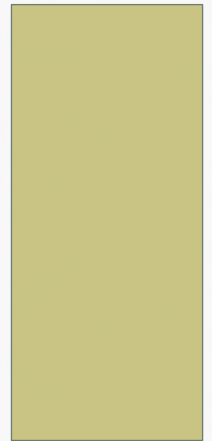


# INTEGRATING DISASTER RISK MANAGEMENT AND CLIMATE CHANGE LAW IN LAO PDR

National Workshop on Disaster and Climate Change  
Law For Lao PDR

Don Chan Palace, Vientiane  
Wednesday, 29<sup>th</sup> July, 2015



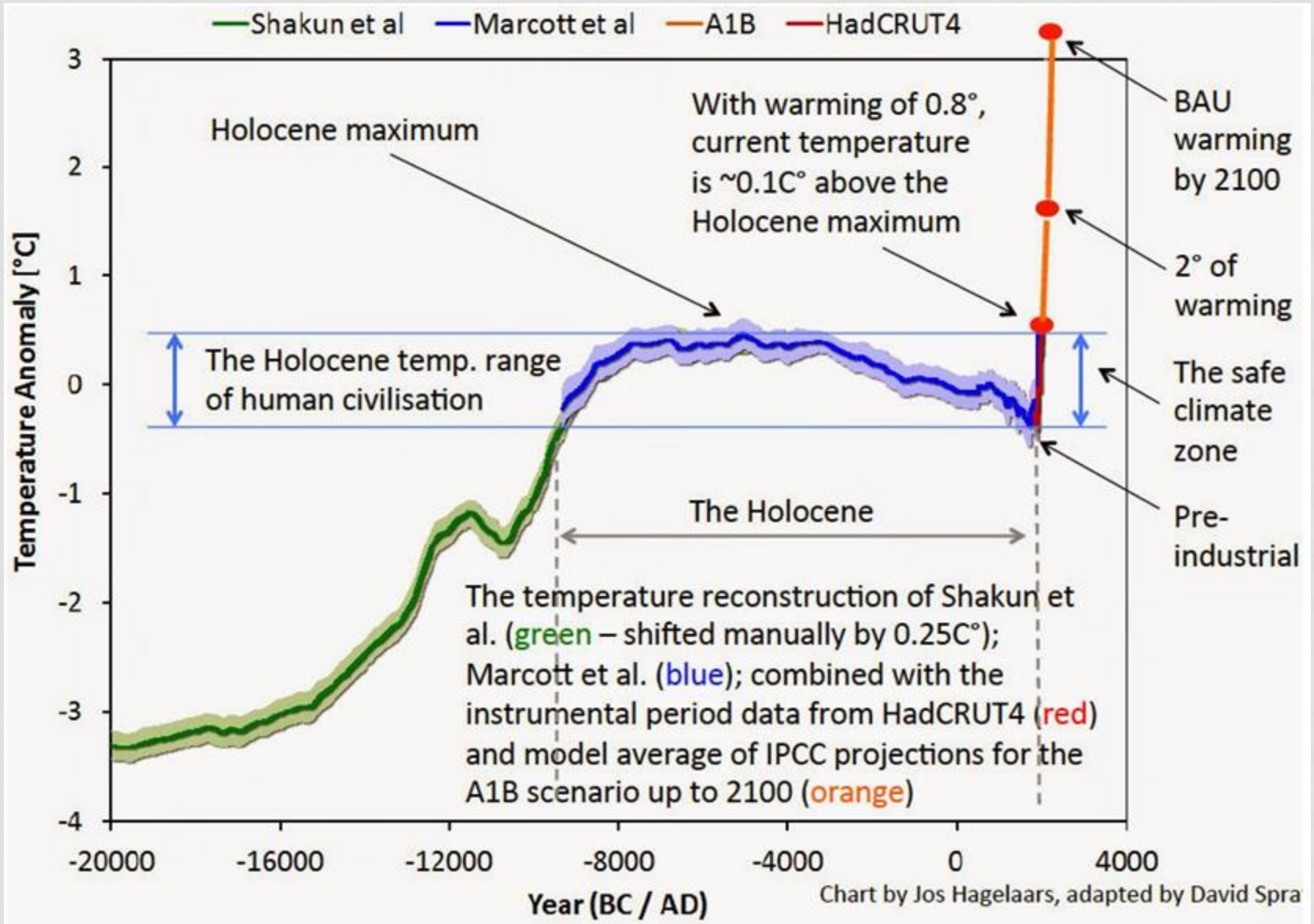
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1. Climate Change: A Brief Introduction
2. International Law Framework
3. The Need for Integration
4. Obstacles to Integration
5. Purposes of Legislation
6. A Survey of Integrated DRM and Climate Change Laws  
Climate-Focused Laws
7. Structure of a Climate-Focused Law
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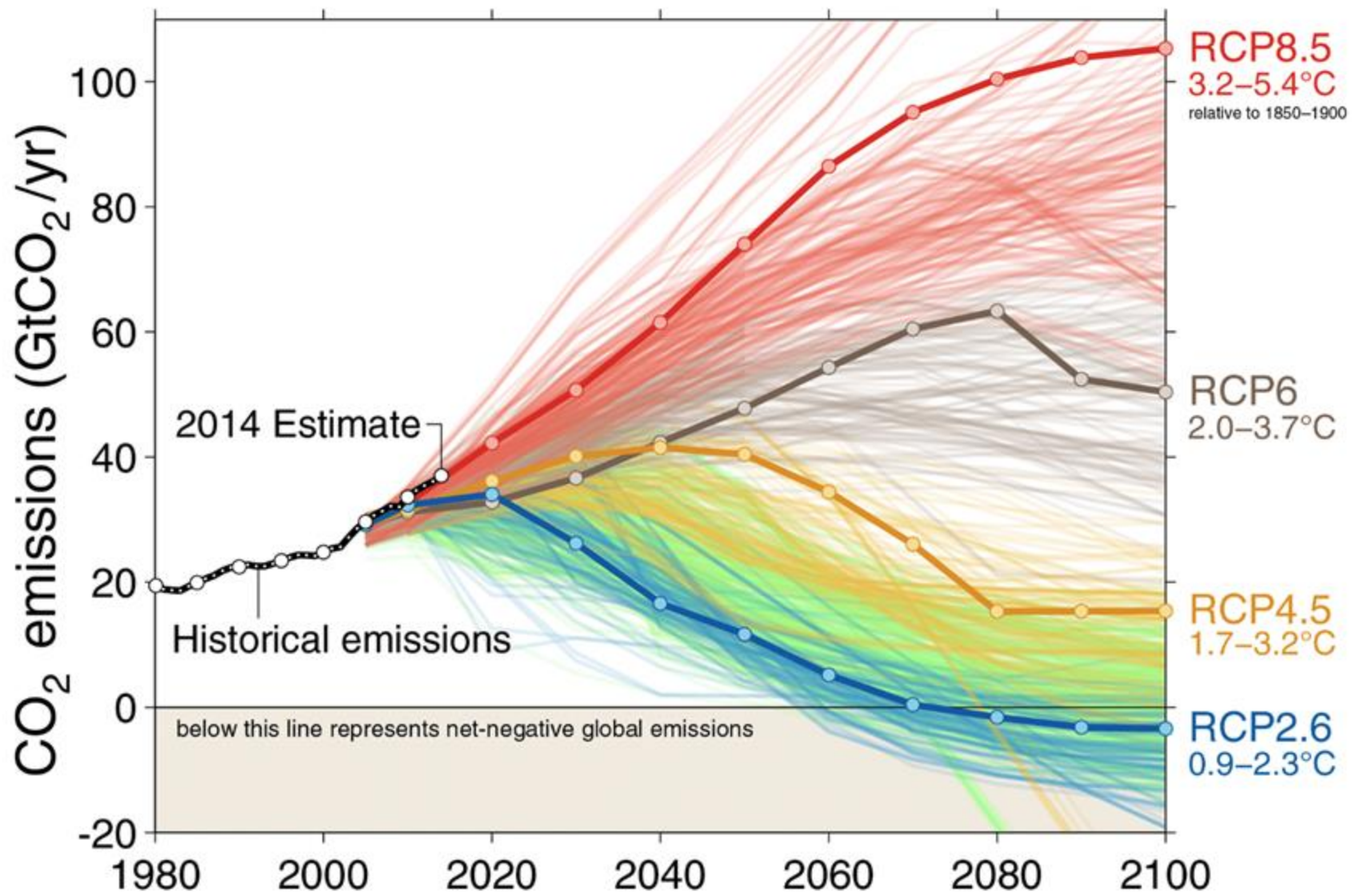
# OUTLINE

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# 1. CLIMATE CHANGE: A BRIEF INTRODUCTION

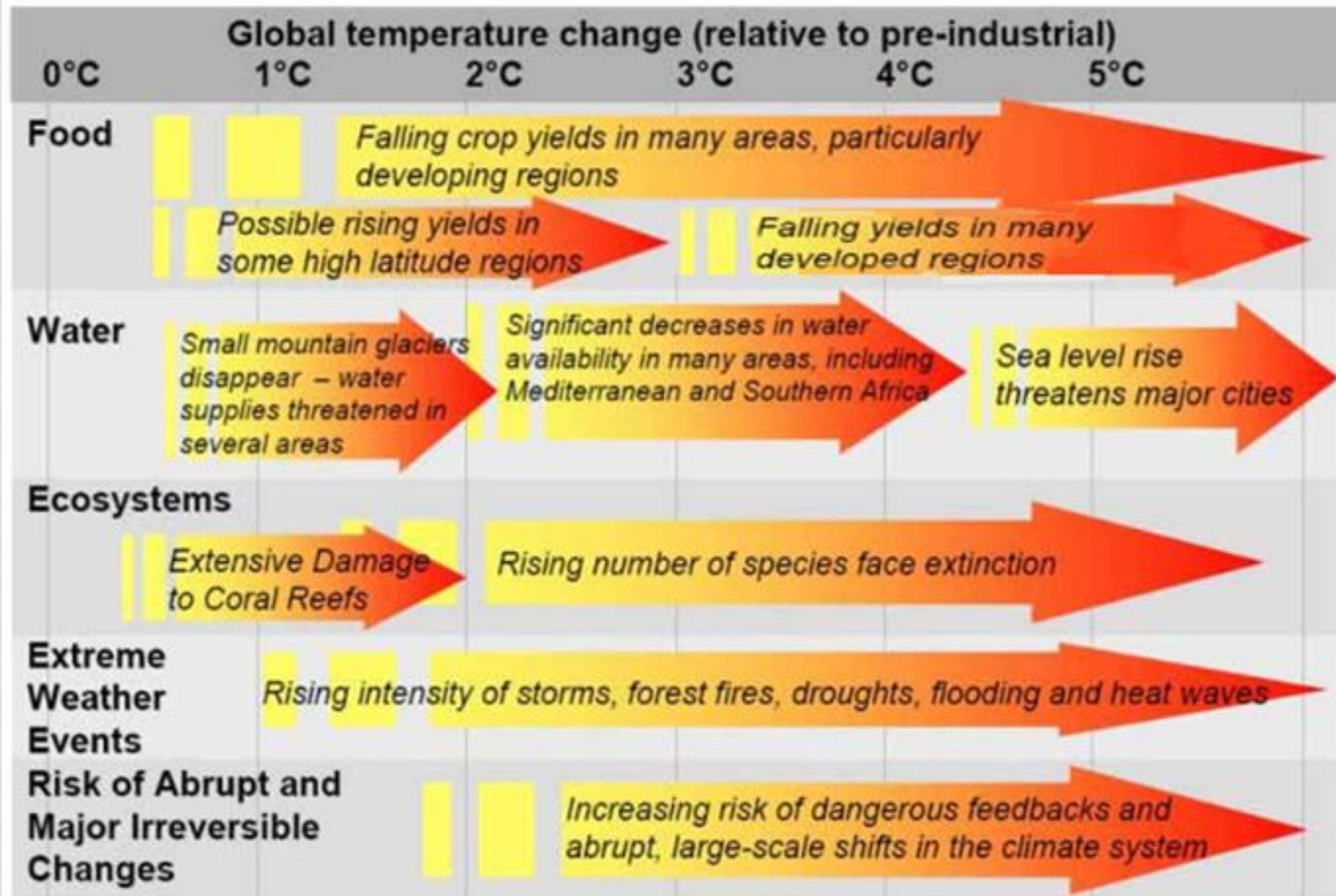


## Global temperature and the Holocene safe-climate zone



# Climate change impacts

## Stern Commission



From UK Stern Commission Economics of climate change 2006

# PROJECTED CLIMATE CHANGES AND IMPACTS IN LAOS

- Laos has high sensitivity to climate change impacts
- Annual mean temperatures will continue to rise by 0.1-0.3°C per decade
  - Number of days with temperatures above 33°C will increase
- Number of cooler days with temperatures below 15°C will drop by 2-3 weeks per year
- Dry seasons will get longer
- There will be more intense rainfall events, and more frequent and severe droughts and floods
- Maximum monthly flows in the Mekong Basin will increase by 35-41%, while minimum monthly flows will drop by 17-24% by 2100  
(Source: IPCC (Cruz et al. 2007))

***Extreme heat, flood and drought hazards all present enhanced risk of previous disaster conditions***

# PARTIAL LIST OF POLICY RESPONSES FROM LAO PDR

- National Adaptation Programme of Action (2009)
- National Strategy on Climate Change (2010)
- Environmental Protection Law (Revised) (2013)
- Climate Change Action Plan for Lao PDR for 2013-2020 (2013)
- Intended Nationally Determined Contribution (2015) (in progress)



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## 2. INTERNATIONAL LAW FRAMEWORK

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- **Bali Action Plan (2007)**

- Enhanced action on adaptation includes developing “Disaster reduction strategies ...associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change.”

- **Cancun Agreements (2010)**

- Enhanced action on adaptation includes “Enhancing climate change related disaster risk reduction strategies...early warning systems, risk assessment and management, and sharing and transfer mechanisms such as insurance, at the local, national, subregional and regional levels”

- **“The Road to Paris” – The Draft Negotiating Text (2015)**

- No explicit mention of “disaster”
- “Climate risk” addressed as part of enhanced action on adaptation and loss and damage negotiations
  - Comprehensive Planning
  - Insurance/Risk Transfer

## 2. INTERNATIONAL LAW FRAMEWORK

- **Hyogo Framework (2005-2015)**

- Priority for Action - Addressing Underlying Disaster Risks, Including Climate Change
  - Risks addressed "in sector development planning and programmes as well as in post-disaster situations."
  - Integrate disaster risk, climate risk and adaptation through assessment, planning and use of climate risk information
- Implementation – State Responsibility
  - "Mainstream disaster risk reduction measures appropriately into multilateral and bilateral development assistance programmes including those related to...climate change adaptation"

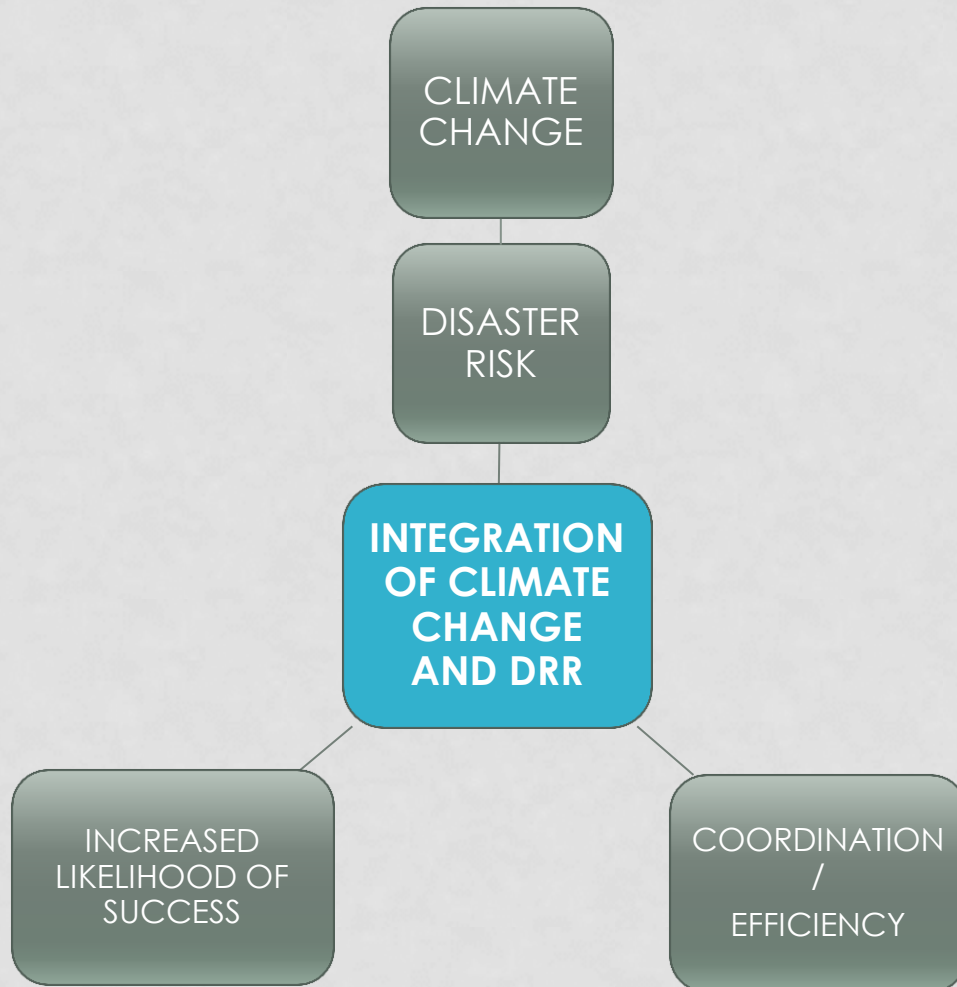
- **Sendai Agreement (2015-2030)**

- Climate change exacerbates disasters
- Climate change = underlying disaster risk
- Current round of negotiations (SDGs, Paris) provide opportunity "to enhance coherence across policies, institutions, goals, indicators and measurement systems for implementation"
- *Adequate preparation for disasters requires inclusions of climate change scenarios at global, regional, national and local levels*

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## 3. THE NEED FOR INTEGRATION

### 3. NEED FOR INTEGRATION AS A GENERAL MATTER



- Climate change exacerbates disaster risk
- Leverages political and institutional support
- Creates greater coordination and efficiency
- Achieves greater results on both fronts

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## 4. OBSTACLES TO INTEGRATION

# 4. OBSTACLES TO INTEGRATION

## GAPS IN UNDERSTANDING

Conceptual and Policy Distinctions between Disaster Risk and Climate Risk:

- Timeframe
- Uncertainty
- Cognitive Responses
- Sources of Information
- Experience

## LEGISLATIVE CHALLENGES

- Institutional Obstacles
- Capacity Shortfalls
- Financial Shortfalls

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## 5. PURPOSES OF LEGISLATION



# 5. PURPOSES OF LEGISLATION

- Allocate/Delegate Authority
  - Scale of Governance
  - Capacity
- Provide Intelligible Principles for Exercise of Delegated Authority
- Create Enforcement Mechanisms (e.g., penalties) and Compliance Systems (e.g., incentives)
- Provide for Information Disclosure
- Provide for Public Participation
- Assign Budgets/Create Funding Pools

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## 6. A SURVEY OF INTEGRATED DRM AND CLIMATE CHANGE LAWS

## 6. A SURVEY OF INTEGRATED DRM AND CLIMATE CHANGE LAWS

- Summer 2015 – Sabin Center reviews existing examples of integrated DRM & Climate Change laws
- Nations reviewed:
  - Philippines
  - Vietnam
  - Micronesia
  - Solomon Islands
  - Vanuatu
  - Mexico
  - Namibia
  - New Zealand
  - Algeria



# 6. A SURVEY OF INTEGRATED DRM AND CLIMATE CHANGE LAWS:

## *KEY ELEMENTS OF INTEGRATED DRM & CCL LAWS*



- Legislative Linkages
- Empowerment of institutions and mechanisms
- Funding
- Risk Assessment
- Accountability, Information Disclosure, and Public Participation

# 6. A SURVEY OF INTEGRATED DRM AND CLIMATE CHANGE LAWS: *STRATEGIES FOR INTEGRATION*

- Escalation
- Drafting
- Implementation
- Problems to anticipate
  - Scale
  - Time

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## 7. STRUCTURE OF A CLIMATE- FOCUSED LAW

## 7. STRUCTURE OF A CLIMATE-FOCUSED LAW

- Summer 2015: Sabin Center survey of existing national and sub-national climate change legislation
  - Spain, Denmark, UK, California, Hawaii, Massachusetts
- More typical for nations to address climate change via sectoral laws than via comprehensive law
- Some examples of laws specific to GHG emissions reductions or to adaptation
  - Fewer examples of laws that address both
- Conclusions limited, necessarily prospective

# 7. STRUCTURE OF A CLIMATE-FOCUSED LAW

- Climate Change Adaptation Laws
  - Legislative Findings/Purpose
  - Delegate/Establish Authority
  - Require scenario development and downscaled impacts projections
  - Establish national/state-level leadership
  - Require community-level programming and participation to facilitate local adaptation
  - Require institutional mechanisms for cross-sectoral communication and collaboration
    - Cross-cutting nature of disaster and slow onset impacts



# 7. STRUCTURE OF A CLIMATE-FOCUSED LAW

- Climate Change Mitigation Laws
  - Legislative Findings/Purpose
  - Delegate/Establish Authority
  - GHG reporting
  - GHG limits
  - Compliance
    - Direct regulation
    - Market-based systems
      - Intra-sectorial
      - Cross-sectoral



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## 8. IMPLEMENTATION OF INDCS

## 8. IMPLEMENTATION OF INDCS

- Only 20 INDCs submitted to date
- Range from LDCs to US, EU and Japan
- Variety of approaches to implementation
  - Marshall Islands & Ethiopia: *External donation and support is crucial to the implementation of INDC goals*
  - New Zealand: *Existing climate change law sufficient*
  - Korea: *Will develop plan once target is finalized*
  - China: *Mainstreaming GHG reductions into development plans*
  - Morocco: *Sectoral strategies to meet sectoral plan goals*
  - Serbia: *Will include implementation plan in new adaptation and climate change strategy (2017)*

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## 9. DISCUSSION/QUESTIONS?



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THANK YOU

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