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Advancing Climate Justice Through Pacific Regionalism: Universities, Student Advocacy and the 2025 ICJ Advisory Opinion

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ABSTRACT

The International Court of Justice (ICJ) Advisory Opinion of 23 July 2025 on Obligations of States in respect of Climate Change clarifies the international legal framework applicable to climate change. For Pacific Island countries, whose diplomacy has helped foreground questions of survival, equity and responsibility, the Opinion is both a legal resource and an implementation challenge. This paper examines how Pacific regionalism, university-based legal education and student advocacy can connect international law with public understanding and accountability. Using qualitative doctrinal and policy analysis, it considers the Opinion alongside the UN climate treaty framework, human rights principles, the Pacific Islands Forum's 2050 Strategy for the Blue Pacific Continent, and literature on climate justice and participatory education. It does not treat the Opinion as automatically establishing liability for every instance of climate inaction; legal consequences depend on the applicable obligation, attribution, breach and relevant rules of State responsibility. The paper proposes a Pacific University-to-Accountability Pathway connecting community priorities, student inquiry, regional advocacy, international legal processes and domestic implementation. Universities are framed not as substitutes for States or regional diplomacy, but as civic infrastructure supporting legal literacy and evidence-informed monitoring. Claims about specific student numbers and institutional activities require documentary verification before submission. (International Court of Justice [1]).

Keywords: Climate Justice; International Court of Justice; Advisory Opinion; Pacific Regionalism; Student Advocacy; Legal Education; State Responsibility; Blue Pacific; Climate Accountability (International Court of Justice [1]).

Introduction

Climate change is not only an environmental problem. For Pacific Small Island Developing States (PSIDS), it intersects with territorial integrity, cultural continuity, livelihoods, mobility, health and intergenerational justice. Pacific governments and civil society have sought stronger international recognition of the legal and ethical dimensions of the crisis. Regionalism provides a platform for collective advocacy while allowing for diverse national priorities. The 2050 Strategy for the Blue Pacific Continent frames regional cooperation around well-being, resilience, inclusion, leadership and collective ownership. (Pacific Islands Forum [2]) On 23 July 2025, the ICJ delivered its Advisory Opinion on Obligations of States in respect of Climate Change following a request by the United Nations General Assembly. The Court considered obligations arising under climate treaties, customary international law and human rights law, as well as legal consequences where an internationally wrongful act is established. An advisory opinion is not a contentious judgment ordering compensation between named parties, but it is an authoritative statement of law that may influence diplomacy, domestic litigation, legislation and public debate. (International Court of Justice [1])

The paper focuses on how universities can make international law socially meaningful. The submitted abstract identifies USP students, academics and Pacific TAFE as actors in legal advocacy and climate-resilience education. Those claims are treated as the proposed case focus, not as independently verified impact findings.

Research Questions and Contribution

The paper asks:

1. How does the 2025 ICJ Advisory Opinion clarify the international legal context for Pacific climate justice?
2. How can Pacific regionalism and university-based student learning connect legal knowledge with public participation and accountability?
3. What evidence and safeguards are needed to ensure claims about student advocacy and university impact are credible?

The contribution is a conceptual model linking international law, regional diplomacy, higher education and implementation. It identifies plausible pathways and the evidence required to test them rather than asserting that student activism caused a particular legal outcome. (International Court of Justice [1]).

Methodology

This qualitative doctrinal and policy-analysis paper uses purposive analysis of primary legal materials and regional policy instruments, supported by scholarship on climate justice and participatory higher education. Core materials include the ICJ Opinion and official summary, UNFCCC, Paris Agreement, General Assembly Resolution 77/276 and the Pacific Islands Forum's 2050 Strategy. Documents were analysed for the source and content of obligations, implications for climate action, the role of regional cooperation, and educational mechanisms for public legal literacy. This is not a systematic review or empirical evaluation of USP programmes. No interviews, student survey data or original outcome measures were supplied. The abstract's claim that 27 USP law students undertook grassroots research must be corroborated with records before it is presented as fact (Pacific Islands Forum [2]).

Legal and Regional Context

The Opinion clarifies that States' climate obligations arise from multiple sources of international law, not from the Paris Agreement alone. The Court considered treaty obligations, customary international law—including the duty to prevent significant environmental harm and the duty to cooperate—and human rights law. Due diligence is central to assessing whether a State has taken appropriate measures; a policy commitment alone does not necessarily demonstrate compliance. Careful legal expression is essential. The Opinion does not mean all climate inaction automatically constitutes an internationally wrongful act, nor that every State is automatically liable for every climate-related loss. Analysis requires identification of an applicable obligation, attribution of conduct to a State, breach and consideration of causation and relevant rules of State responsibility (United Nations [3,4]). The 2050 Strategy for the Blue Pacific Continent presents regionalism as a long-term approach to shared priorities and inclusive participation. Yet Pacific states differ in exposure, resources, constitutional arrangements and diplomatic priorities. Collective advocacy should therefore respect national sovereignty and local context. Universities can contribute through research, clinical or experiential learning, policy briefs and public legal education, but student participation must not substitute for professional advice, community consent or State responsibility. (Pacific Islands Forum [2]).

Treaty Obligations, Customary Law and Human Rights

Human rights law provides another important lens because climate impacts can affect rights to life, health, private and family life, housing, food, water, culture and self-determination. The scope and justiciability of specific rights depend on the relevant instrument, jurisdiction and facts. For Pacific communities, human-rights analysis should avoid treating people only as vulnerable recipients of aid; it should recognise agency, participation, culture and the right to be involved in decisions affecting their future. The Opinion is thus relevant to both legal doctrine and the processes through which climate policy is made and reviewed [5,6]. The duty to prevent significant transboundary environmental harm is commonly associated with due diligence. In the climate context, due diligence is shaped by the scale and foreseeability of the risk, available scientific knowledge, the capacities and circumstances of the State, and the need for cooperation. It is not a guarantee that no harm will occur. Rather, it concerns whether a State has taken appropriate measures to prevent or minimise foreseeable harm. The standard can evolve as scientific knowledge and technological options change, which makes transparent policy design, implementation and review important components of legal compliance. The legal significance of the Opinion is best understood as a clarification of how multiple regimes interact. Climate treaties create specific obligations relating to mitigation, adaptation, cooperation, reporting and support, while customary international law and human rights law provide additional legal standards. These regimes are not interchangeable: the source of an obligation, the conduct required and the conditions for breach must be analysed separately. A rigorous article should therefore resist reducing the Opinion to a single headline proposition and instead explain the legal reasoning across each source of law (International Court of Justice [1,4]).

State Responsibility and Remedial Caution (United Nations, 2001)

This distinction is not merely technical. Overstatement can weaken public confidence in climate advocacy and expose institutions to criticism for mischaracterising the law. University legal education should model careful legal reasoning: explain what the Court held, what remains contested or fact-dependent, and how an advisory opinion may influence but does not itself replace national legislation, diplomatic negotiation or proceedings in competent courts. (International Court of Justice [1]) Where a breach of an international obligation is established, the general law of State responsibility may require cessation, assurances of non-repetition where appropriate, and reparation in accordance with the applicable rules. However, the existence

and extent of responsibility in a particular climate dispute remain legally complex. Attribution, the identification of a breached obligation, causal connection, the nature of injury and questions of standing or jurisdiction may all matter. It would be inaccurate to state without qualification that climate inaction as a whole has been declared an internationally wrongful act or that the Opinion automatically determines liability for every loss. This paper uses the more precise proposition that the Opinion clarifies obligations and the legal framework through which alleged breaches and consequences may be assessed (United Nations [3]).

Analysis: From Legal Clarification to Accountability

Legal literacy can be understood as part of the infrastructure through which obligations become visible, contestable and monitorable. Students trained to read judgments, treaty provisions, State submissions and policy commitments can translate technical law into accessible explanations. Such work should distinguish binding obligations, advisory reasoning, political commitments and recommendations. It should also explain the difference between an advisory opinion and a judgment in contentious proceedings. (International Court of Justice [1,7-9]). The proposed pathway has five stages: Pacific priorities and lived experience; student inquiry and university teaching; regional advocacy and coalition-building; international legal processes; and domestic implementation and accountability. Feedback should flow in both directions: legal developments inform curricula, while community experience shapes research questions and policy priorities. The abstract states that 27 USP law students in Vanuatu undertook grassroots research which was transformed through regional advocacy into a UN General Assembly resolution. This is a significant claim requiring primary evidence. The General Assembly adopted a resolution requesting an ICJ advisory opinion in 2023; authors should establish the resolution's formal sponsors, drafting history, consultations and advocacy networks. Student involvement may have contributed to a wider movement, but direct authorship or sole causation should not be implied without contemporaneous evidence. University announcements, project reports, student outputs, official statements and corroboration from campaign organisations would strengthen the account. (International Court of Justice [1]). The Opinion's practical significance depends on implementation. States can review climate laws, emissions targets, adaptation plans, environmental assessment procedures and reporting systems. Civil society may use the Opinion in advocacy and litigation where procedures permit. Universities can support independent monitoring and public understanding while protecting academic independence. For Pacific governments, the task includes mitigation, adaptation, finance, loss-and-damage responses and rights-sensitive mobility planning.

Regionalism, Knowledge and Political Legitimacy

Knowledge governance is central to legitimate regional advocacy. Community knowledge should not be extracted for institutional prestige or used without consent and attribution. Student projects need clear protocols for interviewing community members, storing sensitive information, acknowledging contributors and returning findings in accessible forms. Where research concerns land, customary practices or Indigenous knowledge, communities should help determine what may be documented, published or shared. These practices strengthen both research ethics and the credibility of climate-justice claims. The 2050 Strategy for the Blue Pacific Continent identifies collective action and inclusive participation as foundations of regional cooperation. In practice, regionalism can amplify small states' diplomatic voice, coordinate priorities and make shared concerns more visible in international forums. It can also help create a space where scientific evidence, traditional knowledge and lived experience inform policy. Yet regional coordination is not equivalent to unanimity. Governments and communities may differ over migration, resource development, energy transitions, financing arrangements and the acceptable distribution of costs. A careful analysis should acknowledge those differences instead of presenting the Pacific as a single undifferentiated actor (Pacific Islands Forum [2]).

Implications for Curriculum and Institutional Practice

A climate-justice curriculum should combine international law with Pacific history, regional institutions, environmental science, human rights, public policy and community-based research ethics. Assessments could require a legal case note, a plain-language community explainer, a policy submission and a monitoring indicator set. These tasks develop research competence without treating advocacy as proof of impact. Universities should establish supervised climate-law projects, publish accessible legal explainers, collaborate with civil society under clear protocols, and produce periodic implementation briefs. Research governance should include informed consent, recognition of community intellectual contributions, careful handling of Indigenous knowledge and transparent attribution. Education cannot compensate for inadequate government action or insufficient climate finance; legal literacy without accessible remedies and institutional responsiveness risks raising expectations without delivering protection.

A Research Agenda for Assessing University Contribution

Comparative work across Pacific universities could identify transferable practices without assuming identical national contexts. Such work might compare law clinics, climate research centres, youth-led initiatives and partnerships with regional bodies. A common evaluation framework could record research quality, community participation, ethical governance, policy uptake and long-term institutional learning. This would allow universities to report credible contributions while acknowledging that international legal change is typically produced by many actors over time. Outcome measures should match the level of claim. If the claim is improved student legal literacy, suitable evidence might include assessed work before and after a course, rubric-based evaluation or reflective interviews. If the claim is greater

public access to legal information, evidence might include reach, language accessibility, community feedback and evidence of use. If the claim is influence on policy or legal process, authors need documentary traces linking a contribution to a decision. Attendance numbers and retrospective impressions alone are insufficient to establish causal impact. The proposed pathway can be converted into an empirical research programme. Process tracing could examine a specific advocacy episode and map its chronology: initial community or student concerns, research outputs, institutional mentorship, campaign networks, government engagement, formal submissions and subsequent decisions. Interviews may help explain mechanisms, but they should be triangulated with dated records and documentary evidence. The purpose is not to award credit to one institution but to understand how knowledge moves through coalitions and where influence can reasonably be demonstrated (Table 1 & Figure 1).

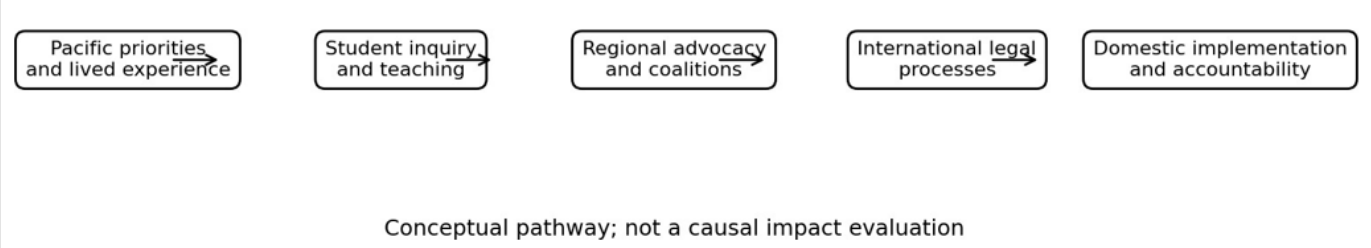


Figure 1: Pacific University-to-Accountability Pathway (conceptual model).

Table 1: Pathway components and evidence requirements.

Stage	University Contribution	Evidence Needed
Pacific priorities	Ethical consultation; locally defined research questions	Consultation records and consent processes
Student inquiry	Doctrinal research and supervised projects	Course materials, assessed outputs and supervisor records
Regional coalition	Research support for NGOs and regional bodies	Submissions, meeting records and collaboration evidence
International process	Analysis of pleadings and legal outcomes	Citations and contribution records
Implementation	Plain-language explainers and monitoring	Policy changes, budget lines and community feedback

Limitations and Future Research

This paper is a doctrinal and conceptual analysis of public legal and policy materials. It does not establish causal effects of student activism, measure public legal literacy or evaluate USP/Pacific TAFE programme outcomes. The student-number claim and specific institutional contributions require verification. Future research should define a document corpus, conduct interviews with consent, trace advocacy networks and compare institutional cases. Research involving students or communities should receive required ethics approvals and follow data-protection standards.

Conclusion

The 2025 ICJ Advisory Opinion gives Pacific states and communities an important legal reference point, but its transformative potential depends on implementation, interpretation and public accountability. Pacific regionalism offers a platform for collective voice; universities can connect that voice to legal knowledge, research capacity and civic participation. The proposed University-to-Accountability Pathway offers a testable framework. Its value depends on careful attribution, ethical partnership, legal precision and evidence that educational work informs real decisions. A climate-justice agenda consistent with the Blue Pacific vision must combine authoritative legal analysis with community legitimacy and sustained institutional action (International Court of Justice [1]).

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