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ECRP and DISCOVER

**Policy Framework for Climate Change
Adaptation and Disaster Risk
Management in Malawi:**

A Review of Key Policies and Legislation



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Conclusion

This policy brief has presented an overview of the key existing climate change adaptation and disaster risk management related policies and laws and their effectiveness. There are gaps that have been identified in these policy instruments because most of these policies deal with sectoral issues. As such any strategies or they suggest are sectoral in nature and cannot cover the whole spectrum of development issues that climate change and disaster threaten or impacts. Therefore, a policy framework that entails climate change adaptation and disaster risk management measures is needed to provide necessary support to build and enhance peoples' resilience.

The Way Forward

In the course of this policy and legislation review, two key policies have emerged requiring immediate focus by ECRP and DISCOVER. The two policies are:

1. Draft NDRM Policy: Focus will be on influencing the finalization of the draft policy and advocate for its immediate implementation. This will provide a linkage between climate change adaptation and disaster risk management;
2. The proposed National Climate Change Policy: ECRP and DISCOVER should consider participating and engaging in the formulation of the national climate change policy. This would safeguard that the policy addresses both adaptation and mitigation. Previous policy development efforts have tended to be biased towards mitigation.

5.0 Key issues and Lessons emerging from the review of Sectoral Policies and Legal Framework for Climate Change Adaptation and Disaster Risk Management

1.

The policy statements in most of the existing policies are very general and do not provide for specific strategies or measures on climate change adaptation and disaster risk reduction. Yet, climate change adaptation and disaster risk management measures need to be addressed in specific terms so as to provide necessary support to build, strengthen and enhance peoples' resilience.

2.

Lack of efficient and appropriate budget allocations remains one of the major challenges for effective implementation of these existing policies and compliance to legislation. As a result climate change adaptation and disaster risk management measures have not found their way into national budgetary framework; they rely heavily on external assistance mostly implemented by civil society.

3.

Piecemeal introduction of new institutional and management frameworks for climate change has resulted in conflicts of institutional mandates, responsibilities and perhaps further confusion in coordination and leadership in climate change issues in the country.

4.

Although awareness on the concept of climate change is being undertaken, there is still limited understanding of adaptation and the various strategies amongst government agencies, civil society and local communities. There is also limited understanding of what disaster risk management entails and its linkage with climate change adaptation. Policies must therefore incorporate concrete strategies to raise the necessary publicawareness and undertake capacity building efforts to improve understanding build skills and develop transfer or exchange knowledge, expertise and technologies to effectively address climate change; .

5.

Monitoring implementation of climate change adaptation and disaster riskmanagement related policies and strategies developed by Government requires urgent attention. ECRP could potentially take this role and use the results for advocacy.

1.0 Background and Introduction



Photo taken by Dorothy Tembo at Machinga April 2012

Malawi is one of the most vulnerable countries to climate change and variability. Effects of climate change have been associated with most of the common disasters in Malawi. The key ones are floods and droughts. Floods and droughts have alternated along the lakeshore and in the Shire Valley. This includes the districts of Karonga, Salima, Chikhwawa and

Nsanje. In addition, drought and dry spells have also affected Balaka, Kasungu and Rumphi districts.

Although climate change effects and disaster issues are increasingly becoming more visible in the country, Malawi has not been dynamic in considering and promulgating Climate Change Adaptation and Disaster Risk Management policies and legislation.

This policy brief summarizes the findings of the analytical report on **Policy Framework for Climate Change Adaptation and Disaster Risk Management in Malawi: A Review of Key Policies and Legislation**. The report examined national and international policies, programmes, plans, strategies and legislation related to climate change adaptation and disaster risk reduction. The analysis was conducted under the DISCOVER and ECRP Consortia.

2.0 Review of National Policies, Plans, strategies and Legislation related to Climate Change Adaptation and Disaster Risk Management

2.1 National Policies Related to Climate Change Adaptation

2.1.1. National Environmental Policy (2004)

one of its objectives is to minimize the adverse impact of climate change and variability to reduce air pollution and greenhouse. However, the guiding principles and the strategies for achieving this objective suggests that the policy orientation is focused on mitigation and not adaptation.

2.1.2. Food Security Policy (2006)

Its overall goal is to improve food security of the population through increasing agricultural productivity as well as diversity and sustainable agricultural growth and development.

However, basing on the fact that climate change poses considerable challenges to food security; the policy does not put in place climate change adaptation and disaster risk management interventions to ensure food security.

2.1.3. Draft National Agricultural Policy

The overall goal of the draft policy is to contribute to the attainment of national food security, poverty reduction and national economic development in line with the MGDS. The draft policy seeks to promote adaptation and mitigation technologies and interventions to minimize future adverse effects of climate change on agricultural production and rural livelihoods. Some of the proposed actions will support climate change adaptation and mitigation in agriculture. These include: Improving vulnerability assessment to provide early warning on food security; enhancing food security and

4.0 2011/2012 National Budgetary Allocation on Climate Change



Participants at the Budget Analysis Workshop
Photo taken by Jackie Nankunda

According to the recent report of 2011/2012 National Budget Analysis with focus on climate change¹, out of the total MK304 billion expenditure budget for the 2011/2012 financial year, MK90.3 billion (29.7%) was allocated to the Ministry of Natural Resources, Energy and Environment and all the eight sectors identified in NAPA, including the Greenbelt Initiative.

The report revealed that allocations to all climate change adaptation related sectors as a proportion of the national budget have been on the decrease over the last four years and that this trend is projected to continue in the next two years. Furthermore disaster risk related budget actions are crowded under the Office of the President and Cabinet Vote with only Other Recurrent Transactions resources in the budget leaving operational resources within the Non-Foreseen Vote under the Treasury. Although the allocation for the Un-Foreseen Vote has increased from MK270 million in the 2010/11 revised budget to MK1 billion in the 2011/12 estimate, these resources are earmarked for various Government's *unforeseen* circumstances including implementation of disaster response activities. However, timely response to natural disasters is usually compromised and efficiency in resource utilization is also a challenge because resources are centralized while the services are required in the rural communities.

¹See CEPA, MEJN and Christian Aid (2011), 2011/2012 Draft National Budget Analysis with Focus on Climate Change, also available on www.cepa.org.mw ;

3.2 Hyogo Framework for Action (2005-2015)

The HFA was the first plan to explain, describe and detail the work that is required from all governments to reduce disaster risks. Its goal is to substantially reduce disaster losses by 2015 by building the resilience of nations and communities to disasters. This means reducing loss of lives and social, economic, and environmental assets when hazards strike. It outlines five priorities for action, and offers guiding principles and practical means for achieving disaster resilience. The five priorities for action are: **Priority Action 1:** *Ensure that disaster risk management is a national and a local priority with a strong institutional basis for implementation;* **Priority Action 2:** *Identify, assess and monitor disaster risks and enhance early warning;* **Priority Action 3:** *Use knowledge, innovation and education to build a culture of safety and resilience at all levels;* **Priority Action 4:** *Reduce the underlying risk factors;* and **Priority Action 5:** *Strengthen disaster preparedness for effective response at all levels.* The ECRP and DISCOVER are of relevance to the HFA implementation because their major aim is to enable households build resilient livelihoods that are sustainable and profitable, incorporating natural resource management and risk management, increasing adaptive capacity and enabling vulnerable households to have a voice in decisions affecting them.

developing community-based storage systems for seed and food; improving crop and livestock production through the use of appropriate technologies; increasing resilience of food production systems to erratic rains by promoting sustainable dimba production of maize and vegetables in dambos, wetlands and along river valleys. Once finalized, it will provide a comprehensive policy direction for the agricultural sector.

2.1.4. Policy Document on Livestock (2004)

The policy aims at empowering producers and the welfare of the consumers and conserving the environment through the provision of appropriate animal husbandry, health and public health services. Some of the specific policy statements such as promotion of small ruminant production are consistent with climate change adaptation. However, these policy statements are very general and do not specifically promote small livestock as a climate change adaptation strategy

2.1.5. National water policy (2005)

The policy was revised to address issues of conservation and allocation of water resources and also, to strengthen and harmonize issues of water resources management and utilization in order to guide the country in the sustainable use of water. Considering that water-related disasters are the dominant source of all disasters, the policy does not specifically address goals and targets to reduce water-related disaster risks, most local governments in affected areas do not have adequate contingency plans or capacity to mitigate the impact of the water-related disasters. Out of the eleven districts covered by ECRP and DISCOVER, only three districts, that is Chikhwawa, Machinga and Nsanje have contingency plans.

2.1.6. National Forest Policy (1996)

The policy was adopted with a goal of sustaining the contribution of the national forest resources to the quality of

life in the country by conserving the resources for the benefit of the nation. Forests and trees are viewed in terms of providing watershed protection and enhancing water resources. While watershed protection is crucial for irrigation related to climate change adaptation strategies and disaster risk management, there are no clear strategies that have been provided for this, which would be crucial for addressing resilience at a catchment level and linking upstream with downstream communities in disaster prone areas. As the Forest Policy is being reviewed, it should consider climate change adaptation and disaster risk management issues.

2.1.7. National Energy Policy (2003)

The Policy addresses the need to promote rural electrification .The Policy provides a pathway to reducing reliance of biomass in the energy future and seeks to advance coal clean technologies to promote environmentally friendly production and distribution. The policy creates the impression that by adopting alternative energy sources and by conducting environmental impact assessments whenever an energy project is designed, climate change issues would be addressed automatically. However, explicit and comprehensive provisions for addressing climate change need to be mainstreamed in the Energy Policy, particularly promotion of renewable energy technologies such as solar and other low-cost techniques to facilitate climate change adaptation interventions

2.1.8. Draft National Disaster Risk Management (NDRM) Policy

The overall goal of the draft policy is to sustainably reduce disaster losses in lives and in the social, economic and environmental assets of communities and of the nation. The draft policy has identified six priority areas. *These include:*

3.0 International Instruments related to Climate Change Adaptation and Disaster Risk Management

3.1 United Nations Framework Convention on Climate Change

It was produced at the UNCED in 1992 to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

The treaty provides for updates (called "protocols") that set mandatory emission limits. One such protocol is the Kyoto Protocol which sets binding targets for 37 industrialized countries and the European community for reducing green house gas emissions. There have been implementation problems of the Kyoto Protocol with the argument that the obligations placed upon the developed countries in terms of both the Convention and Kyoto Protocol are too onerous and that they unfairly overburden their economies.

Malawi ratified the UNFCCC on 21 April 1994 and acceded to the Kyoto Protocol on 26 October 2001. In response to the ratification of the Convention and the Protocol, Government of Malawi has been participating in the UNFCCC negotiations through inter-sessions and conferences of parties. In addition, Government of Malawi has completed and submitted a number of reports to the Convention Secretariat. As a means to meeting the emission reduction targets, the Kyoto Protocol introduced among others a Clean Development Mechanism (CBM). CBM is a project-based mechanism which feeds the carbon market.. CBM also allows developed countries to generate "carbon credits" in developing countries. However, most developing countries such as Malawi have not benefitted from this mechanism due to inadequate capacity.

2.3 National Legislation related to Climate Change and Disaster Risk Management

2.3.1. Disaster Preparedness and Relief Act (1991)

The Act was enacted in 1991 in the wake of the Phalombe flush floods. The key provisions of the Act deal with the institutional framework for dealing with disasters such as floods, disease, food crisis and others. The Act regulates disaster management but only focuses on relief and response. It does not deal with risk management and adaptation issues for sustainable management of climate change in general and disasters in particular. The roles and participation of affected local communities are not clearly spelt out and the Act was enacted without a policy direction. The DPRA needs to be revised to incorporate guiding principles for disaster risk management including the need to strengthen coordination of disaster risk management programmes in line with the draft NDRM Policy once it is adopted.

2.3.2. Environment Management Act (EMA) (1996)

This Act provides the coordinating framework for the effective management of the environment and natural resources in Malawi. The Act entrusts the Minister responsible for environment and natural resources with the duty to promote the protection and management of the environment and the conservation and sustainable utilization of natural resources. The EMA does not specifically deal with climate change and disaster management. However, the revised draft Environment Management Bill provides for control and management of factors affecting climate change. It specifically provides for identification of activities, practices and substances that cause climate change and measures for reducing or eliminating their effects; prescribing measures for reduction of greenhouse gas emissions from any sector; prescribing measures to enhance greenhouse gas sinks; and promoting assessment and monitoring of the potential impact of climate change on the functioning of ecosystems, vegetation sinks and net carbon sinks.

mainstreaming of disaster risk reduction into sustainable development policies and planning processes at all levels of government; establishment of an effective system to identify, assess and monitor disaster risks; develop and strengthen a people-centred early warning system; building a culture of safety and resilience through knowledge, education and innovation at all levels; reduce the underlying risk factors; and strengthen the preparedness capacity for effective response and recovery at all levels.

This policy instrument once finalized will be important for enabling communities to anticipate, prepare for and respond to climate-related disasters and risks. The major obstacle that could potentially be faced in the implementation of this policy will be securing the commitment of line ministries, departments and other stakeholders to shift their focus from a preparedness, response and recovery approach to one where the focus is on integrating disaster risk reduction measures into all development policy, planning and implementation processes at all administrative levels.

2.1.9 National Gender Policy (2000)

It is not clear what policy instrument is guiding implementation of gender mainstreaming activities in the country since the Policy expired in 2005. One of the six themes of the National Gender Policy was *natural resources and environment management*. This was the theme that is closely related to both climate change adaptation and disaster risk management. NAPA proposes several interventions that target women in highly vulnerable situations. These interventions include: empowerment of women through access to microfinance to diversify earning potential; ensuring easier access to water and energy sources by drilling boreholes and planting trees in woodlots, and use of electricity provided through the rural electrification programme. Sadly, the NAPA suffers from lack of implementation due to financial constraints; therefore all the aspirations of these interventions have not yet been realized.

2.2 National Plans and Strategies related to Climate Change Adaptation and Disaster Risk Management

2.2.1. Malawi Growth and Development Strategy II (2011 - 2016)

The MGDS II identifies six broad thematic areas. Issues relevant to ECRP and DISCOVER are addressed under **Theme 3 of social support and disaster risk management**. It provides for a number of key strategies that have to be pursued in order to enhance resilience to climate risks and impacts. These include: mainstreaming climate change issues in sectoral policies, plans and programmes; reducing emission of green house gases; developing adaptation and mitigation measures to climate change related impacts and enhancing capacity for resource mobilization from bilateral, multilateral and other international donors.

2.2.2. National Adaptation Programme of Action (2006)

The NAPA seeks to increase the adaptive capacities of vulnerable communities to adverse effects of climate change. It identified 31 adaptation and prioritized them for urgency, and were categorized as high, medium or low. Five urgent activities were rated high and combined into project clusters. These include: Improving community resilience to climate change through the development of sustainable rural livelihoods; restoring forest in Upper, Middle and Lower Shire Valleys catchments to reduce siltation and the associated water flow problems; improving agricultural production under erratic rains and changing climatic conditions; improving Malawi's preparedness to cope with droughts and floods; and improving climate monitoring to enhance Malawi's early warning capability and decision making and sustainable utilization of Lake Malawi and lakeshore areas resources.

However, the NAPA suffers from lack of implementation due to financial constraints. The NAPA seems to exist in isolation of other sector policies and it also does not demonstrate the linkage between climate change adaptation and the critical area of disaster risk management.

2.2.3. National Disaster Risk Reduction Framework (2012)

It was adopted with a purpose of pursuing a proactive and integrated way of reducing risk to hazards through sustainable, innovative and realistic strategies with stronger partnership of all stakeholders. The Framework is an inspiring document that provides an effective foundation in dealing with disasters and enhancing resilience considering that there is inadequate policy, strategy and budgetary process for disaster risk management.

2.2.4. Agriculture Sector Wide Approach (2010)

It was formulated as a means for achieving the agricultural growth and poverty reduction goals of MGDS. Of relevance to climate change adaptation and disasters risk reduction are two of the focus areas of the ASWAp, namely *food security and risk management; and sustainable agricultural land and water management*. The ASWAp proposes interventions to mitigate the effects of climate change that are consistent with a number of actions envisaged in the outputs of ECRP and DISCOVER. However, the institutional arrangements and management structure for implementation of ASWAp is not very clear on how it will integrate the role of non-state actors, like would be the case of agencies and implementing partners within the ECRP. This not only limits the opportunity for non-state actors to contribute to increasing agricultural productivity but also denies them access to the financial resources under this strategy

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