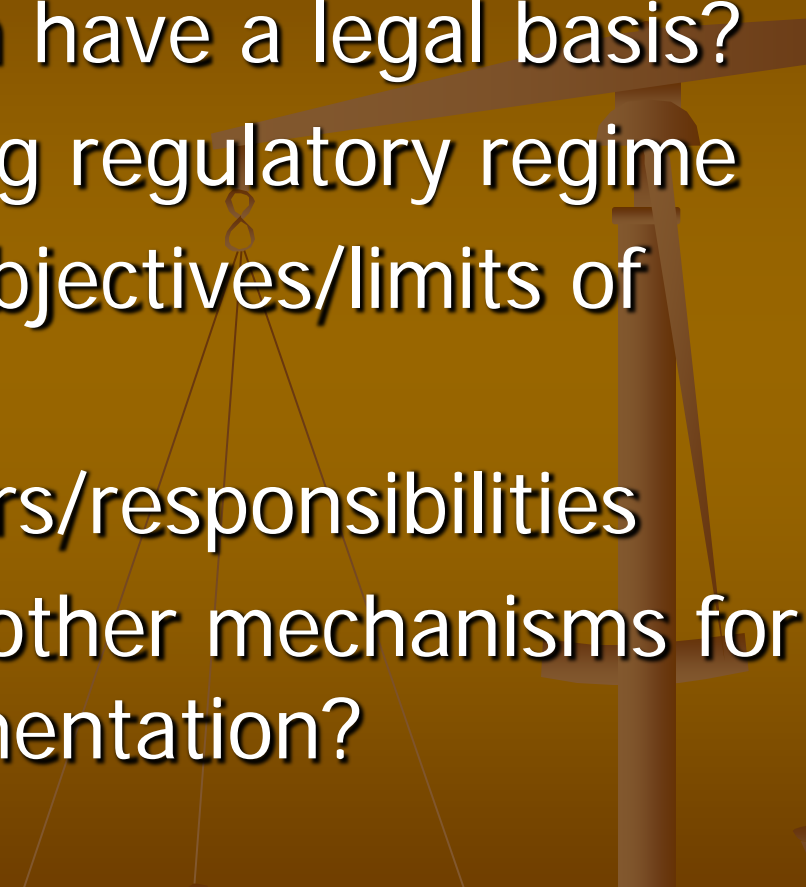


# Regulatory Aspects of Adaptation



**S. Rizwana Hasan**  
**Chief Executive, BELA**

- 
- What does Adaptation mean?
  - Does adaptation have a legal basis?
  - Does the existing regulatory regime
    - (i) specify the objectives/limits of adaptation
    - (ii) identify actors/responsibilities
    - (iii) provide for other mechanisms for effective implementation?
  - Questions

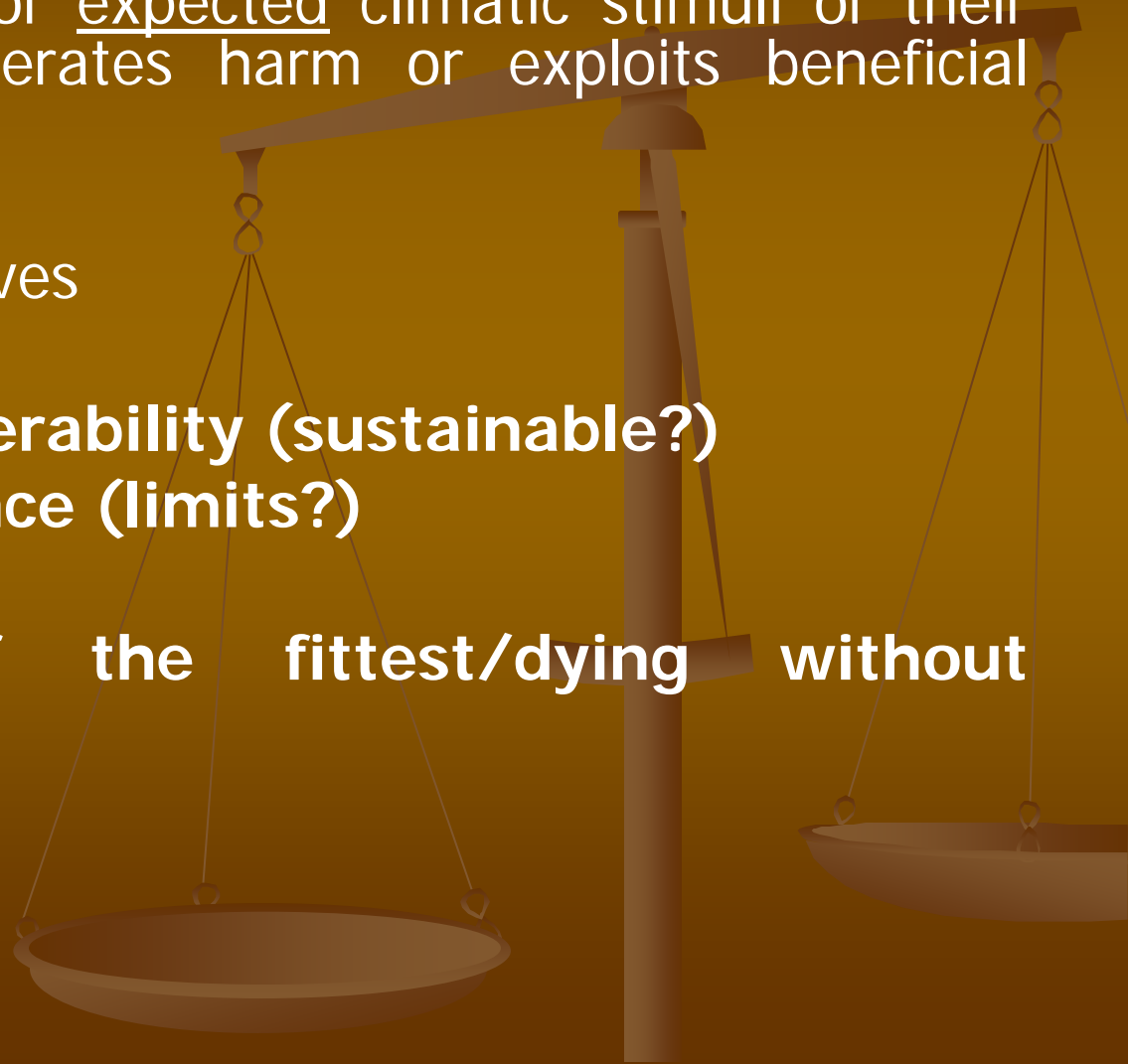
# IPCC Third Assessment Report

"Adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities."

**AWG- LCA: Objectives**

**Reduce vulnerability (sustainable?)**  
**Build resilience (limits?)**

**Survival of the fittest/dying without questioning**



# UNFCCC, KP, BAP, CA, Negotiating Text of AWG-LCA

The existing legal instruments do not define adaptation

UNFCCC includes adaptation in the objective and mentions in the commitments of parties



## Legal Basis: International, National laws

UNFCCC requires all parties

to formulate, implement, publish, update ...measures to facilitate adequate adaptation to CC

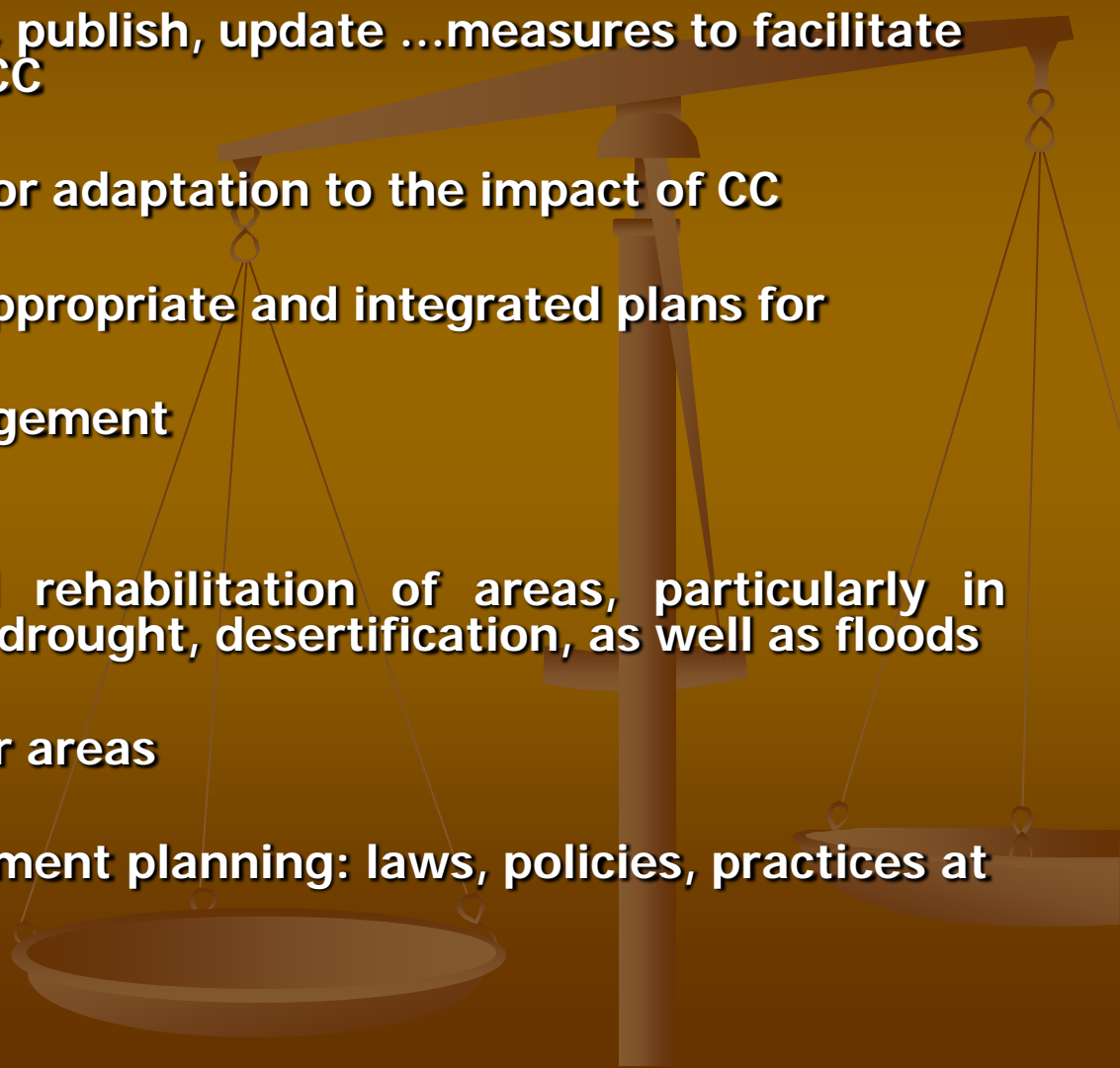
Cooperate in preparing for adaptation to the impact of CC

Develop and elaborate appropriate and integrated plans for

- coastal zone management
- water resources
- agriculture
- protection of and rehabilitation of areas, particularly in Africa, affected by drought, desertification, as well as floods

AWG-LCA mentions other areas

Integration into development planning: laws, policies, practices at national level



# Guiding Principles

Equity, CBDR, Precautionary effectiveness, Intergenerational Polluter Pays Approach, trust, Principle, Cost-



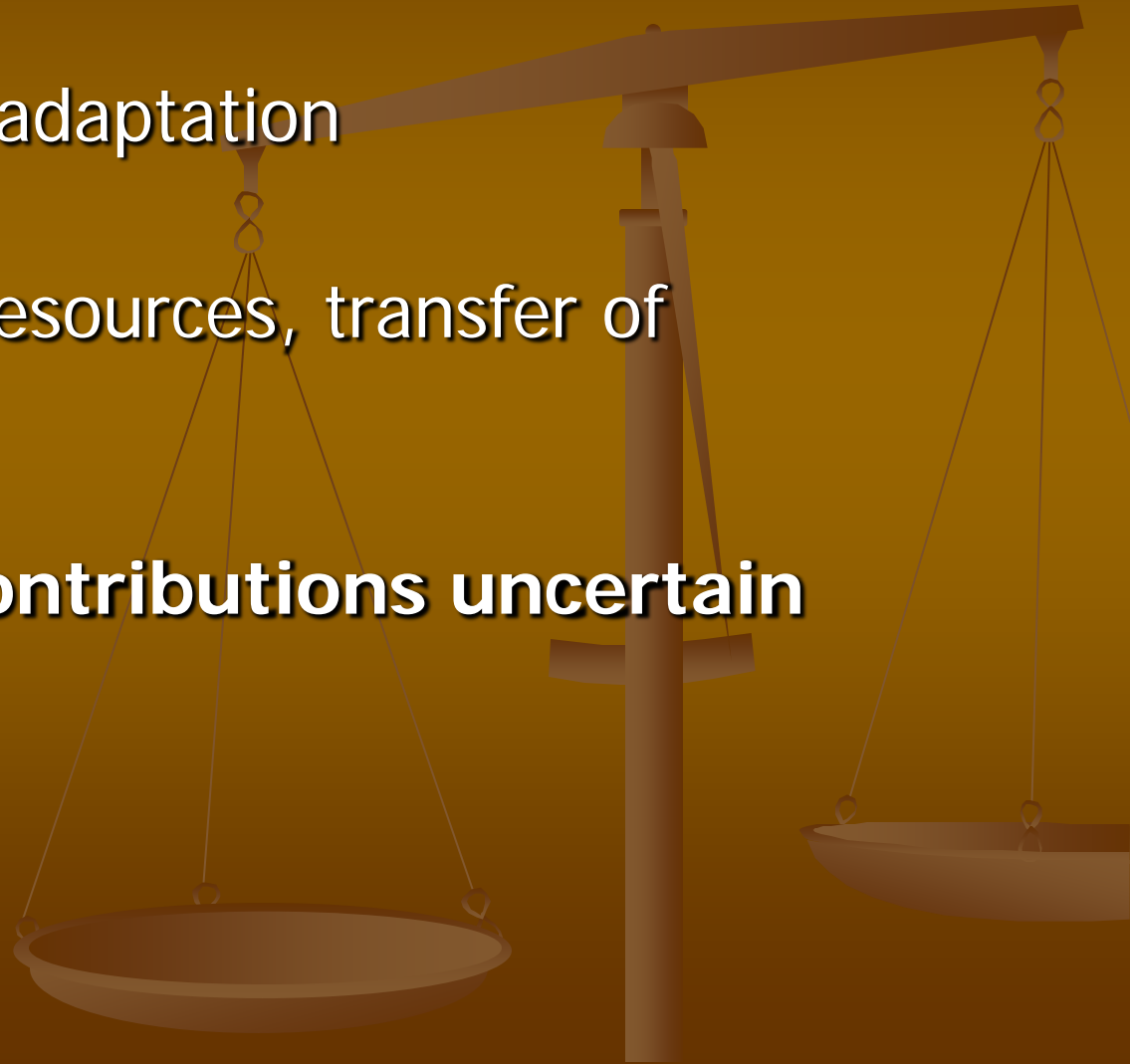
Are these respected at the local level?

**Developed country parties** to take the lead in combating CC and adverse effects thereof

Meet the costs of adaptation

Provide financial resources, transfer of technology...

**Ratio of contributions uncertain**



# Developing country parties

- particularly vulnerable to CC
- LDCs
- SIDS
- SICs, Low-lying coastal areas, arid and semi-arid areas, forested areas, areas prone to natural disasters, drought and desertification, high urban atmospheric pollution, fragile ecosystems (mountainous), landlocked, dependant on fossil fuel and energy-intensive products
- Most vulnerable countries

**Which of them get priority?**

**Eligibility, Equitability**







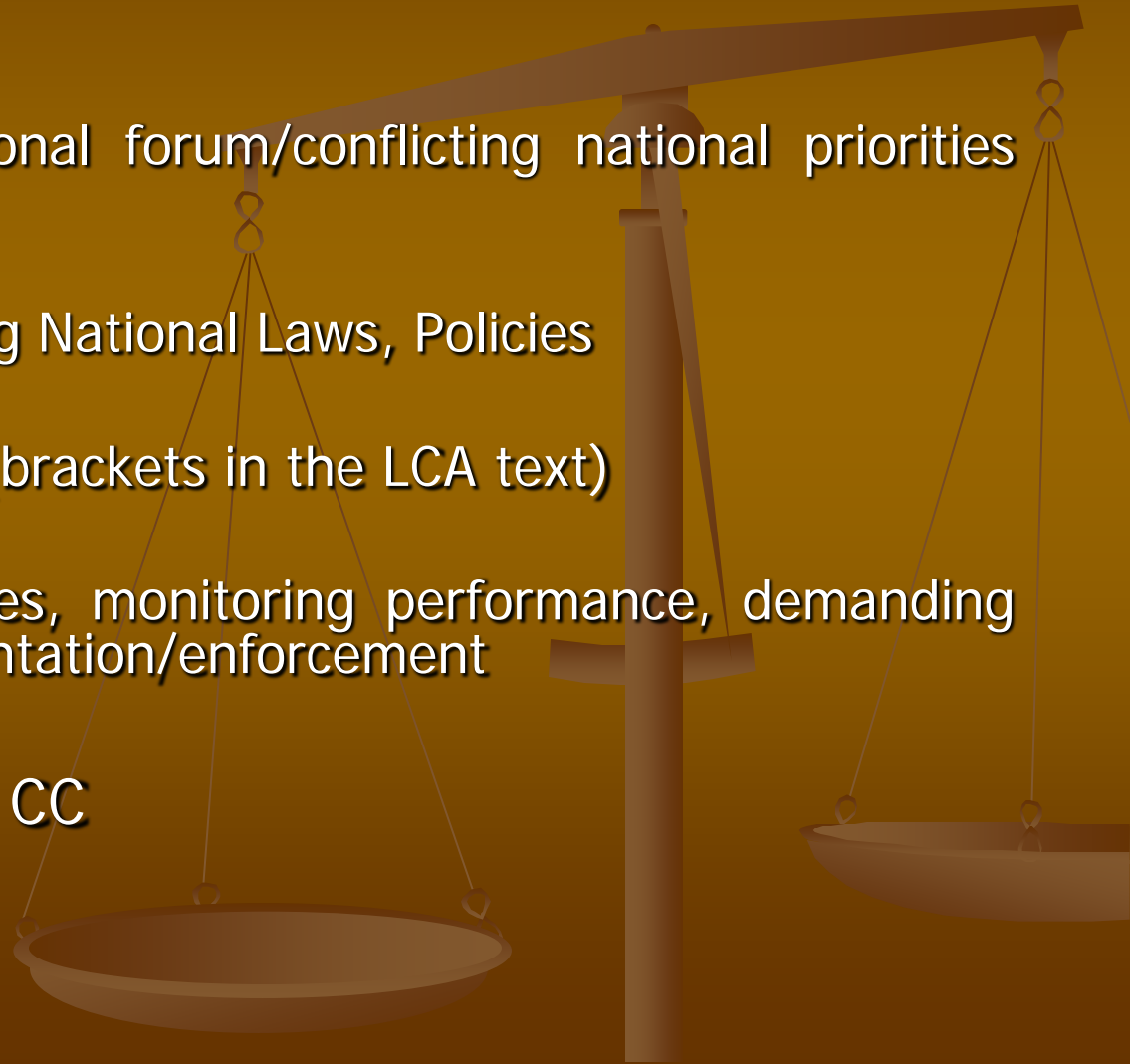
The extent to which developing country parties will effectively implement their commitments will depend on effective implementation by developed country parties of their commitments under the Convention

**Does it give them any exemption? Is adaptation a choice or a compulsion? What are the specific responsibilities of national governments?**

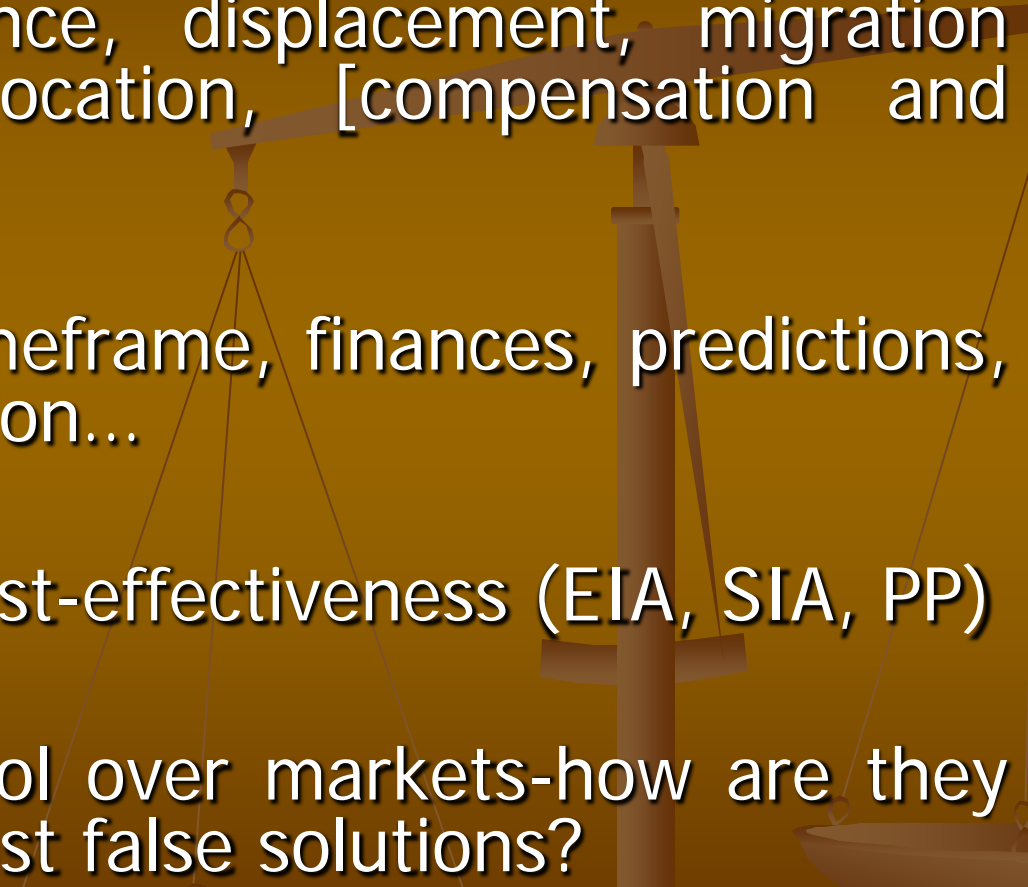
# Needs and Gaps: Many...

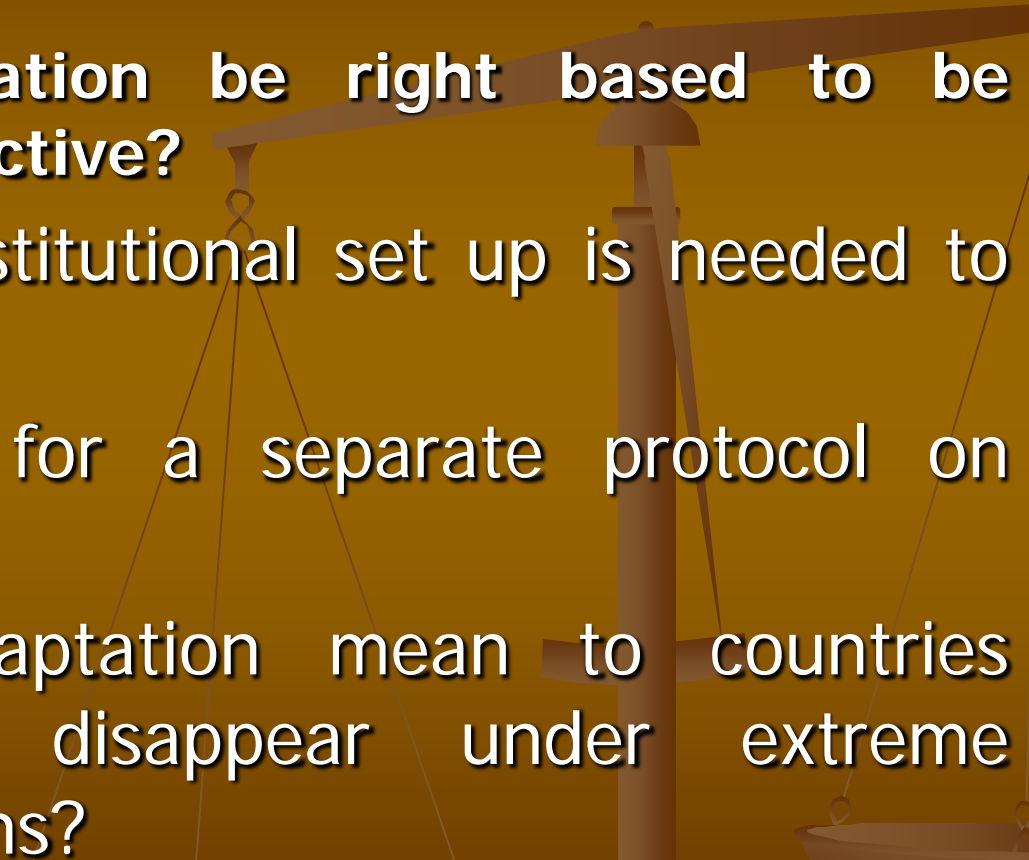
To name a few:

- Effectiveness of regional forum/conflicting national priorities and differing abilities
- Implementing/updating National Laws, Policies
- Implementing NAPAs (brackets in the LCA text)
- Defining responsibilities, monitoring performance, demanding accountability, implementation/enforcement
- Linking events with CC



# Needs and gaps...

- Funding, technology development and transfer, capacity building, risk management, disaster risk reduction, insurance, displacement, migration and planned relocation, [compensation and rehabilitation]
  - Uncertainty ...timeframe, finances, predictions, data and information...
  - Sustainability, cost-effectiveness (EIA, SIA, PP)
  - Community control over markets-how are they safeguarded against false solutions?
- 

- 
1. If CC is taken is a "justice" issue
    - (a) how should the regulatory regime define the objectives and guiding principles of adaptation?
    - (b) should adaptation be right based to be adequate/effective?
  2. What sort of institutional set up is needed to deliver?
  3. Is there need for a separate protocol on Adaptation?
  4. What does adaptation mean to countries threatened to disappear under extreme climatic conditions?