

Climate Law and Governance Initiative

Research Announcement

Preliminary Research Findings: Adaptation in the NDCs and INDCs under the 2015 Paris Agreement of the UNFCCC

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PRELIMINARY RESEARCH FINDINGS: ADAPTATION IN THE NDCS AND INDCS UNDER THE 2015 PARIS AGREEMENT OF THE UNFCCC

Kawthar Monkachi, Marie-Claire Cordonier Segger, Ayman Cherkaoui, Mirjam Reiner and Alexandra Scott¹

Introduction

The Paris Agreement has successfully embedded adaptation goals into the international climate change governance framework. Its “bottom-up” approach executed through (Intended) Nationally Determined Contributions² emphasises the importance of ensuring domestic climate law and governance capacity to implement national climate change adaptation goals. To inform the development of effective capacity building initiatives, research is needed to understand the landscape of adaptation goals and initiatives across the climate change governance spectrum.

This paper presents preliminary research findings undertaken by an international team of legal researchers from the climate law and governance initiative, of a cross-cutting comparative review of the Paris Agreement iNDC and NDC Databases. It builds upon other recent research prepared by law and environment graduates under guidance of senior international climate law experts and professors. This review focused on three key questions:

1. How many countries NDCs and iNDCs out of the total available by February 2017 include an adaptation component?
2. What are the top 3 adaptation priorities chosen by countries (either sectors or actions) and how many countries include them?
3. What are countries requesting in terms of support/collaboration, and how many are requesting each?

Methodology

This study employed a comparative case study methodology using legal reviews of the (intended) text of Nationally Determined Contributions submitted to the UNFCCC Interim NDC Registry³ or iNDC Portal⁴. In most NDCs and iNDCs, Parties identify priority areas or sectors in the context of their existing or planned adaptation actions.

¹ This review owes its findings to the excellent research and insights of graduates Kawthar Monkachi, Alexandra Scott and Mirjam Reiner, CISDL Associate Fellows, with guidance and advice from Ayman Cherkaoui, CISDL Lead Counsel and Senior Advisor, UNFCCC CoP22 Presidency. Prof Marie-Claire Cordonier Segger, DPhil (Oxon), MEM (Yale), BCL&LLB (McGill), BAHons, who led the research, is Full Professor of Law, SEED, Faculty of Environment, University of Waterloo, Canada; Senior Director, CISDL; LCIL and CEENRG Fellow, University of Cambridge; and Executive Secretary, Climate Law & Governance Initiative (CLGI).

² By its decision 1/CP.21, paragraph 22, the Conference of the Parties (COP) invited Parties to communicate their first NDC no later than when the Party submits its respective instrument of ratification, acceptance, approval or accession of the Paris Agreement. In the same paragraph, the COP further stated that if a Party has communicated an iNDC prior to joining the Agreement, that Party shall be considered to have satisfied the provision of decision 1/CP.21, paragraph 22, unless that Party decides otherwise.

³ <http://www4.unfccc.int/ndcregistry/Pages/Home.aspx>

⁴ <http://www4.unfccc.int/Submissions/iNDCiNDC/Submission%20Pages/submissions.aspx>

The methodology followed was content analysis of the adaptation section of each NDC and iNDC. The data collected was coded and categorised into adaptation sectors, completing a table with the set of specific actions that were outlined for each sector. All 128 Parties' NDCs were examined to identify the adaptation measures outlined for each sector, as were the remaining 63 Parties' iNDCs. Furthermore, the support required by the different Parties was also categorised.⁵

Taking a deductive approach, the comparative review and content analysis identified seventeen particular adaptation sectors:

- | | |
|-----------------------|-----------------------------------|
| 1. Water | 10. Infrastructure |
| 2. Agriculture | 11. Energy |
| 3. Food security | 12. Transport |
| 4. Health | 13. Housing |
| 5. Ecosystem | 14. Tourism |
| 6. Biodiversity | 15. Disaster Risk Reduction (DRR) |
| 7. Forestry | 16. Institutional and regulatory |
| 8. Fisheries | 17. Other |
| 9. Coastal protection | |

The above classification reflects adaptation actions being pursued by the UNFCCC Parties as well as existing literature. Far from being mutually exclusive, sectoral adaptation action across sectors are mutually reinforcing pillar of a more resilience society. As such, the specific mention by a Party of an action in an adaptation area doesn't preclude co-benefits in other areas. This study does not aim to prejudge the work currently taking place at the UNFCCC, within APA, the AC and other relevant bodies⁶.

Understanding the numbers behind (i)NDCs

There are 197 Parties to the United Nations Framework Convention on Climate Change (196 countries and the EU). 194 UNFCCC Parties are signatories of the Paris Agreement (Nicaragua, Uzbekistan and Syria have yet to sign), and 133 UNFCCC Parties had ratified the Paris Agreement by the 28th February 2017.

191 UNFCCC Parties had submitted 163 iNDCs (including the 28 EU member states), with 128 UNFCCC Parties submitting 106 NDCs to the UNFCCC Registry by the 28th February 2017, (including 22 EU member states). 96 of these NDCs correspond to the same iNDCs submitted prior to the ratification of the Paris Agreement by the Party (Decision 1/CP.21, paragraph 22).

⁵ The open condition of submission of the national contributions has allowed (i)NDCs to be submitted in vastly differing formats. As a result, there has been no uniform means of assessing the content of the (i)NDCs. Inherent strong inter-linkages within adaptation measures and the lack of uniform approaches for communicating adaptation measures can sometimes limit the accuracy of the methodology used.

⁶ Informal Note by the Co-Facilitators on Agenda Item 4 (Further guidance in relation the the adaptation communication), second part of the first APA Session (http://unfccc.int/files/meetings/marrakech_nov_2016/in-session/application/pdf/apa_item_4_informal_summary_note_final_version_14112016_1920.pdf)
Reflections note on the second part of the first session of the Ad Hoc Working Group on the Paris Agreement (<http://unfccc.int/resource/docs/2017/apa/eng/1infnot.pdf>)

Discussion of Results

Key Findings

1. 128 Parties have submitted an NDC and 63 have submitted an iNDC. Out of these 191 Parties that submitted NDCs or iNDCs, 131 Parties have included an adaptation component.
2. The top three adaptation priorities chosen by UNFCCC Parties (either sectors or actions) are: water, agriculture and disaster risk reduction and 95 UNFCCC Parties out of 131 include at least one of these priorities in their NDCs.
3. UNFCCC Parties are requesting capacity building, technology transfer and financial resources in terms of support/collaboration, among other priorities. 117 Parties are requesting capacity building; 119 Parties are requesting technology transfer and 121 are requesting financial resources.

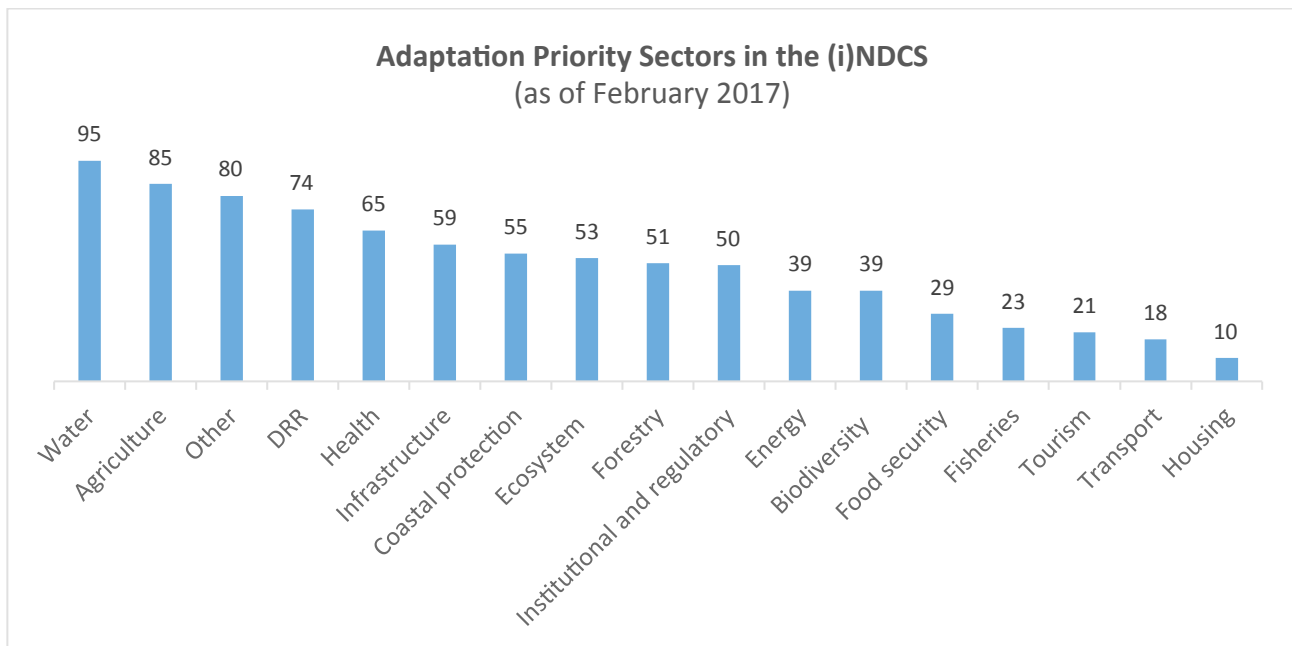
The Treatment of Adaptation in (i)NDCs

131 out of 191 (i)NDCs cover adaptation in a detailed section in their submission to the UNFCCC registry. For those not including a detailed section, the lack of adaptation components may be related to different reasons:

- The Party is working on the design of a National Adaptation Plan (NAP), where adaptation needs and measures will be outlined (e.g. Brazil, Israel)
- The Party has already outlined their adaptation needs and measures in another official document like a NAP or a national climate strategy and doesn't consider the NDC to be the right medium to present them (e.g. Tuvalu, New Zealand)
- The Party simply chooses to not mention any adaptation measure or other adaptation document (USA, EU, Canada, Iceland, etc.)

Adaptation Priority Sectors in the (i)NDCs

Among the 131 Parties that submitted an NDC or iNDC that included a detailed adaptation section, the priority sectors and actions are as follows:



The top three priority adaptation areas for both NDCs and iNDCs are water, agriculture⁷ and disaster risk reduction⁸. Ecosystems and biodiversity are often mentioned interchangeably in the NDCs. When ecosystems and biodiversity are combined, Ecosystem/Biodiversity becomes a very high priority area. Health, infrastructure⁹ and Institutional/Regulatory¹⁰ are also very high priority areas. Other diverse priorities are also mentioned¹¹.

The measures outlined among priorities illustrates that for the majority of Parties, important means of implementation include strengthening of favourable enabling environments able to sustain adaptation efforts outlined in the specific targeted sectors (water, agriculture, health, ecosystems/biodiversity/forestry, infrastructure, etc.).

Support Needs

The results of this survey suggest that support is important for the implementation of adaptation goals. Out of the 131 Parties that submitted an NDC or an iNDC with an adaptation component, 121 requested

⁷ 85 countries outline adaptation measures for the agriculture sector, while 29 outlines them for the food security sector. However, when we look closer, several Parties mention food security through the promotion of “climate-smart agriculture” (Guatemala, Zambia, etc.), climate-resilient crops are also mentioned both in the context of agriculture and food security. Agriculture and food security are sometimes mentioned within a same set of adaptation measures (Sri Lanka). Therefore, categorizing a single adaptation measure can be difficult since it can encompass several sectors.

⁸ Disaster risk reduction covers storms, floods, sea level rise, and droughts, also actions like data monitoring and management (also present in section “other”), which explains its prominence.

⁹ This includes meteorological and hydrological monitoring, flood prevention, water and sewage infrastructure, road infrastructure, irrigation, etc. More importantly, infrastructure is very often mentioned in other sections, mainly in the context of: water, agriculture, coastal protection, housing, transport. Infrastructure is either mentioned as a specific set of measures or as a distinct set, and usually requires the use and/or implementation of specific technologies.

¹⁰ This includes mainstreaming adaptation into the sectorial policies, strategies and development plans, insurance schemes to cope with losses from climate change, institutional capacity building, establishment of legal and financial frameworks to facilitate the implementation of adaptation measures.

¹¹ This includes development of NAPs, R&D, data monitoring, capacity building, training, citizen awareness, education, regional cooperation, technology and reducing vulnerability of specific communities (gender, youth, etc.).

support for adaptation actions under the Paris Agreement. Such support needs are most frequently expressed in general terms in the “means of implementation” section of the Parties’ NDCs and iNDCs and are not always directly related to adaptation measures.

The top three support needs identified by Parties in the (i)NDCs are capacity building, technology transfer and finance. 117 Parties request capacity building, 119 technology transfer and 121 request financial assistance in their (i)NDCs.

Some examples of support needs as expressed by Parties:

- The Cook Islands describe their needs in capacity building as “fairly broad and including human capacity in various areas, including institutional, legal and financial capacity, better planning in terms of policy, strategy and action, and better tracking of operations.”
- Grenada stated in its NDC the results of their Technology Needs Assessment will provide the necessary information on technology needs to continue its resilience building activities.
- Niger total investment is estimated at \$8.667 billion, US \$7.5 billion of which (87% of the total) is dependent on access to new sources of financing.

Institutional arrangements, financial plans, technologies for adaptation, training, capacity building, R&D, education and awareness could be considered not just support needs expressed by Parties, but essential elements fully integrated in Parties’ nationally determined adaptation contributions.

Conclusion

The incorporation of an adaptation component in the (i)NDCs was optional and no guidelines were provided to Parties for communicating their adaptation targets. However, this review shows that the majority of Parties included them in their (i)NDCs regardless. This finding follows the increasing importance afforded to adaptation by the global climate governance community.

It is interesting to note that adaptation measures are often directly linked to development priorities for many countries (specifically linked to food production, access to drinkable water, public health, infrastructure, etc.). Furthermore, many countries aim at integrating or mainstreaming adaptation in their development strategies, across multiple levels (national, regional and local). These findings support the crucial role for climate change adaptation actions in securing sustainable development .

Finally, this study has shown that capacity building, access to both adequate technology and financial resources are necessary to enable Parties to implement their adaptation targets. Another important finding is that adaptation goals are very diverse: the type of measures, the sectors prioritised and the support required differ from one country to another. Providing any type of support to the implementation of adaptation targets will need to be flexible and take into account the specific national, regional and local circumstances of every country.