

MOBILIZING FOR CLIMATE JUSTICE:

From a Classroom in the Pacific to the World Court.

Vanuatu, a small island nation in the Pacific, has been at the forefront of the struggle to address the impacts of climate change. As early as 1991, Vanuatu demanded industrialized countries to pay for the perpetual “loss and damage” caused by climate change to developing countries, such as harm brought about by severe storms hitting Vanuatu with increasing frequency.

Climate justice activists in Vanuatu mobilized with renewed vigor in 2015 when a Category 5 storm, Cyclone Pam, struck the island. I had just joined the University of the South Pacific as a law lecturer when I witnessed the devastation brought about by this climate disaster: surrounded by a campus scattered with debris, uprooted trees, and parts of buildings, I taught my first class with feet in floodwater.

As part of the class, students wrote essays about reparations for climate harm under international law. At the same time, the government of Vanuatu started to explore legal options for addressing loss and damage. Four years and several cyclones later, law students in Vanuatu resolved to take action to protect the livelihoods, cultures, and ecosystems of the Pacific region. Deciding to vest their hopes in the power of international law to hold more industrialized countries accountable for their contributions to the problem, the students lobbied Vanuatu’s government to pursue an advisory opinion of the International Court of Justice (ICJ). The climate crisis should be addressed, they said, by shifting the focus from purely economic concerns and the rights of polluting industries to the protection of the rights of present and future generations. They worked tirelessly and built support for their idea, reaching out to other Pacific Island countries and establishing a global

youth movement in support of the initiative.

Their efforts paid off. In 2019, Vanuatu's foreign minister, Ralph Regenvanu, met with the students, praising their campaigning as "visionary and ambitious." Later that year, at the United Nations General Assembly, Vanuatu's then-Prime Minister, Charlot Salwai, embraced the initiative, announcing that Vanuatu would build a global coalition comprised of climate-vulnerable nations with the aim of requesting an advisory opinion from the ICJ on climate change and human rights. Despite the fact that a majority of the UN's member states remained to be convinced for any such request, this was a milestone. An intense diplomatic campaign followed, backed and continuously inspired by the global youth movement that the Pacific students had helped to foster, culminating in the resolution's adoption by consensus.

The students raised awareness about the human rights dimensions of climate change using their legal education to argue that countries that are major emitters of greenhouse gasses have a legal obligation to address climate change and repair the harm they have caused through their actions. They highlighted the principle of common but differentiated responsibilities, which recognizes that developed countries, who have historically contributed the most to greenhouse gas emissions, have a greater responsibility to take action on climate change. The impacts of climate change were also emphasized, characterized as falling disproportionately on those who have contributed the least to the problem, including some of the most vulnerable communities in the Pacific, such as Vanuatu. The students highlighted that the right to life, health, a healthy environment, adequate food and water, housing and property, and culture are all directly or indirectly affected by climate change, and that these impacts are particularly devastating for communities in the Pacific Islands and other climate-vulnerable countries.

On March 29, 2023, the campaign culminated in the adoption of an historic resolution from the UN General Assembly requesting the Court's opinion. For the first time, the world's highest court can now establish

obligations for countries regarding their role in the climate crisis, and the consequences if they don't comply. A splashing total of 121 UN member states signed up to co-sponsor the draft resolution put forward by Vanuatu. The momentum of their movement is such that countries that were initially opposed to the resolution have since given way to the tide of times—accepting that allowing the resolution to be adopted by consensus was preferable to fighting a pointless battle that would have been seen as out of touch with reality and changing attitudes.

While there is much to say about the road ahead, let's pause for a moment to celebrate what we have seen: a handful of determined students and a small island nation of just over 300,000 people have shaped the international agenda in an unprecedented way. Against this backdrop, there is hope that the Court will discharge its historic task with justice and foresight, and that the advisory opinion will provide much-needed guidance towards a more just and sustainable future for all.

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IMAGE CREDITS

Painting and weaving activity in Port Vila, Vanuatu. Courtesy of 350 Vanuatu.