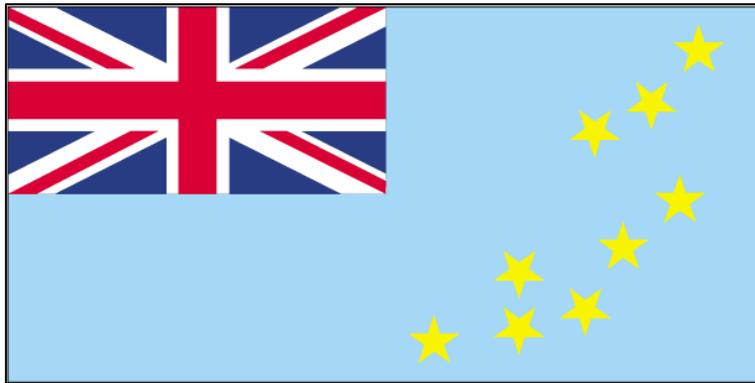


CLIMATE CHANGE LEGISLATION IN

TUVALU

AN EXCERPT FROM

The 2015 Global Climate Legislation Study A Review of Climate Change Legislation in 99 Countries



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Tuvalu

Legislative Process

Tuvalu is a parliamentary representative democratic monarchy, with Queen Elizabeth II as head of state, represented by a Governor General, and the Prime Minister as head of government. The current constitution was enacted in 1986 and amends a previous constitution adopted in 1978 upon independence. As there are no political parties, Tuvalu is a de facto non-partisan democracy.

The unicameral parliament follows the Westminster system of representative democracy, and has 15 members, each elected for a four-year term. The Prime Minister and Speaker of the Parliament are elected by these 15 members by secret ballot. Two members of parliament are elected by each of the seven larger islands (Funafuti, Nanumanga, Nanumea, Niutao, Nui, Nukufetau, Vaitupu) and one member of parliament is elected by Nukulaelae. The smallest island of Niulakita is represented by the members elected for Niutao. Up to half of the members of parliament, including the Prime Minister may be appointed to cabinet. The most recent general election was held in 2010, with the next due to be held in late 2014.

The legal system combines acts voted into law by the Parliament (and associated statutory instruments), acts passed by the Parliament of the United Kingdom during the period in which Tuvalu was a British protectorate (1892-1916) or a British colony (1916-1978), common law and customary law. The latter is related particularly to land ownership.

Proposed laws are called bills and may be introduced in parliament by any member. After the session at which the bill was introduced, at the next session of parliament the bill has its first reading, after which the Clerk of Parliament circulates the bill to all local governments (known as Kaupule, the island council or executive branch of the Falekaupule, the traditional assembly of elders present on each island of Tuvalu), for consideration and comment. Exclusions to this procedure include appropriation bills or bills certified by the Prime Minister upon the advice of the cabinet to either be urgent or not of general public importance. Bills are passed through a majority vote where, excluding no confidence motions and constitutional amendments, the speaker has a casting vote. Upon presentation to the Head of State, bills are required to be promptly assented to, and subsequently become Acts of Parliament. Policies, action plans and strategies are written by the relevant government departments (often in conjunction with international organisations to provide capacity support) and then become guiding documents for government policy once signed off by the relevant minister.

Approach to Climate Change

Tuvalu, the fourth smallest nation in the world in terms of land area and highly reliant on foreign aid, is often presented as an emblematic example of vulnerability to climate change. As a group of low-lying small islands, important adaptation issues include sea level rise, drought, flooding, saltwater intrusion and coastal erosion. Subsequent identified concerns include agricultural productivity (e.g. saltwater intrusion decreasing fruit tree yields) and increasing damage to productive land and property from extreme weather events. As the country is so low-lying (all of Tuvalu's nine islands are less than five metres above mean sea level and the average elevation is one metre), it faces particularly extreme risk from tropical cyclones and tsunamis, as well as other impacts of sea level rise such as inundation. For example, Funafati, where nearly half of the population of approximately 10,000 people live, is highly vulnerable to storm surges and inundation as it is on average less than 100m wide.

Tuvalu has already had to import freshwater and establish emergency desalination plants to provide water in the face of drought, and sea level rise has been measured at 5mm per year since

1993. Accordingly, it is very active at the international level in encouraging concrete action to mitigate climate change and has made several calls for the inclusion of high-emitting countries such as China into the UNFCCC process and the establishment of a second commitment period for the Kyoto Protocol. It is also extremely vocal about the need for developed countries to support less developed countries to fund adaptation projects.

As well as specific actions to encourage mitigation and adaptation locally and internationally, the government is also concerned about climate change posing a threat to Tuvalu's continued physical existence, and the possibility that the population will need to be relocated. As a result, one of the goals of its key climate change policy implementation document, the National Strategic Action Plan for Climate Change and Disaster Risk Management is to guarantee the security of the people of Tuvalu from the impacts of climate change and maintain national sovereignty. Specific actions include determining the point of forced migration/relocation, conducting a feasibility study on the costs of relocation, and developing a climate change migration/resettlement plan (in consultation with possible host nations, if appropriate) for each island in view of climate change impacts. Both Australia and New Zealand have examined the policy implications of accepting entire displaced populations, including that of Tuvalu, and in mid-2014 a family from Tuvalu was granted New Zealand residency on humanitarian grounds tied to the claim that they would be unduly affected by climate change if they were forced to return to their home country.

Tuvalu ratified the UNFCCC in 1993 and signed and ratified the Kyoto Protocol (as a non-Annex I country) in November 1998. It provided its initial national communication under the UNFCCC in 1999 and is currently preparing its second national communication with the support of the UN Global Environment Facility. It is a member of the Alliance of Small Island States and participates in the operations of the Secretariat of the Pacific Regional Environment Programme, such as the Pacific Adaptation to Climate Change project.

The Ministry of Natural Resources, Energy and Environment is the main government ministry responsible for climate change. Within the ministry, the Department of Environment oversees a Climate Change Unit. In January 2014 a National Advisory Council on Climate Change was launched by the Prime Minister to provide advice on how to effectively co-ordinate a whole of government response to the challenges of climate change, known as the National Climate Change Response Process. The main functions of the National Advisory Council on Climate Change are to identify actions or strategies to achieve energy efficiencies, to increase the use of renewable energy, to encourage the private sector and NGOs to reduce GHG emissions, to ensure a whole of government response to adaptation and climate change-related disaster risk reduction, and to encourage the private sector and NGOs to develop locally appropriate technologies for adaptation and climate change mitigation.

Two main documents, both published in 2012, drive climate change policy in Tuvalu – Te Kaniva: Tuvalu National Climate Change Policy, and the National Strategic Action Plan for Climate Change and Disaster Risk Management (NSAP). Both were prepared by the Department of Environment. The NSAP recommended that the National Climate Change Advisory Committee and the National Disaster Committee should merge to co-ordinate and drive the plan's implementation. The merged committee is known as the National Strategic Action Plan Co-ordinating Committee and is supported by a specific NSAP Management Team within the Department of Environment.

Energy supply

Tuvalu is largely reliant upon fossil fuels imported by BP to provide electricity and transport fuel, but it has committed to source 100% of its electricity from renewable energy sources by 2020, 95% using solar photovoltaics (PV) with the remaining 5% from biodiesel.

The country has eight power stations powered by diesel-based generators. The Tuvalu Electricity Corporation (TEC), which is 100% state-owned, has exclusive rights to supply electricity. Solar installations are increasing. An installation on the island of Niulakita accounting for 3% of annual

household consumption was commissioned in 2009, while an installation on the roof of the Tuvalu Sports Ground supplies 5% of the electricity demand of Funafuti, the capital. This installation was funded predominantly by the Kansai Electric Power Company from Japan, and which aimed to provide a small-scale model of solar power that could be scaled up to meet the entire country's electricity needs. The government has recently entered into agreements with the United Arab Emirates, the European Union and New Zealand to provide financing to support the transition to solar power. Feasibility studies for wind energy have also been carried out, for example by the Danish-funded Pacific Islands Energy Policy and Strategic Action Planning project.

Energy demand

Growth in the land transport and electricity sectors is estimated at approximately 3-4% over the next 10 years. With the support of the New Zealand government, a Renewable Energy and Energy Efficiency Unit (REEEU) within TEC was established in 2012. The REEEU aims to help Tuvalu reduce its dependence on imported diesel, reduce carbon emissions, improve the efficiency of power generation and supply, increase the operational effectiveness of the TEC, and develop a plan for infrastructure development to increase solar and wind power. Tuvalu also participates in the Pacific Islands Greenhouse Gas Abatement through Renewable Energy Project. Recent project components include a study of electricity tariff reform and training TEC staff on the technical operation and maintenance of a grid-connected solar PV system.

Transportation

Tuvalu's nine atolls are distributed across nearly 1m km² of territorial waters yet no internal air service exists, and only two flights per week operate from Funafuti to Suva in neighbouring Fiji. There is a small road network of less than 20 km and in 2007 there were 250 vehicles registered in Tuvalu. All fuel for motor vehicles, air and ferry services is imported and the key areas of focus for transport policy are ensuring fuel conservation and efficiency in energy use, as well as promoting public awareness about good transport management practices such as vehicle tuning.

REDD+ and LULUCF

Tuvalu participates in REDD+ readiness initiatives, such as those co-ordinated by the Secretariat of the Pacific Community and the German International Co-operation (GIZ), and is an active participant in UNFCCC negotiations on LULUCF rules. No REDD+ projects have yet been formally established in Tuvalu; however, previously under REDD, Tuvalu proposed a Forest Retention Scheme to provide incentives to communities for protecting and retaining forests. There were three components to this proposed scheme: a Community Forest Retention Trust Account; Forest Retention Certificates and an International Forest Retention Fund to provide funding for communities to set aside forest areas or to manage them in a sustainable manner. Communities could draw on a prescribed percentage of their own trust account, to establish measures to combat and reduce deforestation and degradation.

Adaptation

Tuvalu actively participates in both adaptation at the nation-state level and encouraging international co-ordination on adaptation activities. Locally, the 2012 National Strategic Action Plan for Climate Change and Disaster Risk Management (NSAP) identifies 141 specific actions to bolster adaptation and better prepare for disaster. Projects include increasing water storage capacity on four of Tuvalu's islands with the help of the United Nation Development Programme's Least Developed Countries Fund and AusAID, as well as work carried out by the Tuvalu Association of Non-Governmental Organizations, a network of grassroots NGOs, on initiatives such as environmental awareness campaigns and tree-planting projects. A national water policy is also being developed.

Internationally, in 2008 Tuvalu presented an International Blueprint on Adaptation to the UNFCCC Bali COP which argues for predictable and adequate international funding instruments to support adaptation in less developed countries. Tuvalu has spoken publicly about the challenges of

receiving development funding for adaptation projects, such as from the UN Kyoto Protocol Adaptation Fund.

Tuvalu: Legislative portfolio

Name of law	Environmental Protection Act (Revised edition, CAP. 30.25)
Date	18 August 2008
Summary	<p>The Act provides an overarching legislative framework for environmental protection and sustainable development. It specifically addresses pollution, Tuvalu’s obligations under international law, environmental impacts, biodiversity and natural resources, and waste management. It enables the appointment of a Director of Environment and Environment Officers and outlines the process by which the Minister, from time to time, may convene a National Environmental Forum for the purposes of considering any environment-related matter of national importance and providing advice back to the Minister. It states that all persons and agencies with responsibilities under the Act are to apply the precautionary principle.</p> <p>The Act includes a short section on ‘Responses to Climate Change’, which states that each Kaupule (the island council or executive branch of the Falekaupule, the traditional assembly of elders present on each island of Tuvalu), in conjunction with other Departments and relevant international agencies, and through the involvement of the community, shall formulate, apply and implement strategies and programmes to:</p> <ul style="list-style-type: none"> • Raise the level of understanding throughout the world about the implications of climate change, and activities which contribute to climate change, on Tuvalu and the future of its people; • Promote understanding about the causes and implications of climate change; • Address the effects of climate change within Tuvalu on its water resources, coastal areas, lands and land usage, food security, biodiversity, fisheries, economic welfare, public infrastructure and its vulnerability to natural disasters; • Implement programmes and facilitate projects to protect its water resources, coastal areas, mangroves, lands, biodiversity, fisheries and public infrastructure, and to contribute to the health well-being and livelihoods of Tuvaluans; and • Participate in international conventions and forums with a view to obtaining the fullest possible assistance to address the implications of climate change and undertake adaptation initiatives. <p>Any regulations made under the Act (such as the above Environment Protection (Environment Impact Assessment) Regulations) may provide for any matter associated with the response to climate change, including the protection and conservation of fresh water, drought prevention and response, and public infrastructure.</p>

Name of law	National Disaster Management Act (Revised edition, CAP. 20.38)
Date	01 January 2007
Summary	<p>The National Disaster Management Act defines a disaster and specifies that the Minister responsible to the Cabinet for disaster-related matters shall ensure that adequate measures are taken by the government for disaster mitigation, preparedness, response and recovery. It establishes a National Disaster Committee whose function is to advise the Minister on these issues and coordinate government and non-government agencies in response to disasters. The Act also establishes a National Disaster Management Office which will act as the body responsible for carrying out disaster management in Tuvalu and a National Disaster Preparedness Working Group within the office. It also establishes Island Disaster Committees on each island excluding the Funafati Falekaupule and outlines the procedures to declare a state of emergency</p> <p>The Act specifies that a National Disaster Plan is to be drawn up to:</p> <ul style="list-style-type: none"> • Define the action to be taken to deal with disasters in Tuvalu, covering all national land and sea areas; • Cover requirements for disaster mitigation, preparedness, response and recovery; and • Set out the roles and action to be taken by government and non-government agencies.

Tuvalu: Executive portfolio

Name of Policy	Te Kaniva: Tuvalu National Climate Change Policy
Date	2012
Summary	<p>Te Kaniva (referring to the traditional travelling method of using stars and daily weather patterns to navigate) outlines the strategic policies for responding to climate change impacts and related disaster risks for the period 2012-2021. It was co-ordinated by the Ministry of Foreign Affairs, Trade, Tourism, Environment and Labour, in collaboration with numerous other government agencies, and with the support of the Secretariat of the Pacific Regional Environment Programme, the Applied Geoscience and Technology Division of Secretariat of the Pacific Community, and the UNDP.</p> <p>It defines seven thematic goals, each containing detailed strategies and subsequent expected outcomes. The goals are:</p> <ul style="list-style-type: none"> • Strengthening adaptation actions to address current and future vulnerabilities; • Improving understanding and application of climate change data, information and site specific impacts assessment to information adaptation and disaster risk reduction programmes; • Enhancing governance arrangements and capacity to access and manage climate change and disaster risk management finances; • Developing and maintaining infrastructures to withstand climate change impacts, climate variability, disaster risks and climate change projection; • Ensuring energy security and a low carbon future for Tuvalu; • Planning for effective disaster preparedness, response and recovery; and • Guaranteeing the security of the people of Tuvalu from the impacts of climate change and the maintenance of national sovereignty. <p>Specific implementation, monitoring and evaluation arrangements are outlined in the National Strategic Action Plan for Climate Change and Disaster Risk Management (below).</p>

Name of Policy	National Strategic Action Plan for Climate Change Adaptation and Disaster Risk Management 2012-2016
Date	2012
Summary	<p>NSAP is the implementation plan for Te Kaniva and was also co-ordinated by the Ministry of Foreign Affairs, Trade, Tourism, Environment and Labour. As a five-year action plan, it is intended to be revised at the mid-point of the Te Kaniva period and adjusted accordingly. The NSAP identifies 141 specific actions to meet the seven thematic goals outlined in Te Kaniva, as well as realising the target of 100% electricity generation through renewable energy technologies first outlined in the 2009 National Energy Policy and specifies the responsible agencies and the total expected costs of achieving these actions. The actions include:</p> <ul style="list-style-type: none"> • Develop nurseries to nurture selected food crop and tree species that are salt and heat tolerant; • Develop legislation for the Meteorological Services; • Conduct training for all eight island Kaupule on integrating climate change and disaster risks into Island Strategic Plans; • Establish building code for climate resilient housing; • Review and/or develop enabling legislation and regulations to promote and enforce energy efficiency and renewable energy opportunities; • Review fire safety in all schools, hospital, power stations, key offices and conduct relevant training on equipment use and maintenance; and • Review and amend Tuvalu's constitution and relevant legislation to address Tuvalu's sovereignty of its EEZ (exclusive economic zone) regardless of projected impacts of climate change. <p>It also recommends a new National Strategic Action Plan Co-ordinating Committee be established to oversee the implementation of the NSAP.</p>

Name of Policy	National Energy Policy
Date	May 2009
Summary	<p>The Policy identifies three main energy policy considerations:</p> <ul style="list-style-type: none"> • Adequate, secure and cost-effective supply; • Efficient utilisation to avoid wasteful or non-productive energy consumption; • Minimising the negative impacts of energy production, transportation, conversion, utilisation and consumption on the environment. <p>The policy is divided into seven key areas: energy sector planning, co-ordination and management; petroleum; transport; electricity; renewable energy; energy conservation and efficiency; and environment. It outlines a goal for Tuvalu of 100% renewable energy by 2020, namely solar, wind and biofuels, and estimates a total cost of achieving this of \$20 million. To achieve this goal it suggests, among other strategies, reviving a national solar energy company that ceased operations due to management issues and calls for energy efficiency measures in all sectors. The policy also aims to reduce dependence on petroleum products by encouraging fuel conservation and actively searching for alternatives.</p>

Name of Policy	National Action Plan to Combat Land Degradation and Drought
Date	July 2006
Summary	<p>This plan was devised as a response to Tuvalu’s concern regarding degradation of its habitats and current predicted shortages of water connected with increasing population and the effects of climate change. The Plan specifies seven major causes of land degradation:</p> <ul style="list-style-type: none"> • Lack of land use planning (specifically related to a road project on Funafuti); • Sea level rise; • Drought and bush fires; • Unsustainable agricultural practices; • Unsustainable development activities (seawalls and boat ramps); • Unsustainable use of watershed (extraction of materials from the foreshore leading to accelerated coastal erosion and loss of land); and • Uncontrolled waste disposal <p>It then outlines six projects to be implemented:</p> <ul style="list-style-type: none"> • Water management: Northern Islands Rainwater Catchment Enhancement Project; • Community tree care: Tuvalu Community Tree Care Project; • Developing national environmental protection legislation: Development of National Environmental Protection Act with provisions for environmental impact assessment and regulations related to sustainable land management; • Water catchment development (Funafati): Funafati Airstrip Water Catchment Development Project; • Protected area survey: Tuvalu Land-Based Protected Area Survey Project; and • Integrated solid waste management: Integrated Solid Waste Management Project (Funafuti).

Name of Policy	Te Kakeega II National Strategy for Sustainable Development
Date	November 2005
Summary	<p>Te Kakeega II (2005 – 2015) is Tuvalu’s National Sustainable Plan. It is the end result of a large national public discussion on the future development of Tuvalu that culminated in a National Summit on Sustainable Development, held in July 2004. In the strategy, environmental sustainability is recognised as critical to meeting the Millennium Development Goals, with particular emphasis on funding and technical assistance to adapt to the impacts of climate change and sea level rise.</p> <p>It is organised into a framework of eight strategic areas the country should focus on:</p> <ul style="list-style-type: none">• Good Governance;• Macroeconomic Growth and Stability;• Social Development: Health, Welfare, Youth, Gender, Housing, and Poverty Alleviation;• Outer Island and Falekaupule Development;• Employment and Private Sector Development;• Human Resource Development;• Natural Resources: Agriculture, Fisheries, Tourism, and Environmental Management;• Infrastructure and Support Services <p>Underneath these eight strategic areas are key policy objectives, and underneath these are specific priorities and strategies. Detailed under the strategic area of Natural Resources, mitigating climate change-related agricultural impacts and minimising climate change impacts on the environment in general are highlighted as key policy objectives. Specific priorities and strategies are to establish national climate change adaptation and mitigation policies, and to encourage international adoption of Multilateral Environmental Agreements, including the Kyoto Protocol.</p>

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