

Research Article

Soft Law and the Protection of Climate Migrants: A Case Study of Bangladesh

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Abstract

The study seeks to explain the importance of the 'soft law' framework in protecting climate migrants and internally displaced persons in Bangladesh. We argue that the present protection gaps may be addressed without requiring new, enforceable regulations. This study employs qualitative research methodologies based on literature research. Additionally, we draw on secondary data from internet news and academic papers pertinent to the topics discussed in this work. From this research, we found that developing a soft law framework by the International non-governmental organizations (INGOs) and non-governmental organizations (NGOs) play an important role to assist Bangladeshi climate migrants. Soft law procedures allow increased inclusivity in global regulation and governance.

Keywords: International Law, Displaced Person, Global Governance, Climate Change.

INTRODUCTION

Environmental factors have been known to affect migration for a long time, but until recently, conventional interstate and intrastate migration discussions paid little attention to the problem. However, the topic is now squarely in the policy limelight due to discussions about the effects of climate change, and there is expanding research on the climate change migration nexus. Migration and the environment have always been fundamentally interdependent, though the specifics of this relationship have been significantly contested. Population migration patterns are affected by gradual environmental change and extreme environmental disasters in other ways. International cross-border security and long-term stability are seriously threatened by human-caused climate change and the related forced movement of people (Walsham, 2015).

By 2050, the Sub-Saharan African, South Asian, and Latin American areas are predicted to be home to some 143 million climate migrants. Similar estimates have been made by Myers and Kent, who predict 200 million climate migrants by 2050. According to some, in the following decades, there will be the worst refugee catastrophe the world has ever seen (Ahmed, 2021). Extreme environmental occurrences force impacted citizens to relocate, at least temporarily, and frequently result in abrupt, massive displacement; yet long-term reintegration is often possible. Geophysical risks like volcanic eruptions, tsunamis and earthquakes may be a part of such occurrences. Although mass migration

is more likely to occur in response to major environmental disasters, more individuals are anticipated to migrate due to worsening environmental circumstances (Walsham, 2015).

Bangladesh is a low-lying riverine nation situated in the delta of Brahmaputra, Meghna and Ganges River systems (Haque et al., 2016). This nation is also tropical monsoon nation in South Asia that is prone to disasters (Basak et al., 2015). Disasters of one type or another, including tropical cyclones, storm surges, coastal erosion, floods, and droughts, threaten the country's development efforts and cause significant loss of life and property. The aforementioned catastrophes add to the complexity of the issues. Bangladesh is most likely to be among the nations with the greatest vulnerability to the effects of climate change in the near future (Dastagir, 2015). Bangladesh's unique geographic location renders it very susceptible to the effects of climate change, especially sea level rise as 32% of its total land area is coastal. In addition, the coastal regions are home to more than 28% of the nation's population. At least one or two powerful tropical cyclones strike Bangladesh each year, and the Bay of Bengal is the ideal place for the formation of tropical cyclones. For instance, the coast of Bangladesh was hit by cyclones Aila (2009), Mahasen (2013), and Sidr (2007) (Haque et al., 2016).

Many marginal coastal communities have been compelled to relocate in pursuit of safer living circumstances during the last 20 years due to soil salinity, river erosion, and frequent, catastrophic climatic events. Because of the high frequency of catastrophes in the coastal region, the tendency of migration as a result of climatic events has grown in Bangladesh since 2006 (Ahsan et., al, 2014). For instance, the July 2020 floods overwhelmed approximately a fifth of Bangladesh, impacted 2.4 million people, led to the displacement of 56,000 individuals, and resulted in the loss of almost 500,000 homes (Ahmed, 2021). It is crucial to note that while migration becomes permanent because it is abiding, not only may the population affected be larger. In some circumstances, processes like desertification have irrevocable effects.

One of the issues in protecting persons displaced by climate change is defining the phrase 'climate refugee' while simultaneously considering the Refugee Convention and past efforts to designate 'environmental refugees.' Despite the potential of increasing climate refugees, such a group has no international legal recognition. In law and practice, the phrase 'climate refugee' is ambiguous. The problem is rights and legal clarity. International protection cannot be provided when there is no legal provision for an individual right because the law does not cover the issue. Climate change-related human displacement is a relatively new term compared to classic concepts of refugees, such as persecution based on political viewpoint, social group membership, religion, race, or nationality (Apap, 2017). The international legal system has long acknowledged the vulnerability of displaced people. However, as of right now, neither international rules nor legal frameworks are obliged to expressly address those who have been forcibly evacuated domestically or abroad due to environmental issues.

The term 'environmental or climate refugee' emerged and mainly flourished in the work of academics and researchers, even if the acknowledgement of environmentally displaced people is still developing in international fora. Gradually, these categories

gained acceptance, and now scholars and policymakers routinely refer to people who have been uprooted due to the environment as 'environmental refugees' or 'climate refugees.' Nevertheless, except for a few passing mentions in climate summit discussions, side events, and plenary sessions, the international community has yet to provide a coordinated response and fundamental safeguards to individuals displaced due to environmental or climatic concerns. Currently, the Cancun Agreement's inclusion in paragraph 1(f), asks for international cooperation to protect 'environmental refugees' (Naser, 2013).

In recent years, there has been a lot of discussion about how to relocate in the event of a natural disaster brought on by climate change. A diverse range of specialists and social scientists are doing research that contradicts one another, and the most influential politicians are frequently negligent. Yet, only a few studies have been conducted on climate migrants and soft laws. According to Naser (2013), the development of "soft guidelines" would provide an international framework for the identification, treatment, and protection of displaced people due to climate change. Furthermore, it would fill any gaps in the law with the specificity that nations and community's desire. Imran (2022), in his research, provided support for the viewpoint by highlighting the fact that the Southeast Asian States' members of the United Nations General Assembly, ExCom, and IMO have adopted numerous resolutions and guidelines on refugee protection even though the States are not parties to the international law governing refugees. On the efficacy of soft law in supporting climate migrants, both authors primarily share the same opinions. Coglianese offers a distinct perspective on this matter. Coglianese (2020) proclaims that while soft law governance may have a lot of theoretical appeals, its practical application might be highly constrained. Decision-makers should only depend on soft law governance when they fully understand both its advantages and disadvantages. He added that soft law governance's effectiveness may eventually rest on the underlying threat of hard law.

Broad norms have already been established, and states have accepted the relevant human rights conventions. Only a formal agreement on how to use these instruments to address the needs of vulnerable migrants and a clear delineation of roles and duties among international organizations are required to implement such proposals. The international community's experience creating a system of soft rules to protect people who are internally displaced, or climate migrants may serve as a helpful example. The international community's strategy for safeguarding climate migrants has long-standing normative and institutional flaws, which have been acknowledged. Much as with vulnerable migrants, human rights and international humanitarian law requirements applied to climate migrants (Apap, 2017).

In this paper, we sought to see to what extent soft law can fill the current protection gaps without creating additional, binding legislation. We will define soft law and highlight resolutions, recommendations, and policies on climate migrants from the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the International Federation of the Red Cross (IFRC) and Red Crescent Societies. Moreover, this paper will assess the role played by soft laws in protecting Bangladeshi climate migrants.

METHOD AND THEORY

A thorough analysis of pertinent theories, literature, and earlier research findings on the topic at hand led to the discovery of the information. This investigates the efficiency of soft legislation in supporting climate migrants using secondary data. We gathered data from authoritative publications, books, journals, archives, and online media. To comprehend soft law's definition and emphasize resolutions, recommendations, and policies on climate migration, other sources such as articles, news reports, and working papers are utilized as supporting data. We apply a critical reading methodology to the processing of the information that has been provided. Critical reading goals are to rework a text into a new work rather than attempting to explain its meaning.

The concept of soft law has been applied in this research. Like at other levels of government, the law is one type of social control or normative claim in the international arena. However, morality, etiquette, and social custom that represent society's ideals also serve as the basis for fundamental norms of behavior. They are a component of the social discourse's expectations and disobeying them may result in repercussions. However, legal regulation has been the most typical response to societal problems throughout the past century. Laws take into consideration both current social demands and societal goals. Law is frequently considered a necessary, occasionally insufficient, framework for establishing behavior. The language of the law, primarily written language, most effectively convey expectations and encourages dependency despite unavoidable ambiguities and gaps (Dinah, 2008).

Although the term 'soft law' is not well understood, it frequently refers to any written international agreement that is not a treaty and that incorporates guiding principles, expectations for action, and other claims. Soft law conveys a wish, not a requirement that the state behaves in a certain way or abstains from acting in a certain way (Dinah, 2008). Soft law can offer several significant benefits compared to more typical hard law. The strength of other actors, including NGOs, is strengthened by their more informal nature. Second, it offers certain advantages in areas where reduced costs, a wider variety of institutional options, and easier compromise directly challenge state sovereignty. As a result, it may be effective even without a hard law agreement. Third, it can also enable quicker action when governments are gridlocked. In addition, it can reaffirm or further elucidate previously accepted broad or ambiguous standards in binding or non-binding writings (Orchard, 2020).

One of the primary benefits of using soft law-making is that it opens the door for non-traditional organizations and non-state actors to participate in global governance. Instead of treaties, to which only governments may be parties, soft laws, also known as consensus laws, can be produced more easily by non-governmental organizations (NGOs), social movements, the corporate community, and ordinary people. Soft law procedures come with some obstacles, although they allow more people to be included in international legislation and governance. Formalizing norms in this way might make the global system more fragmented and cohesive. Soft law will enable nations to wriggle out of their legal duties on vital topics, and formalizing norms in this way allows them to do so. According

to the research conducted by the Chatham House Inclusive Governance Initiative, soft law solutions do not necessarily need to compete with the existing system of hard law as long as they do not contradict or damage existing hard law, such as the requirements that are already in place concerning treaties (Guruparan & Zerk, 2021).

Looking toward "soft law"—nonbinding norms and standards that seek to promote environmental and natural resource protection—has become a frequent reaction to the flaws and shortcomings in a hard law approach to environmental governance in developed and developing countries (Wartini, 2013). Since they at least provide a course of action when nothing else appears to be an option, soft law techniques might be seen as desirable. However, it has been argued that soft law may more generally spread these similar norms across industries and entrench strong environmental responsibility standards in company conduct, perhaps resulting in a longer-lasting environmental impact. Despite the rationale for contemplating soft law, it's critical to realize that environmental soft law comes in various shapes and comes from several sources. Some sources are nongovernmental, for example corporate or business entities that create standards. Additional sources include governmental bodies, who do so when they develop voluntary programs or nonbinding advice documents that urge regulated firms to go above and beyond the requirements of current regulations. Whatever its origin, environmental soft law aims to accomplish the same fundamental goal as hard law. It seeks to reshape a company or human behavior to lessen detrimental environmental effects (Coglianese, 2020).

RESULT AND ANALYSIS

As stated prior to this part, there is a gap in the international legally binding treaty in defining the climate migrant's term. The 1951 Refugee Convention for instance does not include the definition of climate migrants. Only those who are forced to flee their country or a region of it due to prosecution fall under the convention's definition of a refugee. Climate refugees who are compelled to relocate as a result of climate catastrophes are thus excluded from this definition (Wartini, 2017). Since there is no set of binding treaty governing it, these refugees cannot be certain that they will receive the same protection and rights. Furthermore, as a result of this issue, those who have fled the climate are not eligible for financial assistance from the international community to cover their relocation expenses after natural disasters (Arcas, 2012).

It is undeniable that there are several legally binding international treaties related to climate change. Tokyo Protocol which entered into force in 2005, is one of them. Tokyo Protocol treaty binds the developed countries as these countries are believed to be responsible for the large greenhouse gases emission from all of the huge industries running in their nation. Tokyo Protocol shared the same goals as the Paris Agreement, which is to reduce the greenhouse gas emission in the atmosphere and protect the world as a whole (Bajpai et al., 2022). Both treaties are completely unrelated to the fundamental rights of climate migrants (Trivedi & Jolly, 2023). Financial assistance for developing nations is one of the things' developed nations are required to perform under the agreement. One may interpret financial assistance for poorer nations as a stand-in for

varied emissions reduction promises. In the Paris Agreement, developed nations pledged to provide poor nations \$100 billion in financial help for prevention and adaptation measures at the Copenhagen summit in 2009. Additionally, they promised a quick start in order to increase resource mobilization. One of the most contentious topics during the Paris summit was the question of whether governments had really followed up to their promises (Cléménçon, 2016).

For instance, in 2016, under Donald Trump's administration, the United States (US) decided to withdraw from the Paris Agreement. This choice was made as a part of his 2016 campaign owing to the claim that the Paris Agreement is detrimental to the American economy. Trump further emphasized that continuing to participate in the Paris Agreement would only result in the US losing its economic advantage abroad. This choice was largely influenced by economic, political, and both internal and foreign interests (Lubis, 2022). Neither the refugee law nor the climate change law, which together make up the legal framework for climate refugees, are specifically addressing the issue of climate migrants (Bajpai et al., 2022).

The fundamental liberties and rights that all individuals should be granted to climate migrants in Bangladesh (Maulaya, 2020). It is vital to conduct a transparent and authoritative analysis of how internationally recognized human rights norms relating to the precarious condition of migrants, as well as to determine who is responsible for providing protection. This section gives examples of some of the most significant soft law initiatives related to protecting the rights of individuals who are compelled to migrate or are displaced due to the effects of climatic conditions in Bangladesh. Despite this, it is possible to acknowledge the existence of a significant number of additional pertinent soft law instances beyond those included in this paper.

Guiding Principle on Internal Displacement

The Guiding Principles on Internal Displacement, created in 1998 and reaffirmed at the Global Summit in 2005, clearly cover both those displaced by armed conflict and those affected by natural disasters. Francis Deng, the UN's deputy secretary-general for internally displaced people (IDPs), worked with a group of carefully chosen nations and legal advisor Walter Kaelin to identify any normative gaps in protecting IDPs at the time (Betts, 2010). The principles were developed in order to fill in any ambiguities in existing international law and to provide appropriate guidance. A list of 30 current hard law principles that are very important to IDPs was compiled due to meetings facilitated by the Secretary-Representative General for IDPs. Important governments and international organizations have supported the creation of these Guiding Principles, which are not only based on the expertise of well-known international attorneys (Ferris & Bergmann, 2017).

Even though they are not legally binding, the Guiding Principles are founded on and extract pertinent norms of international human rights and humanitarian law and apply them in instances of internal displacement. According to the Guiding Principles, governments are mainly responsible for guaranteeing the safety of everyone living under their jurisdiction, including citizens and long-term residents. They know that individuals

have the right to assistance, security during evictions and protection against arbitrary removal. The right to seek a long-term solution to displacement, such as returning home or staying there or in another area of the nation, is likewise safeguarded by those principles. The Guiding Principles are considered as one of the good soft law instruments or methods. Many countries including Bangladesh have adopted and applied it as a basis for developing national laws and policies when dealing with issues related to IDPs. In addition, it has also been incorporated into policies and guidelines for humanitarian actors. The most critical factor in its success is that each approach is based on pre-existing international law, dispelling claims that it was not the outcome of intergovernmental talks (Ferris & Bergmann, 2017).

The Guiding Principles on Internal Displacement have assisted both international and national organizations and efforts in developing initiatives and policies to protect and support IDPs (McAdam & Gill, 2017). This also covers those who have no choice but to abandon their houses because of the effects of climate change. The principles help attract attention to the unique needs of IDPs and have grown into tools for civil society organizations and IDPs to use in their advocacy for improved policy. This is because the principles assist in calling attention to the specific requirements of IDPs. The Guiding Principles have been used as a model for developing soft law efforts in various subjects and as a normative basis for operational agency recommendations, such as Operational Guidelines on the Protection of Persons in Situations of Natural Disasters. Both of these uses are examples of how the Guiding Principles have been put to use.

Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation

In decisions made by parties to the United Nations Framework Convention on Climate Change (UNFCCC), planned relocation is recognized explicitly by states as a means to boost efforts on adaptation to climate change. The parties established the Task Force on Displacement in 2015, and the International Federation of Red Cross and Red Crescent (IFRC) is a member. The Task Force's work program calls for it to "develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change" (International Federation of Red Cross and Red Crescent, 2021). This Guideline was prepared via a consultation process in a series of meetings held between 2011 and 2015, which included representatives of states, international organizations, and experts from various fields and experiences. Planned relocation requires knowledge from multiple disciplines, including environmental studies, law, migration, development, human rights, catastrophe risk reduction, humanitarian assistance, and climate change. Several studies and background materials were commissioned to support the creation of this guidance, including an analysis of 30 different frameworks pertinent to the topic, ranging from the Guiding Principles on Internal Displacement to the Operational Policy on Involuntary Resettlement of the World Bank (UNHCR, 2015).

Even though planned relocation is now widely recognized as a particular kind of human migration. It is sometimes also referred to as relocation or resettlement, but a widely agreed definition has yet to exist. It is described as an organized procedure in which people or groups of persons migrate from their homes or places of temporary residence or get support, are established in a new region, and are provided with the resources required to reconstruct their lives. To protect people from the risks and effects of natural disasters and environmental change, planned relocation is an activity carried out within the borders of a nation under the supervision of the state. Such intentional moving may occur at the level of the individual, their house, and their community (IFRC, 2021).

Planned relocation may occur at the home level rather than the community level, which is more typical in certain national circumstances. In these scenarios, the "planned" component more closely refers to the assistance provided to the families making the relocation choice than it does to the actual relocation itself (IFRC, 2021). In order to assist efficient adaptation planning, integrate climate change adaptation into national development processes, and identify countries' medium and long-term adaptation requirements, UNFCCC created the National Adaptation Plan (NAP) process. The Government of Bangladesh began the formulation of its NAP under the Ministry of Environment, Forest and Climate Change (MoEFCC), aiming for a viable path to climate-resilient development and reduced climate risks and vulnerabilities. This was done in recognition that effective medium and long-term adaptation strategies are crucial to reducing the negative effects of climate change and promoting sustainable planning for future development agendas. The National Adaptation Plan (NAP) envisions creating a climate-resilient country using efficient adaptation methods that support a strong society and ecosystems and promote sustainable economic development (Ministry of Environment, Forest and Climate Change, 2022).

In its Third National Communication, the Government of Bangladesh designated priority sectors for adaptation as a result of the Stocktaking for National Adaptation Planning (SNAP) process that was carried out in 2017. This opened the door for the Bangladeshi NAP method to be developed and advanced. With the proper financial resources mobilized, this NAP will assist with the realization of planned medium- and long-term adaptation and speed up the current adaptation progress in order to deal with the unpredictable and stressful future brought on by climate change (Ministry of Environment, Forest and Climate Change, 2022). We can see that the framework and guidelines established by the UNFCCC for the protection of communities from disasters through planned relocation can in fact assist the Bangladeshi government in preparing its nation to deal with the issue of natural disasters that force its communities in several districts to move. The guidelines offer comprehensive information on what state actors must undertake to lessen the consequences of natural catastrophes. Although this recommendation is not legally obligated, the Bangladeshi government is prepared to abide with it.

Developing standards for IDPs in the 1990s resulted in formulating the Guiding Principle and establishing an inter-organizational division of labor to ensure that IDP rights were respected. After some time, the "Cluster" model took the place of the

"collaborative strategy," which was one in which numerous UN and non-UN organizations shared responsibility for IDPs and specific duties, such as providing security, food, and protection for IDPs, were given to various UN agencies. The "Cluster" model has since replaced the "collaborative strategy" with its version. The safety of vulnerable irregular migrants requires the establishment of an equally clear and realistic division of work. The International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) are all collaborate to defend the rights of refugees and migrants (Betts, 2010). Because of their wealth of expertise, existing non-governmental organizations (NGOs) and international organizations contribute their time and energy to developing an official unified strategy. The NGOs play a vital role as the soft law mechanism actors.

International Organization for Migration (IOM)

After conducting a series of assessments in the areas that Cyclone Aila hit the hardest, the International Organization for Migration (IOM), the United Nations, the International Federation for the Red Cross (IFRC), non-governmental organizations (NGOs), and the Government of Bangladesh (GoB), with assistance from the Department for International Development (DFID), distributed shelter kits and non-food items (NFI) to 24,000 internally displaced households in the Upazillas of Dacope and Koyra in the Division. In addition, the IOM developed a "Displacement Tracking Matrix" to collect and communicate the latest information on displacement. Bangladesh's government and the Shelter Cluster's working group were responsible for distributing the supplies. Those supplies adhered to international standards adapted to Bangladesh's climate and terrain. (Walsham, 2015).

IOM has been able to fulfil a few of the most pressing needs for displaced people who are living in close proximity to community facilities and along embankments. IOM has worked to address additional unmet needs for these families, such as health, food, and sanitation, through this coordination platform and its operations and through close cooperation with influential organizations, such as WFP, WHO, and UNICEF the UN Resident Coordinator. This work has been done in close collaboration with the UN Resident Coordinator. Those families who are currently living on the barriers, as well as those who are temporarily housed in public spaces within and near collective centers, are the ones who will benefit from the project. These families have been displaced, and returning to their original homes is not an option until the Government of Bangladesh repairs critical infrastructure in their communities (Walsham, 2015).

In Bangladesh, the effects of climate change are influencing both domestic and international migration. To assist the government and society of Bangladesh in solving this issue, international cooperation is crucial. The Bangladeshi government has unveiled a number of national plans, including Perspective Plan (2021-2041), Delta Plan (2018), Bangladesh Climate Change Strategy and Action Plan (2009) and Mujib Climate Prosperity Plan (2022-2041). Nevertheless, institutional procedures are still required even if the objectives of all these instruments and plans are the same. Additionally, a plan of

action is required to translate the policy into effective action in order to address this problem (International Organization for Migration Bangladesh, 2022).

To guarantee safe, orderly, and regular movement, IOM in Bangladesh offers technical support to the government in a number of migration management sectors. This includes backing for better migration governance, aid for vulnerable migrants, border and immigration control, migration health, migration statistics and monitoring of displacement, and humanitarian aid (International Organization for Migration, 2016). Additionally, IOM is crucial in developing legislation that addresses the problem of climate migration. At the World Humanitarian Summit in September 2016, IOM supported a commitment on a 'New Way of Working' that underlines the imperative of meeting people's urgent humanitarian needs while also lowering risk and vulnerability. As a result, this Strategy aims to encourage the incorporation of long-term environmental and climatic views into all of IOM's crisis responses. IOM and the United Nations Development Program (UNDP) are co-chairing the UN Partnership on the Capacity for Disaster Reduction Initiative (CADRI), a global partnership of 20 UN organizations working to achieve the Sustainable Development Goals (SDGs) by offering countries capacity development services to assist them in lowering climate and disaster risk within the Humanitarian-Development-Peace Nexus (HDPN) framework (International Organization for Migration, 2020).

IOM, an international organization, offers capacity development initiatives through IOM Bangladesh. In the context of climate change, this initiative aims to improve knowledge of how to plan and handle migration-related challenges. Moreover, this program also aims to link numerous policies that are pertinent to solving the environmental migration issue. Through IOM Bangladesh, IOM builds the capacity of decision-makers and practitioners to include migration into national environmental and development policies and strategies for adapting to climate change (International Organization for Migration, 2018). With the aid of this initiative, policymakers in Bangladesh may be able to incorporate environmental change into comprehensive national migration control plans. Policymakers can then be better equipped to deal with the problem of climate refugees.

International Federation of the Red Cross (IFRC) and Red Crescent Societies

To better fulfil the humanitarian needs of migrating people that are in need, the IFRC and Red Crescent Societies has intensified its role. For instance, the IFRC has been known to provide humanitarian assistance to vulnerable migrants who are attempting to cross the Mediterranean Sea into Europe. The national organizations of the Red Cross and the Red Crescent have offered direction, emphasized these principles, and acknowledged the referral and subsidiary protection requirement. In November 2007, participants had their first conversation on international migration during the 30th International Congress of the Red Cross and Red Crescent. At the conference, one of the subjects that will be covered is the problem of migration across international borders. As Kellenberger, President of the International Committee of the Red Cross (ICRC), mentioned in his

opening remarks, this topic is not entirely new; however, it is highlighted for the first time prominently on the agenda of the International Conference of the Red Cross and Red Crescent. This issue is not entirely new; however, it is prominently highlighted in the plan of the International Conference of the Red Cross and Red Crescent for the first time (Betts, 2010).

Following a resolution on international migration that the participants in the conference reached, the Societies of the Red Cross and the Red Crescent are obligated to lend a hand in meeting the humanitarian requirements of vulnerable migrants, irrespective of the migrants' legal status. For instance, the Resolution urges the ICRC and the IFRC to assist national societies in helping migrants in need, regardless of the migrants' immigration status, and to provide impartial humanitarian assistance. It also inspires the numerous organizations that are part of the Red Cross Movement to put forth extra effort to increase people's awareness of the humanitarian effects of migration. The International Federation of Red Cross and Red Crescent Societies (IFRC) would be an outstanding alternative as a significant operational organization to safeguard specific vulnerable categories of irregular migrants (Betts, 2010).

The headquarters of the Bangladesh Red Crescent Society (BDRCS) are located in Dhaka. There are 68 branches of the National Society spread out over the nation, one in each district as well as locations in Dhaka, Rajshahi, Khulna and Chattogram. The National Society may act as a first response to catastrophes, crises, or pandemics with the assistance of a network of 82,472 life members, and volunteers. Many people in Bangladesh experience internal relocation every year as a result of the rising frequency of severe weather events. Monitoring Internal Displacement Centre more people would have experienced internal relocation by 2050. The National Strategy for Management of Disaster and Climate-Induced Displacement is being finalized by the government of Bangladesh. The BDRCS together with the IFRC continue to contribute to the creation of national standards for managing shelters and mass evacuations during natural disasters. They also support projects run by the Ministry of Disaster Management and Relief's Displacement Management Cluster. Through this partnership, disaster response and preparation efforts will be more closely coordinated, and humanitarian aid will be delivered more effectively and efficiently (Bangladesh Red Crescent Society, 2022).

As an organization, BDRCS recognizes the importance of financial sustainability in carrying out operations to save climate migrants. For this reason, investing systematically is included in their strategic plan to ensure sufficient resources and funding to support disaster fund needs. Given that BDRCS is a part of the International Red Cross and Red Crescent Movement, a volunteer-based organization, it works to expand its network in order to help the movement draw in more volunteers. In addition, BDRCS works to increase and elevate the standard of member and volunteer management. In this rapidly evolving world, BDRCS acknowledges the swift evolution of digital technology and the impact it has brought to Bangladesh. In line with IFRC Strategy 2030, BDRCS further acknowledges the need of using digital technologies to improve the effectiveness and efficiency of the organization's humanitarian response. They pledge to keep making investments to fully integrate digital technology into all aspects of decision-making and

operations. In the last 5 years, BDRCS has successfully aid in population movement operations, supported in floods and cyclones operations. Besides, in many different ways and locations, BDRCS has been offering shelter assistance, including long term settlement (Bangladesh Red Crescent Society, n.d).

In addition to providing national standards for managing shelters and mass evacuations during natural disasters to the government of Bangladesh, BDRCS also plays a very vital role in helping to provide first aid and various other assistance to climate migrants during and after disasters. Even though the BDRCS and IFRC only provide standards and recommendations that are not subject to ratification by Bangladesh, they still assist the Bangladeshi government subsequently in disaster preparedness.

CONCLUSION

In conclusion, it is believed that climate change became one of the drivers that increase migrations, yet there has been little action taken to address the issue. When it comes to safeguarding those who have been displaced by climate change, one of the challenges is defining the term "climate refugee" while also taking the Refugee Convention and earlier attempts to define "environmental refugees" into account. Despite the possibility of an increase in climate refugees, this category is not legally recognized internationally. In this aspect, it is believed that the hard law, which binds the nations that have signed it, has little bearing on preserving the human rights of these climate migrants. Moreover, soft legislation developed based on standards set by non-state actors has a greater chance of assisting those fleeing climate change. In addition, soft law-making has the important benefit of enabling non-traditional, non-state actors to participate in international governance. Treaties, to which only governments may be parties, make it difficult for non-governmental organizations (NGOs), social movements, the business sector, and people to create soft laws.

The 1990s IDP standards initiative generated the Guiding Principle and an inter-organizational division of work for IDP rights. The "collaborative approach" was superseded by the "Cluster" model, in which numerous UN and non-UN groups shared responsibility for IDPs and multiple UN agencies provided security, food, and protection. Protecting vulnerable irregular migrants requires a clear practical division of work.

The UNHCR aggressively addressed the protection and humanitarian needs of those affected by natural disasters. There were worries that the Global Protection Cluster needed to work more effectively, though. Therefore, we recommend that UNHCR describe how it operates in relation to its partner organizations. The notion should be discussed as part of a larger debate on how to pay for natural disasters and climate change given the challenges in predicting the future scope and magnitude of UNHCR's engagement. A soft legal framework might also be developed and implemented with the help of the OHCHR and the UN Special Rapporteur on Migrants' Rights. They might provide advice on how to apply the law to vulnerable migrants in terms of human rights. If OHCHR established a division to handle the human rights of vulnerable migrants, which could mainstream migration concerns across treaty bodies, it would be easier for it to perform out its tasks.

The secretariat and working groups must carefully address several concerns as they establish a soft law framework. The following are only a few critical problems and ambiguities to consider. One of the significant obstacles to creating a soft law framework is defining "vulnerable irregular migrants" precisely enough to allow for the formation of an international agreement. This article emphasized two key issues: vulnerable immigrant populations and significant protection gaps. The first gap is people who need protection when moving, such as trafficked individuals, stranded migrants, and victims of trauma and violence. The second gap comprises people needing protection due to situations other than war or persecution, such as individuals escaping economic hardship and social unrest brought on by a country's collapse, climatic change, or a natural catastrophe.

Therefore, it is vital to clarify what is meant by vulnerable irregular migrants and what choices should be made about the group to whom the framework is intended throughout the process of formulating guiding principles. According to the more probable agreement, is it merely the former group, or does it also include the latter group? The difficulty in integrating the latter group is that there still needs to be more analytical agreement on matters like migration caused by climate change. It would be necessary to give the people who may be labelled vulnerable migrants more thought.

The study makes it abundantly evident that non-state actors are crucial in resolving human rights concerns in the context of climate change. The establishment of a soft law framework by non-state players is more effective and efficient in addressing these global issues than the active participation of state actors in international accords. Yet, several factors still need to be taken into account in order to form this soft legal framework and provide a system that is actually successful.

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