

Pacific Campaign on Climate Change and Human Rights

Pacific Islands Students Fighting Climate Change

IN MARCH 2019, an idea was hatched in a classroom in Vanuatu to create a youth movement to address the serious impact of climate change in the Pacific. Twenty-seven University of South Pacific (USP) law students from eight Pacific Island countries decided to join together to begin a campaign to persuade the leaders of the Pacific Island Forum¹ to take the issue of climate change and human rights to the International Court of Justice (ICJ). This movement was named Pacific Islands Students Fighting Climate Change (PISFCC).

It now has members in every Pacific island country and from all levels of education, from primary and secondary schools to postgraduate university students.

Its core campaign remains convincing the governments of the world to seek an Advisory Opinion from the ICJ answering a question that will develop new international law integrating legal obligations around environmental treaties and basic human rights.

It is also committed to educating and activating all Pacific island youth to become aware and take action to help prevent and fight against climate change.

Four years later, on 29 March 2023, the United Nations General Assembly adopted the so-called ICJ Climate Resolution.² This article discusses how the campaign unfolded and continues to reach people in the Pacific Island countries.

Mission

Since climate change now threatens to destroy Pacific homeland and cultures, PISFCC choose to use the passion and knowledge of its members to fight against climate change at every level - from the grassroots of our communities to the highest levels of national and international government.

As stated by Cynthia Houniui - President PISFCC,

Climate action for the Pacific is non-negotiable and we see naming and shaming as not progressive in this critical decade. Instead, our focus is on advocating for forward looking global solutions to accelerate climate action. One way of achieving this is to take climate change to the world's highest court - the International Court of Justice.

PISFCC believes that,³

although not legally binding, the ICJ opinion will provide activists with a tool to lobby states for meaningful climate action. A progressive opinion would empower them to confront climate risks that have fallen on “deaf ears” in the Global North, including loss and damage, North-South reparations, and climate migration.

Climate Change and Human Rights

It is widely recognized that the climate crisis is going to have a significant effect on human rights. Climate change has been shown to exacerbate pre-existing inequalities and human rights challenges such as poverty, well-being, wealth inequality, gender relations, and many others.

As one of the most potent threats to the human rights of the people in the Pacific, they must address the climate crisis through the “human rights lens” to allow for more robust climate justice solutions.

The climate change and human rights nexus is therefore prominently featured in the Advisory Opinion push.

The Campaign

The campaign aims to refer the world's biggest problem to the world's highest court (International Court of Justice) by seeking an Advisory Opinion from the court on the issue of climate change and human rights.

PISFCC focuses on ensuring the protection of the rights of current and future generations from the adverse effects of climate change, and an Advisory Opinion will assist in serving as a legal catalyst for action while clarifying international law on the subject.

To this end, PISFCC wants Pacific Island Forum Leaders to urgently commence the process of seeking an advisory opinion.

Background: Past Proposals

In 2011 President Johnson Toribiong announced that the Republic of Palau would ask the United Nations General Assembly (UNGA) to seek an ICJ advisory opinion on climate change and human rights. He said that it was “time [that] we determine what the international rule of law means in the context of climate change.” The Marshall Islands and Bangladesh have also, at various points in time, expressed interest in pursuing an ICJ advisory opinion on climate change.

These initiatives remained embryonic, for a variety of contextual reasons. However, in the last decade, the context has dramatically changed, with the consequences of climate wreaking havoc all around the world and giving a renewed impetus for bold action now. It is also critical that Vanuatu’s current proposal gives voice to the “grassroots” of youth activism in places already experiencing extreme climate vulnerability, themselves supported by a global coalition comprising over a thousand civil society organizations from the four corners of the world.

In September 2021 the Republic of Vanuatu announced it would seek an advisory opinion from the ICJ to “set out with clarity the obligations of States under international law to protect the rights of present and future generations against the adverse effects of climate change.”⁴

Vanuatu successfully led a coalition of one hundred thirty-two nations in adopting by consensus a UNGA Resolution calling for a non-binding Advisory Opinion from the ICJ to gain clarity on how existing international laws could be applied to strengthen action on climate change, protect people and the environment and save the Paris Agreement.⁵

Vanuatu is leading a core group of nations which drafted a question⁶ to ask the ICJ. Vanuatu was joined by Antigua & Barbuda, Costa Rica, Sierra Leone, Angola, Germany, Mozambique, Liechtenstein, Samoa, Federated States of Micronesia, Bangladesh, Morocco, Singapore, Uganda, New Zealand, Vietnam, Romania and Portugal in seeking the ICJ Advisory Opinion.

Substantial progress has already been made towards this goal:

- In March 2022, Caribbean Countries at the 33rd Inter-Sessional Meeting of CARICOM Heads of Government indicated their support for Vanuatu’s proposal;⁷

- In June 2022, the Organisation of African, Caribbean and Pacific States at the 114th session of the Council of Ministers endorsed Vanuatu's proposal;
- In July 2022, the 51st Meeting of Pacific Island Forum Leaders called on the UNGA for a resolution requesting the ICJ to provide an advisory opinion on the obligations of states under international law to protect the rights of present and future generations against the adverse impacts of climate change.⁸

The ICJ Climate Resolution was adopted by consensus on 29 March 2023 during the 77th session of the UNGA requesting the ICJ to provide an advisory opinion on the obligations of States under international law to protect the rights of present and future generations against the adverse effects of climate change.⁹

Solomon Yeo, campaign director of PISFCC remarked on this UN resolution:¹⁰

Young people across the world will recall the day when we were able to get the world's highest court, the international court of justice, to bring its voice to the climate justice fight.

The ICJ announced in April 2023 the dates for UN member-states to submit written statements and comments to contribute positively to the release of a powerful advisory opinion on climate change.

What Legal Question Should Be Asked on Climate Change?

The question proposed by Palau in 2011 was: "What are the obligations under international law of a State for ensuring that activities under its jurisdiction or control that emit greenhouse gases do not cause, or substantially contribute to, serious damage to another State or States?" That question is explained and justified in the report "Climate Change and the International Court of Justice."¹¹

PISFCC advocates a different approach. While the question ultimately presented to the UNGA by the Republic of Vanuatu is currently the subject of extensive negotiation, PISFCC believes that a better question would seek the Court's opinion upon all aspects of international law relevant to climate change with a focus on customary international law, the protection of human rights, and intergenerational equity. To illustrate, such a question might ask:

What are the obligations of States under international law to protect the rights of present and future generations against the adverse effects of climate change?

Endorsements

PISFCC secured great support from eminent experts and professionals who believe in the ICJ Advisory Opinion (ICJAO) being a strong motivator in accelerating climate action globally. These are PISFCC's Friends of the Initiative.

ICJAO Campaign

In 2019, the PISFCC's proposal was tabled by the Vanuatu government at the Pacific Island Forum meeting. There, the eighteen member-states of the Pacific Island Forum noted positively the proposal for a UNGA resolution seeking an Advisory Opinion from the ICJ on climate change and human rights.

PISFCC organized chapters in Vanuatu, Solomon Islands, Fiji, and Tonga and launched there a campaign it called ICJAO Campaign. The activities included art competitions, peaceful protests, outreach programs with some schools at different levels. It joined other non-governmental organizations (NGOs) and civil society organizations (CSOs) with similar initiatives, and so much more. For the last three years, it managed to engage youths of different ages from as young as kindergarteners to university students.

Since its establishment, it has always been understood that the ICJAO Campaign was unique, which meant that it would be unfamiliar territory not just for established CSOs, but especially for the general public. The priority for the PISFCC Chapters then was to facilitate activities that would firstly, engage and empower Pacific youth, and secondly, spread public awareness through these youth engagement activities.

The most common of these activities were beach clean ups in the Vanuatu, Solomon Islands, and Tonga Chapters of PISFCC. Beach clean ups were an obvious approach as it was an activity that many were familiar with and it was easy enough to coordinate eager youth members through the various chapter group chats. PISFCC Chapters would supply the chapter members with the essentials such as tools and food. Upon repetition of these clean ups, the PISFCC Chapters would go a step further and use these activities to simultaneously collect data as well on the types of litter that would be found on the shores of their beaches. This data would be shared

among the local CSO networks to assist in their respective activities that required such information.

In the attempt to utilize as many forms of media as possible, the PISFCC Chapters would often speak as guests on local radio shows. These radio talk shows were held in the local language which meant that a wider demographic would be reached. The chapter members would reach out to their respective radio stations and request that they be allowed to speak on their youth segment. During this segment, chapter members would break down the campaign to details and provide listeners with ways to join the initiative which again garnered more support locally from CSOs and government ministries alike.

PISFCC Chapters would also host outreach programs to schools in their respective countries. These programs would usually consist of general climate change advocacy for the younger demographic, and a bit more in-depth presentations on the ICJAO Campaign for the older youths and students as they would range from ages 16 and upwards to the university level.

PISFCC's Fiji Chapter participated and partnered with several other CSOs from all around the Pacific during the Pacific Solidarity Festival on the occasion of the Pacific Islands Forum (PIF) Leader's Summit of 2022 that created momentum toward the onboarding of all PIF member-countries to endorsing the ICJAO Campaign. This festival brought together CSOs, friends



PISFCC joined a gathering of Vanuatu CSOs in 2019 in a push to amplify grassroots initiatives.

of the initiative, and members of the public to bring to life a spectacular flotilla event, public speeches, cultural dance, solidarity protests, and so much more. This was the culmination of ambitious planning and coordination among like-minded individuals who were brought together by their shared commitments to protecting their blue Pacific, and their demand to take the world's biggest problem, to the world's highest court.



PISFCC Solomon Islands chapter members support the filming of the music video for “The Islands are calling”.



Pacific CSOs during the Pacific Solidarity Festival in 2022 pushing for the PIF Leaders Summit to endorse the ICJAO Campaign.



PISFCC joined Vanuatu CSOs gathering for the promotion of the Pacific Solidarity Festival that was promoted region-wide in 2022.



The flotilla event from the Pacific Solidarity Festival in 2022 calling for the endorsement of the ICJAO Campaign.

Art Competition¹²

While the coronavirus (COVID-19) global pandemic has had an impact on PISFCC’s work, it moved online and promoted a virtual youth art competition called the “Reimagining Pacific Futures, where Pacific youth aged 5-29 take action through their art revolving around the theme “climate change and human rights.””¹³

The “Reimagining Pacific Futures” (RPF) was launched on 30 April 2020 and ended on 17 July 2020. The event was opened to young people from the ages of 5-29 of the eighteen member-states of the PIF. There were two categories in the event, Art (painting, drawing, placard, literary etc.) and Digital (Audio and Film).

The event was hosted on a website and the promotion of the event was mostly done on Facebook, Instagram and Twitter. With the translation help of Vanuatu Climate Action Network, the RPF was also promoted in French as well to encourage our Francophone brothers and sisters especially in New Caledonia, Vanuatu and Tahiti to participate. The event was supported by PISFCC partners who shared and promoted the event through their respective networks.

There were three independent judges of high stature in the Pacific. Their assessment of the Artwork focuses on creative expression of the themes, originality of the idea and consistency in representing children and youth rights.

Deciding the winners to the event was very difficult as all artwork were exceptional in their own way. In their best judgment emerged nine inspiring children and youth. To highlight a few,

“Just Because” by Helava Muliaina

Scooping first in the children category is Ms. Helava Muliaina from Samoa with her powerful poetry ‘just because’, Heleva speaks true to her Pacific voice of the reality of how undervalued a Pacific woman living and fighting at the front lines of the climate crisis is.

“Human Natures” by Justiqā Osonis

The second prize getter in the children’s category hails from the Federated States of Micronesia. Ms. Justiqā has painted an image that provokes a strong sense of contemplation in people about their actions towards the environment. Her “Human Natures” painting, depicts that harmony or chaos depends on how well we take care of our environment.

“Freedom for our Rights to Save our World” by Iona Margaret Janet Baura

Another brilliant artwork was by third place Solomon Islands youth Ms. Baura. She explained that her art calls for continuous climate solidarity for the sake of the future generations.

“Nature, Water and Human Rights” by Junior Patrick Kauhu Makau

Patrick’s film on “Nature, Water and Human Rights” was indeed a sentimental portrayal of the harsh reality of the water crisis in his country (Solomon Islands) and his Island (Ong Tong Java) were currently facing. As a passionate young filmmaker and photographer who wishes to use his gift in film-making and photography to advocate for change for his people and country in the light of the global climate crisis this video has been a remarkable achievement in raising this very awareness.

Youth Consultation¹⁴

PISFCC consulted youth throughout the Pacific to create a Pacific Youth Climate Declaration that would carry youth voices in the Pacific amplified by non-state actors, governments, academia in national, regional and international forums.

The Islands are Calling

This is a creative production by PISFCC. It is a song that seeks to raise the voice of the youth calling for action against the climate crisis while showing the wonders of Pacific life, heritage, art, nature, culture and tradition which are all sadly under threat by the climate crisis.¹⁵

The song was composed by Camilla Anibirisi Batalibasi, a native daughter of Solomon Islands, Heinz Dee Koromako from Malaita and Tipokia in Solomon Islands, and William Kadi who is also from Solomon Islands with Melanesian and Polynesian roots.

A video of the song was shot in two places in the Solomon Islands. The first location of the Climate Change Music Video was shot in Talakali Village, along the Langa Langa Lagoon, Malaita Province. This place is well known for its skilled boat builders over the past years. Another special feature about this place is the history of man-made artificial islands built over the years here but now due to the adverse impacts of climate change, these people are forced to migrate to the mainland because their islands are sinking.

The second location was on the island of Telina situated in the Marovo lagoon, Western Province of the Solomon Islands. This place holds great importance because of its richness in biodiversity and marine life making it a spectacular tourist destination. But due to climate change, this richness and abundance of marine life is dying, affecting the livelihoods of people of the Western Province. One special scene that was shot here showcases the youthful warrior dancer's resilience towards this catastrophic climate event.

The music video of the The Islands are Calling can be viewed at www.pisfcc.org/islands-are-calling and on YouTube (www.youtube.com/watch?v=C32yxdqUuN8&t=362s).

Community events

An informal discussion on updates, next steps, and calls to action in the Pacific-led initiative to seek an advisory opinion from the ICJ on climate change and human rights was held on 1 August 2023 in Suva, Fiji.

In August 2023, the PISFCC team, together with friends from Greenpeace, hosted an Open Boat event on the Rainbow Warrior. The event welcomed local schools and communities and took them through a discussion on climate justice and the campaign for an #ICJAO4Climate.

The Open Boat event allowed for PISFCC to discuss the legal arguments and question-breakdown presented in the *Youth Climate Justice Handbook*. Fellow CSOs, academics, government officials, and friends of the initiative all attended to receive updates of the campaign, and to learn more about the plans of the CSO front on pushing for a more progressive and strong advisory opinion through their workings with government.

While the Rainbow Warrior was docked in the Suva Harbour, PISFCC hosted a tent that acted as a one-stop-shop of information for all the visitors to the vessel. This tent included a display of previous pieces of art collected over the years of campaign. The on-the-ground campaigners walked the visitors through this gallery of sorts and broke down the elements used in these art pieces and requested that the visitors provide their own interpretations as well. Another feature of the tent was the *Climate-Clock* display and the *Not Just Celsius Scale*¹⁶ which were imagery pieces used by the campaigners to delve into concepts of climate justice and intergenerational equity.

Handbook

Following the historic adoption of the UNGA Resolution asking the ICJ to issue an Advisory Opinion on climate change and human rights, PISFCC launched the *Youth Climate Justice Handbook*.

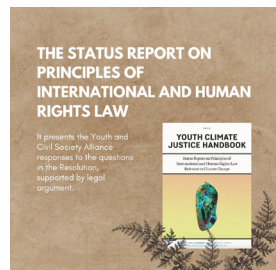
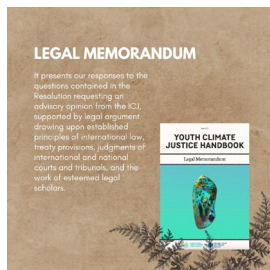
The Handbook aims to be the single most authoritative legal document that would guide the youth and civil society campaign in the second phase of the campaign. It also aims to contribute to the preparations of states and intergovernmental organizations in their submissions before the ICJ.

The Handbook is a tool aimed to assist states in making submissions before the ICJ. It seeks to highlight and echo youth and civil society voices on human rights and intergenerational equity. It is a compilation of three documents, *Summary for Policymakers*, *Legal Memorandum* and *Status Report on the Principles of International and Human Rights Law Relevant to Climate Change*.

The Summary succinctly explains core material designed to assist policymakers' decisions regarding whether, and how, their governments should contribute to the ICJ climate advisory proceedings.

The Memorandum presents the Youth and Civil Society Alliance responses to the questions contained in UNGA Resolution 77/276, supported by legal argument drawing upon established principles of international law, treaty provisions, judgments of international and national courts and tribunals, and the work of esteemed legal scholars.

The Status Report presents a detailed discussion of the Court's advisory function, and a detailed and neutral analysis of the existing principles of international law relevant to the request. It includes an assessment of the advisory proceedings before the ICJ, including the Court's jurisdiction and procedure, and key legal principles relevant to the request for an advisory opinion, including principles of international environmental law and international human rights law.



The Handbook is available at <https://pisfcc.org/handbook>.

Conclusion

Indeed, the ICJAO Campaign has come a long way since its humble beginnings in a classroom and despite the success it saw when the resolution was unanimously adopted, it was not without failures. Following the unanimous adoption, the second phase of the campaign, which was supporting Pacific Island governments in the written submissions, meant that the new goal was to bring the campaign back home. The legal-heavy nature of the campaign had always been an obstacle when it came to outreach. Despite the efforts of the chapters with regards to public awareness, the technicalities of the campaign and the implications of a strong and ambitious advisory opinion was a concept that still needed to be reiterated and pushed to the CSOs and their initiatives, government officials, and the general public at large. The message that needed to be heard is that, should the ICJ deliver an advisory opinion that provide great legal clarity on the obligations of states

Endnotes

- 1 Pacific Island Forum, www.forumsec.org.
- 2 ICJ Climate Resolution, www.vanuatuicj.com/resolution.
- 3 Clare Francis, Global South activists seek a human rights framework for the climate crisis, the interpreter, www.lowyinstitute.org/the-interpreter/global-south-activists-seek-human-rights-framework-climate-crisis?fbclid=IwAR13RmyCkmstQm9baXphRqipsx7UmYjpt8ah2A9yXmooukzFbTekopdqXg.
- 4 An International Court of Justice Advisory Opinion on Climate Change, Pacific Islands Students Fighting Climate Change, page 2, <https://static1.square-space.com/static/6090cc1eec59dc2ed057b027/t/6362cb44ee1b7202d029291f/1667418958144/PISFCC+Campaign+Brief+2022.pdf>.
- 5 Paris Agreement, <https://unfccc.int/process-and-meetings/the-paris-agreement>.
- 6 See ICJ Resolution, *op. cit.*
- 7 COP26 – Follow-Up
Heads of Government indicated their support for Vanuatu in its pursuit of an Advisory Opinion from the International Court of Justice on the rights of present and future generations to be protected from Climate Change.
Communiqué: Issued at the Conclusion of 33rd Intersessional Meeting of the Conference of Heads of Government of Caricom – 1-2 March 2022
Caribbean Trade Law and Development, <https://caribbeantradelaw.com/2022/03/03/communique-issued-at-the-conclusion-of-33rd-intersessional-meeting-of-the-conference-of-heads-of-government-of-caricom-1-2-march-2022/>.

8 The FORUM COMMUNIQUÉ has a section entitled “UN GENERAL ASSEMBLY RESOLUTION FOR AN ADVISORY OPINION ON CLIMATE CHANGE FROM THE INTERNATIONAL COURT OF JUSTICE” on this issue. A paragraph expresses support to the Vanuatu initiative:

44. Leaders commended Vanuatu on its initiative on a pathway to secure a request from the UN General Assembly (UNGA) for an advisory opinion from the International Court of Justice (ICJ) to clarify legal consequences of climate change, noting the urgency of the climate change threat and the need for accelerated global climate action and implementation of the Paris Agreement.

FORUM COMMUNIQUÉ, FIFTY-FIRST PACIFIC ISLANDS FORUM, SUVA, FIJI 11 – 14 JULY 2022, www.forumsec.org/wp-content/uploads/2022/07/FINAL-51st-Pacific-Islands-Forum-Communique-2022.pdf.

9 Vanuatu ICJ Initiative, www.vanuatuicj.com.

10 ‘Beginning of a new era’: Pacific islanders hail UN vote on climate justice, *The Guardian*, www.theguardian.com/world/2023/mar/30/un-vote-on-climate-justice-pacific-island-change-crisis-united-nations-vanuatu.

11 See Douglas A. Kysar, “Climate Change and the International Court of Justice,” Public Law Research Paper No. 315, Yale Law School, 15 Aug 2013, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2309943.

12 For more information, see PISFCC successfully completes art competition, PISFCC, www.pisfcc.org/news/pisfcc-successfully-completes-art-competition.

13 There is a legal solution to climate change: students, www.pisfcc.org/news/there-is-a-legal-solution-to-climate-change-students.

14 There is a legal solution to climate change: students, *ibid*.

15 The lyrics of The Islands are Calling are available at <https://genius.com/Camilla-the-islands-are-calling-lyrics>.

16 Not Just Celsius Scale, <https://scale.notjustcelsius.com/>.