://www.undp.org/energyandenvironment/about.htm> and date of accession 25.1.2010.

<sup>14</sup> The International Labour Organization (ILO) is a specialized agency of the United Nations that deals with labour issues. Its headquarters are in Geneva, Switzerland. Its secretariat — the people who are employed by it throughout the world — is known as the International Labour Office. The organization received the Nobel Peace Prize in 1969. The International Labour Organization (ILO) is devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues.

In promoting social justice and internationally recognized human and labour rights, the organization continues to pursue its founding mission that labour peace is essential to prosperity. Today, the ILO helps advance the creation of decent jobs and the kinds of economic and working conditions that give working people and business people a stake in lasting peace, prosperity and progress.

and see. [http://www.ilo.org/global/About\\_the\\_ILO/lang--en/index.htm](http://www.ilo.org/global/About_the_ILO/lang--en/index.htm) and date of accession 25.1.2010.

<sup>15</sup> The Food and Agriculture Organization of the United Nations (FAO) is a specialised agency of the United Nations that leads international efforts to defeat hunger. Serving both developed and developing countries, FAO acts as a neutral forum where all nations meet as equals to negotiate agreements and debate policy. FAO is also a source of knowledge and information, and helps developing countries and countries in transition modernise and improve agriculture, forestry and fisheries practices, ensuring good nutrition and food security etc and [http://en.wikipedia.org/wiki/Food\\_and\\_Agriculture\\_Organization](http://en.wikipedia.org/wiki/Food_and_Agriculture_Organization); date of accession on 25.1.2010.

<sup>16</sup> The International Maritime Organization (IMO), formerly known as the Inter-Governmental Maritime Consultative Organization (IMCO), was established in Geneva in 1948, and came into force ten years later, meeting

for the first time in 1959. The IMCO name was changed to IMO in 1982.<sup>121</sup> Headquartered in London, United Kingdom, the IMO is a specialized agency of the United Nations with 168 Member States and three Associate Members. The IMO's primary purpose is to develop and maintain a comprehensive regulatory framework for shipping and its remit today includes safety, environmental concerns, legal matters, technical co-operation, maritime security and the efficiency of shipping. IMO is governed by an Assembly of members and is financially administered by a Council of members elected from the Assembly; <http://www.imo.org/>; accession on 8.1.2010 at 5:18 P.M.

<sup>17</sup> The World Meteorological Organization (WMO) is a specialized agency of the United Nations. It is the UN system's authoritative voice on the state and behaviour of the Earth's atmosphere, its interaction with the oceans, the climate it produces and the resulting distribution of water resources. WMO has a membership of 189 Member States and Territories (on 4 December 2009). It originated from the International Meteorological Organization (IMO), which was founded in 1873. Established in 1950, WMO became the specialized agency of the United Nations in 1951 for meteorology (weather and climate), operational hydrology and related geophysical sciences. The vision of WMO is to provide world leadership in expertise and international cooperation in weather, climate, hydrology and water resources and related environmental issues and thereby contribute to the safety and well-being of people throughout the world and to the economic benefit of all nations [http://www.wmo.int/pages/index\\_en.html](http://www.wmo.int/pages/index_en.html) ; accession on 8.1.2010 at 5:20 P.M.

<sup>18</sup> The International Civil Aviation Organization (ICAO), a major agency of the United Nations, codifies the principles and techniques of international air navigation and fosters the planning and development of international air transport to ensure safe and orderly growth. Its headquarters are located in the *Quartier International* of Montreal, Canada. The ICAO Council adopts standards and recommended practices concerning air navigation, its infrastructure, Flight inspection, prevention of unlawful interference, and facilitation of border-crossing procedures for international civil aviation; <http://www.icao.int/>; accession on 8.01.2010 at 5:30 P.M.

<sup>19</sup> The World Health Organization (WHO) is a specialized agency of the United Nations (UN) that acts as a coordinating authority on international public health. Established on 7 April 1948, and headquartered in Geneva, Switzerland, the agency inherited the mandate and resources of its predecessor, the Health Organization, which had been an agency of the League of Nations; <http://www.who.int/en/>; accession on 8.01.2010 at 5:30 P.M.

<sup>20</sup> The International Atomic Energy Agency (IAEA) is an international organization that seeks to promote the peaceful use of nuclear energy and to inhibit its use for military purposes. It was established as an autonomous organization on 29 July 1957. Though established independently of the United Nations under its own international treaty (the IAEA Statute), the IAEA reports to both the General Assembly and the Security Council; <http://www.iaea.org/>; accession on 8.01.2010 at 5:30 P.M.

<sup>21</sup> The World Bank is a vital source of financial and technical assistance to developing countries around the world. Our mission is to fight poverty with passion and professionalism for lasting results and to help people help themselves and their environment by providing resources, sharing knowledge, building capacity and forging partnerships in the public and private sectors.

<sup>22</sup> The United Nations Commission on Human Rights (UNCHR) was a functional commission within the overall framework of the United Nations from 1946 until it was replaced by the UN Human Rights Council in 2006. It was a subsidiary body of the UN Economic and Social Council (ECOSOC), and was also assisted in its work by the Office of the United Nations High Commissioner for Human Rights (UNHCHR). It was the UN's principal mechanism and international forum concerned with the promotion and protection of human rights. <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>; accession on 8.01.2010 at 5:30 P.M.

<sup>23</sup> Gopesh Nath Khanna, *Environment Problems and the United Nations* (New Delhi: Ashish Publishing House, 1990), p.29.

<sup>24</sup> European Commission is a principal organ of the European Community who works permanently and its headquarter is Brussels, Belgium. [http://ec.europa.eu/index\\_en.htm](http://ec.europa.eu/index_en.htm); accession on 8.01.2010 at 5:30 P.M.

<sup>25</sup> Ibid. pp. 86-87.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> The OSCE stands for the organization for Security and Co-operation in Europe (OSCE.) The Organization for Security and Co-operation in Europe (OSCE) is the world's largest security-oriented intergovernmental organization. Its mandate includes issues such as arms control, human rights, freedom of the press, and fair elections; <http://www.osce.org/>; accession on 8.01.2010 at 5:30 P.M.

<sup>30</sup> The NATO It stands for the North Atlantic Treaty Organization (NATO) which is an alliance of 28 countries from North America and Europe committed to fulfilling the goals of the North Atlantic treaty signed on 4 April 1949 based on the Washington Treaty; <http://en.wikipedia.org/wiki/NATO>; accession on 8.01.2010 at 5:30 P.M.

<sup>31</sup> Phillips Sands, *Principles of International Environmental Law* (USA: Manchester University Press, 1998), p. 90.

<sup>32</sup> Ibid & [http://en.wikipedia.org/wiki/Organisation\\_of\\_African\\_Unity](http://en.wikipedia.org/wiki/Organisation_of_African_Unity); accession on 8.01.2010 at 5:30 P.M.

<sup>33</sup> Ibid

<sup>34</sup> The ASEAN stands for the Association of Southeast Asian Nations or ASEAN which was established on 8 August 1967 in Bangkok by the five original Member Countries, namely, Indonesia, Malaysia, Philippines, Singapore, and Thailand. Brunei Darussalam joined on 8 January 1984, Vietnam on 28 July 1995, Lao PDR and Myanmar on 23 July 1997, and Cambodia on 30 April 1999. It has a significant role to the conservation and development of the environment of these countries as well as the globe; <http://www.aseansec.org/>; accession on 8.01.2010 at 5:30 P.M.

<sup>35</sup> The South Asian Association for Regional Cooperation (SAARC) was established when its Charter was formally adopted on December 8, 1985 by the Heads of State or Government of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

SAARC provides a platform for the peoples of South Asia to work together in a spirit of friendship, trust and understanding; <http://www.saarc-sec.org/main.php>; accession on 8.01.2010 at 5:49 P.M.

<sup>36</sup> Loc. cit. *Phillips Sands*.p.90.

<sup>37</sup> The UNESCO was established in 1946 under the supervision of the UNO. It is based in Paris, which works in education and culture including conservation and protection of monuments of history.

<sup>38</sup> Phillips Sands, *op.cit.*, p. 30. Ibid. and IUCN has been established in 1948 which works in nature and natural resources and protection and its environment & <http://whc.unesco.org/en/tentativelists/107>; accession on 8.01.2010 at 5:49 P.M.

<sup>39</sup> Ibid & <http://iucn.org/about/union/commissions/>; date of accession 8.01.2010 at 8:35 P.M.

<sup>40</sup> Phillips Sands, *op.cit.* p. 30.

<sup>39</sup> Phillips Sands, *op.cit.*, pp. 71-72 & <http://www.un.org/law/ilc/>; accession on 8.01.2010 at 6 at P.M.

<sup>40</sup> Ibid., pp. 74-75.

<sup>42</sup> Ibid., pp. 94-95.

<sup>43</sup> Ibid., pp. 94-95.

<sup>44</sup> Ibid., pp. 94-95

<sup>45</sup> Ibid., p. 9.

<sup>46</sup> Ibid., p. 97.

<sup>47</sup> Ibid., p. 97.

<sup>48</sup> Ibid., p. 98.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Retrieved from "[http://en.wikipedia.org/wiki/List\\_of\\_environmental\\_organizations](http://en.wikipedia.org/wiki/List_of_environmental_organizations)" Categories: Lists of organizations | Environmental & Date of Accession: 20 October 2009.

<sup>52</sup> Universal Declaration of Human Rights 1948. On 10 December 1948, the General Assembly of the United Nations adopted a Universal Declaration of Human Rights (UN Doc.A/811). The voting was forty-eight for and none against. International Covenant on the Economic, Social, and Cultural Rights, 1966. It was adopted by the United Nations General Assembly on 16 December 1966. The Covenant entered into force on 3 January, 1976 and ninety-nine States have become parties.

International Covenant on Civil and Political Rights, 1966. This was adopted by the United Nations General Assembly and was entered into force on 23 March 1976 and ninety-five States have become parties.

<sup>53</sup> The principles as underlined in the International Environmental Laws including the Polluter pays principles, intergenerational principles, common but differentiated principles, interoperation principles etc.

<sup>54</sup> <http://www.unep.org/padalia/>; <http://www.unep.org/>; <http://iucn.org/about/>; <http://www.belabangla.org/>; <http://www.unitar.org/>; <http://www.cleanairnet.org/caiasia/1412/channel.html>; <http://www.panda.org/>; <http://law.nus.edu.sg/apcel/>; <http://www.elaw.org> etc.

<sup>55</sup> The Courts mean the Environment Courts in Bangladesh under the Bangladesh Environment Conservation Act 1995 and Rules 1997

<sup>56</sup> The NGOs mean the Non Governmental Organizations of Bangladesh registered under the Laws of the Government of Bangladesh

<sup>57</sup> The all Ministries include the total Ministries of Bangladesh directly or indirectly related to the Environment of Bangladesh with concerned Departments, agencies and Divisions etc.