



# National adaptation plans

## Understanding mandates and sharing experiences

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The impacts of climate change increasingly threaten communities around the world, particularly in Least Developed Countries (LDCs). National adaptation plans (NAPs) allow developing countries to identify their adaptation needs; develop and implement strategies and programmes to address those needs; and enable actions to protect vulnerable communities. But developing a NAP is not always straightforward. This paper considers the benefits and challenges of implementing a national mandate to provide the impetus to develop a NAP, assign responsibilities and encourage cross-sectoral participation, exploring the legal forms such a mandate could take and sharing experiences from LDCs undergoing the NAP process.

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# Summary

The process to formulate and implement national adaptation plans (hereafter NAP process) provides a means for Least Developed Countries (LDCs) and other developing countries to identify medium- and long-term needs, and develop and implement strategies and programmes to adapt to the adverse effects of climate change.<sup>1</sup> NAPs are also one of the key vehicles through which parties can communicate their adaptation needs under the United Nations Framework Convention on Climate Change (UNFCCC).<sup>2</sup> At the time of writing, six countries have formally submitted NAPs to the UNFCCC.<sup>3</sup>

A national-level mandate can provide a legal and/or political basis for the NAP process (referred to in this paper as a NAP mandate). This, in turn, can help delegate responsibility, encourage strategic thinking across ministries and levels of government, and ensure timely development and implementation of a country's NAP.

This paper was instigated by discussions held at the NAP Expo from 11 to 15 July 2016 in Bonn, Germany.<sup>4</sup> It explores the forms a NAP mandate can take by drawing on existing adaptation frameworks in a number of developed and developing countries. It also explores and shares experiences from LDCs that have engaged with the NAP process – with and without a NAP mandate in place – offering guidance to other countries and highlighting the benefits and challenges relating to a NAP mandate.

## Key points:

A NAP mandate can take a variety of forms, including:

- Legislation: survives changes of government and is hard to repeal, thus providing greater stability
- Decree or executive order: easier to establish than legislation but still legally binding, and
- Government policies, programmes or strategies: a broad range of documents that set out a ministry or department's goals and planned activities, and are generally not legally binding on citizens.<sup>5</sup>

A NAP mandate can:

- Delegate responsibility to relevant ministries to undertake the NAP process
- Require collaboration between ministries and across levels of government
- Incorporate the NAP process into development planning or disaster risk reduction, which helps ensure that climate change adaptation is not seen as a purely environmental issue
- Set out timelines for action, including deadlines for completing the NAP process
- Require oversight and review to ensure the NAP's ongoing effectiveness, and
- Require and enable public and civil society participation to ensure that the NAP is comprehensive and takes into account a range of needs and ideas.

## Recommendations

While the NAP process is country-driven and will differ between countries, a NAP mandate should aim to:

- Establish clear responsibilities for relevant government agencies and stakeholders to develop the NAP, coordinate its implementation and report on progress
- Specify key actions, milestones and outputs of the NAP process over the next planning cycle (this is typically every five years but can vary to cover medium- and long-term planning approaches), and
- Select a legal form based on the country's particular needs and common practice, taking into account that legislation can create greater stability and longevity over time.

# Context

# 1



Effective national adaptation planning is important to support the design and implementation of strategies that ensure communities are protected from the impacts of climate change, and to mainstream adaptation as a key component of national development planning.

One of the mechanisms designed to support adaptation planning under the UNFCCC is the process to formulate and implement NAPs (hereafter NAP process).<sup>6</sup> This provides a means for LDCs and other developing countries to identify medium- and long-term adaptation needs, and develop and implement strategies and programmes to address those needs.<sup>1</sup> With the adoption of the Paris Agreement, the NAP process has also been solidified as one of the key vehicles through which parties can communicate their adaptation needs.<sup>2</sup>

Formulating and implementing a NAP is a country-driven process, so it will vary depending on national circumstances.<sup>7</sup> The general understanding is that a NAP will involve planning across a number of years and action across different levels of government, in a manner that is well-aligned with other national planning processes. Implementing NAPs will require substantial short-term resources and long-term investments. A national-level mandate would solidify the NAP's placement in the broad national planning process by indicating how and when it should be produced, and for implementation, how this would be effected, thereby giving it a legal as well as long-term basis beyond regular political cycles. This can help ensure that the government mobilizes adequate resources into adaptation planning and ensures strategic thinking across multiple levels and ministries to develop a comprehensive NAP that facilitates long-lasting adaptation actions.

This paper draws on existing adaptation frameworks in a number of developed and developing countries to explore the forms a NAP mandate can take. It also shares experiences from LDCs that have engaged with the NAP process, with and without a NAP mandate in place. Their experiences offer guidance to other countries undertaking the NAP process and highlight the benefits and challenges of a NAP mandate.

## 1.1 The NAP process

NAPs are designed to enable countries to identify medium- and long-term adaptation needs, and develop and implement strategies and programmes to address those needs.<sup>1,8</sup> These strategic national plans provide guidance to government agencies, ministries, communities, the private sector, municipalities, non-governmental organisations and other relevant stakeholders on actions that will help the country adapt to the impacts of climate change.<sup>9</sup>

The NAP process enables developing countries – particularly LDCs – to formulate and implement their NAPs. The objectives of the NAP process are twofold. They aim to “reduce vulnerability to the impacts of climate change, by building adaptive capacity and resilience” and “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.”<sup>9</sup>

There are four key steps in the NAP process:

1. Laying the groundwork and addressing gaps
2. Preparatory elements such as analysing future climate change scenarios and climate vulnerabilities
3. Developing implementation strategies, and
4. Reporting, monitoring and review.

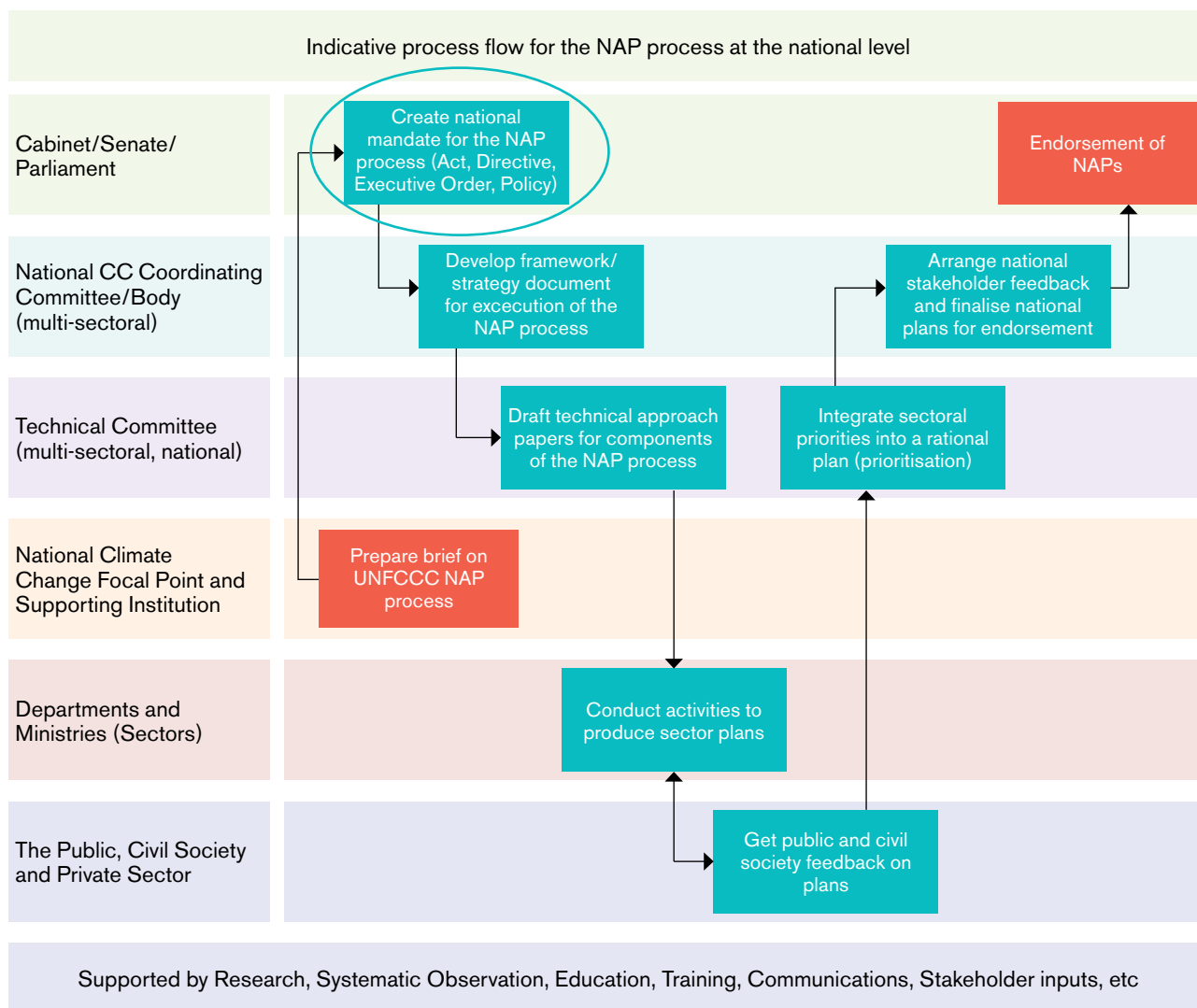
The LDC Expert Group (LEG) has provided comprehensive guidance on each of these steps and the multiple sub-steps within them. Step 1 includes developing a national mandate and strategic plan for the NAP process, among other components. Figure 1 shows how creating a national mandate (circled) is one of the first steps in the NAP process.

At the time of writing, six countries have formally submitted NAPs to the UNFCCC: Brazil, Burkina Faso, Cameroon, Sri Lanka, the State of Palestine and Sudan. Burkina Faso, the first country to formally submit, has divided its NAP into four parts:

1. Preparatory phase, diagnostic analysis and results of sectoral assessments
2. National adaptation plan
3. Implementation, and
4. Monitoring and evaluation.<sup>10</sup>

The NAPs submitted to date include: goals; objectives; historic trend assessments; identification and prioritisation of vulnerabilities; future climate scenarios; timeframes for adaptation actions; detailed plans for specific sectors and cross-cutting national adaptation needs; and monitoring and evaluation processes. For example, Sri Lanka's NAP covers its potential contribution towards achieving sustainable development, an institutional and coordination mechanism, the implementation strategy across sectoral, national, regional and community-level actions and a resource mobilisation mechanism.

Figure 1. Possible flow of responsibilities for a NAP process up to the endorsement stage



Source: LDC Expert Group (2012)<sup>9</sup>

## 1.2 What is a NAP mandate?<sup>9</sup>

A NAP mandate “will help to establish a clear vision for the NAP process including expectations and outputs. It will also help to create leadership and ensure stakeholder participation.” It can take a variety of legal forms, as we explore in Section 2, and because it can take a long time to develop and come into effect, a mandate is not always the starting point for the NAP process. For example, it is possible to start some

activities in the interim to lay the groundwork for the formulation of the NAP. But the mandate remains important for setting the vision, steering the ongoing planning process and ensuring relevant ministries continue to prioritise the NAP process into the future.

The LEG recommends that, once the NAP mandate is established, it should be communicated to all government officers and to the public. This will ensure that the mandate can achieve its goals of setting a vision for the NAP process and mainstreaming adaptation planning within development planning across government departments.

# Legal forms of a NAP mandate





Countries can engage with the adaptation planning processes at a national level in a variety of ways. In this section, we explore a number of countries' mandates for adaptation planning, many of which were implemented by developed or developing countries before their NAP process was underway. These do not directly relate to the NAP process, instead falling into the wider concept of adaptation planning. But there is much developing countries can learn from the design of these mandates, which will help them formulate a mandate for their NAP process.

There are different types of adaptation mandates. We divide them into three broad tiers of legal status: a law, act or legislation; an executive order or ministerial decree; and a plan, programme or strategy. It is important to note that the status of these terms can differ from country to country. For example, Indonesia's ministerial decree has a semi-legal status,<sup>11</sup> while in Guatemala a decree is akin to an act or legislation passed by Congress and is binding on its citizens and government.<sup>12</sup> This section highlights some of the key elements found in the different legal forms of mandates. But some of these features are not exclusive and may be found across the different types of mandates considered. For example, most adaptation mandates facilitate a multi-sectoral approach, regardless of form.

## 2.1 Legislation

Legislation generally refers to an act of the legislature (the body responsible for making legislation, commonly Parliament or Congress), which is legally binding on citizens and the government and can be enforced. Legislation may be called an act, statute, decree or some other term. It has the advantage of being binding in domestic law and stable through changes of government, unless legislation is passed to repeal it. As such, it provides an enduring requirement on ministries and departments. Although it can be difficult to enact legislation in some political environments in the context of climate change, once passed, it can be equally difficult to repeal. This enhances certainty around the process.

Many countries have developed mandates for climate change adaptation that are enshrined in legislation. We outline some of the common features of these climate change adaptation frameworks in the following sections.

### 2.1.1 Comprehensive planning

Legislative adaptation mandates often require adaptation planning to be undertaken across a number of ministries, rather than limiting the focus to ministries of environment, for example. These mandates also commonly create a framework that encompasses planning at a local through to a national level. Taking a comprehensive approach to adaptation planning can stimulate adaptation reporting and action across the many sectors impacted by climate change.

Countries use a variety of mechanisms for integrating climate change adaptation into development planning across levels of government, sectors and regions, as the following examples illustrate.

**Mexico:** The General Law on Climate Change (2012)<sup>13</sup> provides the legal basis for a multi-sectoral approach to adaptation planning, requiring federal, state and municipal authorities alike to include adaptation actions in their public policy designs. It encompasses multiple sectors – including risk management, agriculture, energy, transportation and public health infrastructure – and mandates the following:

- A national policy on adaptation to identify and reduce vulnerability, minimise risks and damage, take advantage of opportunities generated by new climatic conditions and establish response mechanisms
- A programme to develop national, state and local risk atlases for human settlements most vulnerable to climate change
- Municipalities that are most vulnerable to climate change to coordinate with their state and federal governments to create urban development programmes that take climate change into consideration, and
- State and federal governments to coordinate with municipalities at the local level, and produce development programmes at state and country-level that take climate change into consideration.

**Guatemala:** The 'Framework law to regulate reduction of vulnerability, mandatory adaptation to the effects of climate change, and the mitigation of greenhouse gas effects' (Decree of Congress 7–2013)<sup>14</sup> aims to provide a co-ordinated and immediate adaptation response, developing adaptation strategies in public

institutions. It creates a multi-stakeholder council on climate change and a national climate change-related information system, and delegates responsibility to various governmental agencies for formulating and implementing policies to create an energy plan and to govern carbon offsets, land use change, carbon markets, public participation and awareness and financial resources.

**UK:** The Climate Change Act (2008)<sup>15</sup> facilitates a comprehensive approach to adaptation planning, vesting adaptation reporting power in the Secretary of State, who can direct public service organisations to report on current and predicted impacts of climate change on the organisation, proposals and policies for adaptation, and progress towards their implementation. This allows oversight of organisations' risk management actions, including of those responsible for critical national infrastructure.<sup>16</sup> The 2013 National Adaptation Programme – a long-term strategy to address main risks and opportunities identified through climate change risk assessments that was mandated under the Climate Change Act – was informed by reports from infrastructure operators and regulators, energy generators, water companies and other industries, produced under the adaptation reporting power.

**Vietnam:** The Law on Natural Disaster Prevention and Control (2013)<sup>17</sup> facilitates development planning across multiple levels, by providing for the elaboration of “[n]atural disaster prevention and control plans... at local, ministerial and national levels every 5 years corresponding to socio-economic development plans.” The latter is to identify and assess the impacts of climate change on socio-economic activities or development.

### 2.1.2 Bodies for communication, coordination and support

Commissions, committees and other bodies can facilitate communication, coordination and support within adaptation planning.

**UK:** The Climate Change Act establishes an independent, statutory body known as the Committee on Climate Change to assess progress towards the implementation of the objectives, proposals and policies set out in the National Adaptation Programme. An adaptation sub-committee under the Committee on Climate Change is also established to provide “advice, analysis, information or other assistance” to the Committee, encompassing advice for national authorities on adaptation, preparing a climate change risk assessment or reporting on adaptation progress.

**Mexico:** The General Law on Climate Change establishes bodies to co-ordinate climate change actions, such as the Inter-Ministerial Commission on

Climate Change; a permanent body with a range of powers that include promoting “the coordination of the actions between the agencies and entities of the federal public administration” and developing and implementing national adaptation policies. The law also establishes a “permanent communication, collaboration, coordination, and concurrence mechanism, regarding the national climate change policy” designed to promote “cross-cutting implementation” of adaptation policy in the short, medium and long term, called the National Climate Change System.

### 2.1.3 Establishing timeframes for action and review

Setting out timeframes within a legislative mandate can be useful to drive the adaptation planning process forward and ensure it is regularly reviewed.

**Mexico:** The General Law on Climate Change has an array of ‘transitory articles’ setting out targets and timeframes for adaptation actions.

Legislative frameworks can also establish timeframes for evaluating and reviewing adaptation needs and implementation progress.

**UK:** The Climate Change Act requires a climate change risk assessment every five years to assess major risks and opportunities. The government addresses the findings of each risk assessment under its long-term strategy by updating its National Adaptation Programme.

**Vietnam:** The Law provides for a new National Strategy on Natural Disaster Prevention and Control, with a 20-year vision, to be created every ten years and adjusted every five. Natural disaster prevention and control plans are to be developed every five years and adjusted annually.

### 2.1.4 Incorporating adaptation planning into broader management frameworks

It is useful to note that legislative mandates for adaptation planning are not limited to climate change-specific frameworks. For example, some countries view climate change adaptation as a component of disaster management, with national adaptation planning mandates sourced from disaster management legislation. Vietnam takes this approach: under the Law on Natural Disaster Prevention and Control, natural disaster prevention and control activities include adapting to climate change. The country's National Strategy on Natural Disaster Prevention and Control is based on a number of grounds, including the “results of identification, assessment and zoning of natural disaster risks, natural disaster developments and climate change.”

## 2.2 Executive order or ministerial decree

An executive order or ministerial decree can mean different things in different countries, depending on the system of government. We use the terms in this paper to refer to an order or decree made by the executive branch of government – for example, by ministers, the president or the monarch.

In the US, for instance, an executive order is a directive issued by the president under his or her statutory or constitutional powers to federal agencies, department heads or other federal employees to manage the work of the executive branch of government.<sup>18</sup> It is binding on agencies, but not on individual citizens. In other systems of government, a decree or executive order may or may not be binding on citizens.

A directive from the executive can be easier to pass than legislation. For example, although the US has experienced difficulties passing climate change-related legislation through Congress, the president has been able to issue executive orders to facilitate action on climate change. In Italy, the executive branch of government has also provided the mandate for adaptation planning: the country's National Adaptation Strategy was adopted under a directional decree from the Ministry of Environment, Land and Sea.

### 2.2.1 Mandating action across sectors

Like legislation, executive orders and decrees can mandate multi-sectoral action on adaptation planning. For example, in the US, Executive Order (EO) 13653 – Preparing the United States for the Impacts of Climate Change – requires all agencies, in coordination with the Council on Climate Preparedness and Resilience (established under the EO) to:

- Identify and seek to remove barriers that might discourage investment or other actions towards climate change resilience
- Reform policies that could increase the vulnerability of natural or built systems, economic sectors, natural resources or communities
- Identify opportunities to encourage smarter, more climate-resilient investments, and
- Report on their progress in achieving these requirements in their Agency Adaptation Plan.<sup>19</sup>

Under EO13653, agencies are required to “develop or continue to develop, implement, and update” agency adaptation plans “that integrate consideration of climate change into agency operations and overall mission objectives.”<sup>20</sup>

### 2.2.2 Facilitating a dialogue

Although executive orders and decrees do not have the same legal scope as legislation, they can facilitate a dialogue between institutions governed by the decree and other relevant stakeholders at national and local levels, by requiring multi-sectoral and multi-level collaboration.

For example, the US EO13653 established the State, Local and Tribal Leaders Task Force on Climate Preparedness and Resilience to inform federal government efforts to support adaptation. It does this by providing recommendations on encouraging “investments, practices and partnerships that facilitate increased resilience to climate impacts.” It also provides tools and support for state, local and tribal preparedness for – and resilience to – climate change. But the mandate within EO13653 does not establish an ongoing dialogue: the task force terminates within six months of delivering its recommendations.<sup>21</sup>

### 2.2.3 Coordination and oversight

A mandate handed down by the executive can also establish effective frameworks to coordinate and oversee adaptation action. In the US, EO13653 establishes the interagency Council on Climate Preparedness and Resilience. Chaired by the White House and composed of more than 25 agencies, the council's mission and function includes:

- Coordinating interagency efforts on actions related to climate preparedness and resilience
- Supporting regional, state, local and tribal action related to climate vulnerabilities and preparedness, and
- Facilitating the integration of climate science into policy and planning by government agencies and the private sector.

EO13693 also requires that “[t]he head of each agency shall, consistent with Executive Order 13653..., ensure that agency operations and facilities prepare for the impacts of climate change” by “identifying and addressing projected impacts” on “water, energy, communication, and transportation demands” and considering those impacts “in operational preparedness planning for major agency facilities and operations.”<sup>22</sup>

## 2.2.4 Quick implementation and repeal

Executive orders and decrees can be quickly implemented and repealed. For example, in the US, EO13693 revoked EO13514. Unlike legislation, repealing this executive order did not require an act of Congress. This can be advantageous in terms of rapidly delivering an adaptation mandate, but it could also enable mandates to be easily removed.

## 2.3 Government policies, programmes and strategies

Government policies, programmes or strategies have the advantage of not requiring legislative or executive jurisdiction for their creation. In these cases, they are not legally binding; instead providing a statement of the desire or intent of the government ministry or department that has designed them. Policy, programme or strategy documents can feed into decision making at various levels of government to influence planning from a national to a local level.

### 2.3.1 Documents backed up by legislation or decree

A policy, programme or strategy can be created as a standalone document or mandated through legislation or decree. The latter provides a legal impetus for creating the policy, programme or strategy document, which then includes the more detailed mandate for adaptation planning. For example:

**Italy:** The National Adaptation Strategy is not legally binding, but the basis for its creation and its objectives came from a ministerial decree, which has a similar legal status to executive orders described above.

**Indonesia:** Indonesia's adaptation mandate is found in its National Action Plan for Climate Change Adaptation (RAN-API), which is backed up by a ministerial decree. RAN-API is designed to improve coordination between ministries and other stakeholders. To facilitate this, the Ministry of National Development Planning issued a ministerial decree to create the Climate Change Coordination Team, which consists of a steering committee and working groups in agriculture, forestry and peatlands, energy, transport and industry, waste management, other supporting and cross-sectoral issues and adaptation.<sup>11</sup>

**Scotland:** The Climate Change Adaptation Programme is mandated by the Climate Change (Scotland) Act. This act requires Scottish ministers to lay a programme before the Scottish Parliament setting out:

- Objectives in relation to adaptation to climate change
- Proposals and policies for meeting those objectives
- Arrangements for involving employers, trade unions and other stakeholders in meeting those objectives
- Mechanisms for ensuring public engagement in meeting those objectives, and
- The period within which those proposals and policies will be introduced.

It also requires them to address risks identified in the climate change risk assessment under the UK's Climate Change Act.<sup>23</sup>

In 2014, ministers fulfilled this legislative requirement by developing 'Climate ready Scotland: Scottish Climate Change Adaptation Programme', which aims "to increase the resilience of Scotland's people, environment, and economy to the impacts of a changing climate" under three themes: natural environment; buildings and infrastructure networks; and society.<sup>24</sup>

**Ireland:** The Climate Action and Low Carbon Development Act (2015) mandated the Minister for Environment, Community and Local Government to create a national climate change adaptation framework within 24 months and review it at least every five years.<sup>25</sup>

### 2.3.2 Dynamic and collaborative

A ministry can make its policy, programme or strategy as detailed or concise as it chooses: such documents can be lengthier than legislation, executive orders or decrees and they can also be updated more regularly. Government policies, programmes or strategies tend to be adopted through an internal ministerial process and do not require a formal legislative process. The exact procedure will depend on the type of document and the jurisdiction.

While they are often initiated by a mandate based in legislation, executive order or decree, this is not always the case. As with legislation and decrees, government policies, programmes and strategies can stimulate greater multi-sectoral and multi-ministerial engagement, as the following examples illustrate.

**Indonesia:** RAN-API is a cross-cutting thematic plan that feeds into the work of different agencies at the national level.<sup>26</sup> Although it is not a standalone document with legal power, it is a key part of national adaptation planning across different ministries and forms an integral part of the country's national development framework.

**Ireland:** The National Climate Change Adaptation Framework is required to specify "the national strategy for the application of adaptation measures in different sectors and by a local authority in its administrative area" to reduce vulnerability, while taking advantage of any positive effects of climate change that may occur.<sup>27</sup>

The Climate Action and Low Carbon Development Act requires that members of the public and interested parties be invited to make submissions in relation to the adaptation framework.

**Scotland:** The Climate Change Adaptation Programme provides that the Scottish government will work collaboratively with local, national and international partners to provide advice and guidance, support climate research, improve knowledge transfer and build partnerships to co-ordinate action. It recognises the role of the public sector, local authorities, private sector, trade unions and communities.<sup>24</sup>

# Sharing the NAP experience: national mandate case studies

# 3



Many LDCs and other developing countries have started the NAP process. The case studies in this section were provided by colleagues involved in the NAP process of five LDCs – Benin, Bhutan, Burkina Faso, Nepal and Zambia – and offer an insight into each national experience. Colleagues were asked to provide information regarding:

- The status of their NAP process
- Whether they had a national mandate to start the process, and if not, what the process was for formulating and implementing the NAP
- Which departments and/or ministries were involved
- The responsibilities to be allocated through the mandate or other means, and
- Next steps.

## 3.1 Benin

### 3.1.1 Legal status and form of NAP mandate

In Benin, discussions on a formal national adaptation mandate are ongoing. The mandate process began with three national workshops, starting in 2013, after which the National Committee on Climate Change (NCCC) took on the development of a mandate and institutional arrangements to conduct the NAP processes. The minister responsible for climate change has now submitted these to the government and they have been approved. But the head of state and key ministers have yet to sign the decree to formalise the mandate and institutional arrangements.

In the first national workshop, the NCCC decided that the mandate should be in the form of a decree, which in Benin has a similar status to an executive order.<sup>28</sup> The purpose of this was to:

- Ensure the stability of the process through frequent changes of government
- Ensure sound political support to conduct the process effectively
- Gain the government's formal engagement in allocating financial resources needed to elaborate a NAP and implement it in the national budget, and
- Define clear responsibilities for each relevant body involved in the NAP institutional arrangements with a view to avoiding confusion of roles among stakeholders.

### 3.1.2 Which body is responsible for implementing the mandate/NAP process?

The NCCC, an inter-ministerial body established by decree in 2003 is responsible for implementing the mandate, while three commissions are undertaking the NAP development process at national, sub-national and municipal levels.

**Benin Commission on NAPs** (national level): This comprises three sub-bodies with clear responsibilities:

- **Steering Committee:** composed of ministers and responsible for providing strategic guidance for, and supervision of the NAP process, providing decisions and measures as required. The committee will be chaired by the Ministry of Planning and Development and vice-chaired by the Ministry of Finance and Economy and the ministry in charge of climate change.
- **Scientific and Technical Committee:** comprising key general directors, it will encompass agriculture, energy, water resources, meteorology, environment and climate change. Its main role will be to validate scientific studies and technological researches. It will be chaired by the minister in charge of climate change and vice-chaired by the minister in charge of meteorology and the Minister of Agriculture.
- **Management team:** conducted by the General Directory of Climate Change, it will deal with daily actions relating to the NAP process.

**Departmental commissions on NAPs** (sub-national level): Benin is divided into 12 departments. The departmental commissions ensure that local development plans integrate adaptation, define budgetary resources and bring technical expertise to the municipalities to address adaptation issues. The commissions are chaired by the departmental prefect (the primary responsible person in the department)<sup>29</sup>, who is supported by different sectoral directors who are responsible for agriculture, energy and water resources.

**Municipality commissions on NAPs** (municipal level): These commissions integrate adaptation into local development plans and programmes and inscribe budget resources on an annual basis. They are chaired by the local mayor, who is assisted by municipality and state technical staff.

### 3.1.3 Current status of the NAP process

Benin has begun the NAP process, but is still in the formulation stage. Studies in six sectors – agriculture and food security, biomass-energy, forestry, water resources, health and coastal zones – will start soon to determine their vulnerabilities and propose appropriate adaptation measures, programmes and projects. These studies are being conducted with the support of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

## 3.2 Bhutan

### 3.2.1 Legal status and form of NAP mandate

The mandate for the NAP process in Bhutan is based on the National Environment Protection Act of Bhutan 2007 (NEPA), particularly under provisions regarding the management of multilateral environmental agreements. NEPA established the National Environment Commission (NEC) as an independent government authority and its highest decision-making body on matters related to the environment and environmental management. The NEC has high-level, cross-sectoral representation and is chaired by the Prime Minister. Among its other functions and powers, the NEC is mandated to “negotiate and enforce bilateral and multilateral environmental agreements”.

In line with these mandates and roles under NEPA, in February 2016 the NEC directed its secretariat to lead the process for NAP formulation and implementation as part of implementing national actions under the UNFCCC.

### 3.2.2 Which body is responsible for implementing the mandate/NAP process?

The NEC secretariat has responsibility for the NAP process. Other duties include: “in consultation with relevant agencies and stakeholders, facilitation of the development and implementation of bilateral and multilateral environmental agreements, conventions, treaties, or declarations.”

Agencies supporting the NEC in Bhutan’s NAP process will include the Gross National Happiness Commission, the Ministry of Finance, other key line ministries and civil society organisations. This composition of stakeholder groups mirrors the composition of the

high-level membership of NEC – which includes three representatives of civil society/ eminent persons – and the Multi-Sectoral Technical Committee for Climate Change, the advisory technical committee established by the NEC.

### 3.2.3 Current status of the NAP process

Bhutan has initiated the NAP process and developed a project proposal for it, completing both initial stakeholder consultations and the mandate for starting the NAP process. But a lack of clarity around the source of financial support has prevented it from advancing.

### 3.2.4 Bhutan’s NAP preparatory experience

The NEC secretariat conducted a series of consultations in 2015 to implement actions under the UNFCCC, including the development of Bhutan’s intended nationally determined contribution (INDC). During this consultative process, they deliberated the formulation and implementation of a NAP. Bhutan’s INDC was consequently drafted to include an adaptation component with ten broad priority adaptation needs, and formulating and implementing the NAP was identified as the way to address adaptation in the medium to long term.

Securing financial support for the NAP process in Bhutan has been a challenge. For several years, no financing has been available from LDC Fund, which is mandated to support LDCs start the NAP process. The Green Climate Fund (GCF) has only recently allocated funds for NAP development. As a result, national consultations for the NAP process – including developing a project proposal – have taken place in conjunction with workshops for other activities, such as consultations for developing Bhutan’s INDC and consultative workshops under a National Adaptation Programmes of Action (NAPA) implementation project.

Bhutan worked with support from UNDP to develop its current NAP process proposal, intending to apply for LDC Fund financing. It is now re-drafting it for submission to the GCF. The proposal will include components to strengthen capacity and enabling environments to support the long-term nature of the NAP process in planning and implementation, and to formulate Bhutan’s first NAP document. As indicated in the INDC, Bhutan’s NAPs will be integrated into its five-year development plans and Bhutan will submit its adaptation communication under the Paris Agreement as a NAP.

## 3.3 Burkina Faso

### 3.3.1 Legal status and form of NAP mandate

Though Burkina Faso does not have a specific mandate to begin the NAP process, a general mandate to deal with climate change related issues comes from the decree that deals with the permanent secretariat of the National Council for Environment and Sustainable Development (SP/CONEDD) (N°2002-542 PRES/PM/MECV du 27 November 2002). This decree was issued in relation to organization, composition and scope of the permanent secretariat of the National Council for Environment and Sustainable Development and instructs this body to deal with, among others, issues related to climate change in collaboration with national stakeholders. In Burkina Faso, a decree is an act signed by the president and countersigned by the Prime Minister and the Minister of Environment. It is similar in status to an executive order.<sup>30</sup>

### 3.3.2 Which body is responsible for implementing the mandate/NAP process?

While Burkina Faso does not have a specific adaptation-related mandate, SP/CONEDD is responsible for climate change-related issues. Although SP/CONEDD is located in the Ministry of Environment, it plays a multi-sectoral role, dealing with sustainable development and coordination of the Rio Conventions – the Convention on Biological Diversity, the United Nations Convention to Combat Desertification and the UNFCCC.

### 3.3.3 Current status of the NAP process

The Minister of Environment has given the SP/CONEDD the go-ahead to proceed with the NAP process. The council has established a project team and steering committee for the NAP formulation and implementation process and recruited a senior consultant to supervise the work. Various ministries have designated sectoral experts to coordinate work with stakeholders in their particular sectors at departmental, provincial, regional and national levels. The ministerial council, chaired by the president, adopted Burkina Faso's NAP and submitted it to the UNFCCC in May 2015.<sup>31</sup>

### 3.3.4 Burkina Faso's NAP preparatory experience

Burkina Faso's NAP process arose from debates around its NAPA, a process for LDCs to identify priority activities that respond to their urgent and immediate needs to adapt to climate change.<sup>32</sup>

SP/CONEDD launched the NAP process, setting up an independent project unit that involved a bidding process for positions. Sectoral experts represented the agriculture, livestock, environment, energy, health, infrastructure and habitat sectors.

The Millenium Institute (USA), Cape Town University and the Laboratoire des d'Analyses Mathématiques et des Equations of Ouagadougou University provided technical assistance in preparing the NAP. As an iterative and participatory process involving many actors, the NAP took four years to finalise.

## 3.4 Nepal

### 3.4.1 Legal status and form of NAP mandate

Nepal's Ministry of Population and Environment (MoPE) has a mandate to work on climate change and adaptation, under Nepal's Business Allocation Rules (2015).

Nepal launched its NAP process in September 2015. As per the Business Allocation Rules and country-driven practice, MoPE approved a concept paper, which included a detailed process for formulating the NAP. The paper set out details on COP decisions relating to the NAP process, the differences between NAPAs and NAPs, the need for NAPs to reduce vulnerability to climate change impacts, ongoing adaptation options, NAP-related domestic activities and a framework for NAP formulation. Nepal's concept paper also included detailed steps of the NAP formulation process in the spirit of the Decision 5/CP.17 and UNFCCC NAP technical guidelines. Once formulated, government approval of the NAP document will proceed for its implementation.

### 3.4.2 Which body is responsible for implementing the mandate/NAP process?

The concept paper confirmed the MoPE's leadership role in formulating the NAP through nine working groups, overseeing and providing technical backstopping from a multi-stakeholder technical committee.

The Council of Ministers has designated MoPE as the country's UNFCCC focal point, which has overall responsibility for NAP formulation and coordination. The Multi-stakeholder Climate Change Initiative Coordination Committee, chaired by the MoPE Secretary will coordinate and provide guidance. The Secretary is also the Member-Secretary of the Climate Change Council, chaired by the Rt. Hon. Prime Minister. It means, the Council also provides guidance and instruction for this NAP formulation process as necessary. Ten ministries are directly involved in the NAP formulation process and mandated to coordinate a working group. Under this process 9 working groups (7 thematic working groups, and 2 cross-cutting working groups) will be formed to formulate the NAP. Each working group is coordinated by the mandated ministry based on above mentioned Business Allocation Rules.

These multi-stakeholder working groups are made up of relevant government organisations (ministries, departments or offices), local bodies, private sector, non-governmental and community-based organisations, indigenous communities, academia and research organisations, women, youths, media and professional societies. Multi-stakeholders might function as service providers, beneficiaries, advocates and enablers in the working groups to voice their concerns and needs to include in the NAP document. Constitutional bodies and relevant parliamentary committees are required to be kept informed by MoPE at different stages of the NAP formulation process. Each working group will be engaged till the completion of the preparation of the NAP document.

During the NAP process, several consultations and interactions are planned to be organised by MoPE at national and sub-national levels. Preliminary estimates of stakeholder participation are around 15,000 people and institutions. The draft NAP will be ready for wider communication within 18 to 24 months of starting. MoPE has adopted a leave no one behind approach in the NAP formulation process.

### 3.4.3 Current Status of the NAP process

MoPE launched the NAP formulation process by informing stakeholders through a national consultation programme in September 2015. Nepal is formulating the NAP through multi-stakeholder working groups to coordinate thematic and cross-cutting areas by:

- Utilising existing coordination mechanisms
- Building capacity and enhancing understanding on climate change adaptation
- Building ownership and avoiding duplications of efforts
- Promoting multi-stakeholder participation
- Ensuring gender sensitivity and inclusiveness
- Generating, utilising and sharing knowledge and good practices
- Supplementing to development efforts with integration of adaptation actions, and
- Aligning with national policies and linking with recent initiatives (Sendai Framework on Disaster Risk Reduction and Sustainable Development Goals).

The NAP will synergise ecosystem- and community-based adaptations. It considers medium- (2018–2030) and long-term (to 2050) periods for adaptation plans.

As of November 2016, eight working groups have been formed with over 135 members. It means, all working group members will be engaged in the NAP process until its completion. Activities related to Element A of the Decision 5/CP.17 are completed. Nepal is now focussing on climate trend and scenario analysis and vulnerability and risk assessments (V&RA) of the Element B (preparatory elements). A Conceptual Framework is in place to conduct V&RA in the spirit of Fifth Assessment Report of the Intergovernmental Panel on Climate Change. At Marrakech, the Green Climate Fund has announced the approval of US\$ 2.9 million grant for Nepal's NAP formulation process.

### 3.4.4 Nepal's NAP preparatory experience

Nepal has a clear roadmap to prepare a NAP document with multi-stakeholder participation. Nepal will extensively use its experiences and lessons learned from implementation of its NAPA, Local Adaptation Plan for Action and other climate adaptation and resilience programmes.

The MoPE has engaged ten professionals, two technical officers and support staff for NAP formulation, with initial support from UK Aid-ACT, Oxford Policy Management and Practical Action. Nepal has decided to formulate the NAP through seven thematic working groups and two cross-cutting working groups. The working groups are on: (i) agriculture and food security coordinated by Ministry of Agriculture Development; (ii) forests and biodiversity coordinated by Ministry of Forests and Soil Conservation; (iii) climate-induced disaster coordinated by Ministry of Home Affairs; (iv) health (and WASH) coordinated by Ministry of Health; (v) tourism, natural and cultural heritage coordinated by Ministry of Culture, Tourism and Civil Aviation; (vi) urban settlement and infrastructure coordinated by Ministry of Urban Development; (vii) water resources and energy coordinated by Ministry of Energy; (viii) gender and social inclusion coordinated by Ministry of Women, Children and Social Welfare; and (ix) livelihood and governance coordinated by Ministry of Federal Affairs and Local Development. The MoPE ensures overall coordination, finalises the NAP document and processes for endorsement. Each working group is coordinated by the competent joint-secretary of the concerned ministry. The groups' roles and responsibilities are specified in their terms of reference until the completion of the preparation of the NAP document.

MoPE provides technical backstopping, logistics and one expert or professional to each working group. About 150 institutions or individuals will be the members of the all thematic working groups or cross-cutting working groups. During May to November 2016, about 30 events have been organised with participation of over 800 persons to develop common understanding on NAP and its process, define approaches, and communicate the NAP initiatives. This approach (multi-stakeholder engagement) is working well. Initial support from UK-Aid, ACT/OPM and Practical Action is instrumental in developing the foundation, and GCF support through UNEP as delivery partner will contribute to preparing Nepal's NAP science-based, multi-stakeholders-owned, transparent, gender-sensitive and inclusive.

## 3.5 Zambia

### 3.5.1 Legal status and form of NAP mandate

Zambia drew the mandate to start the NAP process from its National Climate Change Response Strategy (NCCRS) and the (then draft) National Climate Change Policy, which has been finalised and approved by cabinet. Both instruments are policy-level documents that highlight the need to integrate and mainstream climate change adaptation into development planning, programmes and projects to increase Zambia's ability to adapt to adverse impacts of climate change, foster climate resilience and reduce vulnerability to climate change. All ministries and spending agencies received guidance on how to mainstream climate change adaptation issues into their plans and programmes.

### 3.5.2 Which body is responsible for implementing the mandate/NAP process?

The Ministry of National Development Planning has spearheaded the NAP process through the Interim Climate Change Secretariat (ICCS). It is also responsible for overall climate change oversight and mainstreaming climate change into national development, planning and budgetary processes. The Ministry of Lands, Natural Resources and Environmental Protection, Zambia's focal point institution for climate change, is co-facilitating the implementation of the NAP process.

### 3.5.3 Current status of the NAP process

The NAP development process started in 2014, with workshops for stakeholders and planning officers from key sectors and a briefing for decision makers, particularly heads of government ministries and quasi-government institutions.

The NAP process is now anchored in the development of Zambia's 7<sup>th</sup> National Development Plan, which is coordinated by the Ministry of National Development and Planning. This is a key milestone that will ensure a coordinated approach towards building the country's resilience and reducing vulnerability to climate change.



### 3.5.4 Zambia's NAP preparatory experience

In Zambia, the NAP is considered to be a process as well as an end product. The country aims to mainstream climate change adaptation into all its national development plans and budgets. It will then develop an adaptation plan that articulates programmes and projects to be developed and implemented by relevant sectors.

The NAP is aimed at the key sectors or ministries that have been identified as economically important but vulnerable to climate change. These include agriculture, water, energy, health, natural resources, infrastructure and tourism. Other cross-cutting sectors – such as education and gender – have also been involved because they tend to be under-represented in decision making on climate change, severely limiting their ability to contribute, implement and apply their expertise.

The provisions of the NCCRS and the National Policy on Climate Change allocated NAP and NAP mandate-related responsibilities. At the stakeholder workshops, the ICCS was assigned a mandate to coordinate the NAP process; the Ministry of Finance was assigned a

mandate to mobilise relevant resources; and all other sectors and spending agencies were assigned an implementation role. Two key institutions responsible for provision of climate information – the Zambia Meteorology Department and the Disaster Management and Mitigation Unit – were assigned the responsibility of providing climate information.

The stakeholder workshops were undertaken with local expertise and resources. But the next steps in the NAP process will require ongoing technical assistance from specialised sector experts or a team of experts to:

- Address capacity gaps and weaknesses in undertaking the NAP process
- Comprehensively and iteratively assess development needs and climate vulnerabilities, and
- Take stock of, or identify available information on, climate change impacts, vulnerability and adaptation and assess the gaps and needs of an enabling environment for the NAP process. Zambia will need to approach this through its priority sectors, since they all have varying levels of available information and are affected differently.



# Analysis

# 4

This paper has explored the forms a NAP mandate may take (drawing examples from broader adaptation mandates) and has set out five LDC countries' NAP preparatory experiences. As the NAP process is still relatively new, this small sample size does not allow us to draw general conclusions about the impact of a mandate on the NAP process. But it does illustrate some of the different approaches countries have taken and the challenges they have faced.

Burkina Faso is the only LDC we examined that has completed its NAP formulation. Although it does not have a specific NAP mandate, the permanent secretariat of its National Council for Environment and Sustainable Development has been instructed by decree to deal with issues related to climate change.

For those yet to submit a NAP, a mandate will arguably assist with the formulation process, and further support countries as they enter the NAP implementation stage. For example, Nepal's Business Allocation Rules delegate responsibility for the NAP process to the MoPE, and Benin's mandate, which is still in progress, will create new committees with responsibility for developing and implementing the country's NAP.

The nature of NAPs as a nationally determined process means there cannot be a single template for a mandate. Each country must design and implement the type of mandate that best enables it to deliver effective and timely adaptation action. Nevertheless, we can draw some benefits and challenges from the LDC case studies presented here and the more general adaptation mandates we have examined.

## 4.1 Benefits

Our case study findings show that a mandate to create a NAP can establish clear responsibilities for relevant government agencies and other stakeholders with respect to their implementation. In each of our examples in Section 3, the mandate delegated responsibility for adaptation action to a body or bodies. Those without specific NAP mandates allocated responsibility for the NAP process to a government agency or agencies.

A mandate can outline the steps that a country needs to take to design and implement a NAP, including key milestones and a timeline for completion – for example, five year cycles, to coincide with INDCs submission under the Paris Agreement or timeframes for other national planning processes. Although the case studies we examine have no explicit example of timeframes, the UK, Vietnam and Mexico all incorporate timeframes into their broader adaptation mandates and a number of the NAPs that have been formally submitted to the UNFCCC to date set out timeframes.

A mandate can give permanence to adaptation planning and implementation, as a domestic mandate can last beyond the development of the NAP into its implementation stage. It can also endure through changes of government. For example, Benin has explicitly chosen to adopt a mandate in the form of a decree to ensure stability through frequent changes in government.

A NAP mandate can also ensure that climate change adaptation is prioritised across government ministries and departments. It can encourage inter-ministerial collaboration and ensure that adaptation is seen as the broad, intersecting problem that it is. Countries should not see adaptation as the sole responsibility of environment ministries and departments; other ministries or departments – in areas such as disaster management, energy, transport, agriculture, health, infrastructure and natural resources – can also play a key role in implementing NAPs. Each of our case study countries adopt an approach that encompasses an array of relevant areas. For example, Bhutan's legislative mandate delegates responsibility to the NEC while also requiring the involvement of other agencies such as the Gross National Happiness Commission and civil society organisations.

## 4.2 Challenges

Securing a NAP mandate takes time, and countries should not wait for a mandate to be in place before embarking on the NAP process if such a mandate will be drawn out or challenging. For example, Burkina Faso developed their NAP without a specific adaptation mandate, and Benin is waiting for final government approval of its mandate while its NAP remains in the formulation stage.

Working towards a NAP mandate will support the formulation and implementation of more comprehensive and enduring NAPs, creating a framework that encompasses a breadth of sectors and levels of government to more effectively adapt to the impacts of climate change.

Most of our case study countries faced funding constraints. Some have received support –for example, Burkina Faso received technical assistance to prepare its NAP, and Benin is getting support to start a series of studies that will initiate its NAP process. But Bhutan and Nepal both cited funding as a limiting factor; indeed, Bhutan needs to reformulate its funding proposal for the GCF as the LDC Fund has no finance available. That all these countries need support is a challenge for the NAP process. This might hold back the development of a NAP in spite of an existing mandate and political will to move forward.

# Looking forward

5

Given that the NAP process is country-driven, countries will ultimately formulate and implement their NAP mandate according to their own national circumstances. But to ensure progress, we recommend that all NAP mandates should:

- Establish clear responsibilities for government agencies and stakeholders to develop the NAP, coordinate its implementation and report on progress.
- Specify key actions, milestones and outputs of the NAP process over the next planning cycle (this is typically every five years but can be longer to cover the NAP process's medium- and long-term planning approach).
- Use legislation where possible, balancing the potential difficulty of enacting a mandate in the form of legislation with the need for stability and longevity. It is possible to use a combination of legal forms – for example, combining a plan, programme or strategy document with legislation or a decree. In particular, the focus should be on a mandate that requires the formulation of a NAP and ensures its ongoing implementation, thereby giving it a legal as well as long-term basis beyond regular political cycles.
- Require that government agencies consult with the community, different sectors and stakeholders and invite public submissions, to make the NAP process more participatory and ensure it effectively meets adaptation needs.
- Promote cooperation across levels of government – for example, by requiring the submission of sectoral or local adaptation strategies. For example, Mexico's General Law on Climate Change requires adaptation actions to be included in the design of federal, state and municipal public policies.
- Facilitate collaboration among government ministries or departments to ensure adaptation is mainstreamed across all relevant areas (see, for example, Zambia's approach). A mandate can also specify that the NAP process is integrated into national development planning or disaster risk management (as is the case in Vietnam) which can also help ensure effective ongoing implementation of the NAP.
- Establish bodies with specific functions to carry out the NAP process – for example, the UK created the Adaptation Sub-Committee to support adaptation action.
- Streamline the NAP process into other climate change work for efficiency (see, for example, Bhutan), and coordinate climate change policies and actions within the country – for example, by delegating responsibility to the same agency or minister to address adaptation components in NAPs, INDCs (or NDCs – nationally determined contributions – once formally submitted).

# Acronyms

ACT	Action on Climate Today
EO	executive order
GCF	Green Climate Fund
ICCS	Interim Climate Change Secretariat (Zambia)
INDC	intended nationally determined contribution
LDCs	Least Developed Countries
LEG	LDC Expert Group
MoPE	Ministry of Population and Environment (Nepal)
NAPA	National Adaptation Programme of Action
NAP	national adaptation plan
NCCC	National Committee on Climate Change (Benin)
NCCRS	National Climate Change Response Strategy (Zambia)
NEC	National Environment Commission
NEPA	National Environment Protection Act (Bhutan)
OPM	Oxford Policy Management
SP/CONEDD	Permanent Secretariat of the National Council for Environment and Sustainable Development (Burkina Faso)
RAN-API	National Action Plan for Climate Change Adaptation (Indonesia)
UNFCCC	United Nations Framework Convention on Climate Change
WASH	Water, Sanitation and Hygiene

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The impacts of climate change increasingly threaten communities around the world, particularly in Least Developed Countries (LDCs). National adaptation plans (NAPs) allow developing countries to identify their adaptation needs; develop and implement strategies and programmes to address those needs; and enable actions to protect vulnerable communities. But developing a NAP is not always straightforward. This paper considers the benefits and challenges of implementing a national mandate to provide the impetus to develop a NAP, assign responsibilities and encourage cross-sectoral participation, exploring the legal forms such a mandate could take and sharing experiences from LDCs undergoing the NAP process.

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