
Mapping the Legal Landscape of Climate Change Adaptation

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Introduction

Since the link between anthropogenic greenhouse gas emissions and climate change was identified, the overwhelming international imperative has been to stabilise atmospheric greenhouse gas concentrations to a level that would prevent dangerous climate change.¹ Accordingly, climate policy over the past two decades has focused on better understanding the science behind climatic change and reducing greenhouse gas emissions. During this time, discussion of how best to adapt to the impacts of a changing climate has been regarded by some as ‘a kind of laziness, an arrogant faith in our ability to react in time to save our skins’,² or an admission of defeat.³ However, there is now widespread recognition that further warming over the next century is inevitable, even with radical reductions in greenhouse gas emissions.⁴ The changes that are already ‘locked in’ will bring significant social, economic and environmental impacts, in the form of sea level rise, extreme weather events, and changes to critical habitats and ecological communities:

[C]limate change does not present just another disturbance regime, the operations of which we can extrapolate from current ecological knowledge; rather, it will be the undoing of ecosystems as we know them.⁵

Due to the nature and extent of these impacts, policy makers have begun to pay more attention to adaptation and are gradually recognising that mitigation and adaptation must be seen as equally important in addressing climate change. Mitigation is imperative to avoid long-term changes, but adaptation

1 *United Nations Framework Convention on Climate Change*, Art 2, 1992.

2 A Gore, 1992, quoted in R Pielke et al, ‘Lifting the taboo on adaptation’, *Nature*, vol 445, 2007, p 597.

3 M Parry et al, ‘Adapting to the inevitable’, *Nature*, vol 395, 1998, p 741.

4 Intergovernmental Panel on Climate Change (IPCC), *Working Group 1 Contribution to the Fourth Assessment Report of the IPCC: The Physical Science Basis, Summary for Policy Makers*, 2007.

5 J Ruhl, ‘Climate change and the Endangered Species Act: building bridges to the no-analog future’, *Boston University Law Review*, vol 88, 2008, p 22.

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