



LAW AND POLICIES THAT PROTECT THE MOST VULNERABLE AGAINST CLIMATE-RELATED DISASTER RISKS

Findings and Lessons Learned
from Pacific Island Countries

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**Law and Policies that Protect the Most Vulnerable
Against Climate-Related Disaster Risks:**
Findings and Lessons Learned from
Pacific Island Countries

May 2020

“As the island choirs gather, once more to stand their ground,
we must listen to their drumming and their song”

Tom Bamforth,
'The Rising Tide. Among the Islands and Atolls of the Pacific Ocean' (2019)

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ACRONYMS AND ABBREVIATIONS

BOSS	Big Ocean Sustainable States
CCA	Climate change adaptation
CoP	Conference of Parties
DM	Disaster management
DRM	Disaster risk management
DRR	Disaster risk reduction
EWS	Early warning system
FRDP	Framework for Resilient Development in the Pacific
GCA	Global Commission on Adaptation
GHG	Greenhouse gases
IDPs	Internally Displaced Persons
IFRC	International Federation of Red Cross and Red Crescent Societies
IPCC	Intergovernmental Panel for Climate Change
IRC	Irish Research Council
JNAP	Joint national action plan
LDC	Least developed country
MoE	Ministry of Economy
MSCA	Marie Skłodowska-Curie Action
NAP	National adaptation plan
NAPA	National adaptation programmes of action
NDC	Nationally determined contribution
NGO	Non-governmental organisation
PICs	Pacific Island Countries
PICTs	Pacific Island Countries and Territories
PIF	Pacific Island Forum Secretariat
PRP	Pacific Resilience Partnership
RCRC	Red Cross Red Crescent
SAMOA	Small Island Developing States Accelerated Modalities of Action
SDGs	Sustainable Development Goals
SIDS	Small Island Developing States
SPC	Pacific Community
UCC	University College Cork
UN	United Nations
UNDP	United Nations Development Programme
UNDRR (UNISDR)	UN Office for Disaster Risk Reduction
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
USP	University of South Pacific





INTRODUCTION

Research Context

This report was developed by IRC-MSCA CAROLINE research fellow Dr Tommaso Natoli (University College Cork—School of Law) in the course of his secondment to the International Federation of Red Cross and Red Crescent Societies (IFRC) Disaster Law Programme. The report represents one of the outputs 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”.

The project builds on the need for more coherence between climate change adaptation (CCA) and disaster

risk reduction (DRR), which is today considered as part of the holistic approach to global governance to be accomplished within the framework of the UN Agenda 2030 and its centrepiece the Sustainable Development Goals (SDGs). The basic connections between CCA and DRR lie in their partly overlapping goals, namely the reduction of losses due to weather and climate-related hazards (including both slow-onset and sudden events) and the improvement of community resilience (i.e. their capacity to regain equilibrium after critical system disruptions).¹

The urgency of a greater CCA-DRR alignment has been increasingly reflected in many relevant resolutions



and reports adopted at the international level in the last few years.² The Checklist on Law and DRR developed in 2015 by the IFRC and the UNDP stresses the need “to foster a more integrated approach to DRR by taking into account climate change and sustainable development considerations within the review of legislation”.³ Along these lines, a recent comparative assessment of previous literature on the topic (including scientific and technical analysis, research projects and institutional reports)⁴ highlights that the objective of achieving effective CCA-DRR integration largely depends on the existence of a favourable institutional and regulatory framework. However, the lack of viable normative models and standards, and empirical research on their impact at national and sub-national levels, was one of the main findings of the literature review.⁵

Given the above, the aim of the present study is two-fold. On the theoretical level, it will contribute to the advancement of thinking on achieving a sustainable alignment of CCA and DRR, by exploring the role of law and policy-making in Pacific Island Countries (or PICs, [see Box 1](#)).⁶ In particular, the specific context of PICs will be considered through the lens of the intersecting commitments made in 2015 by the international community, with specific regards to the binding provisions of the Paris Agreement (in particular article 7 on climate change adaptation) as well as to the political endorsement of the Sendai Framework for Disaster Risk Reduction 2015–2030 (with specific regards to its guiding principle 19 (e) and para. 27). The overall linchpin of the analysis will be the UN Agenda 2030, that acknowledges “the essential role of national parliaments through their enactment of legislation and adoption of budgets and

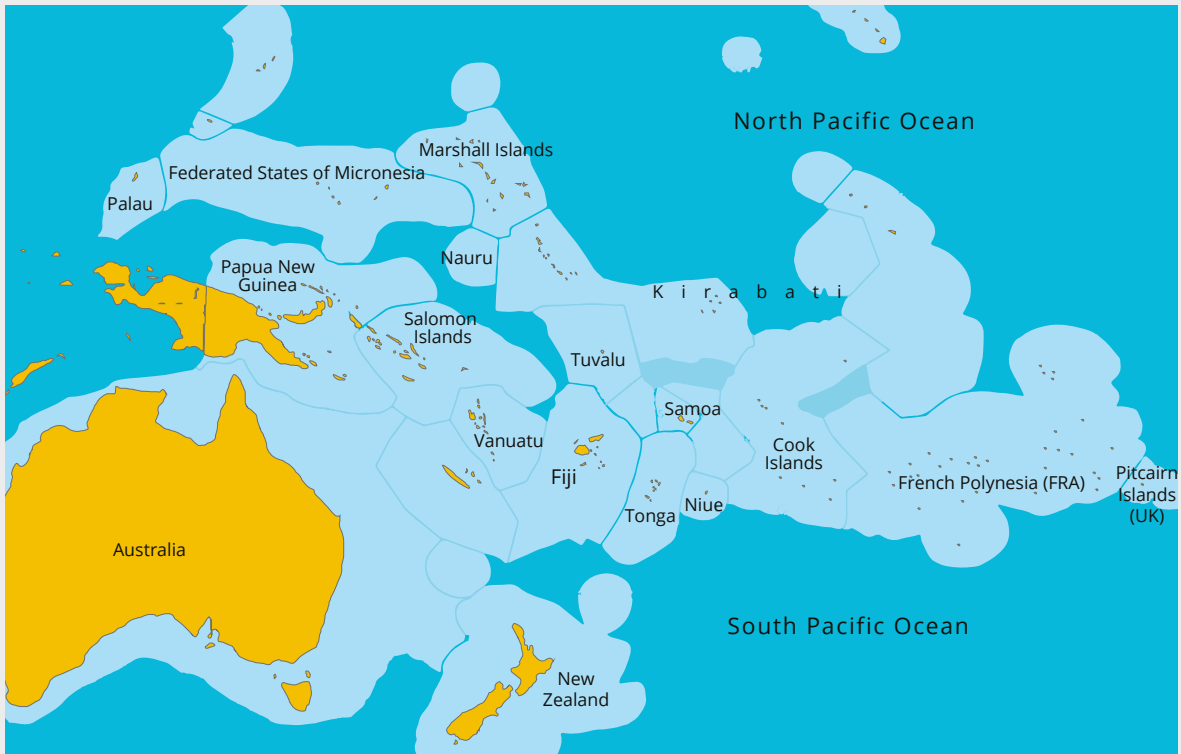
their role in ensuring accountability for the effective implementation of our commitments”.⁷

On a more practical level, this report was developed as a tool of reference for the institutional and operational mandate of the International Federation of Red Cross and Red Crescent Societies (IFRC) Disaster Law Programme, i.e. to provide evidence-based models for law and policy-makers and advocate for new and more effective normative frameworks that protect the most vulnerable against major hazards.⁸ This mandate was reiterated and expanded at the 33rd International Conference of the Red Cross and Red Crescent Movement that took place in December 2019. As one of the Conference outcomes, participating States and RCRC National Societies acknowledged the need to “ensure an integrated approach to disaster risk management and adaptation to climate change” in domestic disaster laws, policies, strategies and plans ([see Box 2](#)).

The complex, multi-faceted and evolving concept of vulnerability against natural hazards in PICs represents another recurrent theme of this study.⁹ The special protection of vulnerable groups ([see Box 4](#)), and their inclusion in the processes for drafting, adoption and implementation of law and policy at both national and sub-national levels, represents one of the core elements of the following analysis, complementing each of its sections. Hence, vulnerable groups will not be considered merely as beneficiaries of additional normative safeguards and protection, and their effective inclusion as proactive stakeholders and contributors to the development of new law and policies dealing with climate resilience will be assessed.



BOX 1



Pacific Island Countries (PICs) are small island States spread across a unique and diverse region made up of hundreds of islands over an area equivalent to 15% of the globe's surface. They are characterised by least-developed or developing economies; heavy dependence on a few external and remote markets; low population numbers; narrow resource and export base; poor infrastructure; remote locations and high costs in telecommunications and transportation. In most of these countries, a democratic style of government co-exists with traditional social systems and large portions of the populations are engaged in subsistence agriculture. Also as a consequence of a growing migration from rural to urban areas, the public sector often remains the largest employer (source: WHO).

PICs include Fiji, Kiribati, Marshall Islands, the Federated States of Micronesia, Nauru, Palau, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. Papua New Guinea can also be included but it is generally considered separately in light

of its cultural, demographic and structural differences. The independent states of the Cook Islands and Niue are a particular case, being countries which are self-governing in free association with New Zealand, which manages their foreign policy and guarantees their international representation. The category can be extended to that of Pacific Island Countries and Territories (PICTs) in order to include non-independent territories, such as French Polynesia (FRA) or the Pitcairn Islands (UK). Despite their great diversity, PICs share similar opportunities but also similar challenges. Among them, the vulnerability to external shocks and the effects of climate change and natural hazards is one of the most compelling and serious (IFRC 2019).

PICs are part of a wider grouping of Small Island Developing States (SIDS), recognised as a distinct group of developing countries from different geographical regions facing specific social, economic and environmental vulnerabilities at the [United Nations Conference on Environment](#)

and Development (UNCED) held in Rio de Janeiro in 1992 (source: [UN-OHRLLS](#)). SIDS' unique and particular vulnerabilities were then highlighted in the outcome document "The Future We Want", adopted at the [United Nations Conference on Sustainable Development](#) (also known as Rio+20) in 2012, mentioning their exposure to global environmental challenges and external economic shocks, including to a large range of impacts from climate change and potentially more frequent and intense natural disasters (para 178). The Third International Conference on Small Island Developing States (SIDS Conference) was held from 1 to 4 September 2014 in Apia (Samoa) under the overarching theme "The sustainable development of small island developing States through genuine and durable partnerships". The Conference resulted in an intergovernmental agreed outcome document—the [SAMOA Pathway](#) (A/CONF.223/3)—and the announcement of 300 multi-stakeholder partnerships devoted to the sustainable development of SIDS (source: UN Division for Sustainable Development Goals, Department of Economic and Social Affairs, [United Nations Partnership for Small Island Developing States](#), April 2019).

In the SAMOA Pathway, sustainable development, CCA and DRR are extensively addressed. The document acknowledges that "[...] small island developing States continue to grapple with the effects of disasters, some of which have increased in intensity and some of which have been exacerbated by climate change, which impedes their progress towards sustainable development." (para 51). SIDS also recognised their leadership role in "advocating for ambitious global efforts to address climate change, raising awareness of the need for urgent and ambitious action to address climate change at the global level and making efforts to adapt to the intensifying impacts of climate change and to further develop and implement plans, policies, strategies and legislative frameworks with support where necessary" (para 33, emphasis added).

PICs are increasingly describing themselves as Big Ocean Sustainable States (BOSS), thereby stressing the importance of protecting their terrestrial, aquatic and marine biodiversity, as well as their heritage, and securing equitable access to land and ocean resources ([UNESCO](#), 2018).

Structure

As global concerns, adaptation to a changing climate and the reduction of its destructive effects must be simultaneously addressed at international, regional, national, and local levels. This engenders additional complexity for law and policy-makers and requires the consideration of how international instruments are reflected in both regional and domestic spheres. Accordingly, the first part of this Report will focus on regional policies currently adopted in the Pacific Islands region, surveying how they modulate and combine the three global frameworks adopted in 2015 (SDGs, Paris Agreement and Sendai Framework). Moreover, the study will examine how such regional instruments address the role of law and policy-making in favouring holistic and risk-informed measures at the national and subnational levels.

The national practices of PICs will be highlighted in the second section. Here the focus will be on their participation in the UNFCCC reporting systems, as well as the development of national adaptation and DRR strategies. The comparative assessment of the most recent documents and reports endorsed by PICs will provide cross-cutting findings on how law and policy processes can improve resilience to climate change. The third section will be dedicated to a country case-study, the Republic of Fiji. Fiji underwent a particularly innovative reform process for both its CCA and DRR sectors, thus providing interesting and up-to-date examples of their alignment in its institutional system. Moreover, the greater availability of data and capacity to interview a higher number of



key-informants for this country represented additional criteria for the choice of Fiji as a case study.

At the end of each section, some key findings based on the desk research, empirical research and interviews will be identified. These key findings will feed into a consolidated list of suggested improvements in the fourth and last section. This will represent a resource to highlight examples of good practice which may be

beneficial for other countries, both within the Pacific Islands region and elsewhere in the world – in particular developing States characterised by high levels of exposure and vulnerability, small-sized institutional systems, scarce availability of technical and financial resources and more limited coping capacities against increased frequency and variability of weather and climate-related hazards.

Methodology

The study uses a combination of desk-based analysis and empirical research conducted in the region through qualitative techniques, mainly interviews with Key-informants (KIs) identified in the footnotes through the use of codes. KIs included intergovernmental and governmental officials (e.g. National Disaster Management Agency staff members); IFRC and RCRC National Societies DRR/DRM staff; representatives of civil society organisations/associations active in relevant sectors or representing vulnerable/marginalised groups; and academics with relevant expertise. These research participants provided informed insights and evaluations of regional and national normative processes, while also assessing the actual impact of relevant normative tools at different levels and the inclusion and consideration of vulnerable groups in the decision-making processes.

A research trip to the region coincided with a thematic regional workshop organised by UNDRR, IFRC and the Pacific Island Forum Secretariat (PIF) on ‘Legislating and policymaking for Climate Smart Disaster Risk Management in the Pacific’ (Nadi, Fiji 23–25 October 2019). The event provided the author with the opportunity to meet with relevant stakeholders and practitioners coming from all across the region (around 35 participants including representatives from eight PICs) and discuss how the integration of CCA, DRR and the SDGs was addressed by their respective institutions or organisations. The in-person interviews conducted at the workshop have been supplemented by further in-depth semi-structured interviews undertaken remotely, for a total of 12 interviews conducted across government, civil service, civil society, and academia.

This research was carried out after ethics approval was confirmed by the UCC Social Research Ethics Committee. KIs were involved in their professional capacity on an inclusive and meritocratic criterion. The interviews, conducted based on a set of thematic open-ended questions, reflected the key informants’ specific expertise in the field and focused on their personal evaluation/experiences. The topic guidelines were differently formulated according to the affiliation, role and experience/capacity of the interviewee, or to the specificity of the potentially vulnerable group represented. All participants received and signed an informed consent form, where they acknowledged and specified the conditions of their participation. Privacy considerations were given the utmost importance, in line with the highest EU standards for secure data storage.



Author Tommaso Natoli interviews a key informant.

BOX 2

Climate change and disaster law and policies at the 33rd RCRC International Conference (2019)

The 33rd International Conference of the Red Cross and Red Crescent Movement took place in Geneva from 9–12 December 2019 and gathered representatives from 168 States and 187 Red Cross and Red Crescent National Societies. In line with the overall purpose to address the world's most pressing humanitarian issues, the 'humanitarian consequences of climate change' was included as one of the main themes of the agenda. Accordingly, the link between disasters and climate change was placed at the core of several side-events and discussed in the course of high-level debates among stakeholders, including the "High-Level Climate Humanitarian Dialogue: scaling-up collaborative action toward climate resilience and addressing the humanitarian impacts of climate", organised in conjunction with the UNFCCC CoP in Madrid.

The relevance of climate change as a humanitarian issue was also stressed in the [resolutions](#) adopted in the final plenary session. In particular, Resolution 7 on 'Disaster laws and policies that leave no one behind' (33IC/19/R7) elaborated the need for effective disaster laws, policies, strategies and plans that address climate change, in continuity with prior RCRC resolutions on disaster law (e.g. Resolution 4 of the 30th International Conference, Resolution 7 of the 31st International Conference and Resolution 6 of the 32nd International Conference). It doing so, States and the various components of the RCRC Movement acknowledged the interlinked nature of and need for coherence between the most relevant documents on the topic, such as the Intergovernmental Panel on Climate Change (IPCC) Special Report on the impacts of global warming of 1.5°C of 2018; the UN 2030 Agenda for Sustainable Development; the Sendai Framework for Disaster Risk Reduction 2015–2030; the UN Framework Convention on Climate Change and the Paris Agreement (2015).

Resolution 33IC/19/R7 is aimed at strengthening the links between humanitarian, development and climate change adaptation efforts, to reduce disaster and climate risks and enhance resilience. Its first



operative paragraph 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 disaster risk management and adaptation to climate change and promote gender-responsive approaches and community-engagement in risk analysis, planning and decision-making*” (emphasis added). Moreover, in addition to the identification of innovative approaches and measures and the encouragement to use the most relevant guidance and advocacy tools developed by the IFRC in this sector, the Conference requested the IFRC “*to continue to support National Societies and States in the field of disaster laws, including with respect to the areas of concern mentioned in this resolution, through technical assistance, capacity building, the development of tools, models and guidelines, advocacy, ongoing research and promotion of the sharing of experiences, techniques and best practices among countries*” (para. 11, emphasis added).





Regional Policy Framework on CCA and DRR in the Pacific Islands Context

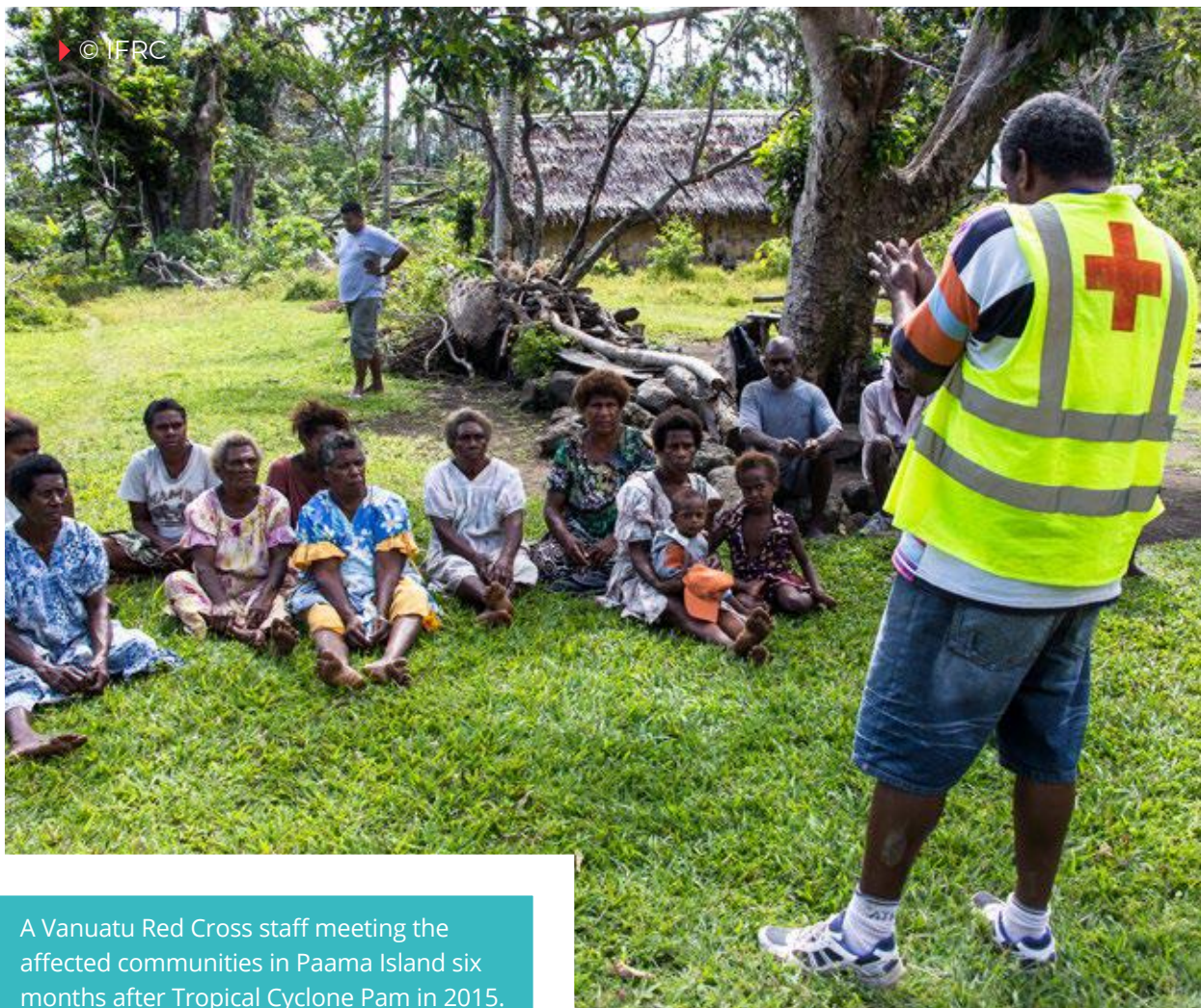
As mentioned in the Introduction, the objective of this Report is to provide up-to-date and original findings on the main drivers and barriers for alignment of CCA-DRR measures in PICs' law and policy-making. The scope of the analysis will also include how the most vulnerable sectors of the population (see Box 4) have been considered in these processes. The choice to focus on the Pacific Islands region was intentional: over the last few years many PICs have been reforming their institutional and normative systems in order to pursue a holistic approach to disaster and climate resilience. In this sense, the Pacific Islands area represents an extremely vast, rich and diverse source for research findings and examples of good practice.

This is mainly due to the serious consequences that climate change is already causing at a growing rate all across the region, which hosts five of the ten most at-risk countries in the world.¹ The undeniable effects of climate variability, sea-level rise and weather-related natural hazards already threaten the very existence of some of the PICTs.² It is not by chance that this area is generally considered “on the frontline” of the global climate crisis. Among various drivers of risk and vulnerability, one can consider how in an “ocean-dependent” region, the observed rate of sea-level rise is up to four times the global average, therefore putting at risk the security, health, well-being and culture of entire communities.³



As a consequence, PICs have shown a resolute and forward-looking engagement on climate issues, both nationally and internationally. In analysing the main barriers and lessons learned about linking CCA-DRR measures in the Pacific, a UNISDR-UNDP thematic study from 2012 already emphasized the preparation of integrated national policies and legislation as one of the main entry points for future development.⁴ Not surprisingly, as will be elaborated in this report, numerous examples show an increasing and remarkable capacity of PICs to innovate, especially from a regulatory point of view. Analysing good practices and identifying lessons learned in terms of normative improvements in this context appears, therefore, a particularly productive opportunity.

Despite the variety of different risk profiles and related risk reduction strategies across the PICs, the coordinating efforts of these countries has increased over the years, based on the need to prioritise and optimise their political and diplomatic weight towards the same goals. Therefore, understanding the specific regional context needs to start from a comprehensive analysis of how the different countries are aligning from a policy perspective. This is important, especially in light of their different levels and kinds of exposure and vulnerability, making any comparative assessment a complex task. Such an alignment process has also been favoured by the work of regional organisations, bodies and *fora* (see Box 3), which have supported and channelled national efforts to build common positions, for example by hosting the most relevant initiatives and providing the necessary technical expertise.



A Vanuatu Red Cross staff meeting the affected communities in Paama Island six months after Tropical Cyclone Pam in 2015.



BOX 3

Regional organisations in the Pacific with thematic relevance

Pacific Islands Forum Secretariat (PIF) The Pacific Islands Forum is the region's premier political and economic policy organisation. Founded in 1971, it comprises 18 members: Australia, Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Kiribati, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

The Forum's Pacific Vision is for a region of peace, harmony, security, social inclusion and prosperity so that all Pacific people can lead free, healthy, and productive lives. The Pacific Islands Forum works to achieve this by fostering cooperation between governments, collaboration with international agencies, and by representing the interests of its members. The work of the Forum is guided by the Framework for Pacific Regionalism, which was endorsed by Forum Leaders in July 2014. It sets out the strategic vision, values, objectives and approaches to achieve deeper regionalism in the Pacific.

The Pacific Community (SPC) The Pacific Community (SPC) is the principal scientific and technical organisation in the Pacific region, supporting its development since 1947. SPC is an international development organisation owned and governed by its 26 Pacific country and territory members.

SPC works for the well-being of Pacific people through the effective and innovative application of science and knowledge, guided by a deep understanding of Pacific Island contexts and cultures. This is a shared vision for the Pacific under the Framework for Pacific Regionalism. This organisation covers more than 20 sectors and is renowned for knowledge and innovation in such areas as: fisheries science, public health surveillance, geoscience, and conservation of plant genetic resources for food security.

Secretariat of the Pacific Regional Environment Programme (SPREP) SPREP is the regional organisation charged with protecting and managing the environment and natural resources of the Pacific. The head office is based in Apia, Samoa with about 100 staff. There is also a SPREP office in Fiji as well as SPREP Officers stationed in the Federated States of Micronesia, Republic of the Marshall Islands, Solomon Islands and Vanuatu.

The strategic direction for SPREP is clearly set out in the 2017–2026 SPREP Strategic Plan. SPREP's mandate is to promote cooperation in the Pacific region and provide assistance in order to protect and improve its environment and to ensure sustainable development for present and future generations. SPREP is guided by its vision for the future: "A resilient Pacific environment, sustaining our livelihoods and natural heritage in harmony with our cultures".

University of the South Pacific (USP) The University of the South Pacific is an intergovernmental organisation and public research university with a number of locations spread throughout a dozen countries in Oceania. It is an international centre for teaching and research on Pacific culture and environment. USP's academic programmes are recognised worldwide, attracting students and staff from throughout the Pacific region and internationally.

The University of the South Pacific, as one of two regional universities in the world, serves 12 Pacific Island Countries – Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. The University graduated its first cohort of 32 students in 1971 and in subsequent years over 44,000 graduates have successfully completed their studies. Today the university has an enrolment of over 29,000 students, studying in all 12 countries and 14 campuses.

Pacific Islands Development Program (PIDP) The Pacific Islands Development Program (PIDP) conducts a broad range of activities to enhance the quality of life in the Pacific islands. The founding mission of PIDP is to assist Pacific islands leaders in advancing their collective efforts to achieve and sustain equitable social and economic development. Since 1980 PIDP has served as a forum through which island leaders discuss critical issues of development with interested countries, donors, non-governmental organisations, and the private sector.

PIDP also conducts research on various aspects of development, including economic, cultural and social, international trade and investment, population and economics, and sustainable resource management. The education and training section provides various kinds of scholarships at the undergraduate and graduate levels for Pacific Island students.

1.1 Relevant Regional Instruments

The main regional configuration with relevance to DRR / CCA can be traced through the analysis of two key frameworks recently adopted in the Pacific: the **'Boe Declaration on Regional Security'** (see section 1.2) and the **'Framework for Resilient Development in the Pacific (FRDP)'** (see section 1.3). Before analysing the content of these two instruments, a brief overview of other related policies adopted since the mid-2010s can help in understanding how the region aligned with the main objectives and goals identified at the global level by the "post-2015 Agenda".⁵

A new political "wave" had already been started with the **'Majuro Declaration for Climate Leadership'** adopted in 2013, which captured the Pacific Islands Forum's (PIF) commitment to be a region of "Climate Leaders". PICs committed to catalyse climate action and mobilise political will for the adoption of a universal, ambitious and legally-binding treaty to complement and strengthen commitments already made, including those under the United Nations Framework Convention on Climate Change and its Kyoto Protocol.⁶ In the Declaration, PIF leaders committed to "develop and implement *policies, strategies and legislative frameworks, with support where necessary, to climate-proof our essential physical infrastructure, adapt our key economic sectors and ensure climate-resilient sustainable development for present and future generations*".⁷

Along similar lines, the **'Framework for Pacific Regionalism'**, endorsed by PIF members in 2014,

recognised among the most significant common challenges the damaging effects of climate change. Notably, in identifying the required actions for a more harmonised regionalism, amendment of internal laws and institutional requirements were made explicit in the Framework.⁸ Similarly, the **'Suva Declaration on Climate Change'** adopted in 2015 within the Pacific Islands Development Forum, also called for increased support for adaptation measures to be 100% grant financed, together with "*stronger regulations regarding climate-proofing of infrastructure as well as revision or formulation of building and zoning codes*".⁹

Over the same period, in parallel with regional policies on climate change, the disaster risk management (DRM) sector was also addressed by regional bodies in the Pacific. The **'Pacific Platform for Disaster Risk Management'** represented the most relevant initiative in this sense, consisting of an annual conference jointly organised since 2009 by the UNDRR (formerly UNISDR) and the Pacific Community (SPC) with support from international and national partners. In the course of its last meeting, which took place in 2016 in Suva (Fiji), states reaffirmed their commitments to the implementation of the Sendai Framework for Disaster Risk Reduction.¹⁰ Pacific countries and partners exchanged experiences on innovative approaches and agreed on the need to bridge the gap between CCA and DRR and fully integrate them into development,¹¹ especially highlighting the need to improve local government resilience through "legislation and enforcement of local laws".¹²



Before moving to a more detailed analysis of the two most recent regional frameworks reflecting climate risk policies, this overview of Pacific regionalism must be complemented by mentioning the 'Blue Pacific' narrative (2017). This strategy seeks to "strengthen collective action as one 'Blue Pacific Continent' by placing **'The Blue Pacific'** at the centre of the regional policy-making process and the requisite collective action for advancing the PIF Leaders' Vision for the Region".¹³

Some references to the protection of vulnerable groups can be traced in the above-mentioned documents and declarations. However, a special mention

should be made to the **'Suva Declaration on Climate Change'**, which specifically recognises that "addressing gender-based inequality and discrimination is essential for effective action on climate change", as well as "the importance of engaging, as equal partners, civil society, women, youth and persons with disabilities, in all efforts towards building climate change resilience".¹⁴ In adopting this Declaration, the leaders of the Pacific Islands Development Forum also called for "greater involvement of community, civil society (including women, youth and persons with disabilities) and the private sector, in [their] climate change responses and initiatives".¹⁵



▶ © Jane Ussher / IFRC

John and Agnes Guliwa, with their grandchildren, open up Red Cross relief items, delivered to their village, Ngalimera, in Guadalcanal Plains. More than 40,000 people were affected by disastrous flooding in 2014.

BOX 4

A working definition of vulnerable groups

A distinctive feature of the present study is the attention devoted to specific individual or societal vulnerabilities in advancing CCA-DRR coherence in both law and policy. In addition to the consideration of adverse effects of weather and climate-related extremes on human communities, the scope of the analysis will include an assessment of how potentially vulnerable groups of people are considered in the drafting and implementation of relevant plans and regulations. Yet, a working definition of “vulnerable groups”, and a clear identification of the categories it encompasses, is not a straightforward exercise. This report will be based on the elements provided by the three key international documents around which it develops:

- The UN Agenda 2030 identifies as vulnerable people: “all children, youth, persons with disabilities [...] people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants” (para. 23). This comprehensive list of particularly vulnerable categories is further expanded by SDG 11.5 which mentions the category of “the poor” (referring to the need to “significantly reduce the number of deaths and the number of people affected [...] by disasters, including water-related disasters, with a *focus on protecting the poor and people in vulnerable situations*”). Moreover, SDG 13.b refers to the category of marginalised groups (recalling the need to “[p]romote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and *local and marginalized communities*”).
- A reference to ‘vulnerable groups’ can be found in the Paris Agreement, whose article 7.5 acknowledges that “adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems [...]”. However, a list of single categories is only mentioned in the preamble of the Treaty, and framed in a right-based perspective: “[...] Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on [...] the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations”. This last all-encompassing category could also include an implicit reference to the elderly, not directly addressed by a specific human rights instruments, but one of the most sensitive to the effects of climate change.
- A slightly different—although complementary—approach has been adopted in the Sendai Framework, which considers vulnerable categories as “relevant stakeholders” governments should engage with in designing and implementing DRR policies, plans and standards. This list includes “women, children and youth, persons with disabilities, poor people, migrants, indigenous peoples, *volunteers, the community of practitioners* and older persons” (paras. 7 and 36 a, emphasis added). Interestingly, as can be inferred by this list, individuals that expose themselves to specific risks by operating in the affected area for volunteering or professional purposes can also be considered as a vulnerable category. A similar approach is reflected in the SAMOA Pathway (see paras 40 and 52).

In light of the above, it can be inferred that the inclusion of women and young girls in the list of vulnerable categories is discontinuous. In most cases, it is framed as a ‘gender’ consideration and addressed in a separate provision (see for instance UN Agenda 2030 para. 20 or Paris Agreement preambular paragraph n. 11). Based on the recognition that women and young girls can be disproportionately affected by climate-related disasters (Sendai para. 4), and reflecting the prevalent practice in national policies, the present study will consider gender-sensitiveness and the explicit consideration of women in decision-making as a separate but interconnected requirement for the effective integration of CCA & DRR measures, especially in light of their critical role in combating the effect of climate change and prompting social adaptation (See [LDC Expert Group, Technical guidelines for the national adaptation plan process—2012, 17](#)).



1.2 The Boe Declaration on Regional Security and the Related Action Plan (2018)

The **'Boe Declaration on regional security and related action plan'**, adopted in September 2018 at the 49th PIF meeting in Nauru, is among the most relevant regional frameworks currently in force in the Pacific Islands region. The strong sense of community enshrined in the document was clearly expressed during the high-level political meeting, where regional leaders upheld the theme: "Building a Strong Pacific: Our People, Our Islands, Our Will".¹⁶

One of the most relevant features of this new regional instrument consists in the identification of climate change resilience capacities as a stand-alone regional security priority. In fact, as recognised by the Prime Minister of Samoa in his opening address at the previous PIF Meeting (2017), "Climate change and particularly disasters may be viewed from a security perspective, given their increasing frequency and impact".¹⁷ On this basis, the Boe Declaration provides an insight into the way in which Pacific leaders prioritise climate change impacts.

First, the concept of "security" has been expanded to include human security and humanitarian assistance and—most interestingly—to prioritise "environmental security, and regional cooperation in building resilience to disasters and climate change, including through regional cooperation and support".¹⁸ This represents a substantial shift from the previous Biketawa Declaration, adopted in 2000 as a framework for coordinating the response to 'regional crises', which was built upon a more traditional concept of 'security threat' and so focused primarily on good governance, rule of law, and preventive diplomacy.¹⁹

In the Forum Communiqué to which the Boe Declaration is annexed, the UN Agenda 2030 and the SAMOA Pathway (see Box 1) are represented as the global benchmarks around which States built their commitments. Unsurprisingly, the need to ensure sustainable development in the region is identified and stressed as an overarching commitment, "in a way that recognises the region's rich culture, national circumstances, and oceanic resources".²⁰ Moreover, the signatories recognised that climate change and

disaster resilience "presents the single greatest threat to the livelihood, security and wellbeing of Pacific people" and reaffirmed the importance of immediate urgent action in this sector. Particular reference is made to strong commitments at the diplomatic level, especially with regards to progress in the implementation of the Paris Agreement.²¹ The acknowledgement of the "climate crisis" as a security issue also led to a request to the UN Secretary-General "to appoint a Special Adviser on climate change and security" and to the UN Security Council "to appoint a special rapporteur to produce a regular review of global, regional and national security threats caused by climate change".²²

The **Boe Declaration 'Action plan for implementation'** complemented and supported the framework. The Plan provides a broad framework to assist Members in aligning with its overall intents, and also more specific directives for progress review processes "in collaboration with key regional and international stakeholders".²³ In particular, the strategic document identifies specific, achievable and targeted activities for each focus area of the Boe Declaration, while keeping an evolving and "rolling" approach which will allow for re-prioritisation thanks to annual revisions made by Forum Members, and through the newly established Forum Officials Sub-Committee on Regional Security (FSRS).

In dealing with "climate security", the Plan reiterates that climate change effects in the region represent at the same time "an environmental security risk, a human security risk and an existential national security risk", but it also recognises that "the exact impact that climate change will have on regional security needs to be better understood given the complex and multifaceted nature of its impacts".²⁴ To steer PIF Member countries through this endeavour, an "activity matrix" articulates several proposals, together with relevant criteria to measure their potential success, in some cases of a quantitative nature.²⁵

With specific regards to CCA, one of the activities included in the "matrix" stresses the need to ensure

the effectiveness of community-based adaptation strategies, as well as the production of knowledge products based on research and evidence to support policy-making on adaptation efforts.²⁶ No specific reference is made to the need to harmonise sectorial legislation or policies, apart from a generic call “to incorporate climate and disaster risk considerations into *development plans and budgets* at the national, sectoral and sub-national levels and to *effect the necessary systemic changes to facilitate these and other relevant risk governance initiatives*”.²⁷

The Plan also prioritises the need to implement international frameworks, such as the Paris Agreement, as demonstrated by the expected result to maximise (up to 18) the number of countries that have a Climate Adaptation Plan or Strategy. Also, the “matrix” aligns the specified actions with the correspondent SDGs, including SDGs 1, 11 and 13.

This is in line with the 2015 **‘Nukualofa Ministerial Declaration on Sustainable Weather and Climate Services for a Resilient Pacific’**, issued at the First Pacific Ministerial Meeting on Meteorology, which linked regional goals to international sustainable development frameworks, specifically the SDGs.²⁸

The explicit recognition of the adverse impact of climate change in the region in the Boe Action Plan did not correspond to a clear elaboration of the existing links with DRR priorities and practice as stated in the Sendai Framework. However, reflecting the need for coherence between different regional instruments, the matrix for assessing the Plan’s goals cross-references another policy instrument, namely the Framework for Resilient Development in the Pacific (FRDP)²⁹, which is comprehensively analysed in the following section.

1.3 The Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management (FRDP) 2017–2030

The **‘Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management (FRDP)’** currently represents the most relevant regional policy informing the CCA-DRR integration discourse. As specified in its first paragraphs, the main aim of the FRDP is to build resilience to climate change and disasters in the Pacific Islands region, placing sustainable development “front and centre”.³⁰ The way in which climate change and disasters are jointly considered encompasses a wide range of policy priorities, such as greenhouse gas (GHG) mitigation and disaster response mechanisms. The present analysis will focus on the CCA-DRR coherence aspects raised in the document, with specific regards to law and policy mechanisms.³¹

The FRDP is the result of an initiative launched at a PIF leaders meeting in 2013,³² where PICs representatives expressed the intention to optimise regional policies by substituting two previous frameworks due to expire in 2015 (the Pacific Islands Framework for

Action on Climate Change and the Pacific Disaster Risk Reduction and Disaster Management Framework for Action) with a new, single one.³³ A Steering Committee to provide strategic guidance in this process was formed by representatives of several regional organisations and bodies,³⁴ while technical support was provided by a dedicated working group.³⁵ These initiatives successfully led to the adoption of the FRDP in 2015, and to its formal activation the following year.

One of the most noteworthy elements characterising the drafting process of the FRDP (and hence the final content) is the fact that it results from an “[e]xtensive and inclusive engagement process with stakeholders, from national and communities to regional and international levels”³⁶, a feature which arguably marks a certain discontinuity with more traditional top-down policy documents previously adopted in the region. The positive impact of fully embracing the role of the private sector, civil society and local communities during the drafting phase was confirmed during interviews for this current research.³⁷ For these reasons



the framework comprehensively focuses on a wide range of categories and actors and sets out their roles on how best to harmonise respective actions towards effective climate change and disaster risk management.

The intention to link with (and contribute to the implementation of) the main international normative tools is evident in the FRDP, which explicitly mentions the UN Agenda for Sustainable Development; the UNFCCC Paris Agreement; the Sendai Framework for Disaster Risk Reduction, and the SAMOA Pathway.³⁸ This provides further confirmation of the strong diplomatic coordination of PICs in international *fora*³⁹, and the intention to prompt a joint consideration of these frameworks, despite the fact that the FRDP (described as a “non-political policy”) specifies that it will not bind PICs regarding their position in international negotiations. Moreover, despite the emphasis on the uniqueness of the Pacific Islands region, the FRDP is not seen to be a “siloesd” regional effort but a pioneering example and model for other regions.⁴⁰

The FRDP, initially conceived as a “strategy” and eventually taking the form of (ostensibly less intrusive and more all-encompassing) “guideline for voluntary action”,⁴¹ is built on the consideration that catastrophic events such as the tropical Cyclones Winston in 2016 and Pam in 2015, demonstrated how weather and

climate-related disasters are increasingly affecting Pacific Island people and undermining development efforts across the region. However, it considers not only the losses due to major, extreme events but also the accumulated impact of low-intensity small size events, the effect of which is more diluted but no less destructive in the medium-long term.

In light of this, the Framework addresses PICTs’ similar needs towards a better-harmonised systems in view of the optimisation of available (and often limited) resources; more effective strategies and planning; and more efficient activities and measures, supported by the mainstreaming (where appropriate) of different topics in the same institutional contexts and across different processes and practices.⁴² As for the CCA-DRR coherence, this is clearly expressed by the first of the three interrelated goals proposed by the Framework, aiming at “[s]trengthened integrated adaptation and risk reduction to enhance resilience to climate change and disasters”. Monitoring and reporting activities are only briefly mentioned and based on the use of existing reporting commitments under the Sendai Framework for Disaster Risk Reduction, the Paris Agreement on Climate Change and the SDGs. While this will avoid additional reporting burden on PICs, this is also likely to make the normative impact of the FRDP harder to measure.⁴³

1.3.1 The Relevance of Law and Policy-Improvements in the FRDP

The operational impact of the document is subsumed in a non-exhaustive array of ‘priority actions’ for each goal. Interestingly, it is recognised that “Some actions may be better implemented at the regional level and some would need to be further articulated at the national level to suit the specific context, priorities and needs of each individual PICT”,⁴⁴ thus showing the intent—as a “framework”—to suggest a certain level of flexibility and openness to further adjustments in the incorporation of suggested measures at the domestic level. The list of actions had been drafted looking at relevant regional, national and sub-national policies and plans, as well as from national and regional experiences and lessons learned.

As noted in reference to earlier regional policies, references to national planning and policy-making are far more common than those to legislative improvements. A look at the FRDP guiding principles for implementation is indicative on this point. It omits any explicit reference to law-making when considering the need to “integrate climate change and disaster risk management (where possible) and mainstream into development planning including *polycymaking, planning, financing, programming and implementation*, to build resilience”.⁴⁵ Similarly, in dealing with the implementing methods, the document limits them to “*national and sectoral policies and plans*”, requiring “further elaboration at national, provincial, community,

organisational and enterprise levels, to suit specific circumstances".⁴⁶

Notably, even though it is meant to be "non-exhaustive", the list of actions suggested to national and sub-national governments and administrations under Goal 1 (dealing with CCA-DRR integration) does not contain an explicit call for normative or legislative improvements. The FRDP only refers to the need to "f) *Strengthen capacities* at all levels of government, administration and community [...], responsive *decision-making systems*", and to "g) develop [...] inclusive *multi-sectoral and multi-stakeholder mechanisms* [...] to ensure climate change and disaster resilience in all development sectors".⁴⁷

This is reportedly due to a greater sensitivity by different stakeholders about regional instruments' being prescriptive about law-making.⁴⁸ However, the actions listed under the other two goals (respectively dealing with 'Low-carbon development' and 'Strengthened disaster preparedness, response and recovery') specifically mention, although briefly, the need to develop and enforce efficient and effective legislation and regulations.⁴⁹ Importantly, this aspect may be reconsidered in the future, as the FRDP will be subject to review no later than 2024.

1.3.2 The Consideration of Vulnerable Groups in the FRDP

The FRDP thoroughly contemplates the relevance of groups with specific vulnerabilities, a distinguishing element as compared to other previous regional policies.⁵⁴ A general definition of 'vulnerable groups' is provided in the accompanying glossary, namely: "Any collective or group of people that has the propensity or predisposition to be adversely affected, such as a household, community or country, and their situation, that influences their capacity to anticipate, cope with, resist, and recover from an adverse pressure".⁵⁵ This should be read in conjunction with one of the FRDP guiding principles, which indicates that the FRDP will "Prioritise the needs and respect the rights of the most vulnerable, including but not limited to women, persons with disabilities, children, youth and older persons".⁵⁶

Lastly, as for its implementation, the document recognises the Pacific Resilience Partnership (PRP) as the body that will translate it "from paper to action", engaging with different stakeholder groups at a regional and national level.⁵⁰ The establishment of the PRP was agreed by the foreign ministers of PIF member states in 2015, which envisioned it as a platform to bring together different communities of practice (e.g. CCA and DRR).⁵¹ Its main mandate is to favour the collaboration with other partners, such as "government representatives from ministries of finance and planning, relevant sectors and private sector and civil society" despite their diverging nature, competences and scope of actions.⁵²

Unfortunately, no specific references are made to the provision of technical assistance to parliamentarians and law-makers and/or facilitating the sharing of good normative practices. However, the establishment of a Technical Working Group on Risk Governance in partnership with PIFS and IFRC, having a specific focus on climate-smart DRM legislation, has to be considered as an important starting point, in particular due to the wide participation by member States.⁵³

As can be noted, this (non-exhaustive) list does not mention indigenous people, a choice ostensibly due to the fact that in some of the PICTs the majority of the population would be part of this category, somehow nullifying its special nature. However, the lack of references to migrants and refugees appears less reasonable, and mention of internally displaced persons (IDPs) or people living in informal settlements could be considered in future revisions of the document. Notably, women are included in the list of vulnerable groups, but gender considerations are also addressed in a separate paragraph, together with the need to support equitable participation of men and women in the planning and implementation of all activities.⁵⁷



Apart from their categorisation, what deserves particular notice is that the FRDP not only takes into account the need to protect specific groups⁵⁸ but is also aimed at facilitating their effective participation in all activities it refers to. The particular attention paid to the proactive role of vulnerable groups first emerges in their consideration as key stakeholders, with a specific action proposed to “[d]raw on existing capacity and assist in developing further the capacity of civil society organisations to represent and involve vulnerable groups as participants in climate change and disaster risk management fora and in implementation of programmes on the ground, with effective risk management communication and partnership with communities”.⁵⁹ The same direction is followed for actions suggested to civil society organisations and communities, which are encouraged to “Empower

vulnerable groups to participate in climate change and disaster risk management fora, and in the implementation of programmes on the ground”.⁶⁰

Recurrent references to international human rights law instruments can also be noted. The need for initiatives promoted by the FRDP to ensure consistency with relevant agreements in this field (e.g. the Convention on the Rights of Persons with Disabilities, and specifically its art. 11, the Convention on the Rights of Indigenous Peoples and the Convention on the Rights of the Child) undoubtedly represents added value in terms of overall normative impact. Accordingly, civil society is invited “to utilise a human rights perspective and to use appropriate methods that ensure inclusive participation of vulnerable groups to address their specific needs”.⁶¹



IFRC Pacific Communications & Advocacy Manager Navinesh Kumar interviewing a Vanuatu Red Cross staff who was severely affected by Tropical Cyclone Pam in 2015.

1.4 Key Findings

- With the adoption of the 'Boe Declaration' and the 'FRDP', PICs have stepped forward in the development of a common and integrated approach to climate-related risks and the strengthening of regional resilience. PICs already consider CCA and DRR as 'two sides of the same coin' and are now entering in a second phase: facing the challenge of delivery on the ground what has been established by such forward-looking regional policies, and evaluating and applying their capacity to meet the needs at the national and subnational level through law and policy-making, planning, financing and programming actions.
- However, the relevance of law-making as a key avenue for the implementation phase is not particularly emphasised by regional strategies, especially concerning CCA-DRR integration. As noted by one KI, this seems to correspond to a commonly recognised line of demarcation, according to which the legislative power is not to be directly influenced by regional instruments. While in the FRDP a greater openness can be traced regarding 'Low Carbon Development' (Goal 2) and 'Disaster Preparedness, Response and Recovery' (Goal 3), further reviews of the document could consider highlighting the importance of legislative provisions in relation to climate change and disaster resilience (Goal 1).
- The national implementation of regional policies, as pointed out by several KIs, will depend on the institutional capacity to involve ministries of finance/economy and development agencies so that they can provide meaningful input and direction to this process. It was noted during interviews for this research that national implementation can be hampered by the siloed approach at the international level, which leads to competition amongst ministries alongside fragmentation at the national one especially for access to external funding streams, which results in the lack of tracking and accountability systems for any climate-related expenditure. The need to adopt new regulatory instruments facilitating more coherent connections between donors, budget holders and implementing agencies could be addressed in further revisions of current regional policies as well as in new ones.
- The recent establishment of a Technical Working Group on Risk Governance for Resilient Development under the Pacific Resilience Partnership (PRP) with a focus on climate-smart DRM legislation is an example of good regional practice. Its overall purpose is to strengthen risk governance for resilient development through strengthening regional collaboration, promoting best practices, providing guidance for national policy and legislation development processes. This will facilitate the exchange of lessons learned with an initial focus on the development and normative implementation of the many aspects of the FRDP and Boe Declaration.





ASSESSING NATIONAL PRACTICE: THE RELEVANCE OF LAW AND POLICIES IN PICS ADAPTATION AND RISK REDUCTION PLANNING

In addition to the diversity of risks and exposure levels across the region, PICs are also characterised by different vulnerabilities, due to their specific institutional, environmental, socio-demographic and economic features.¹ Without overlooking this heterogeneity, it is beneficial to undertake a comparative analysis of national practices underpinned by consideration of the similar barriers and challenges that they face in moving towards a holistic approach to CCA and DRR, and with due regard for the special needs of vulnerable groups.

In fact, although to different degrees, across the region it is generally reported that the steps towards major coherence in governance settings are in most cases impeded by institutional weaknesses; insufficient governance capacities; lack of human and financial resources; and inadequate technical expertise in long-term planning and project management.² Furthermore, the lack of access to end-user friendly data and information is commonly reported as an obstacle to greater policy alignments.³ According to many KIs interviewed for



this research, other common challenges come from the difficulties in shifting the emphasis from disaster response and relief to long-term, proactive CCA-DRR action, as well as incorporating the complexities of climate- and disaster-related risk policies within development plans.

These elements hinder the possibility of addressing institutional fragmentation and connecting different areas of governance in a coherent manner, thereby impeding a harmonised cooperation between different levels of territorial administration (i.e. regions, municipalities). These elements also result in setbacks and inefficiencies, especially when it comes to implementing measures across multiple sectors and facilitating a suitable use of external donor contributions, which—as commonly reported by governmental representatives—represent the main

financial resource for climate-related activities.⁴ Given the above, the importance of a clear, accountable and sufficiently enabling normative framework should be considered as a central element of the process.

In line with the focus of the present study, this section will analyse how the need to improve law and policy-making coherence at the domestic level has been addressed by a variety of PICs, with specific regards to plans and strategies on CCA and DRR adopted according to the internationally agreed reporting mechanisms (respectively the UNFCCC and the Sendai Framework). When present, precedence has been given to research findings derived from sources of law (i.e. primary legislation and statutory instruments), alongside the broader category of “policies” as a secondary source of data.

2.1 Comparative Assessment of National Adaptation Programmes of Action (NAPAs) Submitted by PICs

The National Adaptation Programmes of Actions (NAPAs) were the first reporting mechanisms on adaptation envisaged under the UNFCCC. This was initiated during the UNFCCC CoP 7 conference in Marrakesh (2001) and has been funded by the Least Developed Countries Fund (LDCF), which is based on voluntary contributions from developed countries and managed through the Global Environmental Facility (GEF).⁵ More specifically, the NAPA mechanism only concerns those nations included in the category of least developed countries (LDCs)⁶ and is focused on the identification of specific areas of urgency to facilitate access to targeted project funding. While the vast majority pre-date the “2015 Agenda”,⁷ most of the 51 NAPAs submitted so far to the UNFCCC highlight the importance of linking adaptation with DRR, as for instance in ensuring the availability of water during dry seasons or managing increased risks of vector-borne diseases such as malaria.⁸

Despite some reported difficulties in effectively integrating NAPAs into national planning and budgetary processes, as well as donors’ increasing reluctance to provide funding,⁹ a comparative analysis of these documents provides interesting findings on how PICs

approached the need to mainstream CCA and DRR into their law and policies. Cross-sectoral links are particularly evident when considering the NAPAs submitted by **Samoa** in 2005 (now graduated from the LDCs group); by **Kiribati, Tuvalu and Vanuatu** in 2007; and by the **Solomon Islands** in 2008. In all these documents, the relevance of disasters as consequences of climate-related hazards is widely addressed and the need to reduce their impact emerges as an objective in several priority projects. For instance, the **Solomon Islands** NAPA recognises that:

“The need to implement adaptation measures with some urgency has been often reinforced by the adverse impacts already being experienced in the country and highlighted in numerous national and regional workshops, meetings and conferences. It has been suggested that risk-reduction strategies together with other sectoral policy initiatives in areas such as sustainable development planning, disaster prevention and management, integrated coastal zone management and health care planning should be employed”.¹⁰



The CCA-DRR nexus also emerges in other programmes presented by PICs, where adaptation options had been developed on the basis of previous sectoral reports, scientific and research literature, planning and policy documents, including national communications to the UNFCCC.¹¹ In some cases, these selected sources, data and materials have been reportedly “recast” in the DRR framework/strategy or arranged through the use of risk assessment tools in order to highlight the existing linkages between each specific sector of intervention.¹²

Tuvalu’s NAPA devotes four pages to a description of the climate hazards it is exposed to, discussing in great detail the different types, location, magnitude and trends.¹³ In other cases, such as **Samoa**, “risk reduction” considerations have been included as one of the critical sectors for vulnerability assessment to climate change. The forestry sector represents an indicative example of the adoption of a sustainable and multisectoral approach, joining together watershed management, environmental protection, provision of wood and non-timber resources, biodiversity protection and reducing the risk of fires during the drought season.¹⁴

2.1.1 The Relevance of Law and Policy-Making in NAPA Submitted by PICs

Against the widespread importance given to disaster risks as part of the adaptation strategies in Pacific NAPAs, the role of policy-making is recurrently mentioned as an important tool for greater alignment. The references to the need to encourage the integration of climate change issues into sectoral policies and national development planning are frequent in these documents, which commonly include policy reforms among their priority activities. The action envisaged by the **Solomon Islands** to establish strict policy guidelines on building codes for climate-proofing of infrastructure and land-use restrictions,¹⁵ and **Vanuatu’s** proposed project seeking to identify national policies to address the impacts of climate change on water resources can be cited as meaningful examples.¹⁶

Law-making is also considered within the NAPAs, albeit more sporadically if compared to other means of implementation. Explicit references to the role of normative frameworks are indeed quite rare, despite the recognition, as in the case of **Kiribati**, that the “[i]mplementation of the NAPA may be hindered by certain provisions and gaps in current and relevant laws and regulations”.¹⁷ Similarly, the **Solomon Islands’** NAPA notes that “[o]ut of date or non-functional legislation and policies related to most sectors means that there is already an unclear framework within which to operate”, and that these limitations “could also be an opportunity as climate change could be integrated

into [their] reviewed versions”.¹⁸ In introducing the NAPA submitted by his country, the Deputy Prime Minister of **Vanuatu** called for the need to modify policies and legislation “where necessary to become more adaptation friendly, support the capacity for adaptation and implement measures to reduce vulnerability to climate change”.¹⁹

A shifted focus on sectoral and project-oriented actions included in NAPAs can help with the identification of further elements of analysis. The **Solomon Islands** noted, for instance, that “[l]egislation and policy need to be reviewed as a matter of urgency which would provide opportunity for incorporating climate change issues and concerns” in the forestry sector.²⁰ Also, the document mentions the relocation of climate-change affected communities, which would “require specific legislation and a legal framework to guide the process at every level of government”.²¹ In the same document, when dealing with risk management plans regarding the mining sector, **Solomon Islands’** authorities included among the adaptation activities the review and development of appropriate legislation to ensure mining investors establish management plans to counter impacts of tropical cyclones.²²

As a further example of adaptation measures, **Kiribati** highlights that “[a]t a national level the various committees on coastal zone management need

to be supported and strengthened, including through review of relevant regulations with the aim to streamline procedural and institutional aspects". Among the expected outputs for this action it is expected that "[r]elevant laws are reviewed, providing information for further coastal use and policy development".²³

Other references can be found in planning strategies for the environmental sector. In addressing the lack of proper integration of climate change impacts into relevant policies, **Tuvalu** acknowledges, for instance, the weaknesses of existing environmental law in guiding the appropriate treatment and protection of the environment or to control the degradation of the environment.²⁴ The importance of incorporating climate change impacts into national development plans is therefore emphasized, especially for "plans and programmes for the most climate-sensitive sectors such as: water, coastal zone, agriculture, disaster, etc".²⁵ Similarly, one of the actions required for the implementation of an 'Urban Management Planning Project' in the **Samoa** NAPA mentions the need to review existing regulation and policies to allow the integration of adaptation to climate change into development management tools.²⁶

Interestingly, tourism has been considered by **Vanuatu** as a sector in which a revision of existing legislation and policies, and the definition of new ones, can facilitate major coherence between the different sectors. In fact, to take climate change risks into account and evaluate how these may alter over time, the preparation of a climate risk profile in cooperation with the Vanuatu Meteorological Service, and the development of a risk management framework for climate change impacts on tourism, were signalled as a relevant element of improvement.²⁷

The lack of enforcement of existing law is also mentioned in some cases, such as **Kiribati** noting it as a problem "that needs to be addressed if laws are to be effective",²⁸ or in the document issued by **Vanuatu** which, in considering the location of its vital infrastructure, reported that the lack of effective application and even knowledge about existing laws are among the causes of the "excess of human activities in the coastal areas, including sand extraction and mangrove and other coastal vegetation removal has increased the sensitivity of these important coastal buffers to climate and sea level variations".²⁹

2.1.2 The Consideration of Vulnerable Groups in NAPAs Submitted by PICs

In terms of the consideration of vulnerable groups in Pacific NAPAs, it can be noted that they are never addressed as a specific list of categories, and rather considered somewhat generically. In fact, these documents are in most cases framed through an inclusive approach more focused on vulnerable communities in their entirety. However, denoting a distinctive feature of the regional approach to the topic, communities are in this sense not only considered as beneficiaries of specific protections "at the grassroots level" but also as proactive actors to be involved in project development and implementation activities.³⁰

Particular attention is given in some cases to women, elders and young persons. In arranging a plan of

national consultations, the **Kiribati** National Adaption Steering Committee set up a Working Group to identify the main vulnerabilities and coping strategies. This was broken up into groups and sub-groups, one of which was composed of women and younger men "to avoid cultural inhibition of women and younger men to talk against or on equal footing with unimwane" (elder men with traditional leadership role).³¹ Along similar lines, when looking for strategic information related to traditional knowledge, the authors of **Tuvalu's** NAPA questioned the elders "on some of the impacts of climate change and most importantly inundation and flooding of low-lying lands by upwelled saline waters".³²



2.2 Comparative Assessment of National Adaptation Planning (NAPs) and Similar Documents Submitted by PICs

The formulation of multi-year comprehensive plans represents today a key avenue for enabling measures that address adaptation needs and improve climate resilience at the country level. This activity is mainly arranged within the national adaptation planning process (NAP) launched in 2010 at the 16th UNFCCC Conference of the Parties (CoP), under the Cancún Adaptation Framework (CAF).³³ The NAP mechanism calls on governments to adopt and mainstream adaptation plans with national strategies on development and risk management. In 2015, the legal basis of this process was further strengthened through the adoption of the Paris Agreement, which binds each party to engage, as appropriate, in adaptation planning and implementing actions, including the development or enhancement of NAPs.³⁴

Building on experiences and lessons learned from the previously established NAPA system (see section 2.1), the NAP process brought about a new strategic approach: instead of contemplating single and short-term programmes, its main aim is to achieve a wide-ranging and “more considered” transformational change in countries’ capacity to address adaptation.³⁵ NAPs are thus conceived as documents to be monitored, reviewed and updated periodically while maintaining their general objectives, namely:

“(a) To reduce vulnerability to the impacts of climate change, by building adaptive capacity and resilience;

(b) To facilitate the integration of climate change adaptation, in a coherent manner, into relevant new and existing policies, programmes and activities, in particular development planning processes and strategies, within all relevant sectors and at different levels, as appropriate”.³⁶

This strategy is intended to address medium-long term actions across different sectors and levels of government, aligning with all other relevant national planning documents, including those on development and DRR. Therefore, the formulation and

consequent implementation of NAPs correspond to a complex policy process, inevitably driven by national circumstances. As such, NAPs’ structure and content are highly dependent on respective institutional contexts and on arrangements to be taken by multiple authorities.³⁷ A dedicated governmental body is often given the mandate to coordinate with (and provide guidance to) other agencies and ministries, while also engaging with the private sector, civil society, municipalities and communities.³⁸ Also, a ‘NAP mandate’ is recommended to be established as a steering tool for the identification of specific roles at the administration level, but also to ensure wide stakeholder participation.³⁹

NAPs are also considered as documents where countries can address the domestic application of their international commitments, both legal and political, especially with regard to climate change and risk reduction measures. However, while the consideration of these two sectors is a common feature of most currently adopted NAPs, an explicit reference to integrate the main international frameworks into a single strategy is more sporadic. Among the 18 NAPs formally submitted to the UNFCCC Secretariat from 2015 onwards, those presented by **Fiji** and **Kiribati**, respectively in 2019 and 2020, are among the few openly linking their content with the SDGs and, in the case of **Fiji**, also making a clear reference to the combined implementation of the Sendai Framework (see section 3.1).

Apart from **Fiji** and **Kiribati**, the majority of PICs have not yet formally submitted a NAP to the UNFCCC.⁴⁰ Rather, there has been an emphasis on instruments such as ‘joint national action plans’ (JNAPs)—incorporating both CCA and DRM in a single national framework. This can be considered a regional innovation in aligning with the Paris Agreement and Sendai Framework requirements.⁴¹ With specific regards to the post-2015 adopted documents, these include: the ‘Joint National Action Plan on Climate Change and Disaster Risk Management’ (JNAP2) issued by the

government of **Tonga**; the **Vanuatu** Climate Change and Disaster Risk Reduction Policy 2016–2030; the **Cook Islands** 2nd Joint National Action Plan 2016–2020; and the **Palau** Climate Change Policy for Climate and Disaster Resilient Low Emissions Development (2015).⁴² In some cases, such as the **Samoa** National Action Plan for Disaster Risk Management 2017–2021, the countries' authorities decided to adopt a more DRM-focus, although not excluding the considerations of climate change impacts.

As a confirmation of the increased positioning of PICs as frontrunners globally in terms of CCA-DRR coherence, the aim of all these documents is to

elaborate aligned planning for climate and disaster resilience. Accordingly, linkages to relevant regional and international frameworks are consistently highlighted, as for instance in the **Tongan JNAP II**, which stresses its role in linking the national, regional and international frameworks,⁴³ or the **Cook Islands' JNAP 2**, which directly connects the first three priorities in the Sendai Framework to the first thematic area of its summary strategic matrix.⁴⁴ Notably, in the **Vanuatu** Climate Change and DRR Policy, the Sendai Framework is identified as the main point of reference for the coherent adoption of a multi-hazard and multi-stakeholder approach.⁴⁵

2.2.1 The Relevance of Law and Policy in PICs Adaptation Planning

In contrast to the first generation NAPAs (see 2.1), the importance given more recently to law- and policy-making in PICs adaptation planning documents et similia is much more evident. The relevance of normative improvements is often presented as a crucial means to increase climate and disaster resilience, although the references to “policies”, “strategies” and “plans” still generally outnumber those to “legislation”.

The Republic of **Fiji**, for instance, in enumerating the main governance and institutional barriers to adaptive capacity, decision-making and unimpeded flow of resources, acknowledges that “[g]enerally, efforts to improve resilience will be strengthened by giving greater support and resources to the enforcement of relevant existing legislation”.⁴⁶ Horizontal integration, described in the **Fijian** NAP as one of its fundamental premises,⁴⁷ is presented as a means to tackle such barriers and make more efficient and effective use of financial and human resources. Within this context, one of the related adaptation measures seeks to “[i]ntegrate climate change adaptation and disaster risk reduction considerations into strategic national and sectoral planning processes and revise ratification processes to ensure alignment with relevant policy, plans, and legislation”.⁴⁸

In a more intersectoral way, the **Fijian** NAP mentions the development of policies that reflect health protection from climate and disaster risks “particularly in relevant health legislations, policies and other

relevant climate regulations and protocols”.⁴⁹ This is stated according to the consideration that the population “will suffer direct impacts caused by weather and climate extremes” but also the “unfavourable alterations in ecological systems, altering the distribution and intensity of communicable diseases spread by vectors”.⁵⁰

Along these lines, according to **Kiribati's** Joint Implementation Plan (KJIP), “some laws need to be adjusted to enable agencies to respond effectively to the impacts of climate change and disasters”.⁵¹ The first key national adaptation priority on “[s]trengthening good governance, strategies and legislation” foresees that “[a]ll policies, strategies, sector operational plans, ministry annual workplans, ministerial plans of operations, project proposals and monitoring and evaluation systems enable the proactive and inclusive reduction of climate change and disaster risks”, and that “[a]ppropriate national and sector legislation is providing an enabling environment to enforce climate and disaster risk reduction”.⁵² Contextually, the document recommends to “[e]nhance coordination between climate change adaptation and disaster risk management programmes and legislation, by government departments, island councils, NGOs, FBOs and the private sector in a collaborative manner across sectors and link these to our development aspirations”.⁵³



The KJIP also contains a detailed “action matrix” related to this strategic priority, which systematically identifies the list of national normative tools that should be considered in this review process, as well as the steps that have to be followed (e.g. “a. Seek ministerial approval for the review; b. Engage relevant resource personnel to lead the review...”).⁵⁴ It also pinpoints a set of performance indicators (e.g. “[i]ncreased percentage of policies, strategies, legislation, Ministry Strategic Plans and Ministry Operational Plans that have provisions for reducing climate change and disaster risks”) and points out which responsible agencies, support agencies and development partners have to be involved in the normative update process.⁵⁵

As another example, **Cook Islands’** JNAP includes the “review, development and implementation of DRM and CC policy, strategy and legislation” and the parallel “[m]ainstreaming of DRM and CC considerations in existing and new national policy, strategy, community sustainable development plans, ministry business plans and budget submissions”, as two of the main actions forming part of its ‘good governance strategy’.⁵⁶ The new legislation for CC and DRM, according to the document, would provide “a central, unified, approach for Government in climate change-related measures, disaster response, relief and reconstruction and including facilitation of international disaster relief”.⁵⁷ At the same time, one of the expected outputs is that “[a]ll relevant national development plans, policies, strategy and legislation have sections on CC and DRM”.⁵⁸

The objective of mainstreaming climate change and disaster resilience approaches in legislation, policy and plans is similarly highlighted in the **Tongan** JNAP2.⁵⁹ This is expected to be accomplished through

the strengthening of the existing decision-making structures (namely the National Climate Change Coordinating Committee—NCCC and the Environment and Climate Change Standing Committee—CCSCP) and through the arrangement of awareness and training programmes and the recruitment of monitoring, evaluation and learning officers and staff.⁶⁰ In terms of management structure, a leading role to link with the national Parliament and relevant cabinets is explicitly assigned to the JNAP Secretariat, embedded within the governmental Department of Climate Change (DCC) as the institutional focal point.⁶¹ Specific indicators are established in order to measure the results, e.g. the increasing number of references to CC and DRR in parliamentary records as well as of numbers of CC and DRR considerations in all policy and legislation.⁶²

A review and renewal of **Vanuatu’s** legislation in line with contemporary practice is also proposed in its CC and DRR Policy. Among the prioritised actions listed is that of “integrating and harmonising climate change and disaster risk reduction requirements into other legislation and policies, including the Decentralisation Act and the National Sustainable Development Plan.” The policy also highlights the need to implement “existing policies that already integrate climate change and disaster risk reduction directives”.⁶³ Promoting legislation that facilitates the incorporation and enforcement of risk assessments into development planning, decision-making, implementation, and management, is one of the goals of the Palau CC Policy,⁶⁴ whereas the Samoan document does not explicitly mention legislation as a potential area for improvement, limiting the aim to mainstream DRM and CCA holistically through, among others, “policy formulation”.⁶⁵

2.2.2 The Consideration of Vulnerable Groups in PICs Adaptation Planning

In 2011, the UNFCCC CoP17 agreed that enhanced action on adaptation should follow “a country-driven, gender-sensitive, participatory and fully transparent approach, *taking into consideration vulnerable groups, communities and ecosystems*”,⁶⁶ a statement that in

2015 was reproduced verbatim into article 7 of the Paris Agreement. As mentioned, the way in which this commitment has been echoed by PICs in their adaptation planning represents an additional analytical

focus of this study and forms the basis of the following comparative assessment of national practices.

First, within a context in which climate change equates to an existential threat looming over Pacific islands' populations, the same conceptual meaning of 'vulnerability' has to be reconsidered: when the life of the entire community is at stake, the purpose to address specific categories is somehow lessened. This is particularly evident in the **Fijian** NAP, where the formula of "otherwise disadvantaged groups" replaced that of "vulnerable groups". However, this did not seem

to hamper the adoption of an inclusive approach to ensure that such disadvantaged categories are considered as active players in any planning effort. The category is recurrently mentioned in respect to almost every thematic section, including climate information and data sharing, climate change awareness and knowledge, and resource mobilisation.⁶⁷

Indeed, the consultation of stakeholders in the formulation, coordination, implementation, and monitoring of the NAP process in **Fiji** also involved actors "representing low-income and otherwise disadvantaged

► Benoit Matsha-Carpentier / IFRC



Solomon Islands Red Cross volunteers reaching isolated populations by boat to provide assistance and prepositioned disaster management kits.



groups (including people with disabilities, elderly, women, children, and the LGBTQ community)".⁶⁸ The whole document is aimed at operationalising a 'gender and human rights-based' approach to adaptation planning, thereby considering differentiated impacts and degrees of vulnerability across societal groups but also enhancing their role as "active agents of change".⁶⁹ Resources for awareness training to national and sub-national government representatives (e.g. on gender and disabilities), the production of sex- and age-disaggregated data, as well as participatory and gender-responsive budgeting, are among the tools enumerated in the document at this regard.

"Enhancing resilience through strategic partnerships for community participation & engagement ownership and inclusion of vulnerable groups" is listed by **Kiribati's** JIP among the key strategies for improving the effectiveness and sustainability of climate change and disaster risk-related projects.⁷⁰ In this case, considerations regarding gender, youth and children, the elderly, people with disabilities and "other vulnerable groups" are contained in several of its actions and sub-actions, often associated with dedicated performance indicators. Particularly significant is the list of sub-actions on youth empowerment and those on training and awareness programmes targeting communities and tailored to the specific needs and priorities, for which responsible governmental agencies are identified, together with support and development partners.⁷¹

Together with their consideration as a vulnerable category, women are also recognised as a distinct stakeholder group in the implementation process and reporting on the KJIP. This is explicitly articulated in the strategy for 'Strengthening Good Governance, Strategies and Legislation', which "[e]stablish and enhance formal mechanisms for gender equality in CCA-DRM governance, planning and implementation: Equal participation of all vulnerable at all levels of CCA-DRM governance".⁷² Performance indicators such as the percentage of women in Council CCA-DRM committees or in CCA-DRM governance bodies aim at strengthening and guaranteeing women's role in influencing the future planning and implementation process. Gender equality as a key guiding principle and component is considered in the document in line

with international and regional commitments, with explicit reference to the FRDP (see section 1.3).⁷³

Vanuatu likewise focuses attention on meaningful participation and an institutionalised and proactive role for women, youth, the elderly, people with disabilities, and remote communities. The country's policy calls for their facilitated inclusion in decision-making bodies "at all governance levels via all partners and stakeholders"⁷⁴ as well as in lessons learned processes.⁷⁵ In other cases, such as for instance in the JNAP2 formulated by the **Cook Islands**, vulnerable groups are considered in a more "passive" way, for example via mentioning how their protection against extreme weather events has to be considered as a cross-cutting socio-economic issue.⁷⁶ While special needs are mentioned as part of a community based integrated CCA-DRM assessment, managing and planning process in the **Cook Islands**, their effective engagement in the adoption of new law and policies is not particularly explicit in this case.

A similar approach was adopted by **Tonga** in 2018, focussing on the way in which such categories are particularly affected, and on how to share benefits, information and support with "marginal and disadvantaged groups".⁷⁷ A call for the integration of the National Policy on Gender and Development was made, in view of its mainstreaming in all disaster risk management and climate change adaptation approaches. Meanwhile, **Palau's** Climate Change Policy only refers to "vulnerable communities" whose resilience must be strengthened, with particular attention to the inclusion of persons with disabilities,⁷⁸ and no specific mentions are made in terms of gender equality in participating in decision-making processes. Finally, **Samoa** limits its consideration of vulnerable groups as beneficiaries to be contemplated in DRM policies, and as part of DRM raising-awareness activities.⁷⁹

2.3 Key Findings

- PICs show a remarkable capacity to align with the requirements on resilience to climate risks indicated by global (e.g. Paris Agreement and Sendai Framework) and regional (Boe Declaration and FRDP) instruments. In particular, PICs widely engaged in the development of NAP and JNAPS as comprehensive national planning instruments, as well as devoting particular attention to vulnerable groups.
- In all these documents, a whole of country approach in preventing the creation of risk, reducing existing risk, and strengthening economic, social, health and environmental resilience can be identified. However, the assessment of the concrete implementation of the several commitments included in these national instruments, mostly dependant of the future management of public and private resources (see section 1.4), falls outside the scope of this study and will have to be ascertained through further research.
- Some advanced examples of good practice in normative improvements in NAPs and similar instruments adopted by PICs are: the clear identification of all normative sources from different sectors that need to be considered in any legislative reviewing process; the inclusion of “action matrix” listing the procedural steps to follow in such processes; and the identification of governmental agencies and bodies called to contribute to CCA-DRR alignments, as well as specific indicators to evaluate their performance.
- Adaptation planning in PICs could benefit from clearer timeframes on project implementation and more detailed indication of costs and funding mechanisms for planned activities. Additionally, a deeper consideration of different cultural and social impacts, together with a stronger emphasis on institutional accountability and monitoring processes could be considered for further improvements. All these elements draw attention to the need for the development of further legal tools to connect with, and feed into, NAPs and similar documents.
- According to governmental KIs, comprehensive legal improvements still face a series of bureaucratic obstacles related to the silos in governance and institutional arrangements. Overcoming such obstacles is key for understanding how coordination should work for longer-term climate risk-informed decision-making, in particular linking different ministries such as infrastructure, transport, land use planning and coordination. To do that, external agencies and organisations could provide more support in terms of financial and technical resources, peer-to-peer support opportunities, and the effective translation of regional commitments and policy approaches (such as those indicated in the FRDP) into local actions.
- A critical connection in this sense is between national disaster management agencies, embedded in different ministries from country to country, and climate change bodies, normally allocated to the Office of the Prime Minister (or similar), the Ministry of Environment or the Ministry of Finance. Vanuatu and Tuvalu reportedly engaged in integrated and risk-informed approaches that could serve as good practice for other PICs. Kiribati has a single Climate Change and DRM officer and is about to adopt a new Climate Change and Disaster Risk Management Bill. One KI noted that, looking at the field-level practice in several PICs, CCA and DRR implementation projects cannot really be separated.





COUNTRY CASE-STUDY THE REPUBLIC OF FIJI

The considerable importance given to the idea of sustainability is enshrined in the very roots of the Fijian normative system, as demonstrated by the original consideration of the relationship between nature and human beings included in its Constitution adopted in 2013. While declaring the Fijian people's commitment to safeguarding the environment in the preamble, the Constitution also mentions the "prudent, efficient and sustainable relationship with nature" as one of its foundational values.¹ Also, in considering the individual environmental rights, it acknowledges "[...] the right to have the natural world protected *for the benefit of present and future generations through legislative and other measures*".²

On this basis and considering that the Republic of Fiji is one of the most exposed to climate-related hazards in the Pacific region,³ the strong stance taken by this country at the international level is not surprising. Fiji was the first country to ratify the Paris Agreement in April 2016 and in the course of its Presidency of the CoP 23 (2017) it actively sponsored the "Talanoa Call for Action", a document inspiring greater global efforts to meet the climate goals agreed in the treaty.⁴ A likewise strong commitment to ameliorate climate risk governance has also been reflected at the domestic level and, to date, the Fijian approach to CCA and DRR alignment is generally reported as one of the most forward-looking in the region.⁵



However, as evidenced by the launch of a comprehensive reform process of its normative, institutional and budgetary systems, an effective and overall coherence between disaster resilience, climate adaptation and long-term development has not yet been achieved in the country. This is reportedly due to several hindering factors, which include institutional fragmentation, uncoordinated and weak collaboration amongst government bodies, NGOs and private sectors, and inconsistent methodologies and standards in collecting and analysing CCA/DRR-related data and information.⁶ According to the Fijian Ministry of Finance, the effective implementation of disaster and climate risk policies and projects has also been slowed by the lack of adequate capacities and alignment of budget allocations.⁷

Even though at the time of writing the formal endorsement of some regulatory instruments is still ongoing in the country, the comparative analysis of policies

and bills—already approved or in draft form under consultation—sheds light on the features and potential outcomes of such a complex and multi-faceted process managed by the Fijian authorities. As highlighted by many KIs, whose contributions have been particularly relevant for the completion of this section, the updating of the national regulatory frameworks has been slowed down by several factors.

Among them, political factors such as the burdening legacy of the 2000s coups d'état and their effects on the relationship between central and local governments, as well as the “functional” resistances to the reshuffle of existing sectoral and administrative demarcations.⁸ At the same time, the Fijian government's intentions to follow good practice resulted in a more lengthy process due to the set-up of technical working groups and engagement with interested stakeholders through a community-involvement approach.⁹

3.1 CCA-DRR Policy Alignments in Fiji

3.1.1 CCA-DRR Coherence in the National Adaptation Plan (NAP)

As mentioned in [section 2.1](#), the Republic of Fiji is (together with Kiribati) one of the two PICs that has formally submitted a NAP to the UNFCCC. Launched in 2018 by the Fijian Climate Change and International Cooperation Division (Ministry of Economy—MoE), the NAP was developed as a document building upon “the existing policy and planning landscape, shifting development planning processes towards a pathway of ‘climate-resilience’”.¹⁰ Accordingly, ‘adaptation’ is interpreted as synonymous with ‘climate-resilient development’, to be implemented by measures that “anticipate, reduce, and manage environmental and climate risks caused by climate variability and change [...]”.¹¹ The document devotes particular attention to climate-related disasters, differently framed in a sectorial perspective ranging from the outbreaks of diseases when floods or cyclones occur, to the exposure of food production systems and drought or excessive rainfall.

In terms of connections with relevant global and regional policy frameworks, the NAP is described

as a “major vehicle” for the combined implementation of different international tools that the Fijian Government has committed to at the international level.¹² These are addressed in a dedicated section of the document, where it is recognised that “[i]ntegrating disaster risk reduction with climate change adaptation supports the NAP process to be consistent with calls for their integration under the UNFCCC, SDGs, and the Sendai Framework for Disaster Risk Reduction”.¹³

In addition to the (expected) references to the Paris Agreement, existing cross-cutting linkages with the SDGs are also included. For instance, the NAP illustrates that through its implementation “the resilience of low-income and otherwise disadvantaged groups will be increased, [while] their exposure to environmental and climate events and disasters [will be reduced]” (SDG 1); moreover, the section on human settlements is expected to support efforts to ensure adaptation and “reduce losses associated with disasters and water-related disasters” (SDG 11); finally,



the “obvious and substantial benefits [in leading] government efforts to achieve Goal 13 which is to take urgent action to combat climate change and its impacts” are highlighted.¹⁴

As for the Sendai Framework, the Fijian NAP aims to implement some of its relevant components, “predominantly through the incorporation of the National DRRP [Disaster Risk Reduction Policy] and the Regional FRDP” (see section 1.2). As stated, the NAP was conceived respecting and endorsing the most relevant ‘Sendai principles’, such as the shared DRR responsibilities between stakeholders and governments at all levels; the shared DRR coordination and capacity building across all levels of governance; the need for participatory and inclusive decision-making processes; and the need for enforcement mechanisms to support compliance with relevant legislation and incentivises DRR activities. Additionally, in order to ensure risk-informed development planning, “the NAP places paramount importance on the need for context-specific multi-hazard and risk-informed decision-making through its focus on climate information services, hazard mapping, and sex- and age-disaggregated socioeconomic vulnerability assessments”.¹⁵

Moving to the domestic plan, the Fijian NAP identifies and illustrates its inherent connections with other relevant sectoral policies. On one side, it addresses the alignment with the National Development Plan (NDP) endorsed by the Fijian government in October 2017 which provided a five-year plan and a 20-year vision for development (see section 3.1.2). The NAP

also refers to the National Climate Change Policy (NCCP), the country’s main standard for climate change issues, originally endorsed by the Cabinet in 2012 and revised in 2018 (see section 3.1.3). More specifically, the adaptation planning document builds upon the original NCCP by integrating its strategic actions into the stocktake process and overall structure.¹⁶ Conversely, “the revised NCCP provides high-level policy guidance to the NAP process and provides the institutional arrangements that will ensure, monitor, and evaluate its implementation”.¹⁷ Finally, the National Disaster Risk Reduction Policy (DRRP) renewed in 2018, was integrated into the NAP in order to assure consistency between the two instruments (see section 3.1.4).

In addition to the acknowledgement of the above-mentioned substantial connections, the procedure used to develop the NAP—defined as a “stocktake process”—is worthy of mention. The process consisted of a systematic breakdown of all other sectoral policies of relevance for climate-resilient development planning (around ten different policies) and a careful assessment of any single “action” proposed therein. Once consolidated in a dedicated database, this integrated and systemic method facilitated an overall evaluation which avoided duplications and facilitated reciprocal convergence and gap-filling.¹⁸ This process was aimed at bringing coherence and simplicity in the national policy landscape, highlighting those development planning actions with additional significance for tackling climate vulnerabilities.

3.1.2 CCA-DRR Coherence in the ‘5-Year & 20-Year National Development Plan’ (NDP)

A solid and systematic integrated approach between CCA and DRR can be observed in the most relevant policy adopted by the Fijian authorities in the development sector: the ‘5-Year & 20-Year National Development Plan: Transforming Fiji (2017)’ (hereinafter NDP).¹⁹ The NDP was drafted by the Ministry of Economy (MoE) following a nationwide consultation process which involved the private sector, civil society, community groups and the general public.

The document is intended to align with global commitments, including those set forth by the 2030 Agenda for Sustainable Development and the Paris Agreement on Climate Change.²⁰ In this sense, the NDP put a significant emphasis on climate resilience with a strong focus on the adoption of a cross-sectoral approach.²¹

The purpose of mainstreaming risk-informed considerations in development programming can be traced in almost every thematic section of the NDP. In some cases, prescribed measures are in line with a typical adaptation perspective: in order to guarantee 100 per cent public access to clean and safe water and proper sanitation, the Plan encompasses measures aimed at protecting freshwater aquifers from saltwater intrusion as well as at increasing public awareness and education on water conservation and the management of seasonal rainfall patterns that may occur due to climate change.²² In other sections, a more clear-cut risk reduction viewpoint is adopted: in dealing with affordable housing the declared purpose is to “[d]evelop and enforce building standards for new home construction that require improved resilience to cyclones and flooding”.²³

On the other hand, in many other sections of the NDP, the CCA-DRR distinction is less straightforward. For instance, the planning of a resource-efficient, cost-effective and environmentally sustainable energy sector entails that “[b]ecause Fiji is vulnerable to

adverse climate change-related events, it will ensure that electricity infrastructure is made disaster-resilient [and that] options for further underground cabling for grid distribution are being explored”.²⁴ Similarly, when dealing with health and medical services, the NDP states the objective to “[i]mprove and integrate services targeting communicable diseases, environmental health, and emergency preparedness, response and climate change resilience”.²⁵ Separately, in order to mainstream sustainable tourist operations, the development of “insurance packages for climate-related adversities” is specified.²⁶

Still, the most evident affirmation of the tangled nature of CCA and DRR is provided when the document addresses the development planning of urban and rural areas. Showing the appropriateness of CCA-DRR integration in this field, it is maintained that “[a]ll new urban development projects will need to comply with guidelines to ensure resilience to climatic hazards and natural disasters”.²⁷ Consequently, impact projections, modelling and maps are to be seen as prerequisites for all infrastructure and urban planning schemes. The establishment of a National Platform for Climate Change and Disaster Risk Management, where stakeholders can better coordinate resources and improve a partnership between the community, private sector and municipal councils, is considered as a necessary step toward a better knowledge and comprehensive understanding of risks.

In the NDP, CCA and DRR are also fully integrated into the planned expansion of the rural economy, where the climate and disaster resilience of communities is expected to be enhanced through a comprehensive assessment of their vulnerabilities.²⁸ Interestingly, “[r]esourcing and adaptation, and disaster risk management [should] become part of the national and sub-national development planning and budgetary process”,²⁹ an element that was often reported by KIs as the most essential for any effective regulatory accomplishment.³⁰ Unsurprisingly, special relevance is given here to the need to coherently develop other national policies, including a new ‘National Strategic Plan for Climate Change and Disaster Resilience’; reviewed arrangements on disaster management that include climate change; and an updated ‘Climate Change Policy’.³¹



Fiji Red Cross volunteer Josevata Laqere helps rebuild a core shelter in Nukubalavu, on Vanua Levu island.



3.1.3 CCA-DRR Coherence in the National Climate Change Policy 2018 – 2030 (NCCP)

In line with these expectations, the MoE adopted in 2019 a new National Climate Change Policy for the period 2018–2030. The document encompasses a careful articulation of Fiji’s priorities in reducing present and future climate risks “with the aim of addressing the specific climate vulnerabilities faced by Fiji and the Fijian people”.³² The NCCP presents itself as a tool aimed at preventing climate change impacts from exacerbating existing inequalities. One of its most noteworthy features is the so-called “woven approach” to resilient development, namely an interconnected and systematic way for both strengthening and transformation across different sectors, including CCA and DRR.³³

Another recurrent element in the NCCP is the attention dedicated to localisation efforts: local government agencies such as district offices and provincial councils are called to play a vital role in the delivery of the policy’s objectives, and it is expected that the “Central Government agencies will support efforts to ensure climate risks are adequately reflected in district-level and provincial plans”.³⁴ Despite the adoption of a Local Government Act providing a coordinating mechanism, this is reported to be a delicate aspect in Fiji, due to the lack of adequate budget, human resources and technical capacity.³⁵ As for other PICs, a full harmonisation between international law commitments, centralised governmental action and effective sub-national implementation, is still hindered by the misaligned nature of these governance systems.³⁶

While principally focused on climate change mitigation, the recurrent use of “climate risk” and “climate risk management” formulas throughout the NCCP clearly denotes the all-encompassing approach taken in the document. Not surprisingly, the integration between CCA and risk management priorities represents one of its main objectives and the related strategies aim at improving resource efficiency and reducing the potential for duplication and policy inconsistency, thus minimising the “sectorisation of DRR and CCA in project design”.³⁷ To include slow-onset risk reduction considerations in early warning systems, or to conceptualise “build back better” strategies as (also)

defined by climate priorities, are just two of the numerous drivers that the document acknowledges.³⁸

CCA-DRR alignment is also formulated in terms of endogenous institutional change, as demonstrated by the call for greater inter-governmental coherence and collaboration, mainly looking at “the consideration of climate change projections, articulation of risk reduction responsibilities, and formulation of resilience-building objectives across all sector plans and strategies”.³⁹ Accordingly, ministerial portfolios and functions are to be assessed in relation to climate risks, identifying priorities, indicators, and targets for evaluating such progress.

Given the above, the NCCP contains specific indications for structural reforms, namely:

- the re-establishment of the National Climate Change Coordination Committee (NCCCC) and the update of its mandate, including a “[c]lear guidance for interactions with the National Disaster Management Committee on issues that cross-cut the adaptation and disaster risk reduction objectives to improve the ability to coordinate resources and improve the accuracy of risk reduction reporting and planning”.⁴⁰
- the creation of a Cabinet Committee on Climate and Disaster Risk (CCCDR) as a means to improve high-level oversight of climate and disaster risks and national responses and support, where required, high-level inter-governmental policy decisions intended to advance national risk management and resilient development objectives.⁴¹
- the establishment of climate change focal points within all line ministries, in order to facilitate cross-governmental coordination and accountability and inform new legislation and institutional arrangements.⁴²
- This new institutional arrangement would also consider and link with the Climate Change and

International Cooperation Division (CCICD) based in the Ministry of Economy, endowed with a coordinating role in support of the NCCP's implementation.⁴³

However, the required institutional reorganisation might not be achievable simply via policy reforms, and the drafters of the NCCP seemed to be aware of the need to reflect its content in proper legislative tools. The intention to prompt and inform sectoral pieces of legislation as a normative follow-up to its identified strategies is in this sense one of the most interesting elements of the NCCP. Elements of connections between policy and law recur throughout the document, which expresses the intent to “provide the basis, rationale and guidance for progressing national

climate change legislation, in the form of a National Climate Change Act” (see section 3.2.2).⁴⁴

The rationale behind the further definition of legal parameters for mainstreaming climate risk management across Fiji's institutions is set out in the same document. They range from the need to properly anchor the mandate of the above-mentioned bodies in legal terms (defining membership, functionality, and responsibilities), to that of formalising their interactions and further links across different ministries, as well as the need to establish oversight over the effectiveness of governmental performances and to guarantee accountability through improved transparency.⁴⁵

3.1.4 CCA-DRR Coherence in the Disaster Risk Reduction Policy 2018–2030 (NDRRP)

As mentioned, in parallel with the NCCP, Fijian authorities have also embarked on regulatory reform of the DRR sector. The main purpose of the new draft policy, developed under the supervision of the Ministry of Disaster Management and Meteorological Service and defined as a governmental “state of intent”, is to ensure a systematic and comprehensive approach to DRR, in light of sustainable development tenets and according to the more general reform process ongoing in the country.⁴⁶ Accordingly, DRR is recognised as a cross-cutting issue which requires a multi-sectoral approach, including the integration with CCA as a necessary element for efficient and effective practices.⁴⁷

In terms of policy-legislation nexus, the NDRRP has been drafted in continuity with the Natural Disaster Management Act adopted in 1998, which also regulates, although marginally, disaster “mitigation” and “prevention” (see section 3.2.2).⁴⁸ At the same time, one of its main purposes is to inform and provide the basis of a new and up-to-date normative tool that would replace the old one and include a stronger DRR component.⁴⁹ More specifically, the new act would have to “set up demarcations concerning disaster risk governance and DRR measures among the national, local governments and communities, and state them in the new NDMA, making the lines

of responsibility clear”,⁵⁰ included, but not limited to, the responsibility for the implementation of disaster risk assessment (DRA).⁵¹

This intent is further explored in section 2.4 of the document, which enumerates the purposes for reviewing the old legislation, such as to overcome the overlapping roles in administrative boundaries and adapting to new important issues such as climate change.⁵² This is considered as a necessary step to reduce the imbalance and increase coherence between different governance agendas and inter-related intergovernmental processes, including CCA and DRR, thereby avoiding the deterioration of the total level of efficiency.⁵³ In line with this, climate change and disasters are often associated throughout the whole document, as in the section identifying the characteristics of risks (3.1), when addressing the sectoral implications (3.2) or when the constrained conditions to their joint implementation are addressed (3.3), including a list of impediments of an institutional and legislative nature.⁵⁴

A final element of interest in the NDRRP is the recognised need to implement any measure “as a responsibility of the national and the local governments”, through “the full engagement of all institutions



of executive and legislative officers” and “a clear articulation of responsibilities across public and private stakeholders”.⁵⁵ This would ensure complementarity between CCA and DRR and benefit from a rationalisation/optimisation of multiple funding sources, programmes and projects that address similar needs

as well as facilitate the sharing of technical expertise. Interestingly, it is also noted how the degree of such integration “will vary based on the needs and priorities of Fiji”, thus reflecting the perspective for which a full integration does not necessarily represent the best option.⁵⁶

3.2 CCA-DRR Legislative Alignments in Fiji

3.2.1 The (Draft) Climate Change Bill (2019)

A new climate change legislative act for Fiji has been under discussion since late 2019, with a view to securing its approval before June 2020. In particular, at the time of writing this study, a period of public consultation of the draft bill was underway, benefiting from inputs coming from national and international experts. As declared by the Fijian Attorney-General and Minister responsible for Climate Change, Mr Aiyaz Sayed-Khaiyum, the main aim of the new Act is to “enshrine, in law, country’s domestic response to the climate threat” in a comprehensive, holistic and easily understandable way, in line with the country’s commitments for the implementation of the Paris Agreement.⁵⁷

A first element to highlight in the text of the draft bill is the acknowledged existence of a climate emergency “that requires a rapid and ambitious transformation towards a net zero emissions global economy”.⁵⁸ Therefore, with the aim of identifying and consolidating the contribution that the Republic of Fiji can assure towards this objective, the document is understandably focused on climate mitigation, with particular regards to internal responsibilities and obligations, as well as the creation of new government bodies tasked with the reduction of its carbon dioxide and other greenhouse gas emissions. However, the document also contains several provisions on adaptation and resilience measures, as for instance those related to how to cope with climate displacement for at-risk communities.⁵⁹

As stated by article 4, which lists the objectives of the new legislative act, the establishment of an institutional and governance structure which can coherently

implement the legislation, as well as secure sufficient finance, are two necessary steps to increase Fiji’s ability to respond to climate change.⁶⁰ In particular, the goal to “integrate the consideration of climate change projections, articulation of risk reduction responsibilities and formulation of resilience-building objectives across all sector plans and strategies” is mentioned, together with the need to “provide for the development, implementation and review of the NCCP, NAP, LEDS, National Oceans Policy and any other climate change policies”.⁶¹

An entire part of the draft Bill (part 4) is therefore aimed at defining powers and duties of ministers and heads of divisions in order to ensure overall consistency across governmental structures. Interestingly, the document leaves certain flexibility by generally referring to the “Minister responsible for climate change” and not identifying a specific one.⁶² At this regards, article 9 (1) provides “the Minister” with powers and duties related—*inter alia*—to the establishment and implementation of measures for climate change adaptation, which also includes the capacity to adopt secondary legislation (i.e. regulations), standards and code of practice - in order to guarantee the efficient implementation of primary law.⁶³

In his or her implementation and enforcement role, the Minister would be assisted by the Head of Division (HoD), to whom all other state entities are urged to provide support in order to mainstream climate change into decision-making and policy.⁶⁴ This would happen also through the appointment of focal points in each government Ministry, in accordance with the intents expressed in the NCCP (see section 3.1.3).⁶⁵

The focal points would be obliged to report back to the HoD on a bi-annual basis about the progress on the implementation of their respective legislative activity. Among the duties of the HoD, there is also the development and maintenance of an “Adaptation Registry”, an online portal for recording any regulations, policies, measures, adaptation planning processes and actions implemented.⁶⁶

The Bill also regulates the creation of the National Climate Change Coordination Committee (NCCCC), composed by nominated Permanent Secretaries. The Committee, which would meet regularly in conjunction with the National Security Council and National Environment Council, is entrusted with the creation, implementation and monitoring of cross-cutting policies for mainstreaming climate change into the activity of other ministries and local governments, thereby supporting the harmonisation of the entire normative system. Separately, the Cabinet Committee on Climate and Disaster Risk can be convened by the Minister to “support, where required, high-level inter-government policy decisions intended to advance national risk management and climate-resilient development objectives”.⁶⁷ This body is also called to provide guidance to the National Disaster Management Council to assist the Head of Division in building integrated risk scenarios.

Moving to the normative level, the Bill foresees that all State entities and government departments are required to incorporate into their decisions, policies, programmes or activity the effect of a changing climate, in line with the principles and objectives of the Bill.⁶⁸ Most interestingly, the judiciary are called to play an important role: the Fijian High Court is endowed with the power to “set aside” and order the remake of any specific act that did not adequately take account of climate change.⁶⁹ The same is stated in relation to those implementing decisions taken in relation to a list of existing legislative acts the Bill identifies, which must be consistent with mitigation of and adaptation to climate change and relevant national policies or guidelines issued by the Ministry.⁷⁰ All state entities are also obliged to report on “the financial and economic implications of climate change mitigation and adaptation as part of their budget submission processes”.⁷¹

The new act has been designed as the linchpin of other policies, first of all the NCCP, the implementation of which is regulated in a dedicated part.⁷² The act is expected to provide the necessary legal basis for establishing clear obligations in the implementation of the Policy, thereby denoting the existence of a “circular” relation between the two instruments: while the NCCP paved the way for proper legislation, corroborating its substance and future developments, the act would create the necessary conditions for assuring its effective and real impact, allow for judicial review and therefore accountability and transparency. The Bill was also developed in synergy with the NAP and is expected to regulate the work of the NAP steering committee which is entrusted to review it regularly.⁷³ Following a similar circular dynamic, the secondary legislation adopted by the Minister in order to increase Fiji’s resilience to climate change must be in line with other policies, including the NAP.⁷⁴

On a practical perspective, the relevance given by the draft Bill to data collection and information distribution can be identified as an interesting practice, especially in light of the purpose of “increasing the consistency of State entities’ communications on climate change and improving public awareness, risk-reduction and preparedness”.⁷⁵ The compilation of research outputs and the arrangement of a publicly accessible information platform are put under the responsibility of the HoD. This should also include model instruments like the so-called ‘Integrated Risk Scenarios’, developed in consultation with the Cabinet Committee on Climate and Disaster Risk and the Fiji Meteorology Service.⁷⁶ Such instruments should be developed in accordance with best available science, including IPCC publications, and address the physical impacts caused by climate change and their interaction with other projected risks over different time horizons.

In terms of intersectoral coherence, the two most relevant DRR elements included in the draft Bill are those concerning respectively the audit of public infrastructure and relocation planning for at-risk communities. In the first case, it is decided to map and collect in a dedicated register any physical assets at risk from climate change including data which would provide elements on “the extent to which infrastructure and



physical assets are climate-resilient with reference to any integrated risk scenarios developed in accordance with [the] Act".⁷⁷ The same is decided for any proposals for new infrastructure, including those that must be replaced due to the impacts of disasters and the adverse impacts of climate change.⁷⁸ Finally, the Ministry of Health will be responsible for reviewing and amending the National Building Code for the purpose of increasing the climate resilience of Fiji's buildings.⁷⁹

In terms of climate displacement, the Bill establishes a dedicated task force on Relocation of Communities Vulnerable to the Impact of Climate Change, which

would work, together with the Minister, to National Planned Relocation Guidelines.⁸⁰ This would provide the basis for operative procedures enabling pro-active processes for addressing the risk of climate and disaster-driven displacement. In particular, this would allow for a non-discriminatory, "orderly, respectful and dignified relocation", minimum standards of protection and assistance, and only with the fully free and prior informed consent of the communities. Consultation and public hearings, also aimed at providing the scientific and policy justification for the proposed relocation, are carefully regulated in the Bill.⁸¹

3.2.2 The (Draft) Disaster Risk Management Bill (2020)

As for the disaster governance sector, the current legislative point of reference is the above-cited Natural Disaster Management Act of 1998, based on a previous National Disaster Management Plan adopted in 1995. Currently, the two documents set forth the roles and responsibilities of relevant government agencies—with particular regard to the National Disaster Management Council (NDMC)⁸² and the National Disaster Management Office (NDMO)⁸³—and other stakeholders involved in post-disaster response and rehabilitation activities. Disaster mitigation and prevention are briefly addressed in the final part of the Act and put under the responsibility of a thematic committee with a general task of coordinating and implementing relevant policies.⁸⁴

In 2016, Cyclone Winston, the most severe cyclone ever hit the country, caused widespread devastation. Following this shock, in 2018 the government decided to start the revision of both documents, in order to meet with present and future needs in disaster risk management. While at the time of writing the consultative process led by the Ministry of Rural and Maritime Development and National Disaster Management has not yet reached a conclusion, a finalised draft (on file with the author) has been made available for internal consultation. This process has been structured around the arrangement of high-level workshops and specific priority areas, also embracing the role of

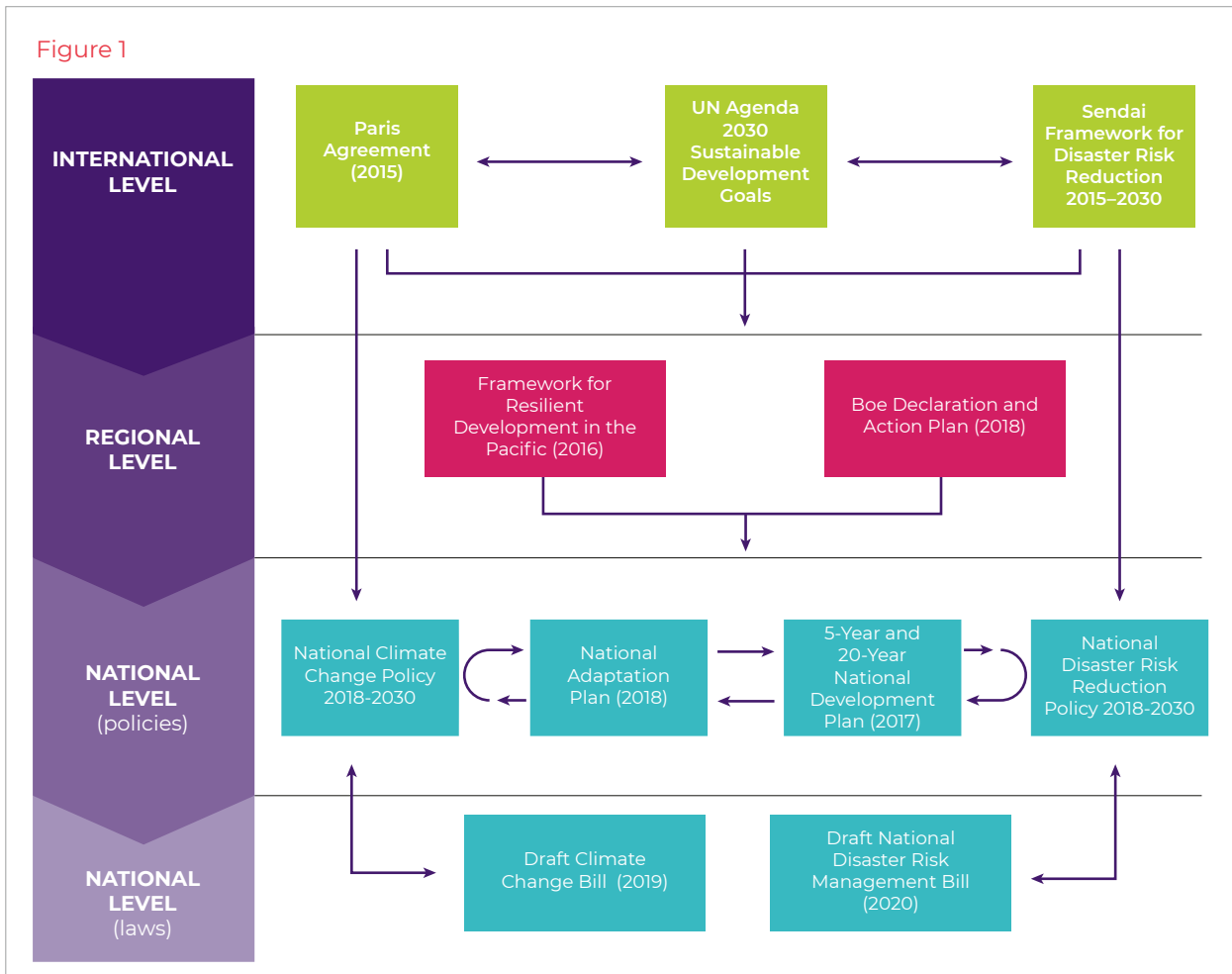
climate change in disasters and the needs of vulnerable groups. The Fijian government received support from external partners, including the IFRC in partnership with the Fiji Red Cross Society, and the process was undertaken with the technical support provided by the Pacific Community (SPC) under its Building Safety and Resilience in the Pacific Program.⁸⁵

One of the features of the new 'National Disaster Risk Management Bill' is the introduction of a focus on the role of climate change in relation to disaster management and the allocation of respective responsibilities at the national, divisional and provincial levels. This can be deduced by considering that one of its objectives is "to support a whole-of-government approach to disaster risk management, *especially the integration of disaster risk reduction and support of climate change adaptation across the different sectors and through all levels of Government*, through information-sharing, cooperation and joint planning, as appropriate".⁸⁶ As well as the acknowledged principles that are expected to steer the implementation of the Act, it is highlighted that DRM activities will have to be appropriate for Fiji's specific conditions "and integrated with climate change adaptation and resilient development, national development programmes, taking into account that resilient development is essential for adopting measures to address disaster risk management".⁸⁷

Apart from the intention stated in these two references, the normative structure of the Bill is (at the time of this analysis) mainly focused on 'risk management' activities, thereby including a strong preparedness component, together with the organisation, planning and application of measures preparing for, responding to and recovering from disasters. This perspective characterises the identification of respective functions for the NDMC - among which we can find the responsibility to provide direction to the Disaster Risk Reduction Committee⁸⁸ - and NDMO, which shall be responsible for the day-to-day DRM operations.

Special attention is given to the localisation of DRM structures in subnational administrations. In fact, the Bill aims to regulate the establishment and

coordination of local disaster risk management councils at divisional, provincial, district, municipal, and communal level, as well as the appointment of local disaster risk management controllers. These will have to implement policies and co-ordinate activities and training in their respective jurisdictions, including those related to DRR and resilient development.⁸⁹ The same subnational entities will be involved in the preparation of the new National Disaster Risk Management Plan, thus evidencing the effort towards inclusivity and a widespread outreach at the community level.⁹⁰ As will be discussed in the following section, this is a key element to promote the guarantee of protection and accessibility for vulnerable groups.





Sam Naborokia on the verandah of his new home, which was built by Red Cross after Cyclone Winston. The new houses are built to withstand future cyclones and are also used as a training exercise to show other villagers how to rebuild their homes to be safer and better with the materials they have bought with the Government's Help for Homes scheme.

3.3 The Consideration of Vulnerable Groups in Relevant Law and Policy-Making

As stated by the **Fijian Constitution**, a law or an administrative action taken under a law may not directly or indirectly impose a limitation or restriction on any person on a prohibited ground, namely on the basis of his or her personal characteristics or circumstances, including sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy.⁹¹

This legal standpoint has been reflected in almost all the regulatory instruments analysed so far. In fact, the objective to avoid discrimination of any kind, and to ensure the consideration of specific vulnerabilities and gender perspectives can be detected across all the policies concerning sustainable development, CCA or DDR, though in different shapes and formulations. In the case of the above-mentioned Bills, such considerations are also included.

For instance, the **NDP** describes the achievement of gender equality in decision-making—in accordance with relevant international human rights conventions⁹²—as “crucial for sustainable development”. This is particularly relevant since Fiji’s political landscape is reportedly still male-dominated, despite the recognised effort to include more women in legislative bodies and procedures.⁹³ To this end, according to the NDP, the availability of sex-disaggregated data on the value and impact of development programmes would allow for a more equitable consideration of women and distribution of resources.

A further element of interest addressed in the NDP is the consideration of remote communities as particularly vulnerable groups of individuals, especially in consideration of the morphology of the country, which is composed by around 110 permanently inhabited islands across an area of more than 18.300 square kilometres.⁹⁴ The development of a stronger and well-functioning “inter-island network” is mentioned in the document as a key priority to raise awareness and ensure the safety of those living in outer island areas of the country, and to assure the disaster-resilience of relevant maritime infrastructure.

In particular, one of the implementing strategies is dedicated to the development of standards for jetty repair and replacements “taking into account climate change adaptation and disaster resilience”, as well as the facilitation of access to and for ships for the elderly, infirm, young or disabled.⁹⁵

Along similar lines, the **NCCP** has a strong focus on the concept of “inclusivity”, and lists it as one of its guiding principles. Specifically, Fiji’s actions to address the challenges of climate change should “result in positive social outcomes for all societal groups irrespective of gender, disability, sexuality, ethnicity, religion, political affiliation, age, and economic circumstance”.⁹⁶ Policy design, related activities and investments will have to consider different needs and vulnerabilities of all social groups, thereby providing direct linkage to the objectives of the SDGs, and—among other—the NDP’s concept of Inclusive Socio-economic Development.

Along with the important recognition that vulnerability to climate change is also driven by non-climate-related factors, ‘vulnerable groups’ are defined in the document as “any grouping that is at higher risk of experiencing discriminatory practices and physical or economic hardship as a result of gender, age, physical ability, sexuality, race, religion, beliefs, nationality, or ethnicity”.⁹⁷ Accordingly, the NCCP reaffirms its commitment to human rights, among which it mentions the rights of indigenous peoples, of persons with disabilities, women and girls.⁹⁸ The capturing of all social groups and targeting of their needs through a participatory approach in climate change-related interventions is one of the policy pillars, and points at guaranteeing to vulnerable groups an effective role in relevant decision-making processes.⁹⁹

A specific section deals with the gender-responsive nature of the policy. This assumes that climate change has significant potential to exacerbate gender inequalities and that women are to be recognised as essential powerful actors of change in Fiji’s climate change response. All methods for adaptation should, therefore, be guided by the consideration of gender



issues in both the decision-making processes and related implementation arrangements, according to a list of specific requirements. Interestingly, gender inequalities are also described as having a direct impact on the welfare of children, the elderly, and disabled thus signalling the interconnections between different vulnerabilities.¹⁰⁰

The **NDRRP** is also rich in references to specific vulnerabilities. The aim to improve the joint consideration of different policies appears as a good practice, such as for instance the highlighted connections between the regional FRDP and the Pacific Framework for the Rights of Persons with Disabilities 2016–2025 and in particular its goal 4, which supports the need of this vulnerable category of individuals to be considered in DRR strategies and plans.¹⁰¹

In terms of the operative impact, the lack of roles for women is pointed out as one of the impediments on DRR national planning, together with other “disparities among people”, such as gender, age, disabilities, and economic conditions.¹⁰² Here again, whole-of-society engagement and partnership, human rights and gender-based approach are recognised as guiding principles.¹⁰³ The contribution of women, children and persons with disabilities are highlighted, together with the need to improve their coping capacities, especially for women as “first responders in communities during disasters”,¹⁰⁴ and “main providers of food security for families and for the management of natural resources”.¹⁰⁵

In light of their “pre-existing exclusion” DRR is therefore recognised as a key tool to empower vulnerable groups to take collective actions to reduce their risks, involving transparency and consultation in DRR decision-making processes.¹⁰⁶ Among solutions for challenges, the NDRRP includes the capacity of children and youth to be “agents of change”, of persons with disabilities to design and implement plans tailored to their specific requirements, and of older persons to provide invaluable assets such as “knowledge, skills and wisdom”.¹⁰⁷

Moving the focus of analysis to the **Draft Climate Change Bill** (2019) currently under consultation, it must be noted that the attention to vulnerable groups is far reduced. In fact, in the Bill, there is no specific

mention of vulnerable groups, or specific categories, apart from the recognition of the need to promote and consider gender equality and responsiveness when taking action to address climate change in Fiji. The Bill also highlights the inextricable links between gender equality and the SDGs,¹⁰⁸ and particular attention to vulnerability is included in the articles concerning ‘climate displacement’ (see section 3.2.1). These aspects of the Bill could be further improved before its adoption, including for instance more specific references to vulnerable categories of persons, and introducing legal mechanisms for their engagement and reinforced protection.

Contrarily, the provisional text of the **Disaster Risk Management Bill** provides a potential model of reference on how a legislative act could improve the protection of vulnerable groups in this sector. Among its objectives, the Draft currently refers to the support to a whole-of-society approach to disaster risk management and risk assessment “that is inclusive of vulnerable groups, responsive and respectful of indigenous and traditional knowledge systems”.¹⁰⁹ Their involvement in the formulation and implementation of disaster risk management policies is mentioned as one of the tasks of the National Disaster Risk Management Council.¹¹⁰

This institutional approach is reflected at the local level. The membership of each Local Disaster Risk Management Council may include a representation of vulnerable groups including persons with disability, women girls and youth.¹¹¹ Also, the National Disaster Risk Management Office is called to arrange and implement disaster training programmes for public officers which could be extended to “all members of the public inclusive of vulnerable groups”.¹¹² Finally, the Act defines the content of the National Disaster Risk Management Plan, which shall include provisions aimed at prioritising inclusivity, protection and accessibility for vulnerable groups.¹¹³

3.4 Key Findings

- In line with the developments underway all across the region, the Republic of Fiji is conducting a profound renewal of its legal frameworks concerning climate-related risks. This comprehensive institutional effort, that initially took place through the adoption of policy tools and which has now turned into a legislative process, is mainly involving ministries and governmental bodies responsible for the development, climate change and disaster risk reduction sectors.
 - It would appear that the parallel advancement of separate reforms is not causing counterproductive redundancies or duplications. On the contrary, as evidenced by several KIs, it demonstrates that CCA-DRR integration can take place without a single regulatory framework or in the absence of a unitary authority simultaneously in charge for both CCA and DRR. In fact, in small and under-resourced governmental settings like Fiji, the two sectors usually merge in the course of the implementation phase, when combined actions between different ministries are favoured by informal consultation mechanisms and personal connections resulting from the proximity of governmental officials.
 - However, despite this reform process, some KIs reported that the need to integrate respective sectorial perspectives and ensure the approval of different governmental bodies as well as harmonising timelines and priorities caused some delays. An additional element that could ostensibly hinder the formal completion of this process in the near future is the possibility of a change in government. For this reason, it is important to preserve general support for such normative initiatives across all political parties and in the upper levels of the civil service.
 - An interesting element highlighted by this case study, and corroborated by KIs, is the sharing of good legislative practice among PICs. As an example, the Fijian draft DRM Bill has been partially inspired by work previously undertaken in Vanuatu and by the SPC and the IFRC in Nauru. South-South learning within the region is extremely relevant to guide these processes.
- Similarly, the Solomon Islands is following closely the experience of Vanuatu on disaster and climate coherence, and discussing the issue with the Governments of Samoa and the Cook Islands.
- Several elements included in the Fijian draft bills are in line with the practice recommended by the Checklist on Law and DRR developed in 2015 by the IFRC and the UNDP, which also addresses the need to link legislation and institutions from different sectors.¹¹⁴ The adoption of a new annex to the Checklist, focused on how to promote normative harmonisation between CCA, DRR and development at the country level could represent an additional useful tool for States.
 - A crucial aspect that will need further assessment relates to the effective impact of new policies and law at the local level. The need to address local risk governance, commonly recognised as key in the Pacific Islands region, is often challenged by gaps in the collection and processing of DDR/CCA data and hindered by the lack of delegated powers, resources and capacities from the national to the local dimension. Welcoming the numerous provisions currently included in the draft of the new DRM Bill, dealing with subnational administrations and localised small-scale disasters, the overall capacity of the future Fijian framework to strengthen the protection of marginalised communities and most exposed individuals remains to be assessed.
 - The strong sense of common identity, inclusivity and equal citizenry shared by the Fijian people has led the government to commit to protecting the most vulnerable in most of the documents analysed here. The purpose of ensuring that no one is left behind as a result of the growing impact of climate and weather-related hazards is widely traceable, albeit in different forms, especially in the adopted policies. Empowerment and representation of vulnerable categories in decision-making processes; commitments to human rights duties; gender-sensitiveness and responsiveness; and the consideration of remote communities are their most significant features in this sense.





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SUGGESTED IMPROVEMENTS FOR CCA-DRR COHERENCE IN NATIONAL LAW AND POLICIES

The following suggestions come from the key findings set out at the end of each of the previous sections and draw on the KI interviews, the examples of good practice identified in the course of the research, as well as on a previous literature review on the topic.¹

They should be considered as specifically targeted to those countries presenting PICs-like characteristic in terms of economic development, institutional setting, demographic and social characteristic, nature and level of exposure to

weather and climate-related hazards, and types of vulnerabilities.

This list of suggested improvements has been consolidated for facilitating discussion among stakeholders and for supporting governments in the identification of good practice and models on law and policy-making. As mentioned in the introduction, they form part of the wider global research that will be completed by analogous studies and lessons learned from other regional contexts.



A Institutional Improvements

- A cost-benefit assessment of centralising CCA-DRR responsibilities and implementation tasks (at both national and/or sub-national administrative level) should be carried out in view of evaluating the potential of a more coherent institutional mandate;
- The establishment of a “one-stop-shop” national authority could facilitate links with stakeholders (governmental, non-governmental and international) providing access to information and to opportunities for cooperation and support;
- A high-level governmental official could be nominated as CCA-DRR focal point. In this role he/she could advocate for internal reforms as well as represent the country in regional/international *fora*;
- All ministries should establish a focal point for CCA/DRR that should represent the entry point for inter-ministerial coordination;
- The creation of a single CCA-DRR national climate fund could be considered, thereby facilitating integrated programming and project implementation;
- Relevant ministries, departments and governmental agencies at national and sub-national levels should review their structures, organisational capacities, and adequacy of resources in order to identify gaps and training needs on technical and/or managerial skills in light of their CCA/DRR mandates;
- The Ministry of Economy/Finance should clearly identify CCA and/or DRR expenses in their budget speech and coordinate with other ministries/departments for a clear identification of respective CCA/DRR expenditures.

B Policy Improvements

- Policies on (or with relevance for) CCA and/or DRR should refer to relevant international instruments agreed by the country (i.e. agreements, strategies, frameworks) and link with their content and principles, contributing to consistent implementation of the commitments taken at the international level.
- Both short- and longer-term climate risk-informed perspectives should be mainstreamed in any sectoral development strategy or planning document, bridging with respective budgets and/or national expenditures;
- The identification of sustainable development planning policies should be based on comprehensive and risk-informed analysis, as well as on the best available scientific knowledge on climate projections and related risks;
- Policies on (or with relevance for) CCA and/or DRR should include the review and update of related legislation favouring reciprocal synergies between the two sectors;
- Policies on (or with relevance for) CCA and/or DRR should expressly link and cross-reference one another, aligning with respective goals in order to facilitate overall consistency among different sectors;
- Policies on (or with relevance for) CCA and/or DRR should arrange for proper monitoring and evaluation mechanisms in order to ensure transparency and accountability for adaptation and disaster risk management actions.



C Legislative Improvements²

- CCA and/or DRR legislation should refer to relevant international tools agreed by the country (i.e. agreements, strategies, frameworks) and link with its content and principles, contributing to a consistent and harmonised implementation of the commitments taken at the international level;
- CCA and/or DRR legislation should link and include reference to the monitoring and implementation of relevant CCA and or DRR related policies;
- All State entities and government departments should align their decisions, policies, programmes and activities to the principles and objectives of the CCA and/or DRR related legislation;
- Any national or sub-national act, regulation or implementing decision that does not adequately take account of the requirements included in the CCA and/or DRR related legislation should be open to judicial review and determination of legality;
- CCA and/or DRR related legislation should comprise enforcement measures and regulate the capacity to adopt secondary legislation (i.e. regulations), standards and codes of practice - in order to guarantee the efficient implementation of primary law;
- CCA and/or DRR related legislation should regulate and ensure sufficient resources for the functioning of information and knowledge management systems and publicly accessible information platforms, including for instance 'Integrated Risk Scenarios' and projected risks over different time horizons;
- CCA and/or DRR related legislation should regulate and ensure the arrangement of training opportunities for public officials on CCA-DRR related issues and governance skills.

D Law and Policy Improvements on the Protection and Inclusion of Vulnerable Groups

- Law and policies on CCA and/or DRR should include a definition of vulnerable groups and identify a clear and wide-ranging list of categories to include therein. This should be in line with relevant international frameworks and ensure coherence between the different tools;
- Law and policies on CCA and/or DRR should identify governance mechanisms, agencies and procedures that are specifically entrusted with the consideration of the rights and needs of vulnerable groups;
- Law and policies on CCA and/or DRR should promote gender and social inclusion as key elements for strengthening resilience to weather and climate-related hazards.
- Law and policies on CCA and/or DRR should optimise their impact by duly recognising the interconnections between different types of vulnerabilities;
- Civil society organisations, such as National Red Cross and Red Crescent Societies, associations and other entities representing vulnerable groups should be systematically included in consultations and drafting processes of new policies and laws;
- Civil society organisations, associations and other entities representing vulnerable groups should be invited to all relevant events, meetings, working groups, and technical evaluations concerning CCA and/or DRR.

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ENDNOTES

Introduction

- 1 This research was undertaken before the onset of the COVID-19 pandemic and therefore does not contemplate the impact that it is expected to have on disaster and climate-related governance at different levels. At the time of writing, most Pacific Island Countries have not been affected by the virus on a large scale. This does not exclude that they would face severe impacts should the disease gain a foothold in them, thereby causing the need for a reassessment of national priorities in many of the sectors addressed in this study.
- 2 33rd International Conference of the Red Cross and Red Crescent 2019, Resolution on 'Disaster laws and policies that leave no one behind' (33IC/19/R7) 1; IFRC, The Cost of doing nothing. The humanitarian price of climate change and how can be avoided (2019) 21; ECOSOC Resolution E/2019/L.18, 20 June 2019 §23–26; IFRC Strategy 2030: A platform for change (2019) 5–6; Global Commission on Adaptation, Adapt Now: A Global Call For Leadership On Climate Resilience (2019) 7; IFRC, World Disaster Report (2018) 220; UNGA Res. 70/1, Transforming our world: the 2030 Agenda for Sustainable Development (2015) Goals 1.5 and 13.1; Sendai Framework for Disaster Risk Reduction 2015–2030 (2015) 11, 13, 19 (h), 33 (a), 47 (d); IFRC, A guide to mainstreaming guiding principles disaster risk reduction and climate change adaptation (2013a) 3–6; IPCC, Managing the risks of extreme events and disasters to advance climate change adaptation. A Special Report of Working Groups I and II of the Intergovernmental Panel on Climate Change (2012) 16–20.
- 3 IFRC and UNDP, The Checklist on Law and Disaster Risk Reduction – An Annotated Outline (2015) 5.
- 4 Natoli T., Literature review on aligning climate change adaptation (CCA) and disaster risk reduction (DRR), IFRC | UCC (2019).
- 5 Ibid., 21.
- 6 As further described in Box 1, the Pacific Islands region is composed by both fully independent 'countries' and 'territories' dependent to other States. This study will only consider the former, due to their greater autonomy and capacity to adopt sectoral law and policies in relevant sectors.
- 7 A/RES/70/1 (2015) para 45.
- 8 Resolutions 4, 7 and 6 respectively adopted in the course of the 30th, 31st and 32nd International Conferences of the Red Cross and Red Crescent Movement.
- 9 For a comprehensive overview on its meanings and different implications see Wisner B., Vulnerability as Concept, Model, Metric, and Tool, in 'Oxford Research Encyclopaedia of Natural Hazard Science' (2016).

Section 1

- 1 IFRC, Risk Governance for Resilient Development in the Pacific, Reports from Legislating and Policy Making for Climate Smart DRM Workshop - Fiji, October 2019 (2020) 3.
- 2 Hay J.E., Duvat V.K.E. and Magnan A.K., Trends in Vulnerability to Climate-related Hazards in the Pacific: Research, Understanding and Implications, in W. Tad Pfeffer, Joel B. Smith and Kristie L. E. (eds), The Oxford Handbook of Planning for Climate Change Hazards (2019).
- 3 Hay J.E., On the Frontline: Climate Risks and Responses in the Pacific Islands Region, in Cynthia Rosenzweig (ed.) 'Our Warming Planet: Identifying and Managing the Impacts and Risks', World Scientific Publishing (2019); see also Commonwealth Marine Economies Programme - CMEP, Pacific Marine Climate Change Report Card, eds. Bryony Townhill et al. (2018).
- 4 UNISDR, UNDP, Disaster Risk Reduction and Climate Change Adaptation in the Pacific: An Institutional and Policy Analysis, Suva, Fiji (2012) 22.
- 5 This definition refers to the parallel adoption of the three interconnected global frameworks on which this report was developed, namely the UN Agenda 2030 and its centrepiece the Sustainable Development Goals (SDGs), the Paris Agreement and the Sendai Framework for Disaster Risk Reduction 2015–2030.
- 6 Majuro Declaration for Climate Leadership', <http://www.forumsec.org/wp-content/uploads/2017/11/2013-Majuro-Declaration-for-Climate-Leadership.pdf> paras 15–16. The greater sense of urgency pushed by PIF Members around climate change is also rooted in previous Declarations, such as the 'Niue Declaration on Climate Change' (2008) calling for the strengthening of meteorological services as well as the distribution of climate change information.
- 7 Ibid., para 14 (emphasis added).
- 8 PIF Secretariat, The Framework for Pacific Regionalism (2014), 4.
- 9 PIDFS, Suva Declaration on Climate Change (2015) 19 (h), (i), (k), emphasis added. This document also acknowledged the suffering from the adverse impacts of climate change due to, inter alios "increased intensity of tropical cyclones, sea level rise, severe storm surges, more frequent and more extreme weather events, coral bleaching, saltwater intrusions, higher king tides, coastal erosion, changing precipitation patterns, submersion of islands, and ocean acidification" and stressing the scientific evidence that these impacts will further intensify over time (para. 3).
- 10 UNISDR and SPC, Pacific Platform for Disaster Risk Management. Working Together for a Resilient Pacific, 24 - 26 October 2016, Suva, Fiji.
- 11 Ibid., Outcome Statement, para 4.
- 12 Ibid., p. 16.
- 13 <https://www.forumsec.org/pacific-regionalism/>
- 14 PIDFS, Suva Declaration on Climate Change (2015) paras 16–17.
- 15 Ibid., para 19 (n).
- 16 <https://www.un.org/humansecurity/wp-content/uploads/2018/09/49th-Pacific-Islands-Forum-Communiqu%C3%A9.pdf>.
- 17 <http://www.forumsec.org/opening-address-prime-minister-tuilaepa-sailele-mailelegaoi-samoa-open-48th-pacific-islands-forum-2017/>.
- 18 Boe Declaration (2018) 5th preambular para.
- 19 <https://www.forumsec.org/biketawa-declaration/>.
- 20 49th Pacific Islands Forum, Yaren, Nauru 3 – 6 September 2018 Forum Communiqué, para 6.
- 21 Ibid., para 15. The emphasis on their commitment to the implementation of the Paris Agreement and the need to ensure effective progress



throughout the UNFCCC Conference of Parties has been framed as a vital priority, to be pursued through “an inclusive, participatory and transparent dialogue”, as suggested by the so-called Talanoa traditional approach used in Fiji and the Pacific, gradually proposed and accepted by the Parties as suitable *modus operandi* in the UN Framework Convention on Climate Change (UNFCCC) negotiations, (see https://unfccc.int/files/bodies/cop/application/pdf/approach_to_the_talanoa_dialogue.pdf#page=1;

22 Ibid., para 19.

23 <https://www.forumsec.org/wp-content/uploads/2019/10/BOE-document-Action-Plan.pdf>.

24 Boe Declaration Action Plan (2018) 10.

25 As for instance ‘proposed action 1 (v)’, which establishes the target number of Member Countries finalising and communicating their NDCs, expected to be 16.

26 Boe Declaration Action Plan (2018) 10.

27 Ibid (emphasis added).

28 <http://mic.gov.to/news-today/press-releases/5497-nukualofa-ministerial-declaration-for-sustainable-weather-and-climate-services-for-a-resilient-pacific-24th-july-2015-nukualofa-tonga>.

29 Boe Declaration Action Plan (2018) 11, action 1 (vi).

30 Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management (FRDP) 2017 – 2030 (2016) Foreword, vii. In some cases, the FRDP makes a distinction between “Pacific Island Country” (PIC) and “Pacific Island countries and territories” (PICTs), in light of the different responsibilities and capacities of non-autonomous territories in implementing specific actions.

31 FRDP (2016) 7.

32 The need to expedite the development of an integrated strategy was proposed for the first time in the course of the First Joint Meeting of the Pacific Platform for Disaster Risk Management and the Pacific Climate Change Roundtable, held in Nadi (Fiji) in July 2013.

33 This happened on the basis of results of the mid-term review of the two existing frameworks, which reported the difficulties encountered at country level to make efficient use of two instruments with so much in common, see Hay J. E., Mid-Term Review Pacific Islands Framework for Action on Climate Change (PIFACC) and the PIFACC Action Plan, SPREP (2010) 16.

34 The Secretariat of the Pacific Regional Environment Programme (SPREP) Meeting, the Pacific Community (SPC) Committee of Representatives of Governments and Administrations (CRGA), the Regional Disaster Managers’ Meeting, the Pacific Climate Change Roundtable, the Pacific Meteorological Council, the Forum Economic Ministers Meeting, the French Territories, the Pacific Islands Alliance of NGOs and the Pacific Islands Private Sector Organisation (PIPSO).

35 Formed by representatives of the SPC, the SPREP, the United Nations Office for Disaster Risk Reduction (UNISDR, now UNDRR), the United Nations Development Programme (UNDP), the Pacific Islands Forum Secretariat (PIFS) and the University of the South Pacific (USP).

36 FRDP (2016) 1.

37 Interview with KI FJ-01-CSO and KI FJ-03-ACA.

38 FRDP (2016) 10. On the SAMOA Pathway see Box 1. Surprisingly, while the necessity to support the implementation of Paris Agreement art. 8 on ‘Loss and Damage’, and of the related ‘Warsaw International Mechanism’ are extensively assessed throughout the FRDP, no specific mentions are made to its art. 7 on ‘adaptation’. This had been reportedly due to the major political attention that PICs were devoting to the first topic compared to the second, which at the time of the developing of the Framework was considered as sufficiently ascertained (interview with FJ-03-ACA). The only direct reference to NAPs and Adaptations communications are made under the Goal 1, priority action i(c).

39 As confirmed by the 2019 Kainaki II Declaration for Urgent Climate Change Action Now, defined as “the strongest statement the Pacific Islands Forum has ever issued collectively on climate change, and [that] will stand as a key advocacy instrument to support the Pacific’s collective voice [...]” (see Boe Declaration Action Plan, 30).

40 FRDP (2016) 3.

41 Interview with KI FJ-03-ACA, specifying how “At the political level, leaders and senior officials involved in the drafting process saw parallels between the FRDP and the UNFCCC mechanism, conceiving the former as a tool allowing for subsequent and more detailed policy improvements at the national level”.

42 The reasons behind this need had been extensively addressed in a background information and technical guidance paper that had been prepared to guide decisions on the most critical aspects, see Hay J. E. and Pratt C., Strategy for Disaster and Climate Resilient Development in the Pacific (SRDP) - Background Information and Guidance on Rationale and Possible Approaches (2013) 2.

43 Hopkins W. J., Regional Disaster Risk Reduction: Is there a Pacific Way?, 26 Canterbury Law Review (2020) forthcoming.

44 FRDP (2016) 4.

45 Ibid., 6. Notwithstanding that, the relevance of the “Rule of Law” is reported in a diagram at p. 7, drawn from Turnbull M. et al., Toward resilience: A guide to disaster risk reduction and climate change adaptation, Practical Action (2013), and listing (among others) the systemic component effectively contributing to the building of resilience.

46 FRDP (2016) 26.

47 With the only exception of the promotion of “appropriate national building codes” under letter n).

48 Interview with FJ-03-ACA.

49 See actions under Goal 2, mentioning the necessity to “Develop and enforce efficient and effective legislation and regulations covering forests, coastal management, ecosystem services, energy efficiency codes for public buildings, energy efficiency standards for imported electrical goods and metering of energy use in households” (p. 19), as well as under Goal 3, urging the need to “a) Review and strengthen disaster risk management planning arrangements and legislation, ensuring clearly defined roles and responsibilities and an inclusive approach, involving all stakeholders including international and multi-stakeholder support to response and recovery.” (p. 23).

50 In particular, the PRP brought together the Pacific Climate Change Roundtable and the Pacific Platform for Disaster Risk Management with related sectoral, scientific, technical and policy mechanisms at the national, regional and global levels.

51 <http://www.resilientpacific.org/>.

52 FRDP (2016) 26.

53 IFRC (2020) 27.

54 Hay and Pratt (2013) 48.

55 This definition is reportedly adapted from an external doctrinal source (“Lavell et al, 2012”) not further specified.

- 56 FRDP (2016) 6 (emphasis added). See also the paragraph dealing with the multi-stakeholder approach at 8, where it is recognised that “Some people may be more vulnerable, including for example, women, children, older persons and persons with physical and mental disabilities, experience disparate impacts in situations of disaster and emergency, have different priorities and needs, and face different challenges in both responding to disasters and coping with the impacts of climate change”.
- 57 Ibid. 6.
- 58 Ibid. 8: “All vulnerable groups are at risk of having their particular needs overlooked or ignored in decision making, programming, and in disaster preparedness, response and recovery efforts, if organisational policies and mandates are not in place to ensure that they are consulted and that their needs are mainstreamed”.
- 59 Ibid. 15, let (i).
- 60 Ibid.
- 61 Ibid. 16 (emphasis added).

Section 2

- 1 Hay and Pratt (2013) at 46–47, identifying the heterogeneity of PICTs due to their differences in size (both in terms of landmass and population), remoteness and dispersion and geographic nature and spread.
- 2 Ibid., 7.
- 3 IFRC (2020) 10, 22–23.
- 4 See on this Atteridge A. and Canales N., Climate finance in the Pacific: An overview of flows to the region’s Small Island Developing States, Stockholm Environment Institute Working Paper NO. 2017–04 (2017).
- 5 See <http://www.thegef.org/about/funding>.
- 6 47 countries are currently designated by the UN as “Least Developed Countries” (LDCs). The list of LDCs is reviewed every three years by the UN Economic and Social Council, in the light of recommendations by the Committee for Development Policy (CDP). The following three criteria are used by the CDP to determine LDC status: per capita income (gross national income per capita); human assets (indicators of nutrition, health, school enrolment and literacy); and economic vulnerability (indicators of natural and trade-related shocks, physical and economic exposure to shocks, and smallness and remoteness). Source: <https://unctad.org/en/Pages/ALDC/Least%20Developed%20Countries/UN-recognition-of-LDCs.aspx>.
- 7 See section 1, fn. 5.
- 8 See <https://unfccc.int/topics/resilience/workstreams/national-adaptation-programmes-of-action/napas-received>; McDonald J. and Telesetsky A., Disaster by Degrees: the Implications of the IPCC 1.5° C Report for Disaster Law, in 1 Yearbook of International Disaster Law (2019) 193; Commission on Climate Change and Development, Closing the Gaps: Disaster risk reduction and adaptation to climate change in developing countries (2009) 77. This approach has been reiterated throughout the years and the most recently presented NAPA, submitted by South Sudan in 2017, clearly identifies DRR as a priority thematic area and highlights a key adaptation project currently being undertaken to establish improved drought and flood early warning systems through an improved hydrometeorological monitoring network, as a means of reducing the impact of those events on rural communities (Republic of South Sudan, National Adaptation Programmes of Action (NAPA) to Climate Change (2016) 40).
- 9 Commission on Climate Change and Development, Closing the Gaps: Disaster risk reduction and adaptation to climate change in developing countries (2009) 20–21, for which “[u]ltimately, the NAPAs are more about capacity development than they are about furthering adaptation. [...] Support for initiatives such as the NAPAs must then be situated within a much more comprehensive dialogue on adaptation. This means that although these “pilot projects” may not actually be scaled up, they should be used as capacity development exercises and as a platform for establishing a broad dialogue about what climate change adaptation implies.” See also Agrawal A., The National Adaptation Programmes of Action, on Development in a Changing Climate, WDR 2010 blog, 2008.
- 10 Solomon Islands, National Adaptation Programmes of Actions (2008) 13–14.
- 11 See <https://unfccc.int/national-communications-and-biennial-reports>.
- 12 Solomon Islands, NAPA (2008) 61.
- 13 Tuvalu, NAPA (2007) 30–33.
- 14 Samoa, NAPA (2005) 7.
- 15 Solomon Islands, NAPA (2008) 133.
- 16 Vanuatu, NAPA (2007) 52.
- 17 Kiribati, NAPA (2007) 26. The same document also recognises how “Environmental legislation can provide guidelines to screen and ensure that development activities and traditional practices are not barriers to adaptation.” (29).
- 18 Solomon Islands, NAPA (2008) 23.
- 19 Vanuatu, NAPA (2007) 3.
- 20 Solomon Islands, NAPA (2008) 59.
- 21 Ibid., 87.
- 22 Ibid., 127–128.
- 23 Kiribati, NAPA (2007) 43.
- 24 Tuvalu NAPA (2007) 35.
- 25 Ibid., (emphasis added).
- 26 Samoa, NAPA (2005) 44.
- 27 Vanuatu, NAPA (2007), 41–42.
- 28 Kiribati, NAPA (2007) 26.
- 29 Vanuatu, NAPA (2007) 17.
- 30 See for instance the “community participatory approach” adopted in Samoan NAPA (2005) 58.
- 31 Kiribati, NAPA (2007) 33.
- 32 Tuvalu, NAPA (2007) 33.
- 33 Report of the Conference of the Parties on its sixteenth session, held in Cancun from 29 November to 10 December 2010, UN Doc FCCC/



CP/2010/7/Add.1, Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, paras. 11–35.

34 Paris Agreement on Climate Change (2015) art. 7.9, letter (b).

35 Least Developed Countries Expert Group (LEG), National Adaptation Plans. Technical guidelines for the national adaptation plan process, UNFCCC Secretariat (2012) 15, available at <http://unfccc.int/NAP>

36 Decision 5/CP.17, paragraph 1.

37 LEG (2012) 12.

38 With regards to the RCRC Movement contribution to the NAP processes, see IFRC, How to engage with National Adaptation Plans Guidance for National Red Cross and Red Crescent Societies (2013).

39 Abeyasinghe A. et al, National adaptation plans. Understanding mandates and sharing experiences, IIED (2017) 7–9. NAPs mandate can be laid-out in a variety of manners and can therefore have different legal forms and status. For a list of best practices on the initiating and launching of the process to formulate and implement national adaptation plans, see: LDC Expert Group (LEG Group), Best Practices and Lessons Learned in Addressing Adaptation in Least Developed Countries, Vol. 3 (2015) 23 – 26 and 30–33.

40 https://www4.unfccc.int/sites/NAPC/News/Pages/national_adaptation_plans.aspx.

41 Some of them are explicitly considered as equal as a NAP, see for instance: Kiribati KJIP, 63; Tonga JNAP2 (2018) 53.

42 Other countries adopted similar documents prior to 2015 and therefore not considered in the present study. See for instance the Cook Island Joint National Action Plan for Disaster Risk Management Climate Change Adaptation (JNAP). 2011- 2015; the 'Niue's Joint National Action Plan for Disaster Risk Management and Climate Change' of 2012; the 'Tuvalu National Strategic Action Plan for Climate Change and Disaster Risk Management 2012–2016'; and the Republic of the Marshall Islands Joint National Action Plan for Climate Change Adaptation & Disaster Risk Management 2014 – 2018.

43 Tonga, JNAP II (2017) 50.

44 Cook Islands, JNAP II (2016) 31.

45 Vanuatu, Climate Change and Disaster Risk Reduction Policy (2015) 27. The KJIP by Kiribati is the only in which these references are framed in a slightly different manner, as for instance mentioning the SDGs only as a source of imperative requirements in terms of gender equality policy, and strangely referring to Sendai's antecedent (the Hyogo Framework), see 63.

46 Fiji, NAP (2018) 31.

47 Ibid, 46, "Horizontal integration refers to the mainstreaming of climate change issues into national-level development planning processes so that they are suitably climate-informed".

48 Ibid., adaptation measure #8.8, 48.

49 Ibid., adaptation measure 13.9, 72.

50 Ibid., 69.

51 Kiribati, KJIP II (2018) 62.

52 Ibid., 69 (emphasis added).

53 Ibid.

54 Ibid., 101.

55 Ibid. The second annex to the document also contains a graph indicating the need to foresee a "primary" alignment between KJIP Strategies and key national and sectoral policies, comprehensively listed one by one (173–176).

56 Cook Islands, JNAP (2016) 31.

57 Ibid., 52.

58 Ibid., 53.

59 Tonga, JNAP 2 (2018) 26.

60 Ibid., 27–28.

61 Ibid., 45.

62 Ibid., 56.

63 Vanuatu, Climate Change and Disaster Risk Reduction Policy (2015) 10.

64 Palau, Climate Change Policy (2015) 39.

65 Samoa, NAP for Disaster Risk Management (2017) 17.

66 UNFCCC, Decision 5/CP.17 (2011) paras. 1-3 (emphasis added).

67 The document also notes that "Due to the incorporation of gender and human rights issues into the NAP process it supports the Government of Fiji fulfil its commitments under the Pacific Framework for the Rights of Persons with Disabilities, Agenda for Humanity, and the UN Conventions on the 'Rights of the Child', the 'Rights of Older Persons', and 'Rights of Persons with Disability'.

68 Fiji, NAP (2018) 6.

69 Ibid. 38–39. "This requires development planning processes which proactively empower and support disadvantaged groups to be able to assert their rights and have equitable access to leadership positions, decision-making processes, opportunities, and resources." See also Action 8.3 at 48. "For instance, women are primary caregivers, and any improvement in their knowledge regarding sustainable resource use and management is likely to be passed on to children", 39.

70 Kiribati, KJIP (2019) 11 and 76.

71 Ibid., 170–171.

72 Ibid., 104.

73 Ibid., 63. Including the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women CEDAW; UNFCCC Gender Action Plan; and the Paris Agreement.

74 Vanuatu, Climate Change and Disaster Risk Reduction Policy 2016–2030 (2015) 9 and 19.

75 Ibid., 15.

76 Cook Islands, JNAP (2016) 19.

77 Tonga, JNAP II (2018) 7, 26 and activity 1.3.2. See also 30–31.

78 Palau, Climate Change Policy (2015) 16.

79 Samoa, NAP (2017) 15 and 21.

Section 3

- 1 Fiji Constitution (2013) art. 1 (h).
- 2 (emphasis added). The constitutional provision is complemented by a paragraph stating that “To the extent that it is necessary, a law or an administrative action taken under a law may limit, or may authorise the limitation of, the rights set out in this section.”
- 3 Fiji, World Bank, and Global Facility for Disaster Reduction and Recovery, *Fiji 2017: Climate Vulnerability Assessment - Making Fiji Climate Resilient* (2017) 19–22; Eckstein D. et al., *Global Climate Risk Index - German Watch* (2019). For a comprehensive analysis of the country's disaster risk profile, see: UNDRR, *Disaster Risk Reduction in the Republic of Fiji - Status Report* (2019), 10–16. See also the Second National Communication to the UNFCCC (2014) according to which “the country faces increased rainfall, droughts, cyclones and sea level rise. Major sectors such as agriculture, water, energy, forests, tourism, health and transport are already being affected”.
- 4 <https://unfccc.int/news/join-the-talanoa-call-for-action>.
- 5 Fiji – MoE (2019) 14; UNISDR and UNDP (2012) 32. According to the Fiji-World Bank, *Climate Vulnerability Assessment* (2017), supra note 3, “The Fijian Government spending on investments to strengthen resilience has significantly increased, from 3.74 per cent of the total budget in 2013 to 9.85 per cent in the 2016–2017 fiscal years”.
- 6 Fiji, *Disaster Risk Reduction Policy* (2018) paras 42–43.
- 7 Fiji – Ministry of Finance, *Climate Public Expenditure and Institutional Review* (2015) 3–4, 11, 42–53.
- 8 Interview with KIs FJ-04-IOS and FJ-06-IOS.
- 9 Interview with KI FJ-01-CSO and KI FJ-02-GOV. See also IFRC and UNDP, *The Handbook on Law and Disaster Risk Reduction* (2016) 19 ff.
- 10 Fiji, Republic of Fiji National Adaptation Plan - A pathway towards climate resilience (2018), iv.
- 11 Ibid., 3 and vii. The document comprises 160 adaptation measures identified as the most urgent according to stakeholders' consensus to be prioritised over the next five years, with the twofold objective of “[having] benefits for climate resilience, but also [...] additional benefits in terms of development outcomes”.
- 12 Ibid., 8–17.
- 13 Fiji, NAP (2018) 9.
- 14 Ibid., 16. See also Fiji – MoE, *Voluntary National Review - Fiji's Progress in the Implementation of the Sustainable Development Goals* (2019) 13.
- 15 Ibid., 17.
- 16 Fiji, NAP (2018) 8.
- 17 Ibid. See also UNDRR (2019) 17, specifying that “The Climate Change and International Cooperation Division of the Ministry of Economy is the main entity coordinating and facilitating the implementation of the NAP under the supervision of the National Climate Change Coordination Committee (NCCCC)”.
- 18 According to this vision “while gaps may exist at the individual document level, when they are combined very few gaps exist”, *ibid.*, 10.
- 19 The Green Growth Framework (2014) had already included the need to build resilience to climate change and disaster as one of its thematic areas. One of its outcome items was the need to integrate CCA and DRR through the formulation of a joint strategy.
- 20 IFRC – MoE (2019) 11–12.
- 21 Notably, the SDGs are used as benchmarks for any single development target and quantitative indicators.
- 22 Fiji – MoE, *5-Year and 20-Year National Development Plan (NDP) – Transforming Fiji* (2017), 18–19.
- 23 Ibid., 29.
- 24 Ibid., 25.
- 25 Ibid., 40.
- 26 Ibid., 124.
- 27 Ibid., 98.
- 28 Consider, for instance, the need to “Ensure that every rural community and every rural school has at least one building resilient to a category 4 cyclone.”, *ibid.*, 104.
- 29 Ibid.
- 30 Interview with KI FJ-02-GOV
- 31 The collaboration with development partners and tertiary institutions in researching these priority areas is encouraged, as well as the involvement of community-based partners to provide training in the proper approach to climate change and disaster risk management.
- 32 Fiji – MoE, *National Climate Change Policy 2018–2030* (2017) 1.
- 33 Ibid., 8. On the connections between the NCCP and the SDGs, see also: Fiji MoE (2019) 14.
- 34 Ibid., 80.
- 35 UNDRR (2019) 17.
- 36 Interview with KI FJ-07-ACA.
- 37 Fiji, NCCP (2017) 62.
- 38 Ibid.
- 39 Ibid., Objective 3.1, 57.
- 40 “The terms of reference of the National Climate Change Coordination Committee are revised to reflect the guidance of the NCCP and update the committee's functionality in alignment with new national and global frameworks and policies,” 47. The NCCCC is comprised of the Permanent Secretaries and nominated representatives from government ministries, departments and agencies. The National Climate Change Coordination Committee functions on behalf of the Fijian Government to, among others, “Ensure Ministerial and Department activities are aligned with relevant cross-cutting policies and frameworks, such as the National Adaptation Plan Framework and National Climate Change Policy” (77).
- 41 “This committee serves as a platform to evaluate the macro-economic implications of climate change and the national security dimensions of climate risks.” (47)
- 42 “These focal points should be equipped to manage strategic planning processes and cross-sectorial and intra-ministerial engagement. Clear key performance indicators for these roles should be designed by the relevant ministry with inputs from CCICD.” (79).
- 43 “Among its mentioned engagement areas, the coordination of climate finance (conduit between donors, climate funds, and sector recipients of



climate finance, funding alignment with priorities, and efficient implementation) and the responsibility for coordinating implementation and reporting associated with Fiji's NDP, NDC and NAP commitments" (80).

44 Fiji, NCCP (2017) 8. See also Objective 1.2 and related strategies.

45 Ibid., 48.

46 Fiji, National Disaster Risk Reduction Policy 2018–2030 (2019) 2. The overall objective of the NDRRP is to enable Fiji to “deliver on its priority of preventing new disaster risk and reducing existing disaster risk in line with relevant regional and global frameworks”.

47 Fiji, NDRRP (2019) para. 112.

48 Fiji, Natural Disaster Management Act (1998) 39–44.

49 Fiji, NDRRP (2019) para. 5.

50 Ibid., para. 127.

51 Ibid., para. 158.

52 Ibid., para. 18. The policy also considers a substantial list of sectorial legislation that would fall within the DRR range of application, i.e. acts on ‘local government, town planning, land-use, environment management, public health, education act, human rights and anti-discrimination commission, see fig. 5 and annex 5 mentioning every DRR-related legislation (surprisingly not including those on climate change CC). At para. 126 it is even mentioned that a legislative revision is necessary in the aftermath of each overwhelming event, such as Cyclone Winston in 2016.

53 Ibid., para. 24 and 27, specifying that “to address climate change as one of the drivers of DRR, while respecting the mandate of the Paris Agreement, represents an opportunity to reduce disaster risk in a meaningful and coherent manner throughout the inter-related intergovernmental processes”.

54 Ibid., paras. 42–43.

55 Ibid., paras. 113–115.

56 Ibid., para. 129 highlighting the joint mainstreaming of DRR and CCA into NDPs in line with the FRDP.

57 The Fiji Sun, Fiji Government to Implement Out Climate Change Act, 08 August 2019.

58 Fiji, Draft Climate Change Bill (2019), art. 6.

59 Part 13.

60 Sloan J. and Manley M., Fiji's proposed Climate Change law is extraordinary, wide-ranging and open for consultation (2019) Ocean Law Bulletins, noting that “The Bill like all modern common law legislation includes Objectives to enable anyone reading to understand and interpret the law consistently with its objectives”.

61 Fiji, Draft Climate Change Bill (2019) art. 4 (f) and (g). Letter (m) also mentions the objective to “provide for the implementation, operation and administration of regulations, measures and actions that build climate resilience and enhance adaptive capacity to the impacts of climate change, with respect to Fiji's communities, built environment and ecosystems”.

62 Interview with KI FJ-02-GOV.

63 Ibid., art. 9.4.

64 Art. 12.

65 Art. 12 (5).

66 Art. 72.3.

67 Art. 14 (b)

68 Art. 16.

69 Art. 16.2.

70 Art. 17.

71 Art. 23.

72 Part 6.

73 Art. 70–71.

74 Ibid.

75 Art. 29, according to which “the dissemination of climate change related information [would take place] through a variety of formats, media-types, languages and other communications channels.”

76 Art. 73.

77 Art. 74.

78 Art. 75.

79 Art. 76.

80 Artt. 79–80. According to the Fijian NDP, “For disaster-risk management in rural and maritime areas, government has identified 830 vulnerable communities at risk from climate-related events to be relocated. Out of this, 48 communities in urgent need of relocation would be supported through government funding with assistance from development partners.”, 102.

81 Art. 81.

82 “National Disaster Management Council” or “Council” means the body responsible for disaster management policy and operations.

83 “National Disaster Management Office” means that unit within the Ministry responsible for disaster management where the day-to-day functions of the disaster management organisations are conducted.

84 Fiji, NDMA (1998) art. 39.

85 UNDRR 2019; SPC news, Fiji Government reviews National Disaster Management Act & Plan, May 2018; <https://bsrp.gsd.spc.int/index.php/bsrp-project/>.

86 Art. 4 (d).

87 Art. 5 (c).

88 Art. 8 (i). According to article 37, “The Disaster Risk Reduction Committee shall be responsible— (a) for awareness and training activities; (b) to initiate, coordinate and monitor the implementation of disaster risk management activities. (3) The Disaster Risk Reduction Committee shall be responsible for formulation, review and submission of policies and information papers to the National Disaster Risk Management Council for—(a) disaster risk reduction; (b) preparedness, awareness, planning, promoting and implementing of disaster preparedness activities and programmes; (c) disaster mitigation and prevention; and (d) disaster relief and rehabilitation.

- 89 Arts. 24–27.
- 90 Arts. 73–74.
- 91 Fiji Constitution (2013) art. 26.
- 92 As reported on p. 55, “Fiji has incorporated significant elements of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) into its laws and policies and is implementing the National Gender Policy and the Women’s Plan of Action.”
- 93 Chatter P., Women in the House (of Parliament) in Fiji: What’s Gender Got to Do with It?, in *The Commonwealth Journal of International Affairs* (2015) 104/2, 177–188; Charan D., Kaur M. & Singh P., Indigenous Fijian Women’s Role in Disaster Risk Management and Climate Change Adaptation, in *Pacific Asia Inquiry* (2016) 7/1, 106–122. The number of women sitting in the Fijian Parliament in 2020 (including ministerial seats) corresponds to 20%. This data is in line with the regional average but still below the global one, source: <http://archive.ipu.org/wmn-e/world.htm>. It should also be noted that Fiji’s National Gender Policy calls for a gender-responsive approach to all development activities. As per the NCCP: “Fiji’s National Gender Policy highlights the inextricable links between gender equality and sustainable development and promotes enhanced efforts to mainstream gender equality and balance into all aspects of national life”.
- 94 The promotion of mechanisms aimed at raising capacities of local and marginalised groups is clearly stated in SDG 13.b (see Box 4).
- 95 NDP 75–76.
- 96 NCCP 30.
- 97 NCCP 33.
- 98 NCCP 23. Guidance provided by other documents such as the Pacific Framework for the Rights of Persons with Disabilities is mentioned, together with the need to comply with relevant UN human rights conventions including the conventions on the ‘Rights of the Child’, ‘Rights of Older Persons’, and ‘Rights of Persons with Disability’.
- 99 NCCP 33.
- 100 NCCP 34.
- 101 Fiji, NDRRP (2018) para 14. See also the Pacific Framework for the Rights of Persons with Disabilities 2016–2025 (2015) 7, 17, which links this goal with SDGs 11 and 13.
- 102 NDRRP (2018) paras 44 and 50.
- 103 *Ibid.*, para 52.
- 104 *Ibid.*, para 69.
- 105 *Ibid.*, para 76.
- 106 *Ibid.*, para 72, 76 and 78. In particular, the categories of “The disabled, women, children, youth, elderly, poor families and landless” are mentioned.
- 107 Para 78. See also para. 112 on Efficient and Effective Practices of DRR.
- 108 Draft Climate Change Bill (2019) Art 5 (h).
- 109 Fiji, DRMA (2020) Art. 4.
- 110 *Ibid.*, art 8 (h).
- 111 *Ibid.*, art 25.
- 112 *Ibid.*, art. 41.
- 113 *Ibid.*, art. 74.
- 114 IFRC and UNDP, *The Checklist on Law and Disaster Risk Reduction - An annotated outline* (2015) 9–15.

Section 4

- 1 Natoli T., Literature review on aligning climate change adaptation (CCA) and disaster risk reduction (DRR), IFRC | UCC (2019).
- 2 Note that all references to “legislation” include both primary and secondary legislation, as variously defined in domestic legal systems.

