

Chapter 10

TUVALU

Every new government brings a new strategy to the problem of climate change in Tuvalu but the issue remains the same:

Our fragile and highly vulnerable atoll environment makes us among the first nations to disappear under the rising seas. Thus, we seek a greater degree of security not only from climate change but also disaster by increasing our adaptive capacity through an increased level of financing from global climate funding sources and high-tech innovative development measures.

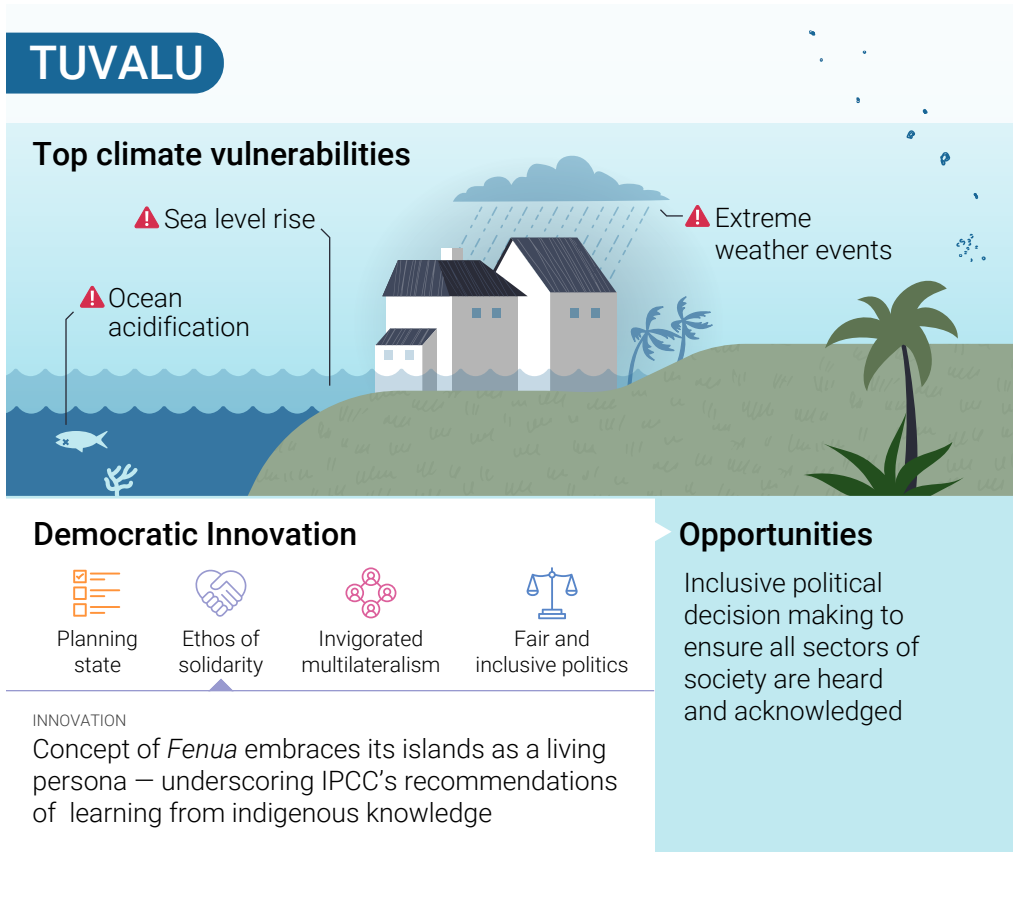
(Government of Tuvalu, 2020a: 4)

10.1. INTRODUCTION

Tuvalu is located in the Central Pacific Ocean. It has a total land area of 25.1 square kilometres and a population of approximately 11,000. Tuvalu is a constitutional monarchy with the British King as its Head of State and a Governor General as the monarch's representative (Government of Tuvalu, 2020b). Freedom House (2021) describes Tuvalu as a parliamentary democracy that has 'regular, competitive elections' and 'generally [upholds]' civil liberties. However, it also notes 'ongoing problems' with, among other things, the absence of anti-discrimination laws to protect women and LGBTIQ+ people (Freedom House 2021).

Tuvalu is the conjoining of two words—*Tu*, meaning 'stand' or 'culture', and *valu*, meaning 'eight' or 'the act of scrapping something'. Tuvalu

Figure 10.1. Tuvalu



is usually described as ‘eight standing united’ to signify the eight islands of Tuvalu but has also been described as the conjoining of eight cultures (Apinelu 2022: 142). Despite the fact that there are nine islands, this is accurate as only eight cultures or island customary practices underpin what are formally and informally recognized as the islands of Tuvalu.

Tuvalu was made a British Protectorate in 1892, before forming part of the Gilbert and Ellice Islands Colony in 1916. In a period characterized by global decolonization, Tuvalu separated from Kiribati in 1976 and became an independent nation on 1 October 1978. It became a member of the United Nations on 5 September 2000. Its

population is predominantly Tuvaluan but also comprises minority races. English is the official language of schools and government but Tuvaluan is the official language for formal and everyday communications on the islands.

As a by-product of British colonization, Tuvalu's formal governance system is greatly influenced by the British Westminster tradition. At the national level, every island of Tuvalu is represented in parliament, and each island has two seats regardless of population. Tuvalu's parliament is unicameral with equal representation from the eight islands. The member of parliament able to command majority support from the other members becomes the Prime Minister. The Speaker is elected by the members and any member who does not support the Prime Minister becomes a member of the opposition.

Unlike other Westminster systems, Tuvalu does not have an established party system. However, the eight cultures that underpin Tuvalu's democracy play a very similar role and effectively constitute a Tuvalu indigenized party system. Each of the eight islands of Tuvalu has its own local governance system, referred to as the *Falekaupule*. The *Falekaupule* occupies a similar role to the Parliament of Tuvalu and its *Kaupule*, or executive arm, plays a similar role to that of the national government. The *Falekaupule* system is governed by the *Falekaupule Act 1997* and is authorized to conduct its operations in accordance with the local custom and usage of each island, or *aganu*. The law also recognizes that each island has powers not included in the 1997 Act.

This fusion of Indigenous governance and understanding with the traditions of a constitutional monarchy presents its own challenges, as well as elements deserving of praise. Where the formal legal and parliamentary system might not be equipped to oversee the behaviour of political leaders, Indigenous island governance is always watching and putting them to the test. Parliamentarians fully appreciate that they are ultimately answerable to the *Fenua*, a concept that cannot be simply defined. While this concept is shared among most Pacific Island nations, it is experienced differently: 'In Samoa it is the *Fanua*, *Enuu* in the Cook Islands, *Fonua* in Tonga, *Whenua* in Māori, *Hanua* in PNG and *Vanua* in Fiji'. *Fenua* encompasses the physical islands but, more importantly, constitutes

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its living persona and its interconnectedness with the living and evolving environment, around which the eight islands of Tuvalu have their own unique interconnectedness with *Fenua* (Apinelu 2022). A solid understanding of Tuvaluan society and culture is needed to contextualize the challenges presented to and the governance approaches taken by Tuvalu's leaders in response to matters such as climate change.

Tuvalu is an archipelago of nine islands that is barely noticeable on the descent from a two-hour flight from north-east of Fiji, bound for the island of Funafuti, which is the capital. The nine coral islands lie between 5 and 11 degrees south of the equator and just west of the International Date Line (Apinelu 2022). It is easily possible to walk the length or breadth of any island in less than a day. The islands have a 'combined land area of 26 km² and are surrounded by 1.3 million km² of ocean, including an Exclusive Economic Zone of 719,174 km² (Government of Tuvalu 2015; see also Government of Tuvalu 2021a). Notably, the highest point on any of the islands is about three metres above sea level (Government of Tuvalu, 2012, 2020b). Tuvalu's eight self-governing islands are Nanumea, Nanumaga, Niutao, Nui, Nukufetau, Funafuti, Vaitupu and Nukulaelae. Niulakita, the most southerly of the group of islands, is administered as part of the northern island of Niutao. Travel between the islands is conducted largely by boat. It takes approximately 5–8 hours to travel from the capital, Funafuti, to the central and southern islands, and about 12 hours to reach the northern islands.

The people of Tuvalu enjoy relative freedom and opportunities to voice dissent in the civic space available to them. The CIVICUS Monitor rates Tuvalu as 'open' (CIVICUS Monitor n.d.a), which means that the state 'enables and safeguards the enjoyment of civic space for all people', including the online space, where content is considered to be 'uncensored' and government information is readily available (CIVICUS Monitor, n.d.b).

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10.2. CLIMATE VULNERABILITY

The outlook for Tuvalu's climate has long been precarious. A 2019 special report by the Intergovernmental Panel on Climate Change

(IPCC) clearly states that, if global greenhouse gas emissions are not reduced, the world will become dangerously warmer and global temperatures will easily exceed 1.5°C above pre-industrial levels by 2030 (IPCC 2018). This IPCC prediction constitutes a ‘climate crisis’ for Tuvalu—a term that was accepted by Pacific Island Forum Leaders as depicting the reality for Tuvaluans, and is reflected in Tuvalu’s National Climate Change Policy 2020–2030 (Government of Tuvalu, 2021a).

Tuvalu features in the ‘low’ category on the University of Notre Dame’s ND-GAIN Index. Together with a handful of other countries, Tuvalu is not ranked in the Index because the data required to determine a ranking is not available. Tuvalu does not have a vulnerability rating for the same reason, although it does have a readiness rating of 28 which places it above other Pacific Island nations, as the next country from the region featured is Kiribati at 76 (University of Notre Dame 2022a). In its analysis of Tuvalu, the ND-GAIN Index indicates that Tuvalu is particularly vulnerable to projected changes in cereal yields, and reduced ‘access to improved sanitation facilities’ and numbers of medical staff. It also lacks ‘engagement in international environmental conventions’ (University of Notre Dame 2022b).

Climate change has affected Tuvalu to the extent that it has become the number one challenge for Tuvaluan leaders in government and religious organizations; the latter occupy a key role in this space. Climate change in Tuvalu is approached as an existential threat. As a Small Island Developing State, the most pressing challenge arises from extreme exposure to climate change, natural disasters and climate-change-induced weather events. Tropical cyclones Pam (2015) and Tino (2020) are stark reminders of the cyclones that frequently affect Tuvalu’s low-lying islands and have become a popular theme in everyday prayer for Tuvaluans.

Increases in sea levels also cause major problems with coastal erosion, particularly in relation to dwindling land areas and shifting boundaries, which increasingly result in land disputes. These land disputes have been exacerbated by the effects of Covid-19 on food security, as Tuvalu has been increasingly required to rely on domestic resources for food production. Agricultural products, such as *pulaka* (a native root crop), coconuts, bananas and pandanus

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fruits, are important sources of food for Tuvaluans, and are now being threatened by climate change and other factors (Ralston, Horstmann and Holl 2004). Marine biodiversity has also been affected by increasing ocean acidification in Tuvalu's territorial waters (International Climate Change Adaptation Initiative 2014).

10.3. CLIMATE CHANGE AND DEMOCRACY

Tuvalu adheres to key international treaties on climate change and is active in the regional and international arena addressing the climate change crisis. Tuvalu signed and ratified the Kyoto Protocol on 16 November 1998, the United Nations Framework Convention on Climate Change (UNFCCC) as a non-Annex I party in March 1994 and the Paris Agreement on 22 April 2016. Although faced with many challenges, Tuvalu maintains a commitment to implementing its treaty obligations domestically and regularly attends the UNFCCC Conference of the Parties (COP) and regional/international climate action talks. The major challenges affecting Tuvalu's engagement with international conventions are its regular changes in government, resulting in varying priorities, and its limited resources.

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Tuvalu's Constitution does not explicitly address climate change but there are certain mechanisms in the Constitution for addressing a climate-related crisis, as demonstrated by the declaration of a 'State of Emergency' during Cyclones Pam and Tino, and in relation to Covid-19. Legislation that deals directly with climate change includes the Climate Change Resilience Act, 2019 and the Climate Change and Disaster Survival Act, 2015. Both Acts address internationally agreed areas of climate change relevant to Tuvalu.

The national government has adopted innovative measures to address the impact of climate change in Tuvalu. At COP 26 in November 2021, it signed an agreement with Antigua and Barbuda, which established the Commission of Small Island States (COSIS) on Climate Change and International Law (Caribbean News Global 2021). The principal role of the Commission, as stated in article 1(3), is:

[T]o promote and contribute to the definition, implementation, and progressive development of rules and principles of international law concerning climate change, including, but not limited to, the obligations of States relating to the protection and preservation of the marine environment and their responsibility for injuries arising from internationally wrongful acts in respect of the breach of such obligations. (Commonwealth Foundation 2021: 3)

This is an additional and complementary measure to those taken in the international sphere, with a view to ensuring that the voices of the people and countries most vulnerable to climate change are heard. In Tuvalu's dealings with the international community, it aims to utilize and enhance Indigenous ways of sharing and reciprocity, the neighbourhood principle and the culture of shared duties, responsibilities and obligations as a guide to international engagement.

Tuvalu has developed the *Tou Ataeao Nei* or Future Now Project, which considers ways of safeguarding its future survival as a nation, in response to the impact of climate change and rising sea levels. The project seeks to ensure that Tuvalu's maritime boundaries, regardless of any rise in sea levels, have perpetual recognition as the sovereign nation of Tuvalu.

Beyond the government sphere, the *Falekaupule*, NGOs and civil society groups are engaged in addressing the challenges and impact of climate change. The *Falekaupule* is defined in the Falekaupule Act 1997 as the islands of Tuvalu, as well as the governing authorities of the eight islands of Tuvalu according to custom. As a governing authority, the *Falekaupule* of each island differs from the others according to its customary practices. *Falekaupule* is better understood locally as *Fenua*, which as noted above is not easily defined. The attempt to defined it in law has brought its own challenges, and most people do not really understand how the Falekaupule Act has defined *Falekaupule*.

Nonetheless, the *Falekaupule* as defined in the Falekaupule Act manages all development activity on the islands, including the marine resources within each island territory. NGOs and civil society

groups such as the Tuvalu Climate Action Network (TUCAN) are the most active in climate change advocacy. Others, such as the Tuvalu Family Health Care Association (TuFHA), the Everyone Matters Project, which assists those who have fallen through gaps in the educational system, and the Live and Learn Project for food security, provide much needed assistance in terms of health, food security and educational outreach to sectors of the community not necessarily served by national and local government. Ekalesia Kelisiano Tuvalu also plays a significant role in addressing climate change issues in Tuvalu and abroad.

The role of the courts in relation to climate change issues has not been properly analysed. At the international level, as noted above, the governments of Tuvalu, and Antigua and Barbuda signed an agreement establishing the COSIS on Climate Change and International Law. The Commission is registered with the UN and is authorized to request advisory opinions from the International Tribunal for the Law of the Sea (ITLOS) on the legal responsibility of states for carbon emissions, marine pollution and rising sea levels. This joint initiative aims to develop and implement fair and just global and environmental norms and practices, which would include compensation for loss and damage (Government of Tuvalu 2021b).

National and local government are competing for the same resources to address climate change.

10.4. IMPACT OF THE CLIMATE CRISIS ON DEMOCRACY AND POSSIBLE RESPONSES

The power struggle between the *Falekaupule* and the national government is a notable and significant effect of climate change. Coastal erosion, flooding, salt water intrusion, drought, and powerful and destructive winds are a climate change certainty for Tuvalu (TCAP 2017), but there is no clear framework for demarcating ownership of major national resources. National and local government are competing for the same resources to address climate change. Rather than opt for development plans reached through consultation with the islands, the national government might be more inclined to exert increasing authority over the islands through control of the legislative agenda. This course of action would run counter to notions of fair and inclusive political processes and increase the risk of civil unrest.

A coordinated, balanced and integrated approach to climate action is required. Tuvalu is a fragile and vulnerable atoll nation with an elevated and very real risk of disappearing under the rising seas (Government of Tuvalu, 2020a). It is therefore crucial that Tuvalu develop and implement plans to mitigate and adapt to the impacts of climate change. Adopting such an approach will have the added benefit of assisting international donors to see where climate finance should be directed to facilitate implementation of mitigation and adaptation plans. The 10-year National Strategic Plan, *Te Kete*, is an example of the Tuvalu Government's efforts to plan for and address climate change. It deals with issues such as insecurity, instability and inequality, and promotes five key strategic actions:

1. Develop a long-term national adaptation strategy, including a staged land reclamation programme addressing the worst-case scenario of sea levels in Tuvalu rising by one metre by 2100.
2. Secure more funding from global climate financing facilities.
3. Strengthen access to labour mobility schemes.
4. Develop effective frameworks for disaster risk and resilience management.
5. Implement a land rehabilitation and reclamation framework that is resilient to sea level rise and climate change impacts.

If Tuvalu's national climate policies are to address climate change successfully, they will need to be more inclusive and gender neutral, enabling the contributions and development of women as island leaders (Cordenillo 2017). To facilitate this process, the government should be encouraged to provide better pathways for women to enter parliament. Similarly, in the absence of local government initiatives, it should legislate to ensure that women are adequately represented in *Falekaupule* meetings. Gender should not be a barrier to political participation. Women are an integral part of Tuvalu's community and will be directly affected by the impact of climate change. They should therefore be included in decision making on the development and implementation of policies to combat its effects. The call for a global effort to combat climate change must be applied equally at all levels of the community to ensure that the process is inclusive and reflects the differential impacts of the crisis (United Nations Climate Change 2023).

If Tuvalu is to drive effective climate change policies internationally and nationally, it must prioritize finding an appropriate place for Indigenous *Falekaupule* governance in its Westminster system of government. Existing laws do not embrace the totality of Indigenous governance. The system would benefit from championing local climate change initiatives, with the national government perhaps being better placed to participate in the international climate change discourse. Maintaining a good working relationship between the Indigenous and national levels of governance will be fundamental to ensuring that Tuvalu is equipped, at all levels of society, to address the impact of climate change.

Tuvalu will need to address its governance issues if it is to mount an effective response to the challenges posed by the climate crisis.

10.5. CONCLUSION

In addition to Tuvalu's climate vulnerabilities, climate change has also exposed the vulnerabilities in Tuvalu's system of governance. Tuvalu will need to address its governance issues if it is to mount an effective response to the challenges posed by the climate crisis. Finding a proper place in Tuvalu's democracy for Indigenous and Westminster-style governance to coexist and operate with fewer tensions will be a positive and necessary step towards addressing Tuvalu's climate change challenges. The politics of climate change in Tuvalu should focus on the local, national and international processes directed at mitigating and adapting to the effects of climate change. Political decision making must be inclusive and ensure that all sectors of society are heard and acknowledged. A multi-tiered approach will be essential to managing the climate crisis, while also maintaining and further developing the practice of democracy in Tuvalu.

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