CREATING WAVES: PACIFIC STUDENTS, VANUATU, AND INTERNATIONAL CLIMATE JUSTICE

Case Study, November 2026

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EXECUTIVE SUMMARY

This case study examines the partnership between the youth-led Pacific campaign and the Government of Vanuatu that resulted in an International Court of Justice (ICJ) advisory opinion clarifying countries' obligations with respect to climate change under international law. Beginning as an initiative of 27 law students at the University of the South Pacific's Emalus Campus in Port Vila, Vanuatu, in 2019, the initiative developed into a transnational advocacy campaign led by the Government of Vanuatu as an extension of Pacific regional diplomacy. The campaign resulted in a United Nations General Assembly resolution co-sponsored by 132 countries and adopted by consensus on 29 March 2023 as Resolution 77/276 (UNGA 2023b). The resolution requested an advisory opinion from the ICJ to provide authoritative clarification of existing international law.

The ICJ advisory opinion, titled *Obligations of States in Respect of Climate Change*,[1] clarified countries' obligations under the Paris Agreement, the United Nations Framework Convention on Climate Change, customary international law, human rights law, and other relevant international rules. It also clarified the legal consequences of "wrongful acts" that may follow from breaches of those obligations. From a democracy perspective, the campaign illustrates how youth-led civil *society* can influence state diplomacy and international legal *processes* despite formal limits on direct non-state participation. It also demonstrates that such influence depends on institutional access and

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[1] International Court of Justice. 2025. *Obligations of States in Respect of Climate Change*. Advisory Opinion, General List No. 187, 23 July. https://www.icj-cij.org/case/187.

willingness on the part of governments to translate civil society demands into formal state action.

INTRODUCTION

> The unravelling of the world around us is a familiar reality for young people in the Pacific. We see flooded homes, coastlines retreating and sacred cultural sites disappearing. Left in their place is uncertainty, grief and anxiety concerning what tomorrow will look like … .
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> As a direct response to the escalating impacts of climate change and the inability of existing systems to address the climate crisis, a campaign to take climate change to the world's highest court, the International Court of Justice (ICJ), was initiated by a group of 27 law students in the Pacific. For them, the science was clear, the impacts were undeniable, but accountability was missing. This was the gap this initiative sought to fill ... .
>
> The crucial question was whether states have legal obligations to protect people and the planet from climate harm, and what legal consequences flow from a failure to meet those obligations. From its beginning, the campaign was set up to be a strategic intervention in the global fight against climate change by using international law to clarify state obligations and to shift climate action from the realm of political convenience to legal responsibility (Prasad and Rikimani 2026: 328).

A campaign to take climate change to the world's highest court, the International Court of Justice, was initiated by a group of 27 law students in the Pacific. For them, the science was clear, the impacts were undeniable, but accountability was missing.

This case study opens with the words of two central figures in the youth-led Pacific Islands Students Fighting Climate Change (PISFCC) movement—Vishal Prasad, its director, and Belyndar Rikimani, its campaign lead. Together, they describe how and why the movement began in response to the climate impacts that young Pacific Islanders were experiencing in their daily lives. What was unique about the campaign was that it was initiated by law students. Rather than pursuing climate litigation in national courts, they sought to address the international geopolitics of climate change. Based on their understanding of climate science and the root causes of climate change, they sought to use international law to clarify state obligations to address climate harm and the legal consequences of states failing to meet those obligations.

The ICJ advisory opinion marked a historic development in international climate law. This case study discusses the legal obligations set out by the ICJ and the opinion's implications for domestic litigation and future negotiations, both between countries and under various United Nations treaties. The opinion represents an unprecedented outcome of an international climate law campaign involving a youth-led civil society organization. This case study also explores how the movement emerged from a partnership between a youth-

Figure 1. **Pacific climate diplomacy before the International Court of Justice**



Source: Sandrina Thondoo, Director of the Treaties, Multilaterals and Oceans Division in the Cook Islands Ministry of Foreign Affairs and Immigration, addresses the International Court of Justice during public hearings in the advisory proceedings on *Obligations of States in Respect of Climate Change*, 5 December 2024. Photo by UN Photo/ICJ-CIJ/Frank van Beek. Courtesy of the International Court of Justice. All rights reserved.

based civil society movement and the Government of Vanuatu, and how this collaboration contributed to the campaign to secure the advisory opinion.

The case study should be interpreted in the context of the publication *Let the Courts Decide? The Potential and Limitations of Climate Litigation from a Democracy Perspective* (Poletto and Hickey 2025), published by the International Institute for Democracy and Electoral Assistance (International IDEA). The publication discusses climate litigation through the lenses of representation, rights, the rule of law, and participation and emphasizes both democratic opportunities and risks. Within this broader context, the case study contributes to discussions of youth campaigns and participation in international climate governance; how collaboration with elected governments translated civil society demands into formal legal and diplomatic action; and what the experience reveals about representation, accountability, and institutional access in climate-related judicial processes.

Collaboration with elected governments translated civil society demands into formal legal and diplomatic action.

The author of this study served as a climate change negotiator and adviser to the Government of Vanuatu on the advisory opinion initiative in 2019–2020, and in further negotiations concerning the opinion and the United Nations Framework Convention on Climate Change. The analysis therefore draws in part on the author's direct professional experience.

1. THE MOVEMENT FOR AN ICJ ADVISORY OPINION

The PISFCC movement began in March 2019, when 27 law students based at the University of the South Pacific in Port Vila, Vanuatu, sought to address what they saw as the failure of existing multilateral forums to deliver adequate climate action (Prasad and Rikimani 2026). The PISFCC students were overwhelmingly Indigenous Pacific Islander students from across eight Pacific Island countries (PISFCC n.d.). The students identified specific climate impacts, such as rising sea levels, intensifying cyclones, and the erosion of cultural and territorial integrity, that were increasingly impacting their communities and countries (PISFCC n.d.).

The students formed the PISFCC and initially considered different legal avenues for climate accountability, including a range of legal options grounded in international law, human rights law, and environmental law. In June 2019, the PISFCC wrote to the leaders of the Pacific Islands Forum asking them to request an ICJ advisory opinion on climate change (see box 1).

ICJ advisory opinions are formally nonbinding. However, they carry authoritative interpretive weight in international law and often shape jurisprudence and diplomatic practice.

The UN General Assembly (UNGA) and the UN Security Council have the authority to request advisory opinions on any legal question, while other duly authorized UN organizations and specialized agencies may do so on legal questions arising within the scope of their activities. ICJ advisory opinions are formally nonbinding. However, they carry authoritative interpretive weight in international law and often shape jurisprudence and diplomatic practice, particularly given the status of the ICJ as the principal judicial organ of the United Nations (1945). Members of Vanuatu's legal team from Blue Ocean Law argued before the court's decision that, "as an international judicial body, the ICJ could clarify issues of climate liability, such as the scope and content of positive obligations, the precautionary principle and the allocation of responsibility, in a manner that assists further climate change litigation around the globe" (Wewerinke-Singh et al. 2021: 394).

The request for an ICJ advisory opinion to consider climate change had first been considered by the President of the Republic of Palau, Johnson Toribiong, in 2011. However, these efforts were frustrated by opposition, when the "United States *in effect ended the campaign*" (Wewerinke-Singh et al. 2023a: 25). In 2019, almost a decade later, in response to the request made of all Pacific leaders by the PISFCC, Vanuatu began to advocate for an ICJ advisory opinion at the Pacific Islands Forum and through various international organizations. The communiqué adopted at the 50th Pacific Islands Forum in August 2019 stated the following:

> In recognizing the need to formally secure the future of our people in the face of climate change and its impacts, Leaders noted the proposal for a UN General Assembly Resolution seeking an advisory opinion from the International Court of Justice on the obligations of States under international law to protect the rights of present and future generations against the adverse effects of climate change (Pacific Islands Forum 2019: 3).

Championed by Climate Change Minister Ralph Regenvanu, the Government of Vanuatu worked to secure support for a UN General Assembly resolution requesting an ICJ advisory opinion first through the African, Caribbean and Pacific Group of States (renamed the Organisation of African, Caribbean and Pacific States in 2020), and subsequently within the UNGA. At the same time, the PISFCC worked to build global alliances with youth networks, including the World's Youth for Climate Justice movement, thereby amplifying

Box 1. **PISFCC Briefing Note on an International Court of Justice Advisory Opinion on Climate Change, 2019**

Briefing: An International Court of Justice Advisory Opinion on Climate Change

Purpose:

To justify Pacific Island Forum governments supporting an International Court of Justice (ICJ) advisory opinion on climate change.

Background:

What is an International Court of Justice advisory opinion?

Pursuant to Article 96 of the Charter of the United Nations and Article 65(1) of the Statute of the International Court of Justice, UN organs and UN specialised agencies are eligible to request an advisory opinion from the ICJ. The UN General Assembly and the Security Council may request an advisory opinion in respect of "any legal question" while other UN organs and agencies may request an advisory opinion on "legal questions arising within their scope of activities". States cannot request an advisory opinion from the ICJ directly.

Unlike judgments of the ICJ in contentious proceedings, advisory opinions are not binding at law. Nonetheless, due to the status of the ICJ as the highest court in the world they "carry great legal weight and moral authority. They are often an instrument of preventive diplomacy and help to keep the peace. In their own way, advisory opinions also contribute to the clarification and development of international law and thereby to the strengthening of peaceful relations between States."[1]

For example, the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* advisory opinion confirmed the continued applicability of international human rights law during times of war, while the *Reservations to the Convention on Genocide* advisory opinion offered clarification of the use and effect of reservations to treaties (which was subsequently incorporated in Articles 19-21 of the 1969 Vienna Convention on the Law of Treaties). Perhaps the most relevant example, however, is the *Threat or Use of Nuclear Weapons* advisory opinion, which consolidated the principle that states are required to act to prevent significant transboundary harm where such harm is caused by a disposition over their territory.

The Court has received 28 requests for advisory opinions: 17 from the General Assembly, 1 from the Security Council and 10 from other UN bodies. It has declined to consider only one request.

Past proposal by the Republic of Palau

In 2011 President Toribiong announced that the Republic of Palau would ask the UN General Assembly to seek an ICJ advisory opinion: "It is time we determine what the international rule of law means in the context of climate change." This was not actively pursued after 2012.

The Marshall Islands and Bangladesh have also, at various points in time, expressed their intention to pursue an ICJ advisory opinion on climate change. While neither of these states followed through on the initiative, the idea has been kept alive by a global coalition of civil society groups and Pacific island youth.

Source: Pacific Islands Students Fighting Climate Change (PISFCC). 2019. *Briefing: An International Court of Justice Advisory Opinion on Climate Change*. University of the South Pacific Law School, Emalus Campus, Port Vila, Vanuatu.

[1] International Court of Justice: https://www.icj-cij.org/en/advisory-jurisdiction.

transnational pressure. Through coordinated campaigns, submissions, and public messaging, PISFCC youth activists reframed climate change as a failure by countries to fulfill their international obligations to protect human rights and the environment.

In 2022, Vanuatu assembled a "core group of states" to develop the resolution for the UNGA. From 2022 to early 2023, the legal question proposed for submission to the ICJ was refined through multiple rounds of negotiations. When the draft resolution was considered for adoption by the UNGA on 29 March 2023, it had an unprecedented 132 co-sponsors (UNGA 2023a). Resolution 77/276, adopted by consensus without a vote on 29 March 2023, marked the first time that the UNGA had requested the ICJ's legal interpretation of climate change obligations, creating a strategic shift from policy negotiations among countries under UN treaty arrangements to judicial scrutiny of countries' international climate obligations.

The UN secretary-general subsequently submitted the UNGA request to the ICJ. To ensure that it was fully informed before giving its opinion, the court decided to hold written and oral proceedings.

2. THE ICJ ADVISORY OPINION

The opinion also provides an important legal framework for climate-vulnerable states and communities seeking greater accountability for the impacts of climate change.

On 23 July 2025, the ICJ delivered its advisory opinion, titled *Obligations of States in Respect of Climate Change*. The opinion clarified a wide range of state obligations with respect to climate change under international law, including obligations under existing climate treaty regimes, customary international law, and international human rights law, as well as the consequences that may follow from breaches of those obligations. The significance of the opinion extends beyond the advisory proceedings themselves: the court's interpretation has already informed subsequent international negotiations, state conduct, and domestic and international litigation. The opinion also provides an important legal framework for climate-vulnerable states and communities seeking greater accountability for the impacts of climate change (McDonnell 2025).

The opinion clearly sets out the climate change obligations of all countries under international law. In particular, the court considers the 1.5°C threshold to be the agreed primary temperature goal for limiting the increase in the global average temperature under the Paris Agreement, based on the "best available science".[2] Maintaining a "1.5-aligned" global temperature pathway is crucial for climate-vulnerable countries, and global temperature increases beyond 1.5°C represent an existential crisis for Pacific atoll states. For this reason, the Pacific region, alongside members of the Alliance of Small Island States, has promoted the "1.5 to Stay Alive" campaign at climate governance meetings for

[2] International Court of Justice. 2025. Obligations of States in Respect of Climate Change. Advisory Opinion, General List No. 187, 23 July, para. 224. https://www.icj-cij.org/case/187.

many years (Morgan et al. 2024). Under article 4(3) of the Paris Agreement, all parties must prepare and communicate successive Nationally Determined Contributions (NDCs) that "will represent a progression" and "reflect [a party's] highest possible ambition".[3] Finally, the court stated that article 4(2) of the Paris Agreement requires parties to implement their successive NDCs through domestic mitigation measures and to exercise due diligence in taking the measures necessary to achieve the objectives set out in their successive NDCs.[4]

The advisory opinion further states that a failure to protect the climate system from anthropogenic greenhouse gas emissions may constitute an internationally wrongful act attributable to the country responsible for the failure.[5] It also finds that the "failure of a State to take appropriate action to protect the climate system from [greenhouse gas] emissions—including through fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licences or the provision of fossil fuel subsidies—may constitute an internationally wrongful act".[6] The court goes on to state that, in some circumstances, an internationally wrongful act attributable to a country may give rise to legal consequences, including cessation, guarantees of non-repetition, and, where the relevant conditions are met, full reparation. Reparation may take the form of restitution, compensation, or satisfaction. The court emphasized, however, that reparation requires a sufficiently direct and certain causal nexus between the wrongful act and the particular injury, to be assessed on a case-by-case basis.[7]

Regarding human rights obligations, the opinion recognizes the right to a clean, healthy, and sustainable environment.[8] It states that this right "is a precondition for the enjoyment of many human rights, such as the right to life, the right to health and the right to an adequate standard of living, including access to water, food and housing. The right to a clean, healthy and sustainable environment results from the interdependence between human rights and the protection of the environment".[9]

The advisory opinion also has important implications for generational equity and the rights of young people.

The advisory opinion also has important implications for intergenerational equity and the rights of young people. The court's finding that countries must meet their international human rights obligations, including obligations related to life, health, and a clean, safe, and sustainable environment, will likely have important implications for domestic climate and environmental litigation

3 UNFCCC (United Nations Framework Convention on Climate Change). 2015. Paris Agreement. 12 December. https://unfccc.int/process-and-meetings/the-paris-agreement; International Court of Justice. 2025. Obligations of States in Respect of Climate Change. Advisory Opinion, General List No. 187, 23 July, paras. 234–49. https://www.icj-cij.org/case/187.

4 International Court of Justice. 2025. Obligations of States in Respect of Climate Change. Advisory Opinion, General List No. 187, 23 July, paras. 250–54. https://www.icj-cij.org/case/187.

5 International Court of Justice. 2025. Obligations of States in Respect of Climate Change. Advisory Opinion, General List No. 187, 23 July, paras. 405–32. https://www.icj-cij.org/case/187.

6 International Court of Justice. 2025. Obligations of States in Respect of Climate Change. Advisory Opinion, General List No. 187, 23 July, para. 427. https://www.icj-cij.org/case/187.

7 International Court of Justice. 2025. Obligations of States in Respect of Climate Change. Advisory Opinion, General List No. 187, 23 July, paras. 444–56. https://www.icj-cij.org/case/187.

8 International Court of Justice. 2025. Obligations of States in Respect of Climate Change. Advisory Opinion, General List No. 187, 23 July, paras. 387–93. https://www.icj-cij.org/case/187.

9 International Court of Justice. 2025. Obligations of States in Respect of Climate Change. Advisory Opinion, General List No. 187, 23 July, para. 393. https://www.icj-cij.org/case/187.

(Lawrence 2024). Although the right to a healthy environment has been the subject of advocacy through various UN bodies, including the UNGA, its further articulation in this opinion and its clear link to other human rights provide a firm basis for future climate litigation. Moreover, the opinion makes clear that climate change affects the enjoyment of many other human rights already recognized in domestic legislation and international law.

3. CREATING WAVES: HISTORIC LEGAL OUTCOMES FROM A YOUTH-LED MOVEMENT

The campaign for the ICJ advisory opinion provides an important example of a successful partnership between a youth-led civil society movement and a key national leader as a champion, Ralph Regenvanu, supported by the Government of Vanuatu. It demonstrates how youth-led initiatives, when supported by political champions, can create waves and influence international legal processes and contribute to significant outcomes in climate governance. Accordingly, the final part of the case study reflects on the key elements of this partnership and its implications for democracy.

3.1. Intergenerational Equity, Embodied Climate Realities, and Youth Voices

PISFCC members placed the expertise, voices, and experiences of Pacific youth at the center of the campaign.

The movement founded by the PISFCC highlights intergenerational equity as a principle that is central to climate discourse and international environmental law and grounded in lived experiences of climate change. PISFCC members placed the expertise, voices, and experiences of Pacific youth at the center of the campaign. During the proceedings, for example, the PISFCC released the *Youth Climate Justice Handbook*, a package of advocacy and legal resources designed to support youth, civil society, and participating governments. The handbook brought together policy guidance, legal analysis of the questions contained in Resolution 77/276, and material on relevant international environmental and human rights principles (PISFCC 2024).

The PISFCC movement foregrounded the rights of future generations and the disproportionate climate burdens borne by Pacific Island communities. In doing so, Pacific youth advocates expanded climate justice beyond mitigation targets to include legal accountability, reparations, and moral obligations for high-carbon-emitting countries. As Prasad and Rikimani (2026: 331) note:

> Young people also did not stay outside the courtroom. With the support of the Pacific governments, regional and sub-regional organizations, youth were allowed the opportunity to speak directly before the Court and deliver oral statements. ... These statements brought to the judges the moral authority of young people and of the Pacific; this was a very clear call for justice that is built not just on the legal arguments but also on the realities of people on the ground.

This account describes Pacific governments and regional and subregional organizations sharing power with a youth-led movement. As a result, youth leaders presented alongside Pacific leaders and made oral submissions before the ICJ. The judges therefore heard directly from young people about the climate "realities of people on the ground" in the Pacific.

3.2. **Challenging Established Hierarchies, Bottom-Up Legal Mobilization, and Power-Sharing**

The PISFCC is an example of a youth-led climate movement that demonstrates how civil society can influence international legal processes and challenge the traditional hierarchy of who participates in international law. Scholars of civil society and global governance underscore that community-based and locally-led legal mobilization often complements state-centric processes, especially when institutional mechanisms prove insufficient to address international harms such as climate change (Becker 2023; Narulla and Nanthakumar 2025). As Prasad and Rikimani (2026: 331) state:

> The ICJ Advisory Opinion on climate change did not emerge from established power centres. It was shaped by young people who refused to accept that inaction was inevitable, that harm could continue without consequence or that their futures were negotiable. The campaign demonstrated that youth are not simply demanding space within existing systems – they are reimagining how power is exercised, how responsibility is defined, and how justice is pursued.

The two PISFCC campaign leads describe the movement's importance in terms of reimagining power-sharing and how justice can be pursued in the Pacific and globally. Although non-state actors cannot themselves trigger an ICJ advisory proceeding, they can play an important role in shaping state positions and creating the political conditions for authorized UN organs to seek an advisory opinion (Becker 2023).

Although non-state actors cannot themselves trigger an ICJ advisory proceeding, they can play an important role in shaping state positions.

Through sustained advocacy, coalition-building, and legal action, the PISFCC partnered with Vanuatu, the Melanesian Spearhead Group, and other allied groups seeking to change the global climate governance architecture. Lawyers from Blue Ocean Law, members of Vanuatu's legal team, reflect on the strategy used to build momentum ahead of the adoption of the UNGA resolution:

> While these tracks of advocacy were distinct, the various advocates involved made efforts to ensure that they were mutually reinforcing. The government of Vanuatu and its legal team [Blue Ocean Law] liaised with the youth leaders to turn their demands into a carefully crafted legal strategy capable of securing the necessary support of UN members while retaining the integrity of the legal question being asked of the ICJ. Dozens of public events featuring youth leaders, Vanuatu officials and members of the legal team, along with other speakers, were

held to communicate the various dimensions of the initiative to different audiences.

The youth leaders themselves campaigned with vigor and sophistication, as illustrated by the "climate justice flotilla" sailing past UN headquarters in September 2022. The *vaka*, or traditional canoe, symbolized the journey from the Pacific to the United Nations, its arrival coinciding with Vanuatu's first official announcement of the initiative at the General Assembly. Banners with "Our Survival Is Our Human Right," "Vote Yes for Climate Justice," and "AO Let's Go" bolstered the visibility and appeal of the campaign at this critical juncture (Wewerinke-Singh et al. 2023b: 278).

This account shows the extent of the partnership that existed between the Government of Vanuatu, its legal team at Blue Ocean Law, and PISFCC youth leaders. Events were organized and messages carefully coordinated to ensure that they were "mutually reinforcing" (Wewerinke-Singh et al. 2023b: 278). The partnership also highlights the distinct role played by youth leaders, who worked both within UN forums and in informal spaces that allowed for Pacific climate activism and creative expression. The PISFCC youth movement exemplifies this hybrid activism by combining grassroots mobilization with strategic legal advocacy, thereby helping to shape one of the most significant interpretive statements on international climate law.

4. CONCLUSION

Emerging from the existential realities of small island states on the front lines of climate impacts, the PISFCC movement reframed climate change from a technical policy issue into an issue of rights, climate justice, and intergenerational legal obligations, ultimately contributing substantively to the ICJ advisory opinion *Obligations of States in Respect of Climate Change*. The PISFCC–Vanuatu initiative demonstrates how youth-led civil society advocacy, when undertaken in partnership with governments and supported by broader diplomatic engagement, can change international climate governance. The campaign helped place intergenerational justice and Pacific climate justice at the center of a process that culminated in the 2025 ICJ advisory opinion and the 2026 UNGA resolution, adopted by 141 votes in favor, with 8 votes against and 28 abstentions (UNGA 2026).

The PISFCC helped generate and sustain political demand for legal clarification.

From a democracy perspective, the significance of this case study lies in the interaction between the mobilization of civil society and youth and formal state authority. The PISFCC helped generate and sustain political demand for legal clarification, while Vanuatu and other countries translated that demand into the intergovernmental processes through which the General Assembly request and ICJ proceedings became possible. At the same time, the experience reveals a structural limitation: non-state actors depended on willing governments

and eligible regional organizations for formal access to the court and UN processes.

The longer-term democratic and legal significance of the advisory opinion will depend on its operationalization. Its influence on domestic litigation, international climate negotiations, and state policy is not predetermined; instead, it will depend on how governments, courts, and international institutions use the ICJ's interpretation to strengthen accountability and climate action. This case study illustrates the capacity of youth-led movements to influence international law and the continuing importance of institutional access, state cooperation, and partnerships between civil society and government.

This case study illustrates the capacity of youth-led movements to influence international law and the continuing importance of institutional access, state cooperation, and partnerships between civil society and government.

ABBREVIATIONS

ICJ	International Court of Justice
NDC	Nationally Determined Contribution
PISFCC	Pacific Islands Students Fighting Climate Change
UNGA	United Nations General Assembly

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