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# Climate Legislation Webinar Series

## Webinar 3: Legislative approaches in ensuring social stability in communities facing climate-induced risks

### Summary report

The last webinar in the three-part series on climate legislation was held virtually on Thursday, 8 October. It was hosted by the Inter-Parliamentary Union (IPU), the Centre for International Sustainable Development Law (CISDL) and the United Nations Framework Convention on Climate Change (UNFCCC). The webinar focused on legislative approaches for ensuring social stability in communities facing climate-induced risks.

In her opening remarks, Prof. Marie-Claire Cordonier Segger<sup>1</sup> made clear the existing concerns of social stability in communities facing climate-induced risks. The fact that 167 out of 198 Nationally Determined Contributions (NDCs) prioritized legal and institutional reform to address those risks confirmed the concerns. It was of absolute importance to recognize and address climate-induced risks because of their threat to social stability. That had to be done through policy making and implementation starting from the international to the domestic level.

Mr. Martin Chungong<sup>2</sup> highlighted the importance of collaboration between stakeholders when facing the climate emergency, and of an “all-of-society” approach to address climate change alongside new inequalities created by the COVID-19 pandemic. Parliaments had a crucial role to play in that process, including in ensuring the implementation of the Paris Agreement, through their legislative, budgetary, oversight and representation functions. The Declaration of the Fifth World Speakers of Parliament – which had been held in August 2020 – reaffirmed parliaments’ commitment to implementation of the Paris Agreement. Mr. Chungong concluded with an urgent call for more inclusive and sustainable action from parliaments and stakeholders that serve both people and planet.

Ms. Hafida Lahiouel<sup>3</sup> traced the engagement of the UN with international and domestic legislative actors and the results achieved over the past decade. She also pointed out that the nexus between climate change and its impacts on social stability had been discussed at COP25 in Madrid in 2019. Already vulnerable social groups were disproportionately hit by the effects of climate change. There were advances in efforts to address those issues throughout the UN system. Implementation must be coordinated from a triadic viewpoint:

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<sup>1</sup> Senior Director, Centre for International Sustainable Development Law; Professor of Law, University of Waterloo; Leverhulme Visiting Professor, University of Cambridge.

<sup>2</sup> Secretary General, Inter-Parliamentary Union.

<sup>3</sup> Director, Legal Affairs Division, and Principal Legal Adviser, UNFCCC Secretariat.



legal; peace and security; and scientific. Strong institutions were needed to address social instability induced by climate change. That strength was measured by the ability of institutions to transcend existing structural barriers by using effective cross-cutting interventions; forging more effective collaborations between climate change, peace building, disaster risk reduction, and sustainable development.

Mr. Ayman Cherkaoui<sup>4</sup> gave an overview of climate-induced risks and of those communities which were exposed to such risks. He provided examples of response approaches and presented a diagram prepared by the Intergovernmental Panel on Climate Change (IPCC) (Figure 1) that showed the scientific approach to risk which echoed Ms. Lahiouel's remark on the importance of multifaceted approaches. The diagram showed that risk occurred at the interface of hazards (the physical event), vulnerability (how vulnerable those exposed to the risk were) and exposure (how exposed people were if the events took place). There were also two other vital and influential elements to be considered: climate and socioeconomic processes. Both were dominant factors in the occurrence and impacts of hazards, the reality of the exposure, and the extent to which people were vulnerable to those impacts. Climate-induced risks must be considered through a transboundary lens. Climate impact also connected societies as all communities faced climate-induced risks. However, communities were not equal in their capacity to assess and address such risks.

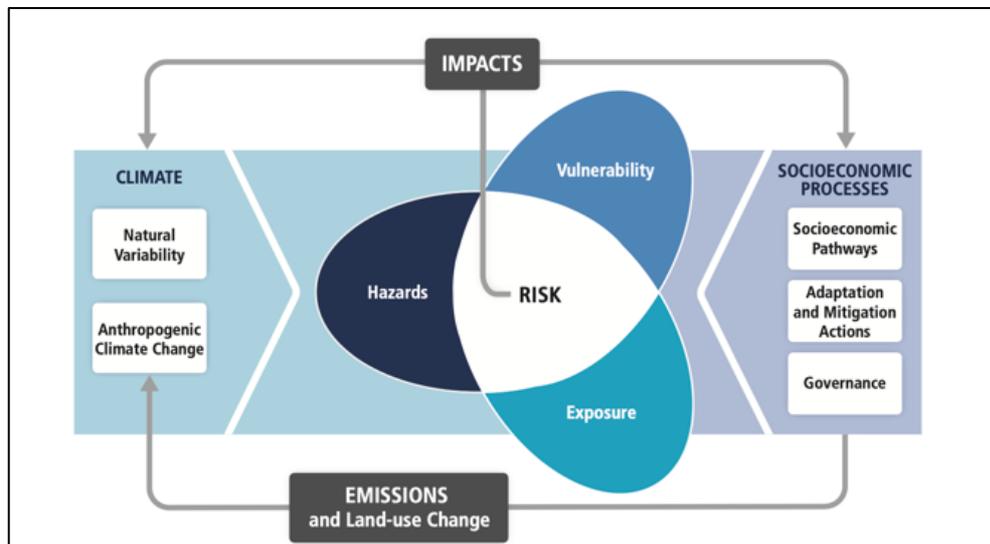


Figure 1. Core concepts of the Special Report of the IPCC (2012)<sup>5</sup>

Ms. Sara Mehryar<sup>6</sup> put into context the ability of and challenges faced by legislative approaches to reduce climate risks and drew attention to recent research on the role of

<sup>4</sup> Lead Counsel, Climate Change, CISDL; Strategic Development Officer, Mohammed VI Foundation for Environmental Protection.

<sup>5</sup> Available at: <https://archive.ipcc.ch/report/srex/>.

<sup>6</sup> Research Officer, Grantham Research Institute, LSE. She contributed to the Zurich Flood Resilience Alliance Programme.



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national laws for enhancing flood resilience.<sup>7</sup> Many of the newer laws were directed at climate change and disaster risk management, as the negative effects of climate change had become more prevalent. Those laws faced three main limitations and challenges. First, there was a significant lack of climate change recognition in the laws themselves. The laws had formed a gap between climate change and disaster mitigation, two interlinked areas where cooperation was likely to improve effectiveness. Second, the laws focused on post-event responses. Without proactive action, mitigation could only do so much. Finally, the laws focused only on improving physical capital (e.g. warning systems and flood defences), although it had been suggested that a holistic response, including natural, human and social capital, would enable different measures that would improve the overall effectiveness of flood prevention, as well as flood mitigation.

Ms. Claudia Roth<sup>8</sup> highlighted how the impacts of climate-related disasters, such as desertification, floods and water scarcity could be seen as a risk multiplier of existing conflicts and challenges, including hunger and poverty. The number of people displaced due to climate change had greatly increased in recent decades. Furthermore, the number of conflicts in the climate crisis was increasing as a result of resource scarcity and inequitable access to clean water. She introduced a draft resolution that would be presented at the next IPU Assembly in 2021 which aimed to raise awareness of the security policy implications of climate change and to make the argument for the nexus of climate change and security policy to be considered in all conflict situations.

The presentations were followed by a series of questions from the virtual attendees. Asked for greater explanation about the types of capital (specifically physical and natural capital) employed to reduce the effects of climate change, Ms. Mehryar outlined 5 types of capital: physical, human, social, financial and natural. Physical capital involved the preparation for future flood protection using development. On the other hand, natural capital involved the conservation and preservation of natural resources that would consequently assist with flood prevention (e.g. reducing logging). Although those two types of capital were almost opposite in their approaches, they were complementary, as they focused on different aspects of flood management. A holistic approach was therefore important to improve flood resilience.

Regarding the relationship between policymaking on climate change and local communities in the domestic context, Mr. Cherkaoui suggested that there were three areas of consideration when designing policies for local integration. First, the use of the rule of law; second, the linkage between the social and economic response; and third, the use of local capacity. By considering those areas in tandem, policymakers could ensure swift and effective application of laws by local communities, and also anticipate other short- and long-term issues.

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<sup>7</sup> This research has been published in the Journal of Climate Policy.

<sup>8</sup> Vice-President of the German Bundestag



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On the climate-security nexus and the possibility of a future mandatory consideration of security related decision-making in the concept of climate change, Ms. Lahiouel suggested that this was a relatively new nexus that had been presented within the UN system and noted that the current focus was on particularly vulnerable small island and developing states.

Asked how countries were considering adaptation and mitigation in their holistic approach to climate risk resilience, Ms. Mehryar said that using nature-based solutions were an important part of an interlaced and holistic climate response. As natural solutions, such initiatives were important in defining content specific approaches to address climate challenges.

On the question on flood risk control and the adaptation of laws not necessarily concerned with climate change, Ms. Mehryar replied that there were many different types of laws that focused on aspects of flood mitigation and prevention. Forty to 45 per cent of the laws that they had identified, were laws that specifically dealt with water resource and natural resource management. However, there were also general land use laws and regulations that were very important for urban area flood prevention. Thus, whilst the legal adaptation of current laws to control flooding was comparatively uncommon, it was an area that should be examined when it came to urban flood prevention.

In her concluding remarks, Prof. Cordonier Segger thanked Mr. Martin Chungong, Ms. Lahiouel, Mr. Cherkaoui, Ms. Sara Mehryar, and Ms. Claudia Roth for their contributions and drew the webinar to a close.

For more information on the organizing partners of this webinar series, please visit:

Inter-Parliamentary Union: <https://www.ipu.org/>

UNFCCC Secretariat: <https://unfccc.int/>

Centre for International Sustainable Development Law: <https://www.cisd.org/>