Copyright © The Author(s), 2025. Published by Cambridge University Press on behalf of American Society of International Law
doi:10.1017/amp.2025.2

TWENTY-SIXTH ANNUAL GROTIUS LECTURE SERIES

Grotius Lecturer Dame Meg Taylor and Distinguished Discussant Julian Aguon provided the Twenty-Sixth Annual Grotius Lecture on Wednesday, April 3, 2024 at 5:00 p.m.

Sovereignty, Survival and Climate Justice: Legal and Political Frontiers of the Blue Pacific Continent*

*By Dame Meg Taylor***

Thank you, Dean Fairfax, for your warm introduction and thanks also to the American Society of International Law and the American University Washington College of Law for this invitation.

It is indeed an honor to be with you today to deliver the Grotius lecture, a lecture that acknowledges the enduring legacy of Hugo Grotius, whose visionary work on the law of nations and the principles of natural law and sovereignty in many ways underpins the Pacific's own collective journey towards sovereignty, survival, and climate justice—towards becoming a "society of states."[1]

Today I will speak on the complex realities that face the Pacific region, the region we know as the Blue Pacific Continent, and how we are responding. I will offer insight into a part of the world long underestimated and belittled for its geographical isolation and vulnerabilities. A part of the world marked by some of humanity's most remarkable displays of ingenuity and scarred by some of humanity's worst malevolence. A place where unity is both perpetually forged and tested by internal dynamics and external forces, drawing us together and pulling us apart. A region where the existential threats of climate change and geopolitics are not distant concerns but present realities that threaten our survival. A region that is responding to these threats by emphasizing the Pacific Way of cooperation and the proactive use of international law.

I will explore with you the ways our region has navigated the tumultuous waters of colonization, militarization, and great power rivalry to manage and protect our oceanic home. I will share the ways we have created a regional architecture that allows us the opportunity to lead through collective diplomacy, promote environmental stewardship, and foster a sense of our collective Pacific

* This lecture was also published in 40 Am. U. Int'l L. Rev. 1 (2024). Citation style used is that of *AUILR*.

** Dame Meg is a lawyer and diplomat from Papua New Guinea (PNG). She currently serves on the Eminent Persons Group, responsible for developing the Foreign Policy White Paper for the Government of PNG; the Board of Directors of Nambawan Super, the largest superannuation company in PNG; and the board of the PNG Sustainable Development Program, which provides health, education, and enabling infrastructure initiatives for the people of PNG. She is also Chair of The Voice Inc. a youth organization in PNG. Regionally, Dame Meg is a Member of the Pacific Elders Voice; an Advisor with Blue Ocean Law on its application to the ICJ on Climate Change; a member of the International Advisory Panel for the Asian Infrastructure Investment Bank; and Non-Resident Distinguished Fellow for the Blue Pacific at the Asia Society Policy institute. Dame Meg is the former Secretary General of the Pacific Islands Forum and Pacific Oceans Commissioner. She was the founding Vice President of the Office of the Compliance Advisor Ombudsman for the International Finance Corporation and the Multilateral Investment Guarantee Agency of the World Bank Group. From 1989–1994, she was Ambassador of Papua New Guinea to the United States, Mexico and Canada.

[1] Ursula Vollerthun & James L. Richardson, Hugo Grotius, *in* The Idea of International Society: Erasmus, Vitoria, Gentili and Grotius 22 (2017).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

identity. Sometimes this architecture has succeeded and other times it has failed, but today I hope to illuminate not just the struggles we face but how our own narrative of a Blue Pacific Continent reflects our collective determination and capacity to pursue a future that fundamentally calls for and requires a more just and inclusive future for international law.

I deliver this lecture at a pivotal moment, as Vanuatu's initiative to seek an Advisory Opinion from the International Court of Justice (ICJ) symbolizes our unified effort to address climate change, our era's most critical challenge.[2] This action reflects our collective push for shared responsibility. Through the Blue Pacific narrative, we aim to encourage both our partners and our nations to move beyond divisive strategies. Instead, we advocate for a united vision of the Blue Pacific Continent, prioritizing the needs and aspirations of Pacific communities.[3]

Our history is rooted in a vast oceanic realm inhabited by diverse communities with rich traditions, social structures, and systems of knowledge that began far before European "discovery."[4] Far from isolated, these communities engaged in extensive long-distance trade and cultural exchange, with items such as obsidian, pottery, and shell ornaments weaving economic and social ties that endure to this day.

Across the region, social and political structures varied from chiefdoms and kingdoms to clan-based societies. Art, music, dance, and oral traditions flourished, serving as a means of passing down knowledge, history, and values through generations, uniting the diverse Indigenous cultures of the Pacific.

This era, extending back tens of thousands of years, was marked by some of humanity's most remarkable displays of ingenuity.

Our ancestors were the world's first ocean navigators, mastering advanced techniques based on the stars, ocean currents, wind patterns, and bird migrations, to undertake voyages across the entire Pacific Ocean.[5] They created a network of societies spanning thousands of miles, from the north to the south and the east to the west.

Our region is argued to be the birthplace of agriculture, cultivating plants almost 20,000 years before the Mesopotamians, more evidence of our historical ingenuity.[6]

There is no question, however, that the arrival of European explorers in the 16th century marked the beginning of significant changes for our region. The era of colonization forever altered our social, economic, and political landscapes. European powers, motivated by the quest for new territories and the competition for untapped resources, emboldened by racial prejudice and a civilizing mission, embarked on expeditions that have altered our region irrevocably. The very divisions

[2] *See generally The Republic of Vanuatu is Leading the Initiative at the U.N. International Court of Justice for an Advisory Opinion on the Obligations of States Relevant to Climate Action*, VANUATU ICJ INITIATIVE, https://www.vanuatuicj.com [hereinafter VANUATU ICJ INITIATIVE] (highlighting that Vanuatu's leadership at the U.N. greatly strengthened international laws on climate change).

[3] *See 2050 Strategy for the Blue Pacific Continent*, PAC. ISLANDS F., https://forumsec.org/2050 (detailing enhanced cooperation strategies, leadership, and societal participation necessary for successful implementation across Pacific societies to achieve security, harmony, and sustainable prosperity).

[4] *See The Pacific Islands*, NAT. HIST. MUSEUM, https://nhm.org/experience-nhm/exhibitions-natural-history-museum/fabric-community/pacific-islands.

[5] *See* Alastair Couper, *The First Pacific Seafarers*, *in* SAILORS AND TRADERS: A MARITIME HISTORY OF THE PACIFIC PEOPLES 22–24, 32, 35–36 (2009) (showing how Pacific communities relied on star maps and an advanced knowledge of their environment to navigate the Pacific Ocean).

[6] *See* Leigh Dayton, *Science: Pacific Islanders Were World's First Farmers*, NEW SCIENTIST (Dec. 12, 1992), www.newscientist.com/article/mg13618512-700-science-pacific-islanders-were-worlds-first-farmers (explaining that some evidence shows that Pacific Islanders may have had agricultural practices that predates other ancient civilizations' agricultural practices).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

of the Pacific Ocean into the nations and sub-regions that we recognize today are a direct result of these colonial ambitions and divisions.[7]

Our regional institutions were also born from colonial ambitions. Today's Pacific Community, formerly known as the South Pacific Commission or SPC, was originally established as a colonial construct by Britain, France, the Netherlands, the United States, New Zealand, and Australia.[8] A strategic move, cloaked in the civilizing guise of "development" that consolidated these nations' influence, control, and management of our region. SPC, while purporting to advance the economic and social welfare of Pacific peoples, belied a deeper intent to maintain a constabulary role over the then non-self-governing territories, effectively sidelining the voices of the emerging Pacific Island nations.

The impacts of this colonial period are sometimes downplayed as benign in historical narratives. But they should not be because we bear scars that speak otherwise.

The practice of blackbirding, enslaving our people to work in Australia persisted for over one hundred years.[9] The phosphate mining that fueled the growth of so many nations, in particular Australia and New Zealand, was so extensive that an entire island was consumed, the island of Banaba, in Kiribati, leaving its people without their ancestral home.[10]

As the South Pacific Commission was limited by its colonial framework, it lacked provision for the full membership of newly independent states and placed significant restrictions on the decision-making of those still under trusteeship. This had a profound impact on our region. This post-war period, marked by the SPC's dominance, was characterized by external powers dictating the governance of maritime spaces.

This resulted in exploitative fishing practices, without equitable benefit sharing with Pacific communities and of course the unchecked nuclear testing by Britain, France, and the United States.[11] Testing that has left indelible scars on the region. This is most acutely felt in the Marshall Islands, where the United States carried out 67 tests and in French Polynesia where the French carried out 193 tests.[12] The contamination from these tests continues to affect the health

[7] *See* Meena Venkataramanan, *The Pacific Islands: United by Ocean Divided by Colonialism*, Pub. Books (Apr. 9, 2024), www.publicbooks.org/the-pacific-islands-united-by-ocean-divided-by-colonialism (describing how European colonialism led to the division of the Pacific Islands).

[8] *See When It All Began: The Pacific Community at 75*, Pac. Cmty. (Mar. 5, 2022), https://www.spc.int/updates/blog/2022/03/when-it-all-began-the-pacific-community-at-75# (underscoring the importance of the establishment of the South Pacific Commission (SPC) and how it later became the Pacific Community).

[9] *See* Amie Batalibasi, *Blackbird - A Journey of Honouring My Ancestors*, NITV (Dec. 27, 2018), https://www.sbs.com.au/nitv/article/blackbird-a-journey-of-honouring-my-ancestors/8xibzssyr (explaining the practice of 'blackbirding' which involved removing Pacific Islanders from their native homes to work in Australia's sugar cane fields).

[10] *See generally* Ashima Sharma, *With Phosphate Mining, the Threat of Displacement Returns to Kiribati*, Mining Tech. (Nov. 22, 2023), www.mining-technology.com/features/with-phosphate-mining-the-threat-of-displacement-returns-to-kiribati (explaining how phosphate mining in Banaba rendered the island inhabitable for its residents).

[11] *See* Manuel Rauchholz, Resources, Boundaries and Governance: What Future for Marine Resources in Micronesia? 68, 74 (2018) (explaining that exploitative fishing practices arose due to the inability of the government to monitor the small island nations' borders); *see also Pacific Nuclear Test Archive*, Educ. & Rsch. on Glob. Disarmament Pol'y: Int'l Disarmament Inst. News, https://disarmament.blogs.pace.edu/nuclear-test-archive/ (stressing that nuclear weapons testing occurred unchecked in the Pacific region for over fifty years).

[12] *See Marshall Islands*, Atomic Heritage Found., https://ahf.nuclearmuseum.org/ahf/location/marshall-islands (detailing the history of U.S. nuclear testing in the Marshall Islands from 1946 to 1958, including Operation Crossroads and Castle Bravo tests, the forcible relocation of Marshallese, significant long-term health impacts from radiation exposure, and ongoing compensation and legal challenges faced by the Marshallese); *see also France Admits Nuclear Coercion in Polynesia*, Arms Control Ass'n, https://www.armscontrol.org/act/2019-09/news-briefs/france-admits-nuclear-coercion-polynesia (acknowledging France's coercion of French Polynesia into hosting nuclear tests from 1966 to 1996); Int'l Campaign to Abolish Nuclear Weapons & IPPNW Ger., The Devastating Consequences of Nuclear

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

of local populations through increased incidences of cancer and birth defects.[13] Environmental impacts are also still felt with irradiated atolls, disrupted ecosystems, and the long-lasting contamination of land and marine resources.

Moreover, the colonial mindset left indelible marks on our collective psyche. Our very identities and sovereignties have been overshadowed by narratives that reduce our region to mere spheres of influence—Micronesia under the United States, Polynesia by New Zealand and France, and Melanesia by Australia and France. This reductive framing diminished our agency, and our struggle for genuine sovereignty, self-determination, and survival.

But in the face of this domination, exploitation, and control we have never been passive.

In the late 19th century, King Kalākaua of Hawai'i envisioned a unified Oceania to counter Western colonialism, advocating for a confederation of Pacific states and regional solidarity for mutual security and independence. He protested the colonial division of our region and established diplomatic relations to support our sovereignty and state-building.[14] Nationally, the Kaunitoni Rebellion in Fiji and the Mau Movement in Samoa strongly opposed colonial rule.[15] These movements and more underscore the region's longstanding fight for autonomy and self-determination.

Without our regional institutions, the Lae Rebellion in 1965 challenged the power imbalance within the SPC.[16] While it took time, the decolonization of the SPC was completed by 1983 when it was agreed that Pacific States and non-self-governing territories would be granted the same decision-making powers and voting rights as colonial powers.[17] The SPC now works as our primary technical organization in service to the Pacific States and Territories and now incorporates Pacific values and knowledge into the operation of the institution.

The creation of the South Pacific Forum in 1971, now known as the Pacific Islands Forum, was another pivotal moment in asserting regional agency and regional self-determination.[18] Initiated by leaders such as Fiji's Ratu Mara, the Cook Islands Sir Albert Henry, Nauru's Hammer DeRobert, and later Papua New Guinea's Sir Michael Somare, the Forum crystallized under the concept of a "Pacific Way."[19] This new institution really allowed us to begin our collective action and to take our place on the international stage. As Ratu Mara

TESTING: EFFECTS OF NUCLEAR WEAPONS TESTING ON HEALTH AND THE ENVIRONMENT 18, 41 (2023) (providing additional data detailing the impact of France's nuclear weapons testing in Polynesia).

[13] INT'L CAMPAIGN TO ABOLISH NUCLEAR WEAPONS & IPPNW GER., *supra* note 12, at 7–8, 21–23.

[14] *See* Kealani Cook, *Kalākaua's Polynesian Confederacy: Teaching World History in Hawai'i and Hawai'i in World History*, WORLD HIST. CONNECTED (2011), https://worldhistoryconnected.press.uillinois.edu/8.3/forum_cook.html (discussing the Kaimiloa's symbolic representation during a 1887 diplomatic mission aimed at creating a confederacy between Hawai'i, Sāmoa, and Tonga, and highlighting divergent perspectives on the ship's significance within the context of Pacific Islander agency and European and American imperial narratives).

[15] *See* Robert Nicole, *Introduction*, *in* DISTURBING HISTORY: RESISTANCE IN EARLY COLONIAL FIJI 1, 3, 8 (2010) (highlighting the nature of the early colonial resistance in Fiji, its reasons, and consequences); *see also* Iain Murray, *The Mau Movement for Samoan Independence*, THE COMMONS SOC. LIBR., https://commonslibrary.org/mau-movement (discussing the Mau movement for Samoan independence).

[16] *Cf.* Eric Shibuya, *The Problems and Potential of the Pacific Islands Forum*, *in* THE ASIA-PACIFIC: A REGION IN TRANSITION 104 (Jim Rolfe ed., 2004) (explaining how the PIF allows small island states of Oceania to speak on major international issues, while hinting at the Lau Rebellion).

[17] *When It All Began: The Pacific Community at 75*, *supra* note 8.

[18] *See generally* Sandra Tarte, *Regionalism and Changing Regional Order in the Pacific Islands*, 1 ASIA & PAC. POL'Y STUD. 312, 314 (2014) (providing more insight into the creation of the Pacific Islands Forum (PIF) following decolonization); *see also* Shibuya, *supra* note 16, at 102 (providing additional research about the Lau Rebellion which developed as resistance to colonial powers in the Pacific).

[19] *See* Shibuya, *supra* note 16, at 103–04 (highlighting the context influencing the term 'Pacific Way'); *South Pacific Forum, 1971*, ENCYC. OF N.Z., https://teara.govt.nz/en/photograph/33811/south-pacific-forum-1971.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

reflected at the time, finally "the united voice of the people of the Pacific is also being heard, and heeded, in international bodies."[20]

While it should be noted here that our collective voice did not include the North Pacific until the 1990s, we began in the 1970s to play a pivotal role in shaping the international legal framework governing the oceans, contributing to the development and adoption of the United Nations Convention on the Law of the Sea (UNCLOS).[21] We argued for the exclusive economic zones (EEZs), which extend up to two hundred nautical miles from the coastline, granting states special rights regarding the exploration and use of marine resources.[22]

Our presence in these negotiations reflected our collective commitment to assert our sovereign rights as oceanic nations and safeguard our home against the backdrop of historical challenges and contemporary threats, such as illegal, unreported, and unregulated fishing, and environmental degradation. Our leadership in UNCLOS negotiations underscores our vital role in global maritime law, promoting a framework that balances resource utilization with conservation, ensuring the ocean's health for future generations. The law relating to the ocean, unlike any other, has commanded priority attention for all Pacific states and societies and continues to do so.

Our role in UNCLOS triggered the exposure and participation of our people and our nations in the workings and making of international law. This resulted in perhaps the most profound expression of our regional unity; the Forum's agreed stance against nuclear testing, culminating in the 1985 Treaty of Rarotonga.[23] This landmark treaty is a cornerstone in the field of international law regarding nuclear disarmament and non-proliferation. It not only declared the Pacific a nuclear-free zone but also affirmed our inherent right to protect our environment and the future of our peoples, establishing the first nuclear-free zone in a populated area, prohibiting the use, testing, and possession of nuclear weapons within the territories of signatory Pacific Island nations.[24]

The treaty promotes regional security, commits signatories to environmental protection, and establishes a benchmark for global nuclear disarmament and non-proliferation efforts. Its legal structure incorporates verification and compliance mechanisms. Fundamentally, the treaty represents our region's united stance against the agendas of global superpowers, affirming our dedication to environmental preservation and asserting our right to shape our own security and environmental policies without outside interference.[25]

However, not all member states have ratified the treaty, partly due to external pressures, and today we are seeing renewed debates on nuclear issues emerge within countries like Australia and New Zealand.[26]

[20] Tess Newton Cain, *Pacific Islands Forum: What is It and Why Does It Matter?*, THE GUARDIAN (Nov. 6, 2023), www.theguardian.com/world/2023/nov/07/pacific-islands-forum-what-is-it-and-why-does-it-matter.

[21] *See* AUST. GOV. DEPT. OF FOREIGN AFFS. & TRADE, AUSTRALIA AND THE ORIGINS OF THE PACIFIC ISLANDS FORUM 1 (2004) (studying the process of decolonization in the Pacific and how that established and redefined relationships); *see generally* DR. TRANSFORM AQORAU, THE ROLE OF THE PACIFIC ISLANDS FORUM IN OCEAN GOVERNANCE 8–9 (2004), https://library.sprep.org/sites/default/files/459.pdf (describing the process of decolonization which allowed the PIF to include other Northern Pacific Islands); *see also* U.N. Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397 [hereinafter UNCLOS].

[22] UNCLOS, *supra* note 21, arts. 55, 57; *see generally Exclusive Economic Zone*, ENCYC. BRITANNICA, https://www.britannica.com/topic/exclusive-economic-zone (defining the exclusive economic zone (EEZ) under UNCLOS as an area extending up to 200 nautical miles from a country's coastline, within which the country holds exclusive rights to explore and exploit natural resources).

[23] South Pacific Nuclear Free Zone Treaty art. 3, Aug. 6, 1985, 1445 U.N.T.S. 177, 179 [hereinafter Treaty of Rarotonga].

[24] *Id.* at 177, 179–81.

[25] *Id.* at 177, 178.

[26] *Id.* at 177 n.1; *see* Daniel Hurst, Pacific Islands Forum Chair Says Region Must Revisit Its Anti-Nuclear Treaty, THE GUARDIAN (Nov. 7, 2023), https://www.theguardian.com/world/2023/nov/07/pacific-islands-forum-chair-says-region-

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

With the Pacific Islands Forum as the core, we also redesigned our regional architecture to align with our own interests and priorities. We established the Forum Fisheries Agency,[27] in the face of significant opposition from major fishing and maritime powers, and at a time even before the conclusion of UNCLOS.[28] The Forum Fisheries Agency contested outsiders' regulatory control and ensured both the conservation and maximum benefit from our marine natural resources, especially our highly migratory species, for our own independent Pacific nations. Later, we founded the Pacific Applied Geoscience Commission (SOPAC) to govern the region's non-living marine resources[29] and the South Pacific Regional Environment Programme (SPREP) to govern our living marine resources.[30] Through these institutions, we spearheaded diplomatic campaigns, such as the successful drive to ban driftnet fishing in the South-West Pacific, an initiative that demonstrated our collective endeavour to safeguard fish stocks, vital to our economies and valued at 2–3 billion dollars annually, alongside our broader environmental stewardship.[31]

The Forum architecture, however, which is inclusive of Australia and New Zealand, has not always served our interests. In fact, in recent years these nations have often undermined and weakened the Forum's ability to take a strong collective position on climate change. Some of the most innovative and effective regional initiatives have instead emerged outside of the forum architecture by Pacific Islanders themselves. The creation of the Parties to the Nauru Agreement (PNA) for example, revolutionized the management of the skipjack tuna fishery.[32] This fishery represents 50% of our exports to Europe and stands as a testament to our dedication to sustainable and profitable maritime resource management.[33] The success of entities such as the Parties to the Nauru Agreement demonstrates the significant role and influence of locally-led organizations within our regional framework. These organizations derive their convening authority from the consensus and support of their member states, showcasing our strongest path for effective regional cooperation and stewardship.

These institutions should not be seen merely as administrative bodies; they are symbols of our determination to protect and sustain our way of life against external pressures and exploitation and exist on a sense of collective identity.

In summarizing the first five decades of the independence era, the Pacific has made many advances in regionalism, international diplomacy, and international law. First, we have created an effective regional "society of states" with a shared commitment to regional sovereignty and self-determination. Second, we worked closely with an emerging and influential regional civil

must-revisit-its-anti-nuclear-treaty (highlighting the Pacific Islands Forum Chair's bid to "revisit" a previous anti-nuclear treaty, to prevent discharge of nuclear waste into the Pacific Ocean).

[27] *Pacific Islands Forum Fisheries Agency (FFA)*, FAO, https://www.fao.org/fishery/en/organization/ffa.

[28] *Id.*

[29] *GEM History*, PAC. CMTY., GEOSCIENCE, ENERGY, & MAR. DIV., https://gem.spc.int/about/gem-history.

[30] *Id.*; *see also Secretariat of the Pacific Regional Environment Programme (SPREP Convention)*, U.N. ENV'T PROGRAMME, https://www.unep.org/secretariat-pacific-regional-environment-programme-sprep-convention; *About Us*, SPREP, https://www.sprep.org/about-us (providing more insights about the history and responsibilities of SPREP).

[31] G.A. Res. 46/215, Large-Scale Pelagic Drift-Net Fishing and Its Impact on the Living Marine Resources of the World's Oceans and Seas 147 (Dec. 20, 1991), https://sdgs.un.org/documents/ares46215-large-scale-pelagic-drift-net-fishi-19142; Fisheries: Measures Against Driftnet Fishing in the South Pacific art. 2, Nov. 24, 1989, T.I.A.S. No. 92-228.

[32] *See* Lauren D. Bernadett, *The Parties to the Nauru Agreement's Vessel Day Scheme: Accounting for the Rare Success of an International Agreement*, 14 Chi.-Kent J. Int'l & Comp. Law 103, 110–13 (2014) (describing how the PNA helped Pacific states maximize their economic benefits for themselves and their citizens).

[33] *See PNA Western and Central Pacific Skipjack and Yellowfin: Assessments*, MAR. STEWARDSHIP COUNCIL, https://fisheries.msc.org/en/fisheries/pna-western-and-central-pacific-skipjack-and-yellowfin-unassociated-non-fad-set-tuna-purse-seine-fishery/@@assessments (providing assessments and figures pertaining to Western and Central Pacific Skipjack and Yellowfin).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

society to deepen the commitment to our regional political community centered on regional self-determination. Third, we created a wide array of regional institutions, with the Pacific Islands Forum at the center, to cooperate in a broad range of areas such as trade, security, environment, climate change, fisheries, tourism, decolonization and nuclear proliferation. Fourth, through our collective diplomacy we have taken on the most powerful countries in the world on some of the issues of the highest importance to them and prevailed: the Japanese on nuclear waste dumping and driftnet fishing; the French on U.N. oversight of decolonization in their territories and nuclear testing; and the United States on law of the sea and fisheries access. We have consistently punched above our weight in global climate change negotiations.

And finally, many of our attempts at promoting regional self-determination were expressed in the achievement of an impressive body of regional international law. As noted, this includes the SPREP Treaty[34] and the "Treaty of Rarotonga,"[35] as well as the "Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America," often referred to as the "Tuna Treaty,"[36] the "United Nations General Assembly's Moratorium on Large-Scale Pelagic Driftnet Fishing,"[37] and the 2018 Boe Declaration adopted by the Pacific Islands Forum that outlines regional security cooperation and identifies climate change as the paramount security threat.[38]

In our current era, we continue to face a variety of challenges.

Most notably, the Pacific has increasingly become a focal point for great power competition, with superpowers deploying aggressive diplomacy and strategic narratives to influence the region's path. The United States and China stand at the forefront of this geopolitical tug-of-war, each casting the other as the aggressor while positioning themselves as indispensable partners to the Pacific. China has sought to align its initiatives with the needs and wants of the Pacific, focusing on infrastructure and education. It now also encompasses broader regional cooperation which underscores a nuanced strategy to embed itself within the Pacific's socio-economic fabric, contrasting with the more traditional security-focused approaches of the United States.[39]

U.S.-led initiatives like the Partners of the Blue Pacific[40] emerged without meaningful consultation with Pacific Island nations, thus embedding our region within a framework of the strategic

[34] *See* Agreement Establishing the South Pacific Regional Environment Programme (SPREP), June 16, 1993, 1982 U.N.T.S. 4 (laying out a framework for cooperation among the Pacific Island countries and territories, other member countries, and partners to promote and address sustainable management of natural resources).

[35] *See* Treaty of Rarotonga, *supra* note 23, at 177 (committing parties to support a nuclear-weapon-free zone in the South Pacific).

[36] *See* Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, amended Apr. 2, 1987, Senate Treaty Document 100-5 (setting out conditions on U.S. fishing in the region of certain South Pacific Island states for five years).

[37] *See* G.A. Res. 50/25, 50 U.N. GAOR Supp. (No. 49) at 29, U.N. Doc. A/50/49 (Vol. I) (1995) (placing a moratorium on large-scale pelagic driftnet fishing).

[38] *See Boe Declaration on Regional Security*, Pac. Islands F. (Sept. 5, 2018), https://forumsec.org/publications/boe-declaration-regional-security (recognizing and reaffirming the Forum's endorsement of the 2000 Biketawa Declaration and its principles to address Members' collective security interests in the Pacific region).

[39] *See* Press Release, U.S. Dep't of State, The United States' Enduring Commitment to the Indo-Pacific: Marking Two Years Since the Release of the Administration's Indo-Pacific Strategy (Feb. 9, 2024), https://www.state.gov/the-united-states-enduring-commitment-to-the-indo-pacific-marking-two-years-since-the-release-of-the-administrations-indo-pacific-strategy (describing U.S. response and observations of actions taken by China (PRC), Myanmar (Burma), and North Korea (DPRK) in the Indo-Pacific region).

[40] *See* Press Release, The White House, Statement by Australia, Japan, New Zealand, the United Kingdom, and the United States on the Establishment of the Partners in the Blue Pacific (PBP) (June 24, 2022), https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/24/statement-by-australia-japan-new-zealand-the-united-kingdom-and-the-united-states-on-the-establishment-of-the-partners-in-the-blue-pacific-pbp (announcing establishment of the PBP).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

denial of China that prioritized Western interests over local voices.[41] This dynamic has introduced a new layer of pressure on the Pacific, challenging the coherence of our regional unity and the very essence of the Pacific Way—our commitment to mutual respect, dialogue, and collective action.

The recalibration of global attention towards the Pacific, marked by China's ascendancy and the strategic countermeasures by the United States and its traditional allies through the Indo-Pacific concept and security pacts like AUKUS (between Australia, the United Kingdom, and the United States), heralds a complex era of engagement.[42] These developments, while signifying recognition of the Pacific's strategic value, also threaten to marginalize our interests and narratives in the face of militarization and the competitive agendas of external powers.

We are experiencing a notable escalation in militarization, highlighted by developments that include significant military infrastructure upgrades in Guam, the Northern Mariana Islands and Palau by the United States, plans for Australia to acquire nuclear-powered submarines, enhancing its naval capabilities, and to base U.S. and British operational submarines and B52s within the South Pacific Nuclear Free Zone.[43] In my country, we see the redevelopment of the Lombrum Naval Base on Manus Island led by Australia in cooperation with the Papua New Guinea Defence Force but clearly positioned as a future base under the AUKUS strategy.[44] These actions, aimed at countering China's influence, heighten geopolitical tensions, and militarisation raise concerns for regional stability, sovereignty, and our vision for a peaceful and sustainable future.

Viewing the Pacific only through its geo-political importance also distorts the critical delivery of foreign assistance to our region. Security interests sometimes prevail over regional development goals and priorities. Exacerbating the situation is the increased privatization and politicization of development aid, as external agencies and contractors increasingly drive agendas that do not align with the Pacific's needs and often lack a deep understanding of the Pacific's cultural and governance context. This leads to ineffective and misdirected aid delivery and highlights the need for a complete re-evaluation of aid practices to ensure they genuinely support the region's own priorities and interests.[45]

On top of this, environmental challenges remain. The continued exploitation of fossil fuels, unresolved nuclear waste disposal, the Pacific Ocean's use as a dumping ground, and the risks of deep-seabed mining highlight inadequate responses to our environmental concerns. Environmental

[41] *See* Joseph Clark, *AUKUS Partners Focus on Indo-Pacific Security in Shaping Joint Capabilities*, U.S. DEP'T OF DEF. (Apr. 10, 2014), https://www.defense.gov/News/News-Stories/Article/Article/3737569/aukus-partners-focus-on-indo-pacific-security-in-shaping-joint-capabilities (reporting on AUKUS security partnership between the U.S., U.K., and Australia to maintain peace and stability in the Indo-Pacific).

[42] *See AUKUS: The Trilateral Security Partnership Between Australia, U.K. and U.S.*, U.S. DEP'T OF DEF. (Sept. 15, 2023), https://www.defense.gov/Spotlights/AUKUS (summarizing purpose and process of forming AUKUS).

[43] *See* ANDREW TILGHMAN, CONG. RSCH. SERV., R47643, GUAM: DEFENSE INFRASTRUCTURE AND READINESS 5 (2023) (assessing and providing potential priorities for Guam's defense infrastructure and military readiness); *see also Australia's Nuclear-Powered Submarines*, AUSTL. GOV'T, AUSTL. SUBMARINE AGENCY, https://www.asa.gov.au/aukus/australias-nuclear-powered-submarines (detailing upgrades and changes to Australia's submarine fleet); Press Release, The White House, FACT SHEET: Trilateral Australia-UK-US Partnership on Nuclear-Powered Submarines (Mar. 13, 2023), https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/13/fact-sheet-trilateral-australia-uk-us-partnership-on-nuclear-powered-submarines (listing the details of the trilateral partnership on nuclear-powered submarines).

[44] *See The Joint Initiative at Lombrum Naval Base (PNG)*, AUSTL. GOV'T, DEF., https://www.defence.gov.au/defence-activities/programs-initiatives/pacific-engagement/lombrum-naval-base (describing the redevelopment of the Lobrum Naval Base for the transfer to and benefit of the Papua New Guinea Defense Force).

[45] *See* Finau Fonua, *Development Aid- Help or Hindrance to Pacific Countries?* RNZ (Aug. 9, 2023), https://www.rnz.co.nz/international/pacific-news/495408/development-aid-help-or-hindrance-to-pacific-countries (reporting on potential consequences of Chinese aid to Pacific nations).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

recovery from nuclear tests and the unresolved impacts on affected communities, along with the devastation from phosphate mining without justice or compensation, underscore this point.

Above all, climate change represents an existential threat to our region. Rising sea levels, increasing temperatures, and extreme weather events jeopardize the very survival of island nations. Sea levels in the Pacific are rising at a rate of 3–4 millimeters per year, threatening to submerge low-lying atolls and displace communities.[46] The frequency and intensity of cyclones have escalated, and economic impacts now amount to hundreds of millions of dollars, severely straining the limited resources of our Pacific Island economies.[47] The acidification of our oceans and coral bleaching caused by warming oceans further disrupt our marine ecosystems, undermining food security and livelihoods dependent on fishing and tourism.

What has been our response to these current challenges? Again, it is the Pacific Islands Forum that stands as a testament to our region's collective identity and aspiration for autonomy.

Building on reforms undertaken through the Framework for Pacific Regionalism, Pacific Islands Forum leaders declared a new narrative in 2017 that redefined ourselves as a Blue Pacific Continent.[48] This declaration was the bold and radical transformation that we needed to confront geopolitics, climate change and our changing ocean.

Our Blue Pacific narrative represents a counter-narrative.[49] Rooted in the collective will of the Pacific Islands Forum, it reclaims our region's story, positioning the Pacific not as a geopolitical pawn but as a vast, interconnected continent with a unified voice. This strategic reimagining serves as a response to external attempts to define our region, asserting instead a narrative that emphasizes our agency, our interconnectedness, and the intrinsic value of our oceanic heritage.

The Blue Pacific narrative is an assertion of autonomy against the backdrop of increasing militarization and external geopolitical agendas. By framing our region as the Blue Pacific Continent, we emphasize the strategic importance of our collective maritime domain, the stewardship of which is critical for environmental sustainability but also for our socio-economic resilience.

And this narrative is not merely rhetorical as is evident in the adoption of the 2050 Strategy, a collective achievement that details our commitment to sustainable development, environmental stewardship, and regional security—and that defines a geopolitical vision for us as a continent.[50]

[46] *See* Marie DeNoia Aronsohn, *Sea Level Rise: A Crash Course for All*, COLUM. CLIMATE SCH. (Mar. 28, 2023), https://news.climate.columbia.edu/2023/03/28/sea-level-rise-a-crash-course-for-all (reporting on Professor Jacqueline Austermann's talk on the key causes and differences in sea level rise across the world).

[47] *See* Jeff Berardelli, *How Climate Change is Making Hurricanes More Dangerous*, YALE CLIMATE CONNECTIONS (July 8, 2019), https://yaleclimateconnections.org/2019/07/how-climate-change-is-making-hurricanes-more-dangerous (reporting how climate change is making hurricanes and worsened storm surges more dangerous).

[48] *See* Dame Meg Taylor, *Secretary General Dame Meg Taylor's Opening Remarks to the 2017 Pacific Update*, PAC. ISLANDS F. (June 21, 2017), https://forumsec.org/publications/secretary-general-dame-meg-taylors-opening-remarks-2017-pacific-update-0 (explaining how U.N. statements and the concept of the "Blue Pacific" aims to strengthen collective action as one "Blue Pacific Continent" by making it a top policy priority for the advancing regional goals of Pacific Island Forum Leaders); *see also* PAC. ISLAND F. LEADERS, FRAMEWORK FOR PACIFIC REGIONALISM 1 (2014), https://www.adb.org/sites/default/files/linked-documents/pacific-robp-2015-2017-sd.pdf (laying out framework to support "focused political conversations and settlements that address key strategic issues, including shared sovereignty, pooling resources and delegating decision-making"); Vivienne Storey, *What is the "Blue Pacific" and Why is It Important?*, PAC. LEGAL NETWORK, https://www.pln.com.au/single-post/what-is-the-blue-pacific-and-why-is-it-important (explaining concept of the "Blue Pacific" and its aim to provide Pacific Island nations a stronger voice in global affairs, sustainable development, environmental protection, and the enhancement of regional security and stability).

[49] *See* SANDRA TARTE, RECONCILING REGIONAL SECURITY NARRATIVES IN THE PACIFIC 2 (2021), https://www.griffith.edu.au/__data/assets/pdf_file/0023/1300775/RO65-Tarte-web.pdf (exploring the convergence and divergences in the competing security narratives, the Indo-Pacific security narrative and the Blue Pacific narrative).

[50] *See* PAC. ISLANDS F., 2050 STRATEGY FOR THE BLUE PACIFIC CONTINENT 3, 8–10 (2022) [hereinafter 2050 STRATEGY FOR THE BLUE PACIFIC CONTINENT], https://forumsec.org/sites/default/files/2023-11/PIFS-2050-Strategy-Blue-Pacific-Continent-WEB-5Aug2022-1.pdf (laying out Pacific Leaders' regional strategy towards the Blue Pacific Continent).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

It also underpins a strategic framework that guides our engagement on the global stage, enhancing our leverage in international forums and negotiations, where we continue to play a key role in influencing and shaping global environmental governance through our strategic legal advocacy.

This was seen in our pivotal role in negotiating the 2015 Paris Agreement and advancing the 1.5 degrees Celsius target.[51]

And more recently in negotiating the Biodiversity Beyond National Jurisdiction Agreement under UNCLOS, the Pacific nations promoted the principles of common heritage and area-based management and were central to establishing a legally binding instrument that ensures the conservation and sustainable use of marine biodiversity in the high seas.[52] Many Pacific nations have also joined the High Ambition Coalition to End Plastic Pollution in advocating for a strong legally binding treaty on plastics pollution.[53]

Through the Forum's Leadership and the work of the Pacific Ocean Commissioner,[54] the region arguably provides the most advanced and integrated ocean governance system on the planet. We can provide the world with insights on how to integrate the increasingly fragmented legal architecture under the law of the sea. We can offer innovative and radical collective responses to the accelerating challenges of an Anthropocene Ocean.

We continue through our regional architecture to pursue our interests, in securing our sovereignty and protecting our borders in the face of climate change-related sea-level rise. In 2021, our Leaders signed the Pacific Islands Forum Declaration on Preserving Maritime Zones—a groundbreaking stance by Pacific nations, emphasizing the permanence of maritime boundaries regardless of environmental changes.[55] The Declaration asserts that maritime zones established in accordance with UNCLOS should remain unchanged despite sea-level rise, ensuring the legal stability, security, and certainty of ocean states.[56] It shows our ability to safeguard our rights and territories amidst the existential threat of climate change, through our leadership in international maritime law and climate justice advocacy.

Pacific Island states and societies are now increasingly turning to international courts and tribunals to seek climate justice. This is best exemplified by Vanuatu's initiative for an Advisory Opinion from the ICJ.[57] This move underscores the urgency for legal clarity in state obligations under international law regarding climate action. The ICJ, as the U.N.'s principal judicial organ,

[51] *See* Paris Agreement art. 2, Dec. 12, 2015, 3156 U.N.T.S. 79, 145 (" . . . pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change. . . .").

[52] *See* Intergovernmental Conference on an International Legally Binding Instrument Under the United Nations Convention on Laws of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity, Agreement on Marine Biodiversity of Areas Beyond National Jurisdiction art. 7(b), 18, 22, U.N. Doc. A/CONF.232.2023/4 (June 19, 2023) (listing the "principle of the common heritage of humankind which is set out in the Convention"); UNCLOS, *supra* note 21.

[53] *See End Plastic Pollution by 2040*, High Ambition Coal. to End Plastic Pollution, https://hactoendplasticpollution.org (including Cook Islands, New Zealand, Japan, Federated States of Micronesia, and the Solomon Islands among its members).

[54] *See Office of Pacific Ocean Commissioner*, OPOC, https://opocbluepacific.org/office-of-pacific-ocean-commissioner (illustrating the responsibilities of the Office of the Pacific Ocean Commissioner).

[55] *See* Pac. Islands F., Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise 1–2 (2021), https://forumsec.org/sites/default/files/2024-03/2021%20Declaration%20on%20Preserving%20Maritime%20Zones%20in%20the%20face%20of%20Climate%20Change-related%20Sea-level%20rise.pdf (declaring relevant principles pertaining to environmental preservation and the respect of sovereignty).

[56] *See id.* (declaring that maritime zones should remain stable despite the impacts of climate change).

[57] *See* Vanuatu ICJ Initiative, *supra* note 2 (requesting the ICJ to clarify State obligations and legal consequences connected to climate change).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

holds the authority to issue Advisory Opinions that, while not binding, carry significant moral weight and contribute to the development of international law.[58]

Vanuatu's request aims for a definitive statement on the responsibilities of all nations in combating climate change, emphasizing the disproportionate impact on vulnerable communities, particularly in small island developing states.[59] This advisory opinion seeks to catalyze global action towards equitable solutions, integrating human rights with climate responsibilities and providing a legal baseline for national and regional courts to address climate justice. Opting for an advisory route rather than a contentious case, Vanuatu's approach reflects a constructive, non-confrontational method aligned with the Pacific Way, focusing on collective responsibility and the safeguarding of future generations without naming specific states. This initiative, which should be noted began with students at the Law School of the University of the South Pacific in Vanuatu, highlights the Pacific's proactive role in shaping global climate governance and underscores the importance of legal frameworks in achieving climate justice.

Despite these achievements, it is imperative to confront a sobering reality: Despite this history of strong governance and unity, the Pacific's reliance on external funding underscores a profound vulnerability.

Our region's ethos, the Pacific Way, embodies communal reliance and a collective identity that has historically fortified our stance in international fora, advocating for self-determination and sovereignty, especially for those still under the shadow of colonialism. Yet today we see a disconnect; our calls for genuine partnership and support in combating climate change and preserving our autonomy often meet with either insufficient action from global powers or worse, an increased attempt at controlling us through dividing us.

Our regional positions often waver under external pressure. Our initial unified opposition to environmental and other threats often softens following the diplomatic engagement of larger powers and lobby groups, working to split our collective position. This is evident in our acceptance of international nuclear waste disposal oversight and the pursuit of deep-sea mining, despite environmental uncertainties and opposition from our scientists and communities.[60] Additionally, inconsistent positions on self-determination for territories like West Papua highlight a concerning trend of misaligned priorities against our values and our people's welfare.

There is therefore a need for us to redouble our efforts in asserting our unified Blue Pacific narrative, our priorities, and our sovereignty on the global stage. To re-evaluate our partnerships, our aid, and our regional architecture to ensure all actually align with our principles and the collective well-being of the Blue Pacific Continent as stated in our 2050 strategy.[61]

Much Western commentary on Pacific regionalism tends to emphasize failures and complexities, overshadowing our region's achievements. This perspective can distort the global appreciation of our strengths, resilience, and capacity for innovation—while undermining current efforts under the Blue Pacific Continent narrative. While it's easy to pinpoint dysfunction, this does not define our collective story.

[58] *See General Assembly Votes to Seek World Court's Opinion, in Quest for "Bolder" Climate Action*, UNITED NATIONS (Mar. 29, 2023), https://news.un.org/en/story/2023/03/1135142 (explaining the significance of an ICJ advisory opinion relating to Vanuatu's resolution).

[59] *See id.* (describing Vanuatu's request and the focus of its resolution on climate justice).

[60] *See* Joshua Mcdonald, *Pacific Island Nations Consider Deep-Sea Mining, Despite Risks*, THE DIPLOMAT (June 18, 2021), https://thediplomat.com/2021/06/pacific-island-nations-consider-deep-sea-mining-despite-risks (reporting on consideration that Pacific Island nations are giving to deep-sea mining, despite potential environmental impacts).

[61] *See* 2050 STRATEGY FOR THE BLUE PACIFIC CONTINENT, *supra* note 50, at 3, 8–10 (listing leaders' commitments to the 2050 strategy).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

As we move forward, all I can hope and pray for is that we, and in particular our younger generation of Pacific Islanders, continue to carry the resolve to not only navigate these challenges with the wisdom of our ancestors, but to insist on genuine, respectful partnerships with others that honor our shared humanity and the fragile beauty of our Pacific home for all of humanity.

This is also why I am so pleased and privileged to hand over the stage to one of those in the next generation that clearly has that strength and vision, Julian Aguon.

Hope is a Ghost Island

*By Julian Aguon**

Good Evening.

I am honored to be here tonight to serve as the discussant for this year's Grotius Lecture, especially because it is always a pleasure to be in the company of Dame Meg Taylor's spacious mind. Like many in my part of the world, I consider Dame Meg to be one of our region's most forward thinkers. Her influence can be seen in the work of organizations throughout Oceania—from the Pacific Islands Forum which she led for years, to the Pacific Elders Voice which she founded more recently to rekindle our region's once-radical sense of solidarity. What I respect most about Dame Meg is her long track record of standing firm in the face of great pressure, especially pressure applied by outside forces, in order to maintain a principled position—be it to protect the fraught right to life with dignity; the visionary right to free, prior, and informed consent; or the sacred right to self-determination.

I want to focus my brief remarks on one initiative in particular, which Dame Meg touched upon in her lecture—that is, the Republic of Vanuatu's pursuit of an advisory opinion on climate change from the International Court of Justice (ICJ). It is one of the great honors of my professional life to say that my law firm, Blue Ocean Law, represents Vanuatu in these proceedings. In fact, our ICJ team, led by my brilliant colleague Margaretha Wewerinke-Singh (with the assistance of a small pool of external counsel, namely, Jorge Viñuales, Pierre-Marie Dupuy, Lavanya Rajamani, and Jennifer Robinson) has advised Vanuatu since the inception of this initiative in 2019. Suffice it to say we could not have been more pleased last year, when the U.N. General Assembly adopted the historic Resolution 77/276 by consensus.[1]

At the heart of the request transmitted to the Court in Resolution 77/276 is a simple but fundamental question: whether certain conduct of states—that is, acts and omissions which have caused significant harm to the climate system and other parts of the environment—is consistent, as a matter of principle, with international law.[2] And by that we mean the entire corpus of international law, including the quintessential rights just mentioned. Given the vast spatial and temporal scope of the target conduct—or the anthropogenic emission of greenhouse gases over time, which has caused

* Julian Aguon is the founder of Blue Ocean Law, a progressive firm, which for the past five years has served as legal counsel to Vanuatu and supported its pursuit of an advisory opinion on climate change from the International Court of Justice. Julian and his team have worked for years to defend the right of self-determination of peoples across multiple Pacific Island Countries and Territories. He is a Lecturer in Law at the William S. Richardson School of Law (University of Hawaii at Mānoa), where he teaches Pacific Islands Legal Systems. He is also a Pulitzer Prize finalist and the author of several articles and books including, most recently, No Country for Eight-Spot Butterflies

[1] *See* G.A. Res. 77/276, Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change, at 1 (Mar. 29, 2023) (adopting the Resolution).

[2] *See id.* at 3 (requesting an ICJ advisory opinion, pursuant to Article 65 of the Statute of the Court and "in accordance with Article 96 of the Charter of the United Nations").

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

catastrophic harm in the form of climate change and its adverse effects the only question capable of eliciting the kind of answer the world needs is a cavernous one. As such, it is a question that the World Court—as the only court of a universal character with general jurisdiction—is supremely positioned to answer.

Rather than repeat the substance of the arguments that climate-vulnerable countries like Vanuatu are making at this time, I would like to very broadly sketch what a welcomed outcome would look like. First, it would include a conclusion by the Court that the target conduct constitutes a breach of at least certain rules of international law of general application (rather than no breach or a breach only of some specific treaties that apply to signatory states), and that such breach has legal consequences under international law, both for injured or specially-affected States and for individuals and peoples of the present and future generations.

Such an opinion would mark a critical shift because, at present, the actions and omissions of major emitters of greenhouse gases unfold in a context characterized by ambiguity. As a result, emissions of greenhouse gases continue unabated and affected states lack specifically and authoritatively formulated legal grounds to claim that such conduct is unlawful under international law.[3] A welcomed opinion would put this ambiguity to a decisive end, spurring ambitious climate action through authoritative guidance based on internationally agreed norms and standards. What is more, such an opinion could finally begin to deliver on the hitherto elusive promise of climate justice.

The vision for this initiative, as shaped by Vanuatu, youth leaders across the Pacific, and our team at Blue Ocean Law, extends beyond just seeking legal clarity on the obligations of states and the legal consequences of breaches. It is also about transforming international law itself to be more responsive to the defining crisis of our time and better equipped to facilitate the transition to sustainable societies grounded in respect for nature and principles of reciprocity.

Our team has worked hard to bring the voices of those who maintain intimate connections with threatened parts of ecosystems in the Pacific to the Peace Palace in The Hague, first in written form and hopefully later in person, too. This practice of "giving voice" is not only about substantiating legal arguments about rights and obligations, but also about infusing those very norms with the ancient wisdom and worldviews of Pacific peoples. By connecting international law to Indigenous knowledge systems that have sustainably managed resources for millennia, we can reimagine a legal order that works in harmony with the rhythms of the natural world.

In closing, we at Blue Ocean Law would like to think it no coincidence that Vanuatu chose a Micronesian firm to lead this effort. For we come from the part of the Pacific that never lost the art of wayfinding. Wayfinding is what we call traditional navigation, or the method of celestial navigation that has been used for thousands of years to voyage across the blue continent that is Oceania.

One traditional technique, which was developed in the central Carolinian Islands, and which we began to think about rather seriously at the start of this journey, is etak. Etak is a way of calculating one's position at sea by triangulating the stars above three islands: the island of one's departure, the island of one's destination, and a third island off to the side known as a reference island.[4] In short, a navigator stays true to his course by tracking the rate at which the third island moves from beneath the stars where it sat when he left his departure island toward the stars under which it should sit if he is sitting on his destination island.

[3] *See id.* (questioning what obligations exist under international law to ensure the protection of the environment from greenhouse gas emissions).

[4] The metaphor of hope as a ghost island was set out in an essay by the author that appeared in The Nation. *See* Julian Aguon, *Hope is a Ghost Island*, The Nation (June 14, 2023).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use , available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2

The tricky thing becomes, however, when one's destination is so far away that there are not enough reference islands along one's route to complete the triangulation. In such a scenario, the navigator must create a third island—in his mind. He then uses this mythical island as a marker, dragging it under its correlating star or constellation. He goes on this way until a real island is encountered, sometimes for hundreds of miles. We call such an island a ghost island.

Hope is a ghost island. It is imagined, but it is also real. It is a place we hold as much in our hearts as anywhere else. It is not a home, but it *is* a homegoing.

And that is something.

Thank you.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 04:45:39, subject to the Cambridge Core terms of use , available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/amp.2025.2