

**Topic:** Governance of Adaptation to Climate Change  
**Science**

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**Embedding Adaptive Magement into the Legal Framework:  
Examples from the Netherlands**

The literature suggests that adaptive management (AM) provides a way of dealing with the uncertainties and long term perspective of adaptation to climate change. Four important elements of AM are polycentricity, participation, experimentation and a bioregional approach. Empirical research revealed however that AM is hard to introduce and sustain in practice.

This paper will focus on the role of the legal environment in supporting or frustrating the involvement of local, private parties and social learning as proposed by AM. For this purpose, four case studies have been investigated: Noordwijk, Overdiepse polder, Essche Stroom and Waterhouderij. The selection criteria were that local adaptation strategies were developed between 2000 and 2012, which represented the adaptation efforts required in the Netherlands. These adaptation efforts vary from dealing with coastal, river and flash flooding to drought and nature protection. As a consequence of this selection, the legal framework is similar for each case study. The case studies were analysed on the basis of the applicable laws and case law, policy documents and interviews.

An interesting observation is that public authorities involve the public, but at different time scales. Under Dutch law, the authorities have to involve the public when a plan is presented. Yet where an innovative adaptation strategy was developed, local stakeholders played an active role when problems were defined and solutions were sought. The legal rules for the development of adaptation strategies are not hindering but also not promoting such early involvement. A remarkable finding is that the challenge of adaptation to climate change can result in new configurations of public and private responsibilities. However, then it becomes a challenge to make private involvement and these innovative adaptation strategies fit within the applicable rules. Thus, the legal framework frustrates rather than promotes realizing AM. The investigated cases each present different solutions for this problem.