

EMBRACING SOFT LAW INSTRUMENTS AS A FOUNDATION FOR THE PROTECTION
OF THE RIGHTS OF CLIMATE REFUGEES***

Abstract

The unrivalled consequences of climate change have led to population displacement and relocation, creating a new category of individuals known as climate refugees. These individuals face unique challenges in terms of legal protection, as current international legal frameworks primarily focus on political or conflict displacement. Soft law instruments offer a potential basis for protecting climate refugees. This paper examines potential ways by which legal and normative frameworks can be employed to protect the rights of climate refugees. The paper contended that greater emphasis should be placed on developing soft law, rather than attempting to integrate individuals displaced by climate change into current legal framework. This paper also asserts that while soft rules enhance international cooperation, and may serve as a precursor to more binding legal frameworks in the future, they are not enough; binding legal systems are ultimately necessary to guarantee comprehensive and enforceable protection for climate refugees.

Keywords: Climate Refugees, Soft Laws, Legal Protection, Forced Displacement, Climate Change, International Law.

1. Introduction

One major consequence of climate change is forced migration, as people are compelled to leave their homes due to the unfavourable effects of changing weather patterns, rising sea levels, and other environmental factors. The link between climate change and forced migration is complex and varied. As the earth's climate warms, extreme weather events such as hurricanes, droughts, and floods increase in frequency and intensity.¹ These events cause immediate demolition and loss of life, damage vital infrastructure, disrupt livelihoods, and make previously useable areas uninhabitable. In some cases, entire communities are displaced, and people are left with no choice but to leave their homes.² Sea-level rise, which poses a serious threat to low-lying coastal areas and Islands are one of the major breeding grounds for climate refugees. As polar ice caps melt and ocean temperatures rise, coastal erosion and subsidence become a harsh reality for many communities.³ In some cases, entire islands disappear beneath the waves, leaving their inhabitants no choice but to migrate. Pacific island nations such as Tuvalu and Kiribati are particularly vulnerable to this phenomenon and have already begun planning for the eventual relocation of many of their populations.⁴

In addition to the immediate effects of extreme weather conditions and sea level rise, climate change also leads to gradual environmental changes affecting agricultural systems and water availability.⁵ This forces individuals and families to seek better living conditions elsewhere, leading to internal and cross-

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¹B Indrajit & S Harjeet, Roadmap to a Framework for the Protection of Climate Migrants Discussion Paper', Action Aid, 2, 472-473. (2012).

²WN, Adger, Vulnerability. Global Environmental Change, 16(3), 268-281. (2006).

³ International Institute for Democracy and Electoral Assistance, The Global State of Democracy (2021).

⁴J Barnett, Dangerous climate change in the Pacific Islands: Food production and food security. Regional Environmental Change, 11(1), 229-237. (2011).

⁵T Afifi and J Jäger, From conflict to resilience: Exploring the potential of nature-based solutions in contexts of climate and conflict. Disasters, 34(S1), S1-S18. (2010).

border forced migration. Forced migration due to climate change is not limited to developing countries. In recent years, we have seen rearrangement in countries like the U.S., where hurricanes and wildfires have destroyed communities and caused population displacement. Hurricane Katrina, which struck the Gulf Coast in 2005, displaced hundreds of thousands of people, and many never returned home. Similarly, recent wildfires in California have forced thousands of households to seek shelter elsewhere, abandoning burned communities.⁶

The impact of climate change on forced migration extends beyond the immediate displacement of people. Migration itself can cause a variety of social, economic and political challenges.⁷ Displaced people often face difficulties obtaining alternative income, accessing essential services such as health and education, and integrating into new communities. Addressing climate-driven forced migration requires a multi-pronged approach addressing the root causes of climate change and migration efforts to reduce greenhouse gas emissions and adaptation to a changing climate is essential to ensure the long-term and vital sustainability of vulnerable communities, so that strategies and resources can be developed to cope with the impacts and provide good living conditions.⁸ Climate change is a censorious driver of forced migration. Its impacts, ranging from uttermost weather events and rising sea levels to moderate changes in environmental conditions, push people to leave their homes and seek refuge elsewhere. Addressing the composite challenges posed by climate-induced forced migration requires a comprehensive approach that considers both mitigation and adaptation strategies, while also considering the social, economic, and political implications of population movement.⁹ We can effectively respond to this growing crisis through collective action and global cooperation.

2. Unique Challenges Faced by Climate Refugees

Like traditional refugees, climate refugees face unique challenges that demand immediate attention and action. The legal ambiguity surrounding their status, social and cultural integration issues, loss of traditional livelihoods, lack of access to housing and essential services, discrimination, and insufficient long-term solutions are some of the significant hurdles faced by climate refugees. The international community must collectively work towards recognizing and addressing the distinctive needs of climate refugees, providing them with the necessary support, protection, and resources to ensure their well-being and dignity. Only through this unified effort can we alleviate the suffering of climate refugees and ensure a more sustainable future for all. Land degradation is another factor that leads to climate-induced migration. Changes in rainfall patterns, prolonged droughts, and the depletion of natural resources can make agricultural land unproductive. This situation threatens food security and forces rural populations to migrate to urban centres in search of alternative livelihoods. Regions such as sub-Saharan Africa, Central America, and Southeast Asia are particularly vulnerable to this form of migration due to their heavy reliance on agriculture. Patterns of climate-induced migration vary depending on the specific circumstances and geographical location. Internal migration is one prevalent pattern, where people proceed to the confines of their own countries to escape the impacts of climate change.

This migration often leads to overcrowded slums and informal settlements in urban areas, putting a strain on infrastructure and resources. The high concentration of people in these cities also increases the risk of disease outbreaks and social unrest. Cross-border migration is another pattern that arises as a

⁶A, Baldwin, *Environmental refugees: The power of international law in the era of climate change*. Routledge. (2016).

⁷ Ibid.

⁸ New York Declaration for Refugees and Migrants (2016), <https://www.unhcr.org/what-we-do/protect-human-rights/asylum-and-migration/new-york-declaration-refugees-and-migrants>. Accessed 12 Dec 2024.

⁹A Betts & M Jones, 'The Brexit and Trump effects: How Populist Leaders Impact on Climate Governance'. *Global Environmental Politics*, 18(4), 101-108. (2018).

result of climate change.¹⁰ People who are ousted, ascribable to climate-related factors, often seek refuge in neighbouring countries. These can lead to strained relations between countries, incredibly when resources are limited. For example, the influx of Syrian refugees into countries like Turkey and Lebanon, due in part to prolonged droughts linked to climate change, has put a substantial burden on these nations' infrastructure and economy.

The most important primary challenge confronted by climate refugees is the legal ambiguity surrounding their status. International law does not currently recognize climate refugees as a distinct category, leaving them without the legal protection and rights granted to traditional refugees. The absence of clear definitions and legal frameworks creates uncertainty, making it difficult for climate refugees to access essential services and resources.¹¹ This legal gap must be addressed urgently to ensure that climate refugees get the assistance and protection they need. Climate refugees often find themselves in unfamiliar environments and face cultural, social, and linguistic barriers. They are forced to integrate into already stretched communities in terms of resources and services. This integration challenge can lead to social tensions and conflicts, exacerbating the already dire situation for these individuals. Communities that are unprepared for large influxes of refugees may lack the appropriate infrastructure, healthcare facilities, and educational resources to support them adequately. This burdens the local population and government efforts to provide for the needs of climate refugees and the host community.

Another unique challenge that climate refugees face is the loss of their traditional livelihoods. Many climate refugees come from agricultural or coastal communities that depend on the environment for sustenance. However, climate change disrupts these livelihoods by destroying crops, depleting fish stocks, and rendering lands uninhabitable. As a result, climate refugees often have to abandon their traditional ways of life and adapt to new circumstances. This transition can be incredibly challenging, as the skills and knowledge they have built over generations become obsolete, and they struggle to find alternative means of employment and income generation in areas heavily impacted by climate change. Climate refugees frequently lack access to adequate housing and essential services, such as clean water and sanitation facilities. Without proper infrastructure, they are at a higher risk of contracting infectious diseases, suffering from malnutrition, and experiencing other health-related issues.

Furthermore, as climate change intensifies, these challenges will only increase, posing a significant threat to the well-being and survival of climate refugees. Climate refugees often face discrimination and stigmatization in their new communities. They are sometimes perceived as a burden, with local populations blaming them for situating auxiliary strain on hitherto finite resources. The lack of empathy and understanding can lead to marginalization and exclusion, further exacerbating the challenges faced by climate refugees. Addressing these societal biases and fostering acceptance and integration is crucial to ensure a more inclusive and supportive environment for climate refugees. Finally, the long-term solutions for climate refugees remain insufficient and inadequate. While some efforts exist to support immediate humanitarian needs, there is a lack of comprehensive strategies and policies to address the long-term challenges climate refugees face. Collaboration between governments, international organizations, and civil society is necessary to develop sustainable solutions that encompass climate swap mitigation, cataclysm risk decreasing, and adaptation measures. Acknowledging the interconnectedness of climate change, poverty, and displacement is crucial to effectively addressing the challenges faced by climate refugees.

¹⁰ Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, adopted November 1984, available at: http://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf Accessed on 12 Dec 2024

¹¹Supra.

It is worth noting that the collision of climate persuades resettling are not evenly distributed right through the world. Countries which often have limited resources and infrastructure are highly endangered by climate change. These countries face numerous challenges, such as poverty, political instability, and weak governance. The additional burden of climate-induced migration exacerbates these issues and makes it even more difficult for them to adapt and respond effectively. Addressing the causes and patterns of climate-induced migration requires a multifaceted approach. First and foremost, decreasing greenhouse gas outflow to alleviate the effects of climate change is crucial.¹²

The international community must collaborate to implement sustainable practices and support the transition to clean energy sources. Additionally, investing in climate-resilient infrastructure, disaster preparedness, and early warning systems can help communities adapt and minimize migration needs. Supporting policies that promote inclusive and sustainable development in vulnerable regions can help reduce the drivers of climate-induced migration. This includes providing an approach to education, healthcare, and employment chances, especially in rural areas. Strengthening the resilience of agricultural systems and promoting sustainable farming practices can also significantly prevent land degradation and subsequent migration. Climate-induced migration is a complex issue influenced by various factors, which include increased sea levels, extreme weather events, and land degradation. The patterns of this migration range from internal movements within countries to cross-border flows, with developing nations being disproportionately impacted. Addressing this issue requires a holistic approach involving mitigation efforts, adaptation strategies, and long-term solutions to promote inclusive and sustainable development. We can effectively manage the challenges posed by climate-induced migration through global cooperation and concerted effort.

3. Preserving the Right and Dignity of Climate Refugees

These solitaires, known as climate refugees, are among the most endangered populations on our planet, and we must prioritize their protection. The significance of preserving the rights of climate refugees lies in the fact that they are innocent casualties of a problem they did not cause. These people are not accountable for the greenhouse gas outflow driving climate change, yet they breathe impact of its consequences. By protecting their safety and well-being, we acknowledge our shared responsibility to address the root causes of climate change and alleviate its effects.

One important reason for protecting climate refugees is to comply with human rights principles. The Universal Declaration of Human Rights recognizes the individual's right to life, liberty and security, the right to adequate housing, and the right to seek and enjoy asylum from persecution¹³. Climate refugees often face violations of these fundamental rights when they are forced to leave their homes due to climate-related disasters. By protecting them, we follow these human rights principles and protect their dignity and well-being. Protecting climate refugees is crucial for maintaining global stability and security. As more and more communities are displaced by climate change, competition for resources, including land, water, and food, will intensify. This can lead to conflicts and tensions between host communities and displaced populations. By providing protection and support to climate refugees, we can mitigate these potential conflicts and promote peace and stability in the regions affected by climate-induced displacement. Protecting climate refugees is essential for achieving sustainable development goals. The United Nations' Sustainable Development Goals (SDGs), which aim to end poverty, reduce

¹²WL Filho *et al*, *Assessing Causes and Implications of Climate-Induced Migration in Kenya and Ethiopia* (2023), *Environmental Science & Policy*, Vol 150.

¹³ Universal Declaration of Human Rights, <https://www.un.org/en/about-us/universal-declaration-of-human-rights> Accessed on 2 Jan 2025

inequality, and protect the planet, cannot be achieved without addressing the needs of climate refugees.¹⁴ Displaced populations are often trapped in cycles of poverty and vulnerability, lacking access to essential services such as healthcare, education, and clean water.

By protecting climate refugees, we can ensure they have the necessary resources and opportunities to thrive and contribute to sustainable development efforts. Protecting climate refugees is a matter of global solidarity and justice. The impacts of climate change are unevenly distributed, with the most vulnerable communities, often located in low-income countries, bearing the most significant burden. Developed countries, which have historically contributed the most to greenhouse gas emissions, have a moral obligation to assist and protect those affected by climate change. By supporting climate refugees, we can fulfil this obligation and demonstrate our commitment to global justice and solidarity. The significance of protecting climate refugees cannot be overstated; by prioritizing their safety, well-being, and human rights, we are addressing the injustices of climate change, promoting global stability and security, advancing sustainable development, and fostering global solidarity. As the impacts of climate change continue to worsen, we must mobilize resources and take collective action to protect and support those most affected by its consequences.

4. Historical Examples of Successful Soft Law Implementation

Numerous successful examples of soft law implementation have led to meaningful change. This essay will discuss some prominent historical cases demonstrating successful soft law implementation¹⁵. One notable instance of soft law implementation is the Universal Declaration of Human Rights (UDHR), which the United Nations General Assembly adopted in 1948.¹⁶ While the UDHR is not legally binding, it has performed a pivotal role in creating international human rights calibre across the globe. Many countries have incorporated its principles into their domestic legislation, and it has been cited in countless court decisions.¹⁷ The UDHR's soft law nature allowed it to garner widespread acceptance, leading to significant advancements in human rights protections.¹⁸

Another successful example is the Montreal Protocol on substances that exhaust the ozone layer. Negotiated in 1987, this international agreement intended to stop producing and consuming of material known to deplete the ozone layer, such as chlorofluorocarbons (CFCs).¹⁹ With combination of scientific evidence and collaborative efforts, the Montreal Protocol achieved remarkable success in reducing the use of such substances. By 2019, over 99% of the controlled substances were phased out globally, leading to a significant ozone layer recovery. The voluntary commitments and cooperative spirit demonstrated by states, industries, and civil society within the soft law framework facilitated this outstanding environmental achievement. The Kimberley Process Certification Scheme provides another example of successful soft law implementation. Established in 2003, this initiative was designed to prevent the trade of conflict diamonds, which fuel armed conflicts in several African countries. The soft law nature of the Kimberley Process allowed for flexibility and adaptability in its implementation, facilitating cooperation among governments, industry, and civil society. By creating a certification

¹⁴ Foresight, 'Migration and Global Environmental Change: Future Challenges and Opportunities', *The Government Office for Science*, London (2011); Benoit Mayer and François Crepeau, 'Introduction', in Benoit Mayer and François Crepeau (eds), *Research Handbook on Climate Change, Migration and the Law*, Edward Elgar (2017).

¹⁵ G Kibreab, 'Environmental Causes and Impact of Refugee Movements: A Critique of the Current Debate'. *Disasters*, 24(1), 20-38. (2000).

¹⁶ Universal Declaration of Human Rights, <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf> accessed 20 Jan 2025.

¹⁷ M Leighton & M O'Connell M, *Beyond the headlines: Climate change and migration in a shifting global order*. Migration Policy Institute. (2016).

¹⁸ Ibid.

¹⁹ The United States' export-control obligations are codified in the Arms Export Control Act, 22 USC § 2778 and the International Traffic in Arms Regulations, 22 CFR § 120-30 (2008).

scheme and strengthening transparency and accountability, the international diamond trade has significantly reduced the flow of conflict diamonds to the global market.²⁰

The Paris Agreement on climate change represents an ongoing example of successful soft law implementation in combating global warming. Adopted in 2015, this contract wants to limit the increase in global norm temperature to good below 2 degrees Celsius over pre-industrial levels²¹. While the Paris Agreement's targets are not legally binding, its strength lies in its inclusivity and the commitment it generates from signatory parties.²² Although challenges remain in the implementation of the agreement, its ability to unite countries in addressing climate change demonstrates the power of soft law in driving collective action. Within the realm of international dealing, the World Trade Organization (WTO) provides an example of successful soft law governance²³. Though not legally binding, the WTO's agreements and principles, have shaped global trade norms and resolved disputes among its member states. The most notable case is the WTO's General Agreement on Tariffs and Trade (GATT), which assists in decreasing trade hurdles and fostering economic widening and development worldwide. Adopting and adhering to soft law within the WTO framework have enabled free trade while providing a mechanism for handling disagreements through a dispute settlement system. These historical examples illustrate the successful implementation of soft law in various contexts. From human rights to environmental protection and international trade, soft law is crucial in shaping behaviour, norms, and international cooperation. The voluntary nature of soft law allows for flexibility, adaptability, and inclusivity, fostering collaboration among states, organizations, and individuals. Though non-binding, soft law can lead to meaningful change if widely adopted and supported.

5. Case studies: Examining Countries and Regions Addressing Climate Refugees through Soft Laws

In response to climate-induced displacement, many countries and regions have taken steps to accept the challenges climate refugees face by implementing laws that aim to protect and integrate them.²⁴ These case studies examine the efforts made by countries and regions in addressing climate refugees through the use of laws emphasizing the importance of this approach in providing a comprehensive framework for tackling this critical issue. The following case studies explore how countries and regions have utilized soft laws to address climate refugees effectively.²⁵

The Pacific Islands Forum (PIF) is a diplomatic international organization of 18-member countries, including some of the most unsafe nations to climate change. These countries, notably small island states, face severe environmental challenges, including rising sea levels, devastating storms, and coastal erosion. In response to the urgent need to address climate refugees, the PIF adopted the Boe Declaration on Regional Security in 2018.²⁶ This soft law document acknowledges the relationship between climate change and security, recognizing climate displacement as a pressing regional concern. It emphasizes

²⁰S Lonergan, Climate change and forced migration: Observations, projections, and implications. *Human Ecology Review*, 20(2), 123-136. (2014).

²¹SF Martin & S Weerasinghe, 'Protecting Climate Refugees: The Case for a Global Protocol.' *Georgetown Journal of International Affairs*, 18(2), 56-65. (2017).

²²Where multiple states have an incentive to enforce an obligation, imposing retaliatory sanctions also suffers from a collective-action problem. The sanctions are a public good, and thus each state has an incentive to hold back enforcement, hoping other states will bear the cost that produces the collective benefit.

²³R McLeman & B Smit, 'Migration as an Adaptation to Climate Change.' *Climatic Change*, 76(1-2), 31-53. (2006).

²⁴International Covenant on Civil and Political Rights and Optional Protocol, General Assembly Res No 2200Supp No 16 at 52, 59, UN Doc A/6316 (1966) (entered into force Mar 23, 1976) ("ICCPR").

²⁵C, McMichael et al, An ill wind? Climate change, migration, and health. *Environmental Health Perspectives*, 120(5), 646-654. (2012).

²⁶The Boe Declaration on Regional Security <https://pacificsecurity.net/wp-content/uploads/2021/02/Boe-Declaration-on-Regional-Security.pdf> Accessed 20 Jan 2025.

the need for international cooperation to mark the challenges faced by climate refugees and calls for the development of comprehensive policies that address their protection, relocation, and integration.²⁷ The European Union (EU) also recognized the importance of soft laws in addressing climate refugees. The EU's response to climate-induced migration has been shaped by its allegiance to human rights and the protection of vulnerable populations. In 2017, the European Commission issued guidance recognizing climate change as a chauffeur of migration and emphasizing that they require a comprehensive and rational approach within the framework of existing legal instruments. The guidance highlights the importance of integrating climate change considerations into migration policies while ensuring the respect for human right and protecting those displaced by climate change impacts.²⁸ New Zealand, being concretely susceptible to the outcomes of climate change, has adopted soft laws to address climate refugees within its borders.

In recognition of the urgent need for action, the New Zealand Climate Change Conversion Technical Working Group was established in 2018. This working group, comprised of experts from various sectors, was tasked with developing guidance on addressing managed retreat and climate change-related displacement. The resulting report provided recommendations to policymakers, emphasizing the importance of community engagement, adaptive planning, and relocation strategies to ensure the protection and well-being of climate-affected communities. The above instances demonstrated the significant role that soft laws play in addressing the challenges faced by climate refugees. By providing a flexible framework for cooperation and emphasizing the importance of collaboration, soft laws allow countries and regions to develop practical and context-specific solutions for protecting and integrating climate refugees. In an era of increasing climate change impacts, countries and regional organizations must adopt and strengthen soft law instruments in addressing climate refugees, and ensuring the comprehensive protection of the most vulnerable populations²⁹.

6. Stakeholder Perspective: Roles of Governments, NGOs, and International Organizations

In today's interconnected world, the bit part of governments, non-governmental organizations (NGOs), and international organizations has become increasingly significant. These entities are pivotal in shaping policies, addressing societal issues, and promoting global cooperation. Although each group has unique perspectives and approaches, they all share a common goal of working towards improving society. Governments hold a critical position in any country, being responsible for their citizens' 'overall governance and welfare. Governments can enact policies, laws, and regulations that affect every aspect of people's lives, from education and healthcare to security and economic development. The views of governments are closely tied to the interests and priorities of the nation they represent. Governments view themselves as the primary driving force behind socioeconomic development, ensuring their citizens' stability, security, and prosperity.³⁰ They assume the responsibility of protecting national interests, promoting economic growth, and advancing diplomatic relations. Governments often prioritize domestic matters, such as poverty reduction, job creation, and improving living standards, to enhance the quality of life for their citizens.³¹ While governments have the authority and resources to

²⁷ J Milner & G Loescher, 'Protracted Refugee Situations. Global Governance: A Review of Multilateralism and International Organizations', 17(2), 143-160. (2011).

²⁸ In the Committee's case, it is its own jurisdiction that most immediately effects the delegation. Simply creating a tribunal, after all, does not allow it to pronounce legal rules; a tribunal requires jurisdiction. Broadening (or contracting) a tribunal's jurisdiction is thus a way to expand (or limit) a tribunal's ability to make international Common law.

²⁹C Mortreux & J Barnett, Climate change, migration and adaptation in Funafuti, Tuvalu. Global Environmental Change, 19(1), 105-112. (2009).

³⁰ Office for the United Nations High Commissioner for Human Rights, Status of Ratification of the Principal International Human Rights Treaties.

³¹Ibid.

address societal challenges, they often recognize the need for collaboration with NGOs and international organizations³².

NGOs are non-profit, voluntary organizations that operate independently from governments and work towards addressing specific causes or social issues. NGOs, driven by their missions and values, seek to influence policies, raise awareness, and advocate for the underprivileged and marginalized. NGOs have a unique perspective as they strive to complement and sometimes even challenge government actions. They often work at the grassroots level, directly engaging with local communities and gaining a deep understanding of their needs³³. NGOs view governments as crucial partners in achieving social change while acting as watchdogs, holding them accountable for their actions. From an NGO's standpoint, governments should be more transparent and accountable for their policies.³⁴ NGOs often criticize governments for their slow response to issues, lack of adequate resources for social programs, and the occasional prioritization of political interests over social welfare. They aim to bridge the gaps in areas where governments may fall short, ensuring that the most vulnerable populations are not left behind in policy implementations.

On the other hand, international organizations play a crucial role in fostering global cooperation, coordination, and peace. These organizations, such as the United Nations, World Bank, and World Health Organization, bring together governments worldwide to address common challenges, promote dialogue, and formulate global agreements. International organizations approach societal issues from a broader, global perspective, recognizing that many problems transcend national borders. These organizations seek to create a harmonious balance between global interests and national priorities by negotiations and providing a platform for cooperation. The views of international organizations often align with those of NGOs, as both share a commitment to human rights, sustainable development, and poverty alleviation. International organizations advocate for more equitable distribution of resources, providing financial aid, technical expertise, and guidance to governments and NGOs in pursuit of these goals.

Critics argued that international organizations sometimes have limited direct impact on the ground. They are accused of being bureaucratic, detached from local realities, and too heavily influenced by powerful member states. However, supporters argue that international organizations catalyse change, facilitating the exchange of ideas, resources, and best practices between governments and NGOs worldwide. Governments, NGOs, and international organizations have different perspectives, roles, and priorities. Governments prioritize national interests and socioeconomic development, while NGOs advocate for marginalized communities and monitor government actions. International organizations strive for global cooperation and collaboration to address common challenges. Although their views may differ, these entities ultimately seek to improve the good health of solitary, communities, and the world altogether. By working together, governments, NGOs, and international organizations can enhance their collective impact and create a more just and sustainable future for protecting climate refugees.

³² *Nicholas Toonen v Australia*, Communication No 488/1992, UN Doc CCPR/C/50/D/488/1992 7.8 (1994), available in ICCPR." Selected Decisions of the Human Rights Committee under the Optional Protocol, Vol 5, UN Doc CCPR/C/OP/5/133 (2005).

³³ N Myers & J Kent J, 'Environmental Exodus: An Emergent Crisis in the Global Arena.' *The Environmental Professional*, 17(2), 161-169. (1995).

³⁴ Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, UN GAOR Hum Rts Commn, 53d Sess, UN Doc CCPR/C/79/Add 50 (1995).

7. Public Perception and Advocacy: Bridging the Gap between Organizations and the People

In today's fast-paced world, public belief plays an important role in shaping institutional wealth. Public belief can make or break success for companies, non-profits, or government agencies. Furthermore, public opinion also has a significant impact on advocacy efforts. As a result, organizations recognize the need to make their approach more human and engage with the people they serve to create a sense of belonging and meaning. We explored the importance of public ideas, recommended roles, and strategies to bridge the gap between institutions and society as a whole to find a lasting solution to the protection of climate refugees.

7.1. Understanding Public Perception

Public opinion means that individuals interpret and make judgments about an organization based on various information including, personal experience, media and word of mouth, including the collective knowledge, opinions and attitudes of a group of people about this organization. The level of awareness and understanding of climate change and its impact on displacement can influence public perception. Those who are well-informed about the issue may view soft laws as a necessary step in addressing the rights and needs of climate refugees. Soft laws often operate within an international framework, involving cooperation among countries and institutions. The perception of whether such cooperation is effective and trustworthy can influence how soft laws for climate refugees are perceived. Scepticism towards international cooperation, such as concerns about sovereignty or insufficient enforcement mechanisms, may shape negative perceptions of soft laws. The public's attitude towards caring for vulnerable populations, including climate refugees, can also shape perceptions of soft laws as a foundation for their protection. Those who prioritize humanitarian concerns and see climate refugees as deserving of assistance may view soft laws as a positive step. Climate-induced displacement can have economic consequences for affected communities and the receiving areas. Concerns about the economic burden of supporting climate refugees, or fears of competition for resources and jobs, can influence public perception of soft laws in this context.

7.2. The Role of Advocacy

Advocacy plays a crucial role in public insight management. Advocacy refers to the act of actively supporting a cause, position, or point to affect public belief and decision-making. Practical advocacy efforts can shape public insight by raising awareness, educating the public, and mobilizing support for a particular cause. Whether it's advocating for social justice, environmental unceasing, or healthcare reform, adept advocates help drive public sentiment in a direction that benefits their cause. Advocacy plays a crucial role in promoting the rights and well-being of climate refugees, with soft laws serving as a foundation for supporting their cause. In the case of climate refugees, soft laws can help create awareness, shape policies, and guide decision-making processes. Advocacy efforts in climate refugee issues involve raising public awareness about the challenges faced by individuals displaced due to climate change. Through various channels such as media campaigns, public speaking events, and social media, advocates can highlight the human stories behind climate displacement, amplifying the urgency and importance of addressing this issue.

Advocacy also plays a critical role in shaping policies and legislation to protect the rights of climate refugees. Soft laws provide a starting point for advocates to engage with governments, international organizations, and stakeholders to develop and implement legal frameworks that address the specific needs of climate-displaced individuals. By lobbying policymakers, participating in policy dialogues, and contributing to policy formulation processes, advocates can ensure that the rights and well-being of climate refugees are adequately addressed. Furthermore, advocacy efforts can help promote the adoption of soft laws as a foundation for addressing the challenges posed by climate-induced

displacement.³⁵ By advocating for the recognition of soft laws in international forums and negotiations, advocates can influence the incorporation of soft laws into national, regional, and global frameworks. This can contribute to developing consistent and coherent approaches to protecting climate refugees across different jurisdictions. They can facilitate dialogue between affected communities and relevant authorities, advocating for appropriate measures to address climate refugees' specific needs and concerns. Advocacy also extends to aiding and supporting climate refugees themselves. Advocates can work directly with affected communities, helping them understand their rights, access necessary resources, and navigate bureaucratic processes.

7.3. Credible Communication

Organizations should invest in credible and transparent communication strategies. Regularly sharing information promotes trust, demonstrating willingness to be open and accountable. Clear and honest communication helps dispel misconceptions and instils confidence in the organization's actions. The credible communication about soft laws as a foundation for climate refugees refers to the discussion surrounding the legal frameworks and policies that govern the protection and support of individuals facing displacement and forced migration due to climate change. Organizations should communicate that climate change is causing various impacts, such as rising sea levels, extreme weather events, and changing agricultural patterns, resulting in the displacement of people from their homes and communities. These climate-induced displacements are often referred to as climate refugees. Soft laws play a crucial role in addressing the challenges faced by climate refugees.³⁶ They provide a framework for understanding countries' legal obligations and responsibilities towards those affected by climate change. Soft laws also outline the rights and entitlements of climate refugees, including access to necessities like food, water, shelter, and healthcare. One of the main advantages of using soft laws as a foundation for climate refugees is their flexibility and adaptability. Unlike binding treaties, soft laws can be easily updated and adjusted to respond to new challenges and emerging issues that arise from climate change. This allows for a more timely and effective response to the needs of climate refugees. They encourage countries to work together in providing support and protection to climate refugees, as well as to explore long-term solutions to prevent further displacement. They must be complemented by strong political will, financial resources, and actions at both national and international levels. Additionally, efforts should be made to translate soft laws into binding international treaties to ensure stronger and enforceable protections for climate refugees.

7.4. Community Involvement

Organizations must actively pull together the communities they serve. By partnering with community organizations, participating in community events, and sponsoring original initiatives, organizations can show that they are committed to improving society. This participation goes beyond just public relations; It shapes shared values, establishes trust, and educates positive public opinion. Community involvement plays a crucial role in addressing the challenges of climate refugees, mainly when soft laws serve as the foundation for tackling this issue. Soft laws, or non-binding principles and guidelines, provide the necessary framework for communities to engage in proactive measures to assist climate refugees. Community involvement can help raise awareness about the plight of climate refugees and advocate for their rights. This can be achieved through organizing public forums, educational campaigns, and community dialogues, where residents can learn about the causes and consequences of climate-induced displacement, fostering empathy and understanding within the community. Secondly, community

³⁵CJ Damary *et al.* 'Complaint Alaska Institute for Justice', (UNHRC Special Rapporteurs): Rights of Indigenous People in Addressing Climate-Forced Displacement (2024).

³⁶ Berchin *et al.*, 'Climate Change and Forced Migrations: An Effort Towards Recognizing Climate Refugees', *Geoforum* 84, 147-150 (2017).

involvement can facilitate providing essential services and resources to support climate refugees. Through the establishment of community-led initiatives such as food banks, clothing drives, and temporary shelters, affected individuals and families can receive immediate relief, demonstrating solidarity and compassion.³⁷ By engaging in sustainable development projects, communities can work towards mitigating the effects of climate change, preventing further displacement, and enhancing the resilience of vulnerable populations. Community involvement, guided by soft laws, is crucial in addressing the challenges posed by climate refugees. By raising awareness, providing immediate relief, and implementing long-term strategies, communities can actively ensure the well-being and rights of climate-displaced individuals and families.

7.5. Authentic Relationship Building

To create authentic relationships, organizations must prioritize relationship building. This includes actively seeking feedback from residents, listening to their concerns and incorporating their input into decision-making processes. By engaging citizens in shaping their policies, organizations show respect for their views and lay the groundwork for long-term advocacy and support.³⁸ In the modern world, public opinion and advocacy are an important combination, where organizations seek to have a meaningful impact. The ability to humanely bridge the gap between organizations and society is critical to success.³⁹

8. Conclusion

Flexible legislation can be an important basis for protecting climate refugees. The growing effect of climate change and the number of individuals forced to migrate for environmental reasons call for an encompassing legal framework to secure their protection and respect for their rights. The main advantage of flexible rules is their ability to facilitate international cooperation and harmonize states. Climate change is a global issue that transcends national borders so effective solutions require collaborative action. Soft laws provide a forum for countries to come together, agree on common goals and principles, and work together to label the protection of the rights of climate refugees. Through informal mechanisms such as guidelines, recommendations, or principles, soft laws can encourage countries to work together, share best practices, and cooperate in efforts to protect and support climate refugees. Moreover, the effectiveness of soft rules in protecting climate refugees depends on how states apply and enforce them. Simple non-binding rules mean that compliance is voluntary, and states can choose not to incorporate it into their legal systems or policies so efforts must be made to monitor and review them developmentally to encourage states to adopt and implement these flexible rules.

In conclusion, soft law provides the necessary authority to protect climate refugees' rights. Their irrepressible nature allows them to be flexible and adaptable to meet the unique challenges of climate change. Soft laws facilitate international cooperation, promote consensus, and could be a stepping stone to more binding legal instruments. However, soft laws alone are not enough to protect climate refugees but can serve as a foundation. Binding legal systems are ultimately needed to ensure full and enforceable protection for climate refugees.

³⁷F Elizabeth et al, 'On the Front Line of Climate Change and Displacement: Learning with and from Pacific Island Countries' The Brookings Institution: London School of Economics Project on Internal Displacement, (2011).

³⁸Formally there are some treaties from which exit are not possible. See, for example, Vienna Convention on the Law of Treaties (1969), art 56, 8 ILM 1969. Nevertheless, a state wishing to withdraw from a treaty can, as a practical matter, achieve that result, though it may bear a cost for doing so.

³⁹R Laurence *et al*, 'Toward a Theory of Effective Supranational Adjudication' 107 Yale LJ 273, 351, (1997).