



# **SUSTAINABLE DEVELOPMENT LAW ON CLIMATE CHANGE**

**LEGAL WORKING PAPER SERIES**

**07  
CANCUN CONFERENCE  
ON CLIMATE CHANGE:  
ENHANCED ATTENTION  
ON ADAPTATION**

By Benoît Mayer

February, 2011

CISDL



#### **Disclaimer**

IDLO is an intergovernmental organization and its publications are intended to expand legal knowledge, disseminate diverse viewpoints and spark discussion on issues related to law and development. The views expressed in this publication are the views of the authors and do not necessarily reflect the views or policies of IDLO or its Member States. IDLO does not guarantee the accuracy of the data included in this publication and accepts no responsibility for any consequence of its use. IDLO welcomes any feedback or comments regarding the information contained in the publication.

All rights reserved. This material is copyrighted but may be reproduced by any method without fee for any educational purposes, provided that the source is acknowledged. Formal permission is required for all such uses. For copying in other circumstances or for reproduction in other publications, prior written permission must be granted from the copyright owner and a fee may be charged. Requests for commercial reproduction should be directed to the International Development Law Organization.

Cover picture by Robert R. Gigliotti, HQPrints.net under Creative Commons License  
<http://creativecommons.org/licenses/by-sa/2.0/>

Author: Benoît Mayer, Legal Research Fellow, CISDL; Research Assistant, McGill university, Centre for Human Rights and Legal Pluralism.

#### **Published by:**

International Development Law Organization and the Centre for International Sustainable development Law (CISDL).



#### **International Development Law Organization**

Viale Vaticano, 106  
00165 Rome, Italy  
Tel: +39 06 4040 3200  
Fax: +39 06 4040 3232  
Email: [idlo@idlo.int](mailto:idlo@idlo.int)  
[www.idlo.int](http://www.idlo.int)

# CANCUN CONFERENCE ON CLIMATE CHANGE: ENHANCED ATTENTION ON ADAPTATION

Benoît Mayer<sup>1</sup>

## 1. Introduction: UNFCCC and adaptation

Until 2007, no substantive measure was adopted on adaptation, both for fear that dealing with adaptation would mean “resigning” to climate change and for lack of scientific certainties on the adverse effects of climate change. Progress of the scientific knowledge on climate change has constantly led to greater consideration for an extension of the UNFCCC’s mandate regarding adaptation. Although appealing to a “full, effective and sustained implementation of the Convention,” the Bali Plan of Action, adopted in 2007, went further than the UNFCCC and addressed both “enhanced [...] action on mitigation of climate change” and “enhanced action on adaptation” on an equal basis.<sup>2</sup>

The 16th Conference of the Parties to the UNFCCC held in Cancun in November-December 2010 [COP16], which adopted the Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention [Cancun AWG-LCA Outcome], made a further step forward in the application of the Bali plan Plan of Action. In particular, it affirmed that “[a]daptation must be addressed with the same priority as mitigation and requires appropriate institutional arrangements to enhance adaptation action and support.”<sup>3</sup> It further “agree[d] that adaptation is a challenge faced by all Parties, and that enhanced action and international cooperation on adaptation is urgently required to enable and support the implementation of adaptation actions aimed at reducing vulnerability and building resilience in developing country Parties.”<sup>4</sup> It also adopted the ambitious “Cancun Adaptation Framework” and set up the “Green Climate Fund,” but perhaps the most interesting novelty is the overall integration of a multi-dimensional approach to adaptation, recognizing the link that adaptation has with, amongst others, disaster risk reduction and migration.

---

<sup>1</sup> LL.M. (McGill), Master of Political Sciences (Sciences Po), associate fellow at the Center for International Sustainable Development Law, research assistant at McGill university Centre for Human Rights and Legal Pluralism. The author would like to thank Prof. François Crépeau (McGill), Sébastien Jodoin (Yale) and Emily Crawford (University of New South Wales) for their very precious review and useful comments, and Marie-Claire Cordonnier Segger for her constant encouragements.

<sup>2</sup> Decision 1/CP.13, Bali Action Plan, in FCCC/CP/2007/6/Add.1, online:

<http://unfccc.int/resource/docs/2007/cop13/eng/06a01.pdf#page=3>, §1, §1(b) and §1(c).

<sup>3</sup> *Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention*, advanced unedited version, adopted by the Conference of the Parties to the UNFCCC, 16th Session, 10 December 2010, online:

[http://unfccc.int/files/meetings/cop\\_16/application/pdf/cop16\\_lca.pdf](http://unfccc.int/files/meetings/cop_16/application/pdf/cop16_lca.pdf) [Cancun AWG-LCA Outcome], §2(b). Interestingly enough, the AWG-LCA addressed “enhanced adaptation measures” in a second part, placed *before* “enhanced action on mitigation.”

<sup>4</sup> *Ibid.* §11.

The purpose of this legal brief is to analyze the main outcomes of COP16 in terms of adaptation. Rather than an exhaustive presentation of all adaptation related dispositions, it aims at reflecting on some new paths opened and emerging tendencies. Part II presents the substantive orientations on adaptation adopted by COP16. Then, Part III discusses the new financial commitments. Lastly, Part IV questions the opening up of the UNFCCC adaptation efforts to multi-dimensional actions relating to, amongst others, rights, disaster risk reduction strategies, and displacement, migration and planned relocation.

## **2. Implementing enhanced action on adaptation: the “Cancun Adaptation Framework”**

In this part, Section 2.1 identifies the innovations of the Cancun Adaptation Framework and Section 2.2 presents the allocation of tasks for its implementation.

### **2.1. The innovations brought about by the Cancun Adaptation Framework**

The Cancun AWG-LCA Outcome includes no less than 24 paragraphs (out of 147) on “Enhanced Action on Adaptation,”<sup>5</sup> forming the so-called “Cancun Adaptation Framework.”<sup>6</sup> The Cancun AWG-LCA Outcome includes concrete provisions on adaptation. Three main points need to be highlighted. Firstly, the Conference of the Parties identified a (non exhaustive) set of priorities, which includes:

- the development of national planning documents;
- adaptation need assessments, including “economic, social and environmental evaluation of adaptation options;”
- institutional capacity building;
- socio-economic and ecological resilience;
- “climate change related disaster risk reduction strategies” and “sharing and transfer mechanisms;”
- “understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation;”
- development and sharing of technologies;
- knowledge and public awareness;
- research.<sup>7</sup>

Secondly, the Cancun AWG-LCA Outcome adopted principles that must be respected while implementing adaptation measures. For the first time, the

---

<sup>5</sup> *Ibid.* §11-35.

<sup>6</sup> *Ibid.* §13 (“Decides to hereby establish the Cancun Adaptation Framework encompassing the provisions laid out below, with the objective of enhancing action on adaptation, including through international cooperation and coherent consideration of matters relating to adaptation under the Convention”).

<sup>7</sup> *Ibid.* §14.

Preamble to the Cancun AWG-LCA Outcome included some reference to human rights in the UNFCCC legal corpus,<sup>8</sup> “noting resolution 10/4 of the United Nations Human Rights Council on human rights and climate change, which recognizes that the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights and that the effects of climate change will be felt most acutely by those segments of the population that are already vulnerable owing to geography, gender, age, indigenous or minority status and disability.”<sup>9</sup> Furthermore, concerning the Cancun Adaptation Framework more specifically, the AWG-LCA encouraged a “gender-sensitive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems.”<sup>10</sup> It also recalled that actions must “be based on and guided by the best available science and, as appropriate, traditional and indigenous knowledge.”<sup>11</sup>

An important innovation of the Cancun Adaptation Framework consists in “establish[ing] a work programme in order to consider, including through workshops and expert meetings, as appropriate, approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change.”<sup>12</sup> The AWG-LCA further confirmed that “adverse effects of climate change” shall include “impacts related to extreme weather events,” but also “slow onset events” such as “sea level rise, increasing temperatures, ocean acidification, glacial retreat and related impacts, salinization, land and forest degradation, loss of biodiversity and desertification.”<sup>13</sup> While the content of the work program will be submitted to further debates within the Subsidiary Body for Implementation in view of a decision at the 18<sup>th</sup> Conference of the Parties, potential paths suggested by the Cancun AWG-LCA outcomes include, among others, “[p]ossible development of a climate risk insurance facility” and “[o]ptions for risk management and reduction; risk sharing [...] mechanisms [...] and resilience building.” These provisions may constitute a great step forward for regions or countries deeply affected by great climate vulnerability (e.g.: small island developing States; coastal regions, in particular close to mega-deltas; and countries or regions affected by land degradation or desertification).

## **2.2. The allocation of tasks: States, the UNFCCC and third actors**

The AWG-LCA outcome recalls the necessity of a “country-driven [...] approach”<sup>14</sup> to adaptation. The whole Cancun Adaptation Framework relies on States’ good will.<sup>15</sup> Two categories of States are clearly distinguished:

---

<sup>8</sup> No reference to “rights” was mentioned in the UNFCCC, nor in COP decision (except for Rights of the Parties).

<sup>9</sup> *Cancun AWG-LCA Outcome*, *supra* note 3, preamble, 7th and last recital.

<sup>10</sup> *Ibid.* §12.

<sup>11</sup> *Ibid.* §12.

<sup>12</sup> *Ibid.* §26.

<sup>13</sup> *Ibid.* §25 and footnote 3 under §25.

<sup>14</sup> *Ibid.* §12.

<sup>15</sup> See e.g.: *Ibid.* §14, whose chapeau “Invites all Parties to enhance action on adaptation under the Cancun Adaptation Framework”.

least developed and developing ones, which may benefit from international funds, and developed ones, which should provide these funds. This distinction aims at “taking into account the urgent and immediate needs of those developing countries that are particularly vulnerable.”<sup>16</sup> Consequently, only least developed and developing States are invited to formulate “national adaptation plans [...] as a means of identifying medium and long term adaptation needs and developing and implementing strategies and programmes to address those needs.”<sup>17</sup> With regard to reported difficulties of small least developed or developing countries to establish such documents, COP16 “request[ed] the secretariat [...] to conduct up to three regional or subregional, as appropriate, workshops, with the possibility of another, as circumstances permit and as warranted, in order to familiarize Parties with the process and the requirements of the accreditation of national implementing entities.”<sup>18</sup> On the other side, developed States are requested “to provide developing country Parties, taking into account the needs of those that are particularly vulnerable, with long-term, scaled-up, predictable, new and additional finance, technology, and capacity-building.”<sup>19</sup> This is in coherence with the reaffirmed principle of States’ “common but differentiated responsibilities and respective capabilities and specific national.”<sup>20</sup>

In this country-driven approach, the UNFCCC regime plays a subsidiary role which consists mainly in defining some priorities and principles of implementation, promoting the implementation of the framework, and organizing funding.<sup>21</sup> In order to complement the UNFCCC and to “promote the implementation of enhanced action on adaptation in a coherent manner,”<sup>22</sup> COP16 set up the Adaptation Committee, the modalities of which will be decided at COP17 after consultation of States and debates within the AWC-LCA.<sup>23</sup> This Committee will mainly be in charge of technical support to the Parties, facilitating the sharing of information and promoting synergy between different level of governance.<sup>24</sup>

Beside States and the UNFCCC, the Cancun AWG-LCA recognized a great role for a third, heterogeneous category of actors, comprehending “relevant multilateral, international, regional and national organizations, the public and private sectors, civil society and other relevant stakeholders.”<sup>25</sup> Those are merely “invite[d] [...] to undertake and support enhanced action on adaptation at all levels, including under the Cancun

---

<sup>16</sup> *Ibid.* §11.

<sup>17</sup> *Ibid.* §15. The modalities of the national adaptation plans will be elaborated by the Subsidiary Body for Implementation and should be adopted at the 17th Conference of the Parties (*cf. ibid.*, §17).

<sup>18</sup> *Report of the Adaptation Fund Board*, advanced unedited version, adopted by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, 6<sup>th</sup> Session, December 2010, online:

[http://unfccc.int/files/meetings/cop\\_16/conference\\_documents/application/pdf/20101204\\_cop16\\_cmp\\_review\\_afb.pdf](http://unfccc.int/files/meetings/cop_16/conference_documents/application/pdf/20101204_cop16_cmp_review_afb.pdf), §8.

<sup>19</sup> *Cancun AWG-LCA Outcome*, *supra* note 3, §18

<sup>20</sup> *Ibid.* §14.

<sup>21</sup> Provisions regarding funding are included in: *ibid.* part III.

<sup>22</sup> *Ibid.* §20.

<sup>23</sup> *Ibid.* §21-23.

<sup>24</sup> *Ibid.* §20.

<sup>25</sup> *Ibid.* §34.

Adaptation Framework as appropriate, in a coherent and integrated manner, building on synergies among activities and processes, and to make available information on the progress made.”<sup>26</sup> More particularly, States are invited “to strengthen and [...] establish regional centres and networks, in particular in developing countries, with support from developed country Parties and relevant organizations” and “to facilitate and enhance national and regional adaptation actions, in a manner that is country-driven, encourages cooperation and coordination between regional stakeholders and improves the flow of information between the Convention process and national and regional activities.”<sup>27</sup>

### **3. Adaptation funding: an ambitious statement of intent, or more?**

Part III reflects on the dispositions adopted at COP16 regarding adaptation funding. Section 1 highlights the ambitious, though still somewhat “abstract” commitments of the Parties. Then, Section 2 deals with the Green Climate Fund. Eventually, Section 3 discusses changes in the competences of the Global Environmental Facility and the World Bank.

#### **3.1. States’ ambitious promises at Copenhagen**

The Cancun AWG-LCA Outcomes reaffirmed the funding commitments that were already accepted by developed States in the Copenhagen accord. Concerning fast-start finance (2010-2012), it took “note of the collective commitment by developed countries to provide new and additional resources, including forestry and investments through international institutions, approaching USD 30 billion.” As for the long term finance, developed States “commit [...] to a goal of mobilizing jointly USD 100 billion per year by 2020”<sup>28</sup> – an amount which represents approximately 0.5% of the world’s GDP. In both fast-start and long-term finance, States commit to “a balanced allocation [of these resources] between adaptation and mitigation.”<sup>29</sup> Resources must be additional and directed in priority to “the most vulnerable developing countries, such as the least developed countries, small island developing States and Africa” (fast-start finance) or generally to “developing countries” (long term finance).<sup>30</sup>

The major issue might be the realization of these financial commitments by developed States. The fourth review of the financial mechanism of the UNFCCC, also adopted at COP16, noted that “[a]lthough developed country donors have provided new and additional funding for global environmental benefits to developing countries, this has been insufficient to cover the increasing agenda of the Global Environment Facility as

---

<sup>26</sup> *Ibid.* §34.

<sup>27</sup> *Ibid.* §30.

<sup>28</sup> *Ibid.* §95 and §98. See also Decision 2/CP.15, *Copenhagen accord*, in *Report of the Conference of the Parties on its fifteenth session, held in Copenhagen from 7 to 19 December 2009*, FCCC/CP/2009/11/Add.1, online: <http://unfccc.int/resource/docs/2009/cop15/eng/11a01.pdf>, §8. However, it should be emphasized that COP15 did not *adopt*, but simply “took note” of this intergovernmental agreement, whose authority is therefore limited.

<sup>29</sup> *Ibid.* §95 (fast-start finance) and annex III, “Terms of reference for the design of the Green Climate Fund”, §1(c) (long-term finance through the Green Climate Fund).

<sup>30</sup> *Ibid.* §95 and §98.

agreed upon in the conventions.”<sup>31</sup> As a way at least to insure clarity of the debate and at best to push developed States to good faith fulfilment of their obligations, the Conference of the Parties made the UNFCCC’s Secretariat responsible for an annual review of documents submitted by each developed State within the fast-start program.<sup>32</sup>

### **3.2. Defining the modalities of the Copenhagen Green Climate Fund (GCF)**

In principle, developed States are free to decide how and through which mechanism to fulfil their financial commitment, as long as global funding respects a balance between mitigation and adaptation. In particular, funding “may come from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources.”<sup>33</sup> Yet, the Conference of the Parties has “decide[d] that a significant share of new multilateral funding for adaptation should flow through the Green Climate Fund.”<sup>34</sup> The GCF was established already in the Copenhagen Accord, which “decide[d] that the Copenhagen Green Climate Fund shall be established as an operating entity of the financial mechanism of the Convention to support projects, programme, policies and other activities in developing countries related to mitigation including REDD-plus, adaptation, capacity building, technology development and transfer.”<sup>35</sup>

The Cancun AWG-LCA outcome focused on further defining the functioning of the GCF. The GCF will be “governed by a board of 24 members comprising an equal number of members from developing and developed country Parties.”<sup>36</sup> A Standing Committee will also be established “to assist the Conference of the Parties in exercising its functions with respect to the financial mechanism of the Convention in terms of improving coherence and coordination in the delivery of climate change financing, rationalization of the financial mechanism, mobilization of financial resources and measurement, reporting and verification of support provided to developing country Parties.”<sup>37</sup>

Lastly, COP16 set up a Transitional Committee, composed of 40 members (25 of whom must be originating from developing countries) designated by the Executive Secretary of the Secretariat, which will be in charge of drafting operational documents and submitting them to the 17<sup>th</sup> Conference of the Parties. One of the thorny issues that the Transitional Committee will have to solve is the definition of “[m]ethods to enhance complementarity between the Funds activities and those of other bilateral, regional and multilateral funding mechanisms and institutions.”<sup>38</sup>

---

<sup>31</sup> *Financial mechanism of the Convention: fourth review of the financial mechanism*, advanced unedited version, adopted at COP16, online: [http://unfccc.int/files/meetings/cop\\_16/conference\\_documents/application/pdf/20101204\\_cop16\\_fm.pdf](http://unfccc.int/files/meetings/cop_16/conference_documents/application/pdf/20101204_cop16_fm.pdf), §1(b).

<sup>32</sup> *Cancun AWG-LCA Outcome*, *supra* note 3, §96

<sup>33</sup> *Ibid.* §99.

<sup>34</sup> *Ibid.* §100.

<sup>35</sup> *Copenhagen accord*, *supra* note 28, §10.

<sup>36</sup> *Cancun AWG-LCA Outcome*, *supra* note 3, §103

<sup>37</sup> *Ibid.* §112

<sup>38</sup> *Ibid.* §109 and Annex III “Terms of reference for the design of the Green Climate Fund”, §1 chapeau and (e).



Contrarily to most existing international funds, the GCF aims at funding both *adaptation* and *mitigation* programmes.

### 3.3. Rethinking competencies

States called into question the trusteeship of the World Bank on climate funds. On the one hand, the Conference of the Parties to the Kyoto Protocol adopted an "[a]mendments to the terms and conditions of services to be provided by the International Bank for Reconstruction and Development as trustee for the Adaptation Fund" stating that "[t]he Trustee's role as trustee servicing the Adaptation Fund under the Terms and Conditions shall be automatically terminated three months after the ninth session of the CMP, unless the CMP and the Trustee affirmatively agree in writing to extend beyond this date the term of the Trustee's services under the Terms and Conditions."<sup>39</sup> On the other hand, the Cancun AWG-LCA outcome "invite[d] the World Bank to serve as the interim trustee of the Green Climate Fund, subject to a review three years after operationalization of the fund."<sup>40</sup> In both cases, thus, the interim period reflects uncertainties about which institution will replace the World Bank and be in charge of administering the assets of both funds.

## 4. Conclusion

Part 2 has presented the broad lines of the Cancun Adaptation Framework, and Part 3 has discussed related financial provisions. As a conclusion, one may try to recognize the main orientations taken by COP16 regarding adaptation to climate change within the UNFCCC regime. This legal brief argues that the main novelty concerned the adoption of a multi-dimensional approach to adaptation. As it was briefly mentioned above, the Cancun AWG-LCA Outcome encouraged cooperation with "relevant multilateral, international, regional and national organizations, the public and private sectors, civil society and other relevant stakeholders."<sup>41</sup> The regional intermediary level of governance is always more recognized, in part with the hope that it may help linking local financial needs with global fund providers and facilitate access to funds by least developed or small developing States.

Going further, this recognition of third actors may reveal a slow softening of the exclusive role of States in implementing measures under the UNFCCC regime. States face not only developing regional organizations, but also but a growing civil society – both at the national and international level, including not only non-governmental organizations but also, for instance, economic actors such as big corporations. The adaptation committee embodies this tendency of opening up the UNFCCC adaptation regime to "the rest of the world." This institution will be in charge, amongst others, of promoting "synergy and [...] engagement with national, regional and international organizations, centres and networks."<sup>42</sup> The AWG-LCA was also requested to "define, as appropriate,

<sup>39</sup> *Report of the Adaptation Fund Board*, *supra* note 18, annex, §1.

<sup>40</sup> *Cancun AWG-LCA Outcome*, *supra* note 3 §107.

<sup>41</sup> *Ibid.* §34

<sup>42</sup> *Ibid.* §20(c).

linkages with other relevant institutional arrangements under and outside the Convention, including at national and regional levels.”<sup>43</sup>

The raising role of third actors is parallel and may be partially explained by an extension of the definition of “adaptation.” Determining the priorities for enhanced adaptation action, COP16 mentioned two topics which were never referred before within the UNFCCC regime:

- “[e]nhanc[e] climate change related disaster risk reduction strategies, taking into consideration the Hyogo Framework for Action where appropriate; early warning systems; risk assessment and management; and sharing and transfer mechanisms such as insurance, at local, national, subregional and regional levels, as appropriate;” and
- “[m]easures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at national, regional and international levels.”<sup>44</sup>

Both cases are similar: they refer to situations in which *adaptation - understood as finding a way to continue business as usual without substantive change - is not possible*. They both recognize that *some* impacts cannot be avoided: deadly natural disasters will occur and, in some circumstances, *in situ* adaptation will simply not be possible. Furthermore, both disaster risk reduction and migrations similarly raise the issue of whether the UNFCCC should intervene in situations which are never triggered by climate change *alone*. Climatic disasters and migrations have always occurred. Even though the IPCC foresaw that they will become more frequent and more extreme due to anthropogenic global warming, linking unequivocally one local flood or the degradation of a soil with a global ongoing, anthropogenic climate change is, in many cases, impossible. As for migrations, they are usually generated by a set of cultural, socio-economic, political and environmental factors, and rarely by climatic parameters alone.

Regarding migrations or disaster risk reduction, the UNFCCC’s response could have been to reject competency in favour of other international institutions. As COP16 recalled, disaster risk reduction strategies have been encouraged by the United Nations International Strategy for Disaster Reduction, in particular through the Hyogo Framework for Action aiming at “building the resilience of nations and communities to disasters.”<sup>45</sup> Concerning climate induced migrations, however, no international organization has recognized its competence for promoting or implementing any kind of protection – in particular, climate migrants are not considered as “political refugees” for the sake of the 1951 Geneva

---

<sup>43</sup> *Ibid.* §24.

<sup>44</sup> *Ibid.* §14(e) and (f).

<sup>45</sup> UNISDR, *Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disaster*, online: <http://www.unisdr.org/eng/hfa/docs/Hyogo-framework-for-action-english.pdf>.

Convention.<sup>46</sup> Yet, in both cases, there is a strong argument for considering these issues within a climate change adaptation framework, at least as a way to seek an optimal allocation of funds between the different paths of adaptation. Obviously, migration may be a very successful adaptation strategy in many cases, especially if it is appropriately supported by public policies.<sup>47</sup>

A step forward in the direction of a right based adaptation perspective has also been taken by the Cancun AWG-LCA outcome. As assessed by the Human Rights Council resolution on Human Rights and Climate Change, referred to by the AWG-LCA, underscored that “climate change poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights.”<sup>48</sup>

Thus, the UNFCCC has arguably begun to switch, from a focus on adaptation *stricto sensu* – e.g.: adapting crops to changing climate –, to a broader, perhaps multidimensional approach. Carrying out this change will require close cooperation with a number of organizations. The UNFCCC will need to coordinate with other agencies. Beyond disaster risk reduction, migrations and human rights, adaptation is of great concern for development, access to food, combating desertification and health, amongst others. Ensuring coherence of climate adaptation efforts with policies on disaster risk reduction, migrations, human rights promotion, development, access to food, combating desertification and health, to begin with, will be an extraordinarily complex task – only one of the institutional reflections of the immense challenge of facing climate change.

---

<sup>46</sup> See, generally: Benoît Mayer, “International Law and Climate Migrants”, CISDL-IDLO working paper, December 2010, online: [http://www.cisd.org/pdf\\_working\\_papers\\_cop16/Benoit\\_Mayer\\_International\\_Law\\_and\\_Climate\\_Migrants.pdf](http://www.cisd.org/pdf_working_papers_cop16/Benoit_Mayer_International_Law_and_Climate_Migrants.pdf).

<sup>47</sup> Cf.: International Organization for Migration, *Disaster Risk Reduction, Climate Change Adaptation and Environmental Migration: a Policy Perspective*, 2010, online: [http://publications.iom.int/bookstore/free/DDR\\_CCA\\_report.pdf](http://publications.iom.int/bookstore/free/DDR_CCA_report.pdf).

<sup>48</sup> Human Rights Council, resolution 7/23, “Human rights and climate change”, online: [http://www2.ohchr.org/english/issues/climatechange/docs/Resolution\\_7\\_23.pdf](http://www2.ohchr.org/english/issues/climatechange/docs/Resolution_7_23.pdf), first recital.

## **International Development Law Organization (IDLO)**

IDLO is an intergovernmental organization that promotes legal, regulatory and institutional reform to advance economic and social development in transitional and developing countries.

Founded in 1983 and one of the leaders in rule of law assistance, IDLO's comprehensive approach achieves enduring results by mobilizing stakeholders at all levels of society to drive institutional change. Because IDLO wields no political agenda and has deep expertise in different legal systems and emerging global issues, people and interest groups of diverse backgrounds trust IDLO. It has direct access to government leaders, institutions and multilateral organizations in developing countries, including lawyers, jurists, policymakers, advocates, academics and civil society representatives.

Among its activities, IDLO conducts timely, focused and comprehensive research in areas related to sustainable development in the legal, regulatory, and justice sectors. Through such research, IDLO seeks to contribute to existing practice and scholarship on priority legal issues, and to serve as a conduit for the global exchange of ideas, best practices and lessons learned.

IDLO produces a variety of professional legal tools covering interdisciplinary thematic and regional issues; these include book series, country studies, research reports, policy papers, training handbooks, glossaries and benchbooks. Research for these publications is conducted independently with the support of its country offices and in cooperation with international and national partner organizations.

## **Centre for International Sustainable Development Law (CISDL)**

The Centre for International Sustainable Development Law (CISDL) is an independent legal research institute that aims to promote sustainable societies and the protection of ecosystems by advancing the understanding, development and implementation of international sustainable development law.

As a charitable foundation with an international Board of Governors, CISDL is led by 2 Directors, and 9 Lead Counsel guiding cutting-edge legal research programs in a fellowship of 120 legal researchers from over 60 developing and developed countries. As a result of its ongoing legal scholarship and research, the CISDL publishes books, articles, working papers and legal briefs in English, Spanish and French. The CISDL hosts academic symposia, workshops, dialogues, and seminar series, including legal expert panels parallel to international treaty negotiations, to further its legal research agenda. It provides instructors, lecturers and capacity-building materials for developed and developing country governments, universities, legal communities and international organisations on national and international law in the field of sustainable development. CISDL members include learned judges, jurists and scholars from all regions of the world and a diversity of legal traditions.

With the International Law Association (ILA) and the International Development Law Organization (IDLO), under the auspices of the United Nations Commission on Sustainable Development (UN CSD), CISDL chairs a Partnership on 'International Law for Sustainable Development' that was launched in Johannesburg, South Africa at the 2002 World Summit for Sustainable Development to build knowledge, analysis and capacity about international law on sustainable development. Leading CISDL members also serve as expert delegates on the International Law Association Committee on International Law on Sustainable Development. For further details see [www.cisdl.org](http://www.cisdl.org).