

Thoughts on climate justice and the situation of indigenous communities

Yi Yi Prue, a member of the Marma indigenous community in Bangladesh, has experienced the impact of the climate crisis first-hand, including landslides and ecological challenges in her home region. Motivated by these experiences, she worked on a constitutional complaint in Germany regarding insufficient climate protection measures. The complaint, accepted by Germany's highest court, highlighted the global responsibility for climate action. In her article, Prue emphasises the need for urgent climate action and raises concerns about the insufficient focus on the climate crisis at global summits. She stresses the importance of intersectionality in climate protection. By doing so, she argues for a holistic approach that combines climate and social justice.

My name is Yi Yi Prue. I belong to the Marma indigenous community in the Chittagong Hill Tracts (CHT) in south-eastern Bangladesh. My hometown is Bandarban, but as a lawyer, I practice in Dhaka Judge Court.

When I grew up, there was a civil war in the Chittagong Hill Tracts because indigenous communities demanded the rights over their lands and forests. Many of the eleven peoples in the region had lost their homes during the construction of the Kaptai dam in the 1960s, which did not respect their land rights.

I also grew up already experiencing the effects of the climate crisis. As a young woman, there were catastrophic landslides in my home region during the monsoon rains. A landslide took away our neighbours' houses in front of my eyes, and one wall of our house also fell. We were saved, but I still remember the situation very well until today.

My personal experience of the climate crisis was one of the aspects, which motivated me to work on the constitutional complaint for Germany's failure to legislate on sufficient climate protection measures. Germany's population is about one percent of the world's population and yet the country is responsible for about two percent of global emissions. At the same time, Germany as a leading industrial nation has a global responsibility to lead climate action. The debate and blame often focusses on countries like China and the USA because of their bigger share of global emissions, yet it is essential that all industrial countries drastically reduce their emissions, regardless of their size. In Germany, a new climate "protection" law had been passed in September 2019. This *climate disaster law* – as one should better call it – did not contain the necessary measures to reduce German emissions to its fair share. Therefore, it was a very suitable cause of action. Emissions do not stop at borders; so, it is clear that insufficient climate action in industrial countries affects Bangladesh, which has contributed very little to the climate crisis. With a complaint in a country of the global north by people from the global south, we wanted to underline this transnational aspect of the ecological crisis.

In cooperation with the German lawyer Professor Remo Klinger, I developed a case with plaintiffs from

Bangladesh and Nepal, who are already facing the consequences of the climate crisis today. These included members of indigenous communities in the mangrove forests, the Chittagong Hill Tracts of Bangladesh, and the Himalayas of Nepal, as well as the urban poor in Dhaka. They were all ready to make their voices heard. However, they doubted that this would be the case in a country as far away as Germany. Indigenous communities in Bangladesh and across the world have been marginalised over centuries and share an experience of being considered less valuable.

Therefore, it was an enormous success not only for the German climate movement but for people in Bangladesh and Nepal, too, when the constitutional court (Bundesverfassungsgericht) accepted our complaint in April 2021. For us, the decision was a sign that our voices were being heard and that our struggle for survival in the middle of the climate crisis was taken seriously by Germany's highest court.

Nevertheless, when observing political discourses and decisions, this is not something we can take for granted. Recently, Italy hosted the G7 Summit for the 50th time. Some of the world's most influential leaders came together to discuss current global issues. I would expect every meeting on global issues to take into account the climate crisis as it is interlinked with all other crises we are currently facing. However, at the G7 Summit, the climate topic only played a minor role.

To me, this shows that the urgency of the climate crisis is still not taken seriously by many politicians and that our struggles are not being heard enough. Of course, there are many other current global crises, to which we must pay attention. However, we cannot do so without also addressing the climate crisis and this is not happening. We cannot wait for yet another and another G7 summit or climate conference until we see substantial action.

Some scientists are warning that we have already crossed the 1.5-degree threshold or will do so very soon. This was something unimaginable to me until just a few years ago and when the German constitutional court declared their decision in 2021, it still seemed possible despite being very ambitious.

However, the crossing of the 1.5-degree limit should not discourage us from action but rather be another reminder that an ecological transformation is urgently needed. The 1.5-degree limit is not an arbitrary number but is closely linked to the crossing of so-called climate tipping points. Leaders from across the world should take this very acute danger of tipping points as a warning sign that they urgently need to accelerate their climate protection efforts.

What is crucial to this process of transformation is the need to approach it from an intersectional perspective. Social justice, racism and other discriminatory systems need to be considered when taking climate protection measures.

The importance of this is illustrated by the case of Fosen Vind. Fosen Vind is a Norwegian company that built the Roan wind park, a part of Europe's largest on-shore wind parks. Norway's Supreme Court – after about nine years of legal battles – confirmed that the wind energy park violates the rights of indigenous Sami

reindeer herders to enjoy their own culture under Article 27 of the United Nations' International Covenant on Civil and Political Rights (ICCPR). The wind park will have to be destroyed again. This illustrates how climate action does not work if we do not listen to everyone's voices and respect their rights.

In Bangladesh as well as across the world, one of the main concerns of many indigenous communities is the loss of traditional knowledge – also regarding sustainable practises. This knowledge can be crucial in shaping local ecological transformation and it shows that climate measures need to be taken in cooperation with indigenous communities – and not be enforced against their will.

With regard to the struggles of indigenous communities, there still is a long way to go: Germany only ratified the International Labour Organisation Indigenous and Tribal Peoples Convention (ILO C169) three years ago – in 2021. This is more than 30 years after it was written in 1989 and it shows how our concerns are not given enough importance to.

At the same time, we are seeing important efforts to promote climate justice. For example, the Embassy of Sweden recently signed an agreement with the Bangladesh Environmental Lawyers Association (BELA) for the implementation of a four-year programme which aims to defend citizen's rights to the environment, increase awareness and strengthen networks on environmental justice issues. Whilst indigenous and marginalised communities in Bangladesh do not want climate protection measures to be enforced onto them, support like this program is urgently needed to make our voices heard.

The holistic approach of this program which takes into account climate and social justice is something I wish to see more from politicians. Governments do not represent indigenous communities anywhere in the world. As a result, we are not considered in decision-making processes and – in addition to being victims of the climate crisis – become victims of badly designed adaptation and mitigation strategies, too.

To conclude, I can cite one of the slogans much used in the climate movement:

What do we want? Climate justice!

When do we want it? Now!

Are we going to fight for it? Yes!

And we will do so in an equitable way and take into account marginalised communities. It is essential that decision-makers across the world follow our example to achieve a just and ecological transformation.

Yi Yi Prue is a lawyer and climate activist. She practices at Dhaka Judge Court in Bangladesh. She belongs to the Marma indigenous community in the Chittagong Hill Tracts in the south-east of Bangladesh. Her commitment aims at making indigenous voices heard since they are negatively affected by the climate crisis. In June 2020, Prue submitted a report to the UN Special Rapporteur on the Rights of Indigenous Peoples about the impact of the COVID-19 pandemic, discrimination and climate change on indigenous communities in the coastal areas of Bangladesh. In 2021, she was a coordinator and plaintiff in the constitutional complaint about Germany's insufficient climate action. In the past years, she has given several lectures, articles and panellist throughout Germany in order to make indigenous perspectives on climate justice being heard. In 2023, the Humanistische Union awarded her with the Fritz-Bauer-Preis.

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<https://www.humanistische-union.de/publikationen/vorgaenge/vorg-245/publikation/thoughts-on-climate-justice-and-the-situation-of-indigenous-communities/>

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