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# Law and Policies for Strengthening Climate Resilience

## *Enhancing normative integration between climate change adaptation and disaster risk reduction*

Report on webinar held on 13<sup>th</sup> July 2021

### Introduction

This webinar focused on how to enhance normative integration between climate change adaptation (CCA) and disaster risk reduction (DRR) to strengthen climate resilience. The event took place under the auspices of the EU Jean Monnet project ‘Disseminating Disaster Law for Europe’ ([DILAW4E](#)), and was hosted by the Centre for Criminal Justice & Human Rights ([CCJHR](#)) in University College Cork (UCC), in collaboration with [IFRC Disaster Law](#) and the [Department of Law in Roma Tre University](#).

The webinar was facilitated by Dr. Dug Cubie (UCC) who introduced the theme of the webinar and established its format. The discussion was opened by Isabelle Granger (IFRC) who provided the background to the subject and emphasised the importance of an integrated approach to CCA and DRR. Professor Giulio Bartolini (Roma Tre University) concluded the discussion by reflecting on the importance of cohesion taking place, not only on a national level, but on a regional and international level.<sup>1</sup>

With each passing year the effects of climate change are becoming more evident with extreme weather events occurring across the globe. The unpredictable impacts of climate change are devastating lives and livelihoods and causing greater vulnerability for people and communities at risk. In response to these hazards, an integrated approach between CCA and DRR is needed. Yet, in many domestic systems, such an approach is not currently reflected in relevant law and policy.

This webinar brought together researchers working in different parts of the world to discuss and reflect on the regulatory integration of CCA and DRR on a national and international level. Following a global overview of relevant findings in this field, each of the presenters reported on a specific geographical area, namely Sweden, Kenya and Ireland. Despite this variety of contexts, common themes and aligned perspectives on the integration of CCA-DRR into law and policy were observed across their research findings.



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<sup>1</sup> The webinar organisers would like to thank Emily O’Driscoll, UCC School of Law, for her support during the event and in drafting the report of the webinar.

## The Participants



**Dr. Tommaso Natoli** is an Irish Research Council/Marie Skłodowska-Curie Action CAROLINE Fellow in the School of Law of the University College Cork (UCC), who was seconded as a researcher to the Disaster Law Programme in the International Federation of Red Cross & Red Crescent Societies (IFRC) headquarters in Geneva for one year (2019-20). His research project, entitled ‘Leave No One Behind: Developing Climate-Smart/Disaster Risk Management Laws that Protect People in Vulnerable Situations for a Comprehensive Implementation of the UN Agenda 2030’ is a two-year project encompassing analysis of the global integration of the

legal and policy frameworks for climate change adaptation, disaster risk reduction and the SDGs, assessed through empirical research conducted in three different regional contexts (Fiji/Pacific Island Countries; the Philippines; Dominica). His ‘Global Synthesis Report on Law and Policies for Climate Resilience’ is available [here](#).



**Dr. Marie Aronsson-Storrier** is a Lecturer and Programme Director for the LLM in International Law; LLM Human Rights and LLM Advanced Legal Studies at the University of Reading, UK. Marie conducts research and teaching in global law and disasters, with a particular focus on international law-making, disaster risk reduction, and global security. Her current research explores the role of (international) law in creating and addressing disaster risk, including questions around vulnerability and natural, human-made, and biological hazards, as well as the inclusion of vulnerable and marginalised persons in law- and decision-making processes. Her study on

‘Sweden and the Sendai Framework for Disaster Risk Reduction 2015-2030. A Gap Analysis’ is available [here](#).



**Catherine Wangechi Mwangi** is a researcher in the International Centre for Humanitarian Affairs (Kenya Red Cross) in Nairobi. Thanks to the support provided by the IFRC Disaster Law Regional Office for Africa, she collaborated with Sarah Nduku (ICHA-KRC) in the drafting of a research report examining the integration of climate change adaptation and disaster risk reduction in Kenyan Law and Policies at the national and local levels. This study, entitled ‘Law and Policies that Protect the Most Vulnerable against Climate-Related Disaster Risks: Findings and Lessons Learned from Kenya’, also investigated community

participation in decision-making in this field and its potential impact on community resilience. It represents a complementary output of the research project ‘Leave No One Behind – Developing Climate-Smart/Disaster Risk Management Laws that Protect People in Vulnerable Situations for a Comprehensive Implementation of the UN Agenda 2030’ and is available [here](#).



**Peter Medway** is an independent consultant with extensive experience in international evaluation and monitoring for UN agencies, the Red Cross Red Crescent Movement and other international organisations. For the past 12 months he has been working in the UCC MaREI Centre, with Dr. Martin Le Tissier and Dr. Dug Cubie, on a research project funded by the Irish Environmental Protection Agency to examine how to integrate CCA and DRR into the Irish emergency planning system. Further details on this research project are available [here](#).

## The Reports

### 1. Global Synthesis Report on Law and Policies for Climate Resilience: Enhancing Normative Integration between Climate Change Adaptation and Disaster Risk Reduction (Dr. Tommaso Natoli)



Despite growing awareness and interest in tackling climate change, strengthening climate resilience still appears to be one of the most challenging goals of the [post-2015 global agenda on climate-risk governance](#). Comparative analysis of [previous literature on the subject](#) generally suggests that the objective of achieving in-country integrated and sustainable institutional settings largely depends on the adoption of legal and policy tools. The introduction or reform of legislation by States is expected to contribute to climate resilience by enabling enhanced coordination and communication between all stakeholders, reducing duplication, optimising resources and improving effectiveness.

However, the current literature does not provide guidance on specific normative models and standards to be followed, nor empirical findings on the impact of more coherent legislation or policies relevant to climate resilience. This called for further research to better define the role of law and policy on this subject and identify recommendations for key improvements. Hence, as part of a research project in partnership with IFRC Disaster Law and the UCC School of Law, Dr. Tommaso Natoli conducted empirical case studies in three selected countries/regions across the globe (Fiji, the Philippines, Dominica) where normative improvements are underway.<sup>2</sup> This research was instrumental to the identification of successful practices and/or main challenges in the adoption of governance mechanisms that strengthen resilience capacities and reduce vulnerabilities of the most at-risk.

The research findings do not make prescriptive normative claims about what degree or type of integration is preferable, or identify a single, ideal normative model. On the contrary, based on the current situation across a range of countries and the identification of good regulatory practice representing useful models of reference, they provide the basis for a set of recommendations on how a more integrated approach can be applied in different national and subnational contexts.

#### Key recommendations from the research:

- Improve normative integration and institutional harmonisation across governance sectors.
- Develop mechanisms to assess implementation and align the timing for reviews and updates.
- Ensure a consistent allocation of resources for integrated risk assessments and CCA-DRR mainstreaming at all levels.
- Favour normative alignment with the international and regional levels.
- Integrate CCA-DRR law and policies with sustainable development and poverty reduction policies that ‘leave no-one behind.’
- Address specific vulnerabilities, gender mainstreaming and social inclusivity.
- Ensure effective and scaled-down implementation through community engagement.
- Build on the opportunities provided by nature and ecosystems.

<sup>2</sup> This research was funded by the Irish Research Council and EU Horizon 2020 research and innovation programme under Marie Skłodowska-Curie grant agreement No 713279. Financial support was also provided by the German Government.

## 2. Sweden and the Sendai Framework for Disaster Risk Reduction 2015-2030: A Gap Analysis (Dr. Marie Aronsson-Storrier)



RESEARCH REPORT  
Sweden and the Sendai Framework  
for Disaster Risk Reduction  
2015-2030

A Gap Analysis



The UN Sendai Framework for Disaster Risk Reduction 2015-2030 calls for a greater understanding of disaster risk. It acknowledges that disasters are largely socially produced and constructed, and therefore steps can and should be taken to prevent and mitigate the impacts of various hazards and to address vulnerability to these. The Framework is based around 4 priorities: 1) the understanding of disaster risk; 2) strengthening disaster risk governance to manage disaster risk; 3) investing in disaster risk reduction for resilience; and 4) enhancing disaster preparedness for effective response. These priorities are targeted by the fifty-nine measures of the Framework.

Dr. Aronsson-Storrier was commissioned by the Swedish Civil Contingencies Agency to conduct a gap analysis of the integration of the Sendai Framework into Swedish law and policy. The primary purpose of this study was to assess Sweden's progress in implementing the Framework at a national and local level to identify which measures should be developed in order to strengthen Sweden's ability to meet the global targets.

To evaluate Sweden's incorporation of the Sendai Framework, Dr. Aronsson-Storrier reviewed existing law, policies and guidance published by government authorities and conducted semi-structured interviews with representatives from national and local authorities. Through this research, she determined that significant progress has been made in enhancing Sweden's application of the Framework; however, challenges still remain in relation to the majority of the measures.

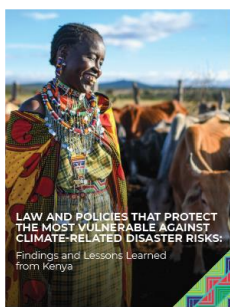
Sweden's overarching disaster risk management system is still focused on preparedness and response, with further progress needed on areas such as prevention, mitigation, risk creation and recovery. The language used in relevant legislation reflects this, with a focus on 'crisis management' rather than the processes through which disaster risk is produced. In terms of inclusion, while Sweden has a positive record in terms of gender, there is little evidence of other groups being represented or actively invited to participate in the development of DRR policies. Indeed, the UN Women policy tracker of inclusive DRR identified Sweden as one of the few states which do not mention any of the marginalised groups set out in the Framework in its existing DRR law and policies.

Dr. Aronsson-Storrier concluded by re-iterating that Sweden does have a positive record on climate change and CCA with very promising developments being made. There is furthermore a clear acknowledgement of the importance of CCA and DRR in achieving sustainable development. However, there is a need for further integration of DRR as there continues to be a strong focus on preparedness and response which do not encompass all aspects of disaster risk management.

### **Key recommendations from the research:**

- Adopting a more comprehensive understanding of risk.
- Increased oversight, clarity and coherence.
- Increased funding for actors with significant responsibilities, including municipalities.
- Inclusion of vulnerable and marginalised groups in DRR policies and decision-making processes.
- Further integration of DRR and CCA into the ongoing work on UN's Agenda 2030.

### **3. Law and Policies that Protect the Most Vulnerable against Climate-Related Disaster Risks: Findings and Lessons from Kenya (Catherine Wangechi Mwangi)**



The need for further research to better define the role of law and policy on the integration of CCA and DRR and to identify potential recommendations for improvements formed the basis of this report focusing on the Kenyan context. The aim of the study was to contribute to the discourse on achieving sustainable integration of CCA and DRR by investigating the role of law and policy-making in Kenya, as well as community participation in the development of CCA and DRR policies and its impact on community resilience.

To achieve this aim, research was conducted by Sarah Nduku, with support from Ahmed Idris, Catherine Wangechi Mwangi and Naomi Ng'ang'a. This research consisted of a 3-pronged inquiry on coherence in Kenya looking at strategic coherence, institutional coherence, and coherence in resource allocation with a focus on participation by vulnerable groups.

This research led to the identification of several gaps in Kenyan law and policy in relation to the integration of CCA and DRR. The lack of a national Disaster Risk Management Law remains a hindrance as such a law could provide a useful benchmark for local laws. There is a lack of understanding of the need to integrate CCA and DRR resulting in a siloed approach which hampers progress. The fragmentation of CCA and DRR is also present in funding mechanisms with many counties not allocating funds for these areas in their annual budgets. In terms of participation, it was found that certain obstacles persist which limit the inclusion of minority groups. Where laws and policies are not translated into local languages or are written using highly technical language, those lacking education may not be able to understand them. Furthermore, some events aimed at increasing community participation are being held as a formality without real input from minority groups.

#### **Key recommendations from the research:**

- There is a need to develop a national law on DRR aligned with the CCA agenda.
- Overarching national institutions responsible for DRR and CCA should be created to reduce the duplication of functions and the fragmentation of resources across several state departments.
- The National Treasury should map out all DRR and CCA funds available to the state and channel them towards predetermined joint action plans at the national and county levels.
- Risk profiles should be developed at the county level to inform cross-sectorial actions on CCA and DRR.
- Public participation forums should use multiple channels and languages.
- The language used in laws and policies should be simplified.
- Concerted efforts should be made to include specific groups and organisations in the development of CCA and DRR.
- Laws and policies should enhance the inclusion of provisions catered to addressing the needs of vulnerable groups.

#### 4. Enhancing Integration of DRR and CCA into Irish Emergency Planning (Peter Medway)

Literature Review on Enhancing  
Integration of Disaster Risk and Climate  
Change Adaptation in Irish Emergency  
Planning  
13/07/2020  
Greene, S., Medway, P., Cubie, D., Le Tissier, M.



The aim of this research project is to identify the institutional and policy linkages and barriers to the coordination and integration of CCA and DRR in Ireland, and to provide a roadmap for integrating emergency planning and CCA into existing policy instruments.

To achieve this aim, key informants from relevant governmental and non-governmental institutions were interviewed to provide a detailed snapshot of the current state of policy and planning, implementation, and integration. These interviews highlighted that Ireland currently has a substantial policy base and

mitigation works are extensive. So far, emergency response capacity has matched demand and climate information is increasingly available. Information collected allowed for the development of a research hypothesis premised on the use of the EU-funded ESPREssO project's SHIELD model as an analytical and implementation tool to enhance integration of disaster risk and climate change adaptation into Irish emergency planning.

The research examined Ireland's current model for emergency planning which is based on a sequential model of coordinated action at all stages of the disaster cycle. While this plan seems well organised on paper, in practice the connections between different actors and integration between stages is not as seamless as it could be. In addition, both the mitigation and the recovery stages are not as well integrated into the overall approach, which has an emphasis on the planning and actual response to emergencies, as they should be. It was also noted that the Sendai Framework is not integrated into Irish domestic practice and the Irish approach focuses primarily on response rather than resilience.

Based on these findings, Mr. Medway suggested that the Irish approach should be developed to promote a greater level of integration. For example, drawing on European good practice, the [ESPRESSO project](#) recommended that stakeholders should adopt a risk governance approach, aligned with the Sendai Framework's second priority of strengthening disaster risk governance to manage disaster risk. Governance systems can then be strengthened through the six capabilities or pathways set out in the SHIELD model which covers the following areas:

1. Sharing knowledge
2. Harmonizing capacity
3. Institutionalising coordination
4. Engaging stakeholders
5. Levering investment and financing
6. Developing communications

The final research report for this project will be published in due course.

## **Common Themes**

From the reports presented in the webinar, it is clear that the effective and coherent integration of CCA and DRR into law and policy at the national level faces many similar challenges across different countries and regions, such as lack of understanding of the importance of integration, a siloed approach to CCA and DRR objectives and practice, inconsistent funding and the absence of significant participation from vulnerable groups in the law and policy-making process. The discussion over the course of this webinar demonstrated the importance of information-sharing, research and collaboration in order to find solutions to common problems. However, it also highlighted that the steps which need to be taken to integrate CCA and DRR will not be identical across the world and international guidance must be supplemented by national insight and participation to achieve the goal of strengthening climate resilience for all.

### **Further Resources on this area:**

- IFRC Disaster Law Database (<https://disasterlaw.ifrc.org/disaster-law-database>)
- Yearbook of International Disaster Law (<https://brill.com/view/serial/YIDL>)
- EU Jean Monnet project, Disseminating Disaster Law for Europe ([www.dilaw4.eu/](http://www.dilaw4.eu/))
- IDEAL Net, International Disaster, Emergency and Law Network ([www.disasterlaw.net/](http://www.disasterlaw.net/))