



Duncan Green

July 30th, 2025

## Rewriting the Rules of Climate Justice: How a student project ended up in a big victory at the ICJ

*Duncan Green unpacks last week's ICJ ruling on climate change obligations, using the 'how change happens' methodology he developed at Oxfam to look at how the agency of individuals (including some heroic student activists) and collective action combined to tackle structural injustice in the global system.*

On July 23, 2025, the **International Court of Justice (ICJ) issued a historic advisory opinion**: states have binding legal obligations—not just moral ones—to prevent and address climate change. This ruling reframes climate inaction as a potential violation of international law and significantly advances the legal foundations for climate reparations.

But this landmark moment didn't emerge from the court alone. It was the result of a global campaign launched by Pacific Island students and led by the government of Vanuatu. To understand how this shift happened—and what it means for climate justice—let's examine the campaign through the lens of power, systems, and agency, using **Oxfam's framework for analysing past episodes of change**.

### Invisible, Hidden, and Visible Power: Unpacking the Climate Justice Terrain

The ICJ opinion disrupts long-standing **invisible power structures** that have shaped how the climate crisis is framed and who is seen as responsible. For decades, fossil fuel expansion, weak treaty enforcement, and moral appeals framed climate justice as charity, not accountability.

By turning to the ICJ, the campaign exposed and challenged **hidden power**—especially the legal grey zones that major emitters have exploited. Countries like the U.S., Saudi Arabia, and others urged the court to defer to voluntary treaties like the Paris Agreement, seeking to contain legal interpretation within a narrow, unenforceable frame.

The court's opinion resisted this framing. It recognized that the right to a healthy environment is grounded in **visible legal mechanisms**—human rights law, environmental treaties, and principles of intergenerational equity. In doing so, it elevated the legitimacy of climate harm claims to the realm of enforceable rights.

### Structural Context: Legacies of Colonialism and Uneven Sovereignty

Vanuatu, the campaign's lead nation, contributes just 0.0016% of global emissions, yet suffers disproportionately from climate impacts. Rising seas and intensifying cyclones have created a near-permanent state of emergency.

This reflects a deeper **structural constraint**: postcolonial states like Vanuatu continue to face limits on their sovereignty. The climate crisis has made clear that political independence is not the same as self-determination in a globalized, fossil-fuelled world. In 2022, nearly 40% of Vanuatu's government spending came from external development assistance—conditional and donor-driven.

Minister **Ralph Regenvanu** has spent his life navigating this structural paradox. A child of independence movements, an artist, and a cultural leader, his work has focused on reclaiming Ni-Vanuatu identity from Western systems, protecting Indigenous knowledge, and resisting the forces that marginalize Pacific peoples.

The ICJ campaign, then, became a tool for reclaiming agency within a structurally unjust global system.



*Vanuatu climate action. Credit: Global Voices*

### Agency and Collective Action: From Student Imagination to Diplomatic Strategy

The campaign began not in a government office, but in a classroom. Law students from the University of the South Pacific—later known as **Pacific Islands Students Fighting Climate Change**

(PISFCC)—proposed taking a climate justice case to the ICJ. What started as a class project soon evolved into a multiyear mobilization of youth agency, diplomacy, and strategic advocacy.

Regenvanu was the first and only government official to initially embrace the students' proposal. For Vanuatu, it was not a naïve gamble but a conscious pivot to new strategies after decades of stalling at COP negotiations. "We've come away with crumbs," Regenvanu said, describing the disillusionment with multilateral climate talks.

The strategy drew on multiple sites of change: the **Law of the Sea**, the **Rome Statute**, the **Fossil Fuel Non-Proliferation Treaty**, and more. This reflects a systemic approach—engaging the complexity of power across institutions, norms, and legal frameworks—rather than focusing on a single arena of influence.

### Coalitions, Narrative Shifts, and Movement Strategy

Over six years, the ICJ campaign built an **intersectional coalition**: small island states, legal experts, Indigenous leaders, and youth activists. It aimed to democratize the legal process, collecting testimonies and organizing participatory actions that redefined who gets to speak in global legal forums.

The campaign's storytelling power was central. Testimonies like that of Solomon Islands youth leader **Cynthia Rosah Bareagihaka Houniuhi** reframed land as relational and spiritual, not extractive—a challenge to Western epistemologies underpinning environmental law.

In contrast, wealthier countries pushed to restrict legal interpretation to the Paris Agreement. This marked a strategic defence of **hegemonic narratives**, using legal formalism to prevent obligations from deepening. The ICJ rejected that framing. It affirmed that voluntary pledges do not exempt states from their duties to act with urgency and proportionality.

This ruling transforms the **dominant narrative** of climate justice—from moral responsibility to legal duty; from optional generosity to enforceable obligation.

### Reimagining Power and Accountability: Implications for the Future

The ICJ ruling arms Global South states and movements with **new tools of leverage**. While not legally binding, the opinion can influence future legal claims, shift diplomatic dynamics, and help implement climate finance mechanisms like the Loss and Damage fund.

The court recognized that inaction itself can constitute a breach of law—opening space to hold not only states, but private actors accountable. It reinforced that climate action must be more than lip service; it must be grounded in systemic change, not market-based distractions like voluntary offsets.

Vanuatu's next step is to return to the UN General Assembly to push for a resolution supporting implementation of the ICJ opinion—moving from interpretation to action.

*Full disclosure: I tasked ChatGPT to draft this piece based on a longer article in **The Nation**, applying the '**How Change Happens**' analytical framework I developed at Oxfam. Pretty impressive, but needed a bit of tidying up (adding links and removing some of the more vacuous rhetoric!). It also generated the graphic. What do you think?*

## About the author

### Duncan Green

Duncan Green is a Co-Director (with Tom Kirk) of the LSE's Activism, Change and Influence programme and website. He is a Professor in Practice in the LSE's International Development department. He can be reached at [d.j.green@lse.ac.uk](mailto:d.j.green@lse.ac.uk), or on [@duncangreenlse.bsky.social](https://bsky.app/profile/duncangreenlse.bsky.social). He doesn't look at twitter any more.

**Posted In:** Insider Influencing



© LSE 2025