

Indonesia, 2019. The Indonesian Red Cross Society provides critical information, community-based surveillance and referrals in coordination with Government Ministries to help stop diseases from spreading. Local risk governance requires effective engagement with – and support to – local partners and communities.

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CLIMATE- SMART DISASTER RISK GOVERNANCE

**Ensuring inclusive
and coherent
regulatory
frameworks**

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INTRODUCTION

Previous chapters have made clear that the new reality of climate-related disasters is a classic ‘wicked problem’: it is complex, multi-layered (for example, unplanned urbanization in flood-prone areas) and has no single or final solution. We need a holistic, anticipatory and forward-looking approach that engages people and institutions from every walk of life. Solving a puzzle this big requires governance tools – laws, policies and institutions – that are climate smart and ready for the new era.

In 2015, three main global instruments were adopted that set out roadmaps for climate-smart governance: the Sustainable Development Goals (SDGs) as the heart of UN 2030 Agenda for Sustainable Development, the Paris Agreement and the Sendai Framework for Disaster Risk Reduction 2015–2030. But five years on, many countries have yet to implement these commitments in a coherent way, or get better at integrating their national and subnational laws, policies and systems.¹ This is partly because the global frameworks were set up in parallel and with different structures – prompting a corresponding fragmentation at national level.

Disasters do not fit neatly in a single sector (whether agriculture, urban planning or anything in between). Recent events have shown that while governments and communities are responding to one disaster event, another may be just around the corner. A good example is the desert locust invasion, flooding and COVID-19 pandemic that simultaneously struck Eastern Africa in 2020. As Chapter 3 shows, disasters also spring from the factors that make communities vulnerable to extreme climate- and weather-related events, including the socioeconomic, cultural and ecological context. An effective response – addressing both risks and vulnerabilities – will break long-standing institutional silos and reduce duplication of efforts to allow for the connected and collective action called for in the climate crisis action plan (Chapter 4).

This chapter explores how existing risk governance structures are standing up to these challenges. It first identifies the main issues to address, and explores how the international community set the scene for necessary improvements. It then provides findings on regulatory and planning practice, showing how some countries are finding a path to coherence. Special focus is given on how to engage local actors and communities through integrated regulatory approaches. Finally, the conclusion discusses how these good practices are paving the way to further strengthen resilience of communities and systems through risk-informed and more integrated laws, policies and plans.

¹ In this chapter, the concepts of cross-sectoral ‘coherence’ and ‘integration’ are meant as distinct but interconnected. The first is based on identifying and comparatively assessing the multifaceted regulatory purposes exerted by different instruments, which – when logical and consistent – allow for their effective coexistence. The second builds on the assessment of how different laws and policy are drafted and implemented to exert combined and synergical effects, as part of the same ‘whole’ (the same regulatory and institutional system).

6.1 CLIMATE AND DISASTER RISK GOVERNANCE IN 2020 – A REALITY CHECK

6.1.1 Establishing more integrated regulatory systems and planning processes

Many governments have taken positive steps in recent years, shown for instance by increasing references to disaster risk reduction (DRR), disaster risk management (DRM) and adaptation in climate change laws and policies (see [Box 6.2](#)). Yet decades-old institutional fragmentation and siloed implementation planning are still present in many national systems ([Amaratunga et al, 2017](#); [Leitner et al, 2020](#)). This has been brought about by parallel or disconnected laws and policies and competition among government agencies, especially around access to external funding streams and technical support. Many systems still focus on the vicious cycle of disaster-respond-rebuild-repeat, while risks generated by the interaction of complex human and natural systems, amplified by the changing climate, are reversing efforts to achieve the goals of the 2030 Agenda ([UNDRR, 2019a](#)).

The IFRC – particularly through its Disaster Law Programme – has compiled some of the best examples and supported National Societies to advocate for coherent law and policy reforms, mainly by developing supporting tools for decision-makers and giving recommendations ([IFRC, 2018a](#)).² Good practice on DRM laws has been identified, including mechanisms for better coordination and integration with climate change institutions and policies, and vice versa, such as in Algeria, the Dominican Republic, Mexico, Uruguay and the Federated States of Micronesia ([IFRC and UNDP, 2015a](#)). Despite such positive developments (see also section 6.3), many national systems still lack viable models and standards for integrating law, policy and planning across climate, development and DRM sectors.

Some countries, as seen for instance by recent research in the Pacific region ([IFRC and UCC, 2020](#)), have made substantial legal improvements but have not yet conquered silos in governance and institutional arrangements. Others, such as the Philippines, have made connections between climate change and disaster-related laws and institutions, but more work towards integrated targets, tools and priorities is needed ([OECD, 2020](#)).³ Sometimes, weak synergies and integration can be traced to the absence of finance and economic ministries and development planning agencies in climate and DRM processes and plans. Also, ensuring that climate science feeds into all relevant assessment tools is pivotal ([IFRC, 2019c](#)), as parallel risk assessment

² See [IFRC, no date](#) for all the main disaster law-related tools and research. Preliminary recommendations on the topic are also given in the recent IFRC literature review on aligning climate adaptation and DRR (2019), see [IFRC and UCC, 2019](#).

³ See also the work undertaken in several countries by the Global Initiative on Disaster Risk Management, founded by the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the German Gesellschaft für Internationale Zusammenarbeit (GIZ) ([GIZ, no date](#)). The second phase of the Global Initiative runs from February 2018 to January 2021, focusing on Mexico and the Philippines.

information, strategies and actions can duplicate efforts and not make best use of resources ([EEA, 2017](#)). These aspects are often compounded by capacity gaps at local level.

In many cases, national and subnational plans do not reinforce one another in expected ways. National plans are often unclear as to how they will serve the most vulnerable people at community level, while subnational plans do not always add up to the resilience goals set at national level. This disconnect can create an additional burden on subnational/local governments, which spend time and resources engaging in multiple planning processes, instead of focusing on scaling up action.

6.1.2 Listening and planning with people at risk

Disasters and climate change affect people differently. This is unlikely to be understood if groups who are most exposed and most vulnerable to climate- and weather-related events are not heard. To help governments identify, plan, resource and meet their different and specific needs, at-risk groups (and civil society organizations (CSOs) representing their needs) should be engaged in decision-making at different levels. Used effectively, laws and policies can play an important role in both mandating at-risk groups' effective and systematic participation in law and policy-making, and in including provisions addressing their particular needs ([IFRC, 2019b](#); [IFRC, 2019c](#); [IFRC and UNDP, 2015a](#); [IFRC and UNDP, 2015b](#)).

However, getting to this kind of meaningful engagement is still a challenge ([UNDRR, 2019d](#); [UNDRR, 2019b](#)). Many countries lack legal mandates for the participation of community members and especially marginalized community members in decision-making processes ([IFRC and Pietropaolo, 2015](#)). Some countries, such as Indonesia, have made considerable efforts to strengthen the inclusiveness of their DRM legal frameworks and policies. For example, some villages have developed their own local-level regulations on the participation of women and disadvantaged groups in local disaster management. Nevertheless, more needs to be done – in Indonesia as in many other countries – to ensure the active participation of women, children and marginalized groups in all relevant decision-making processes ([IFRC and Palang Merah Indonesia, 2016](#)). Legal frameworks in countries such as the Dominican Republic, New Zealand and the Philippines mandate community participation in DRM decision-making, for example through membership of local committees. However, there can be challenges in implementing these enabling policy provisions at local level and pre-existing social barriers may prevent meaningful engagement by marginalized groups ([IFRC and UNDP, 2014](#)).

Unfortunately, many climate and disaster laws and policies only make broad and aspirational statements about community engagement and do not include the necessary detail required to ensure active community participation and inclusion. The lack of a definition of community, and clarity on how to engage this broad range of people, is another part of the problem. In an urban context this only becomes more complex, with more diversity in the population, less social cohesion, the sometimes-arbitrary nature of geographical boundaries, and consequent difficulties in engaging with community members ([IFRC, 2020a](#)). To overcome this, further support is needed, particularly at local level to ensure that meaningful and inclusive consultative and advocacy processes are invested in and readily practised, linking decision-makers with community representatives empowered to actively exercise their rights, roles and responsibilities ([IFRC, 2019b](#); [IFRC and UNDP, 2015a](#); [IFRC and UNDP, 2015b](#)).

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Good practice in DRM laws include mechanisms for better coordination and integration with climate change institutions and policies, and vice versa. Despite such positive developments, many national systems still lack viable models and standards for integrating law, policy and planning across climate, development and DRM sectors.

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6.2 A CALL FOR INTEGRATED AND INCLUSIVE GOVERNANCE

The Sendai Framework acknowledges that the “intergovernmental negotiations on the post-2015 development agenda, financing for development, climate change and DRR provide the international community with a unique opportunity to enhance coherence across policies, institutions, goals, indicators and measurement systems for implementation, while respecting the respective mandates” (para. 11). This would have been much more convincing if these main frameworks had not been negotiated separately. Still, international messaging on coherence and integration in adaptation, DRR and development planning is stronger in these instruments than their predecessors, and has grown since 2015 (see for example, [ECOSOC, 2019](#); [GCA, 2019](#); [IFRC, 2018b](#); [2019a](#); [IFRC, 2019d](#); [International Red Cross and Red Crescent Movement, 2019](#); [UNDRR, 2019c](#)).

What might be called the ‘Post-2015 Global Agenda on Climate and Disaster Risk Governance’ ([Natoli, 2020](#)) is made up of three main instruments adopted that year, all of which underline the need to favour greater cross-sectoral integration at national level. These are the SDGs as the centrepiece of the UN’s 2030 Agenda for Sustainable Development,⁴ the Paris Agreement⁵ and the Sendai Framework for Disaster Risk Reduction 2015–2030.⁶ This setup requires countries to undertake different data gathering and model parallel plans and reporting activities (see Figure 6.1). Despite some attempts to join efforts (such as the SDGs and Sendai indicators) many countries state that they lack the capacity and technical means to fully engage in all of these reporting activities. But keeping track of progress in a consistent way is critical to understanding if and how national governments are meeting the combined aims of the three global instruments.

4 Goals 1 (target 1.5), 11 and 13, see the [SDGs](#).

5 In particular article 7, see the [Paris Agreement](#).

6 Especially paragraphs 11, 13, 19, 25, 28, 31 and 47, see the [Sendai Framework for Disaster Risk Reduction 2015–2030](#).

Figure 6.1: Coherence and reporting activities in 2015 global instruments

	UN Agenda 2030 – SDGs	Paris Agreement on climate change	Sendai Framework for Disaster Risk Reduction
Main aim	Global agenda for action towards sustainable development	Agreement on the global response to climate change (adaptation, mitigation and finance)	Global framework to guide multi-hazard management of disaster risk
Climate change adaptation– DRR intersection and coherence	<p>Climate action and DRR are cross-cutting issues, but explicitly mentioned in:</p> <ul style="list-style-type: none"> • Goal 13 to combat climate change and its impacts • Goal 11 to make cities inclusive, safe, resilient and sustainable <p>Climate action also contributes to the achievement of many other goals</p>	<p>Explicit focus on climate change adaptation and DRR:</p> <ul style="list-style-type: none"> • Article 7.1 on enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, with a view to contributing to sustainable development • Article 8.1, on averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow-onset disasters 	<p>Reference to climate change:</p> <ul style="list-style-type: none"> • Disasters are exacerbated by climate change and are increasing in frequency and intensity, significantly impeding progress towards sustainable development. (paragraph 4) • Addressing climate change as a cause of disaster risk (while respecting the UNFCCC mandate) creates a chance to reduce it in a joined-up way. (paragraph. 13)
Reporting activities	<p>Governments have the primary responsibility for follow-up and review, at the national, regional and global levels, in relation to the progress made in implementing the goals and targets. Indicators based on quality, accessible, timely and reliable disaggregated data have been developed to assist this work. (paragraphs 47–48)</p> <p>Member states are encouraged to conduct regular and inclusive reviews of progress at national and subnational levels, which are country led and country driven, drawing on contributions from indigenous peoples, civil society, the private sector and other stakeholders. National parliaments as well as other institutions can also support these processes. (paragraph 79)</p>	<p>Article 3 establishes the so-called nationally determined contributions – the core commitments countries make to implement the Paris Agreement – which need to go up in ambition over time. Initially these were intended just for greenhouse gas mitigation, but in the Paris Agreement they also include adaptation, with an explicit reference to article 7 on the adaptation goal. The reporting on these commitments is arranged in the transparency framework established by article 13.</p> <p>In addition, Article 7.10 calls each party to, as appropriate, submit and update periodically an adaptation communication, which may include its priorities, implementation and support needs, plans and actions, without creating any additional burden for developing country parties.</p> <p>According to Article 7.11 such adaptation communications shall be, as appropriate, submitted and updated periodically, as a component of or in conjunction with other communications or documents, including a national adaptation plan, a nationally determined contribution as referred to in Article 4, paragraph 2, and/ or a national communication.</p>	<p>The Sendai Conference recommended to the UN General Assembly that an open-ended intergovernmental working group is set up. This would comprise experts nominated by member states, and be supported by the UN Office for Disaster Risk Reduction, with involvement of relevant stakeholders. It would develop a set of indicators to measure global progress in the implementation of the framework in conjunction with the work of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators.</p> <p>See UN, 2016.</p>

Source: Adapted from: [OECD \(2020\)](#). Texts are summarized from the original documents

There are common elements across these three frameworks that guide how good governance can reduce human vulnerability to disasters and climate change. These include:

- Working together at different levels (global, regional, national/subnational) and across different sectors of society and government to become more effective.
- Enhancing communities' own adaptive capacities and promoting the use of both local and scientific knowledge for risk management.
- Adopting a non-discriminatory and gender-responsive approach to assessing risks, planning and decision-making, ensuring community engagement and focusing on the people most vulnerable to disasters.

These frameworks also collectively stress the importance of national laws, policies, strategies and plans in providing guidance on how to effectively scale-up and integrate national efforts. The 2030 Agenda points to “the essential role of national parliaments” in ensuring the effective implementation of commitments.⁷ The Sendai Framework promotes “the coherence and further development, as appropriate, of national and local frameworks of laws, regulations and public policies” and calls for “clear roles and tasks to community representatives within disaster risk management institutions and processes and decision-making through relevant legal frameworks” to be assigned.⁸ Likewise, the Paris Agreement states that its parties “shall, as appropriate, engage in adaptation planning processes and the implementation of actions, including the development or enhancement of relevant plans, policies and/or contributions”.⁹ In addition, the national adaptation plans (NAPs) aim for the integration of adaptation “within all relevant sectors and at different levels”¹⁰ and the Warsaw International Mechanism for Loss and Damage promotes implementing comprehensive risk management approaches, including considering regulatory environments.¹¹

These global commitments were further reinforced in 2019 by the resolution on ‘Disaster laws and policies that leave no one behind’ adopted by the state parties to the Geneva Conventions at the 33rd International Conference of the Red Cross and Red Crescent. The resolution encourages states to “assess whether their existing domestic disaster laws, policies, strategies and plans provide guidance to prepare for and address the evolving risks of weather-related disasters, ensure an integrated approach to DRM and adaptation to climate change and promote gender-responsive approaches and community engagement in risk analysis, planning and decision making”.¹²

7 See [UN, 2015](#), paragraph 45.

8 [Sendai Framework](#), paragraph 27 (f).

9 [Paris Agreement](#), article 7.9.

10 [UNFCCC Conference of the Parties \(COP\) decision 5/CP.17](#), paragraph 1.

11 See [UN Climate Change, 2017](#), strategic workstream (c).

12 See [International Red Cross and Red Crescent Movement, 2019](#), paragraph 1.



Mexico, 2018. The town of Ocoxaltepec is located in an area that is prone to wildfires, landslides, and volcanic activities. In 2017, the region was further affected by an earthquake. Mexico's DRM laws have been identified as good practice, as they include mechanisms for better coordination and integration with climate change institutions and policies.

6.3 TOWARDS COHERENT REGULATORY FRAMEWORKS THAT ADDRESS MULTIPLE CLIMATE AND DISASTER RISKS

The Paris Agreement and the Sendai Framework call on states to develop long-term, comprehensive plans on climate adaptation and DRR strategies for different sectors, respectively. These are both important ways for national authorities to improve resilience to climate-related disasters and there are encouraging areas where they come together. However, the different starting points and methodologies of these planning activities should not be underestimated.

6.3.1 National adaptation plans

The national adaptation planning process (NAP process), launched in 2010 at the 16th session of the Conference of the Parties (COP 16) to the UNFCCC under the Cancun Adaptation Framework,¹³ calls on governments to adopt and mainstream adaptation plans with national strategies on development and risk management. The legal bases of this process were boosted with the adoption of the Paris Agreement in 2015, which binds each party to engage, as appropriate, in adaptation planning and implementing actions, including developing or enhancing NAPs.¹⁴

There is growing awareness of the benefits to taking an integrated approach to adaptation and DRR in NAPs. From planning and implementation to monitoring and evaluating progress, there are many entry points throughout the NAP process to address DRR priorities. In fact, most of the 20 NAPs so far submitted to the UNFCCC reference and integrate DRR, although how and how often they do so differs from country to country ([UNFCCC, no date](#)). Comparative review of NAP processes conducted for this report, supported by findings from the NAP Global Network, reveals that this integration takes several forms, including:

- Reference to a country's DRR strategy as a complementary policy to the NAP (such as Chile, Colombia and Paraguay)
- DRR and adaptation brought together in a single, integrated strategy – like Tonga's Joint NAP¹⁵ and Kiribati's Joint Implementation Plan on Climate Change and Disaster Risk Management
- DRR presented as a discrete sector or priority in a NAP (such as Brazil, Ethiopia and Madagascar¹⁶)

13 See [UNFCCC, 2010](#), Decision 1/CP.16.

14 Between 2015 and 2018 there was a 45% increase in the number of countries reporting launching or initiating the process to formulate and implement NAPs ([UNFCCC-LDC Expert Group, 2018](#), p. 12). NAPs contribute to other processes under the Paris Agreement, such as the nationally determined contributions (NDCs) and adaptation communications. NDCs and NAPs can be complementary and reinforcing, with NDCs enabling countries to share their adaptation goals, objectives, priorities and actions with the international community, and NAPs facilitating the achievement of these ([NAP Global Network, 2017](#)). About 75% of countries who submitted NDCs chose to include actions on adaptation (see [UNFCCC-LDC Expert Group, 2018](#), p. 26; [AdaptationCommunity.net](#)).

15 At the time of writing, the Tongan Joint National Action Plan on Climate Change and Disaster Risk Management (JNAP2) 2018–2028 has not been formally submitted yet to the UNFCCC NAP Central.

16 Madagascar NAP has not been formally submitted to the UNFCCC NAP Central.

- DRR presented as a cross-cutting theme or integrated throughout priority sectors in a NAP, either implicitly or explicitly (such as Fiji, Grenada, Kenya and Peru,¹⁷)
- DRR presented as both a stand-alone sector or priority and cross-cutting theme (such as Saint Lucia).

In some cases, explicit references are made to the role of law and policy in supporting climate change adaptation-DRR integration. The Brazilian NAP ([Ministry of Environment, Brazil, 2016](#)) urges the full implementation of the National Policy for Civil Protection and Defence as a measure to “directly promote reduction of disaster risks while, at the same time, fostering adaptation to climate change”. Similarly, the Kiribati Joint Implementation Plan ([Government of Kiribati, 2019](#)), which prioritizes 104 climate adaptation and DRR actions, recommends to “enhance coordination between climate change adaptation and disaster risk management programmes and legislation”.

6.3.2 National DRR strategies (Target E)

Target E of the Sendai Framework commits governments to “substantially increase the number of countries with national and local disaster risk reduction strategies by 2020”. According to one of the two target indicators (E-1), DRR strategies should be “in line with the Sendai Framework”.¹⁸ It also includes as a criterion that DRR strategies should “promote policy coherence relevant to DRR such as sustainable development, poverty eradication, and climate change, notably with the SDGs and the Paris Agreement”.¹⁹

While a good number of states have reported their progress towards Target E-1 via the Sendai monitoring platform ([UNDRR, no date](#)) with an increasing average score for the policy coherence criterion between 2015 and 2019, only 14 countries currently report its ‘full implementation’ (Chile, Costa Rica, Japan, Kyrgyzstan, India, Nepal, Malawi, Mexico, Peru, Qatar, Tajikistan, Thailand, UK and Uzbekistan).

In terms of good practice, the Chilean National Strategic Plan for DRR 2015–2018 ([Ministry of the Interior and Public Security, 2016](#)) calls for integrated DRR interventions which consider climate change adaptation perspectives, especially in terms of infrastructure and human settlements, and the development of a methodology to identify risks drivers which consider climate change patterns. And the Malawi National Resilience Strategy (2018–2030) ([Government of Malawi, 2018](#)) systematically addresses the combined risks of drought, flood and food insecurity, thereby planning integrated measures based on the concept of climate-resilient development (such as climate-smart agricultural practices).

6.3.3 Key findings on national planning and strategic processes

The experience with NAPs and national DRR strategies shows some undeniable progress towards an integrated approach between climate change adaptation and DRR. However, some concerns remain around both processes.

¹⁷ See [NAP Global Network \(2020\)](#). At the time of writing, Peru’s NAP was about to be approved by government bodies and launched.

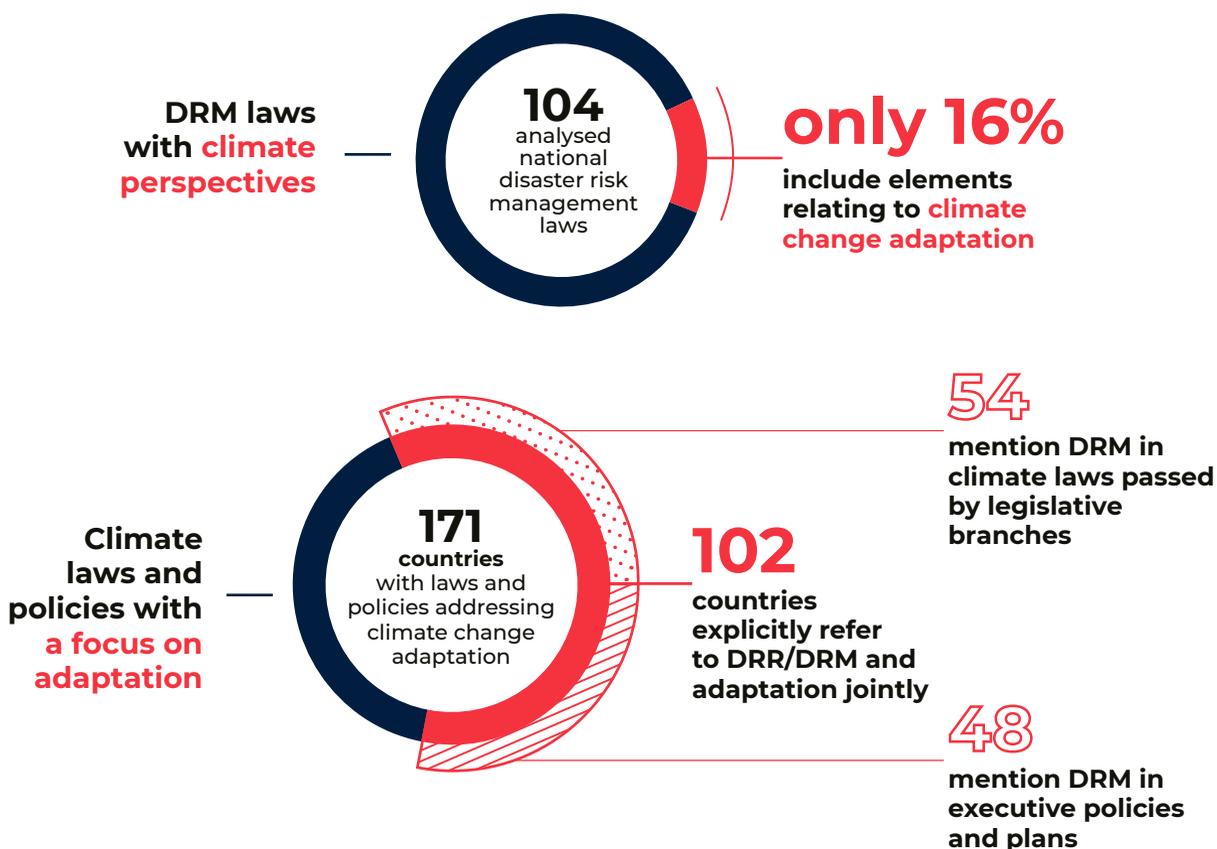
¹⁸ The same indicators are used in measuring disaster-related global targets of SDGs 1, 11 and 13 ([UN Statistical Commission, 2017](#)).

¹⁹ Key element for evaluation E-1 a #9, see [UNISDR \(UNDRR\), 2017](#), p. 116.

First, just adopting a strategy does not necessarily lead to action, particularly at local level ([UNISDR, 2017](#)). In many African countries where national strategies have shifted from response focus to risk focus, the rate of implementation, due to factors such as institutional fragilities and politicization, remains very low (only 5% have been on track to implement their national strategies, see [African Union, 2020](#)). Significant discrepancies have also been reported between the objectives of NAPs and states' capacity to undertake – and report on – their implementation ([UNFCCC, 2018](#)).

This also highlights the importance of planning processes providing a clear understanding of the necessary technical and financial resources. The Burkina Faso NAP ([Ministry of Environment and Fishery Resources, 2015](#)) has been identified as good practice in this sense, including information on financial needs and the estimated budget for implementing any sectoral adaptation action ([UNFCCC-LDC Expert Group, 2018](#)). Finally, since the ultimate value of planning instruments lies in their capacity to prompt effective action, the need for clear legislative mandates, including identifying and allocating institutional roles and responsibilities, appears to be pivotal (see [IFRC, 2019b](#); [IFRC and UNDP, 2015b](#); [UNDP, 2019](#)). These aspects are explored in Boxes 6.1 and 6.2.

Figure 6.2 How integrated are legal and policy frameworks?



BOX 6.1: QUALITATIVE AND QUANTITATIVE OVERVIEW OF DRM LAWS WITH CLIMATE PERSPECTIVES

The IFRC Disaster Law Programme supports National Societies and states in the field of disaster law, including around the areas of concern addressed in this report. This happens mainly through technical assistance, capacity building, advocacy, development of tools, models and guidelines, as well as research and promotion of the sharing of experiences, techniques and best practices among countries.²⁰

As part of these activities, an IFRC global survey conducted in 2019 on domestic laws addressing DRM shows that **only 16% of the 104 DRM national laws analysed include elements relating to climate change adaptation.**²¹ Those pieces of legislation generally introduce a climate perspective in conjunction with a specific DRR component, and in most cases their provisions encompass detailed and comprehensive references to DRR definitions, specific measures and activities. All of this legislation was adopted from 2009 onwards and most – 69% of cases – by countries in Latin America or East Asia.

Many of the analysed DRM laws establish the first connection with climate change adaptation via an initial definitions section (Angola, Bolivia, Colombia, Mexico, the Philippines, Vanuatu). Then, the need to integrate national policies on civil defence and disaster management with other national priorities, including climate change, is often incorporated as a legal duty (Brazil, Madagascar, Mexico, Peru, the Philippines, Viet Nam). In other cases, specific regulations and measures for disaster management are formulated for strengthening cooperation with hazard risk prevention programmes, such as climate change adaptation, including at subnational level (Cambodia, Colombia, Myanmar).

In some instruments, high-level governmental authorities and/or territorial administrations are formally endowed with the duty to harmonize implementing activities and promote climate change adaptation-DRR coordination, policies and plans (Colombia, Honduras, the Philippines, Vanuatu, Viet Nam). Similarly, specific advisory bodies with climate change adaptation competence are created and/or tasked with supporting the work of DRR national committees or authorities (Bolivia, the Philippines). Other DRM laws consolidate cross-sectoral information and implement specific measures to cope with climate contingencies (Mexico, the Philippines, Seychelles, Vanuatu) or favour complementarity between financial instruments relating to any thematic issue with some relevance for DRM and climate adaptation (Bolivia). The Cambodian Law on Disaster Management (2015) provides for the enforcement of individual obligations to participate in climate change adaptation and DRR by abiding not only the law but also any “regulation and direction of the competent authorities” and “immediately reporting to the competent authorities of any risk situation that would cause a disaster”.

²⁰ See [IFRC, no date](#).

²¹ IFRC (2019) DRM Law Index Database (developed in cooperation with White & Case LLP and other academic partners). Though in most countries laws and policies on DRM interplay as part of the same regulatory system, this box focuses on the content of binding legal instruments.

BOX 6.2: QUALITATIVE AND QUANTITATIVE OVERVIEW OF CLIMATE LAWS AND POLICIES WITH A FOCUS ON ADAPTATION

The Grantham Research Institute on Climate Change and the Environment at the London School of Economics compiles and analyses climate change laws and policies globally ([GRI, no date](#)). The dataset shows a close and growing link between climate change adaptation and DRM frameworks. Globally, of the 171 countries that have laws and policies to address climate change adaptation, 102 countries explicitly refer to DRR/DRM and adaptation jointly in their climate change laws and policies. These include 'framework' laws and policies (overarching, cross-sectoral laws or policies, such as Kenya's Climate Change Act ([Republic of Kenya, 2016](#)) or the Philippines Climate Change Act ([Republic of the Philippines, 2008](#)), and 'sectoral' ones. **Just over half (54) of the 102 countries mention DRM in climate laws passed by legislative branches, while the remaining 48 mention DRM in executive policies and plans.**

A global review of climate change adaptation laws and policies taken by the Grantham Research Institute ([Nachmany and Byrnes, 2019](#)) analysed framework laws in 100 countries. The analysis mapped physical hazards the laws and policies respond to, including extreme weather events such as floods and droughts (both mentioned by around 80% of the countries analysed), storms (61%), wildfires, heatwaves and landslides or mudslides (all mentioned by around half of the countries analysed). Acknowledging these risks can play a role in preventive planning as well as in planning and prioritizing response strategies. However, further analysis of flood risk management laws in 33 flood-prone countries ([Mehryar and Surminski, 2020](#)) shows a prevailing focus on the response and recovery strategies, and a lack of recognition of risk reduction strategies and proactive flood risk governance approaches.

As for the link to the global instruments, there appears to be an institutional disconnect between climate change adaptation and DRM approaches – while laws and policies in two-thirds of the 100 countries analysed in the Grantham Research Institute global review reference the UNFCCC and the Paris Agreement, only seven explicitly mention the Sendai Framework. While no one approach is 'right', synergies can be found in joining up the two agendas more closely.





Dominica, 2017. The village of Layou was destroyed when Hurricane Maria struck in 2017. In the aftermath of the hurricane, Dominica made significant choices designed to have a long-term impact on environmental recovery, disaster management and climate resilience.

BOX 6.3 / CASE STUDY

CLIMATE-SMART POLICY-MAKING IN THE COMMONWEALTH OF DOMINICA

The link between climate change and disaster risk has become abundantly clear for the small island developing states of the Caribbean. The region's high-risk profile for disasters has been compounded by increasing ocean temperatures (leading to increased wind speeds in tropical storms) as well as increased frequency and intensity of the yearly hurricanes affecting the Atlantic and Caribbean Sea (see Chapter 2).

Among the most affected small island Caribbean states, the Commonwealth of Dominica is fast becoming a global standard in improving resilience through legislation and governance. In 2017, the island was devastated by Hurricane Maria ([ACAPS, 2018](#)), a category 5 storm and one of the most destructive of the 10 consecutive hurricanes to hit the Caribbean during the hyperactive 2017 Atlantic hurricane season. The disaster put every aspect of Dominica's government, economy and society under strain, wiping out entire communities and crippling businesses and social services for months. It also provided the country with a unique opportunity to reset its regulatory and infrastructure development systems with the integrated goal of advancing climate change adaptation and risk resilience.

In the aftermath of the hurricane, the country made significant choices designed to have a long-term impact on environmental recovery, disaster management and climate resilience. From including seeds and seedlings in relief packages – thus favouring environmental restoration and food security – to establishing a Climate Resilience Execution Agency²² and a National Resilience Development Strategy ([Commonwealth of Dominica, 2018](#)). The strategy provided that, at the highest level, a Climate Resilience and Recovery Plan ([Commonwealth of Dominica, 2020](#)) – subsequently adopted in 2020 – should reflect the three pillars of resilience: 1) climate-resilient systems, 2) prudent DRM systems, and 3) effective disaster response and recovery. These initiatives are expanding possibilities for climate-smart DRM policy-making in the small island economy.

The Climate Resilience Execution Agency, whose mission is to “assist all public institutions, private sector and civil society in becoming better equipped to manage disasters and recovery from disasters in the future” was formed by the Climate Resilience Act of 2018 ([Commonwealth of Dominica, 2018](#)), a legal instrument aimed at promoting “the swift and cost-effective recovery of Dominica from climate-related disasters”. The agency has a legislative mandate to integrate climate resilience in Dominica's infrastructure development, capital projects, reconstruction activities as well as in all government plans and policies. It is implementing extensive community activities designed to build knowledge, practices and attitudes that enhance the resilience to extreme weather events among families, businesses and civil society.

Dominica aims through these initiatives to become the world's first climate-resilient island and to “hurricane-proof” all aspects of public and private life. This aim is supported by the IFRC's disaster law research in the Caribbean, which is testing the integration of climate change adaptation metrics in how we assess and advocate for better national disaster laws so that islands like Dominica can build their resilience journey on the foundations of comprehensive laws and regulations.

²² See [Climate Resilience Execution Agency](#)

BOX 6.4 / CASE STUDY

DEVELOPING MORE HARMONIZED POLICIES AND INSTITUTIONS IN THE PHILIPPINES

The Philippines has consistently ranked in the top five countries most affected by natural hazards, and in 2019 was affected by more disasters than any other country. It was the fourth most-affected country in terms of climate- and weather-related disasters spanning from 2000 to 2019 (see Chapter 3). Many communities live near the sea and its tributaries, relying on them as the source of daily subsistence. The country is also experiencing a high level of urban migration mostly moving towards the National Capital Region, concentrated in Metro Manila, a densely populated network of cities with high flood risk and a huge number of informal settlements.

Due to the frequent, and often extreme, climate-related disasters the Philippines has previously experienced, it has developed a relatively advanced legal framework for climate change adaptation and DRR. The Climate Change Act ([Republic of the Philippines, 2008](#)) and the Disaster Risk Reduction and Management Act ([Republic of the Philippines, 2010](#)), respectively, are the core legal documents establishing resources and responsibilities for each policy area.²³ The latter codifies the policy on DRR-climate change adaptation integration, and both laws ensure that each area is budgeted for. There is a legally mandated 5% earmarking of local funds and a dedicated national fund for DRR (Sections 21 and 22 of the act), while the 2012 amendment of the Climate Change Act created the People's Survival Fund, ([Republic of the Philippines, 2011](#)) a pooled fund for eligible climate change adaptation projects, some of which also benefit DRR. The challenge, however, is in the integrated planning and monitoring of the vast array of activities that will implement these legal norms.

On the climate change side, the Philippines is updating its National Climate Change Adaptation Plan ([Climate Change Commission, no date](#)) (which will cover the NAP and the nationally determined contributions per the Paris Agreement) and also adopted a National Climate Risk Management Framework in 2019 ([Climate Change Commission, 2019](#)). The new framework is meant to harmonize various efforts on climate risk management, including a science-based measurement of climate risk that will guide anticipatory measures to avoid or lessen the impact of climate-related events. The framework uses a 'climate risk management action formulation' – a series of actions similar to DRM processes that address the underlying factors of risk.

A Presidential Executive Order No. 24 organized a Cabinet Cluster on Climate Change Adaptation, Mitigation and Disaster Risk Reduction in 2017 ([Climate Change Service, 2018](#); [President of the Philippines, 2017](#)). This seeks to improve coordination among government agencies in integrating all DRR, climate change adaptation, environmental management and sustainable development efforts, with a roadmap that aims to see climate and disaster-resilient communities in select coastal and urban areas by 2022.

²³ In 2019, the Philippines disaster risk index score was lowered to ninth in the world: this would not have been possible without an enabling DRR-climate change adaptation legal framework.

6.4 ENGAGING LOCAL ACTORS AND COMMUNITIES THROUGH INTEGRATED REGULATORY APPROACHES

To effectively reduce disaster and climate risks, cooperation between communities and the different levels and sectors of government is needed. As stated in the Sendai Framework,²⁴ and already recommended by relevant IFRC tools supporting law and policy reform processes ([IFRC and UNDP, 2015a](#); [IFRC and UNDP, 2015b](#)), ‘local risk governance’ requires effective engagement with – and support to – local partners and communities. A focus on creating an enabling environment for implementation of DRM and climate change laws “without needing to be underpinned by high per capita incomes” has been found to be critical ([Satterthwaite, 2011](#)).

This can also generate bottom-up demand for joint implementation of DRM, development and climate change laws and policies. An example of this can be found in the IFRC ‘Know Your Rights, Roles and Responsibilities’ Project, which supports greater awareness and understanding of local authorities and citizens corresponding entitlements and duties under the relevant climate/disaster-related legislation. This allows for a more informed exercise of their roles, a meaningful engagement in decision-making and more empowered implementation (see for example, [IFRC, 2020b](#)). Another good example is a set of training and awareness-raising activities addressing the effects of disasters caused by climate change for all segments of society (including local administrators) organized by the Turkish Ministry of Environment and Urban Planning as part of the EU co-funded project Enhancing Required Joint Efforts on Climate Action Project ([iklimIN, no date](#)).

Efforts toward coherent implementation of global agreements and their corresponding national frameworks are also evident in some subnational and community-level initiatives. With support from CSOs and global alliances, efforts have been made to help communities use climate and weather information to assess the risks they face now and in the future. CSOs can help unpack the science, connect policy-makers with scientists and practitioners, and find ways to break the silos on the ground.

Furthermore, law can play a key role in ensuring active and meaningful participation of at-risk communities in decision-making. One good example is Viet Nam’s 2013 Law on Natural Disaster Prevention and Control, which recognizes the critical role that local organizations, households and individual people play in risk management. It establishes community-level ‘People’s Committees’ and makes explicit provisions for communities to help develop local plans on disaster prevention and control, which are integrated into local socioeconomic development plans. Another good example is New Zealand’s Resource Management Act, which requires local authorities to seek and consider comments from New Zealand’s indigenous (Maori) community in any matters related to environmental policy. It also provides specific detail on how this consultation should be conducted.

²⁴ [Sendai Framework](#), paragraph 27 (f).

Meanwhile, in Samoa, the National Disaster Management Plan 2017–2020 ([Government of Samoa, 2017](#)), tasks the Law and Justice Sector to ensure clear roles for community representatives are assigned in the DRM institutions and processes. And comprehensive public and community consultations in the development of laws, policies and plans must meaningfully engage “women, children and youth, persons with disabilities, poor people, indigenous peoples, volunteers, the community of practitioners and older persons”. The same instrument establishes ‘Village Disaster and Climate Committees’ responsible for coordinating disaster mitigation and preparedness programmes and activities at the community level, and for coordinating the various village response teams for different threats. It is the role of the Ministry of Women, Community and Social Development to support, monitor and liaise with village councils and organizations as they implement disaster management activities.



Nepal, 2017. Proud grandmother Hira Gurung lives in a remote hillside community. In Nepal, municipal leaders are encouraged to work together with their communities in assessing their risk governance frameworks and to main stream climate smart DRR at the local level.

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BOX 6.5 / CASE STUDY

STRENGTHENING LOCAL RISK GOVERNANCE IN NEPAL

Nepal's 2015 Constitution set the course for a major shift of power from central to local governance. The ensuing passage of national legislation (Local Government Act 2017 and Disaster Risk Reduction and Management Act 2017) further stipulated that the 753 newly formed municipalities would assume full responsibility for DRM, as well as taking on many new sectoral roles and functions such as education, health, transport, irrigation and agriculture. While communities and municipal authorities across the country welcomed the opportunity to have greater decision-making power in respect of these critical sectors, many felt overwhelmed by the growing and complex portfolios, including how to ensure a functioning governance system across them.

Grounded in its long experience of risk reduction and management at community level, Nepal Red Cross Society initiated a process to help local decision-makers and communities to take a more systematic and coordinated approach in the decentralization and mainstreaming of climate-smart DRR at local level. In close consultation with municipal and federal authorities, community leaders and development partners, the Municipal Risk Governance Assessment Tool was developed. This provides an easy-to-use checklist and self-assessment framework to support more risk-informed municipal regulations, policies and systems. It addresses six thematic areas which have to be considered: 1) legal and policy framework, 2) institutional and organizational structure, 3) planning, budgeting and monitoring, 4) coordination and partnership, 5) resources and capacities and 6) cross-cutting issues (focusing on inclusion). This tool is undergoing final endorsement by the Government of Nepal.

Municipal leaders are encouraged to work together with their communities in assessing their existing risk governance frameworks, identifying gaps and weaknesses, and pinpointing where further investment is needed including opportunities for mainstreaming DRR and DRM across different sectors, such as development and financial planning. The assessment tool is expected to be piloted in select municipalities in late 2020, before nationwide roll-out.



BOX 6.6 / CASE STUDY

ENSURING AN INCLUSIVE AND INTEGRATED RISK MANAGEMENT APPROACH IN UGANDA'S CLIMATE CHANGE BILL

“Enacting a climate change law in Uganda shall strengthen coordination, programming, resource allocation which are all essential for effective disaster risk management at all levels,” Brian Kanaahe, Community Resilience Manager, Uganda Red Cross Society

Uganda continues to face climate change impacts including recurrent flooding, droughts and disease outbreaks. The 2013 National Climate Change Policy was developed to assist the country in dealing with climate change and building a green economy. But the government needed appropriate legal instruments to implement the policy and so the climate change bill was developed in 2016.

The Uganda Red Cross Society and the Red Cross Red Crescent Climate Centre, with the support of the Partners for Resilience consortium in Uganda ([Partners for Resilience, no date](#)), engaged in a series of activities to influence the draft bill, which would provide for effective institutional arrangements to accelerate climate action and reduce disaster risk. This included conducting a gap analysis to ascertain how the proposed bill would address the need for DRR and ecosystem management and restoration. The analysis revealed that 1) the bill had limited focus on addressing the needs of the most vulnerable people, 2) it would benefit from a diverse climate change advisory committee that included non-state actors (which was subsequently formed), 3) more funding was needed to implement climate action and 4) recognition for indigenous knowledge in adaptation and mitigation needed to be heightened.

A full 40% of the recommendations from civil society, informed in part by the gap analysis, were considered in the draft climate change bill. In May 2020, the bill was passed by the Cabinet and at the time of writing it was awaiting review by Uganda's parliament.



Uganda, 2020. Uganda continues to be affected by climate change impacts, including recurrent flooding, droughts and disease outbreaks. To implement the 2013 National Climate Change Policy, Uganda developed a climate change bill that was passed by the Cabinet in early 2020.

© Uganda Red Cross Society

6.5 CONCLUSIONS AND RECOMMENDATIONS

Law, policy and strategic planning are vital for reducing human vulnerability and increasing the resilience of communities against weather- and climate-related hazards. Climate-smart law and policies will be key for achieving successful and inclusive implementation of the climate crisis action plan discussed in previous chapters. Harmonized regulatory approaches can reduce the impact of climate risk by integrating analysis and knowledge of the expected changes to the frequency and severity of extreme weather events into national and local DRM plans. This approach is increasingly embraced by decision-makers, experts and practitioners as enabling more consistent and sustainable domestic action ([GPDRR, 2019](#); [UN, 2019](#)).

The 2015 global frameworks are helping many states to accelerate progress on climate change adaptation, DRR and sustainable development. However, this is only the starting point.

What needs to happen next

Turn international commitments into national laws and policies

- Commitments must be translated into national laws and policies in a coherent way to enable concrete impacts on the ground. More efforts are needed to promote this approach. For example, the UNFCCC COP could recommend financial mechanisms of the operating entities to prioritize funding for more integrated and specific measures, thus prompting cross-sectoral policy planning. New action plans at regional and global levels could help states identify steps to follow to operationalize the Sendai Framework through regulatory instruments.

Ensure laws and policies are climate smart, understood and implemented

- Greater efforts and political leadership are needed at national and subnational levels. Law and policy frameworks should press for more institutional and cross-sectoral coordination and be climate-smart, that is, build on available science and practice on present and future risk trends and patterns. There needs to be constant investment and action to ensure that these laws and policies are understood, well-resourced and fully implemented, particularly at subnational level. Finance ministries and institutions responsible for budget allocation must be an active part of decision-making.

Consider decentralizing to subnational level to connect from the bottom-up

- More decentralization to subnational authorities (regions, provinces, municipalities) should be considered, with the aim of empowering local decision-makers and connecting citizens and marginalized groups to local authorities in an inclusive and transparent way.²⁵

Such law and policy-making approaches would enable a more multifaceted response to the multi-pronged challenge of climate change. There are many promising examples and ways that states can learn better from each other's experiences. Identifying and further disseminating these regulatory models and translating these into effective action on the ground are key for a climate-resilient future.

25 This could be done, for instance, along the lines of Talanoa Dialogue Approach, see [UNFCCC, 2017](#).

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