

Transcript:
Government of Vanuatu Press Briefing (December 2, 2024)
After Their Oral Presentation to the Court

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[00:01:55.630] - Moderator

We will hear from Dr. Gregoire Nimtik, Deputy Director General of the Melanesian Spearhead Group and Professor Margaretha Wewerinke-Singh and Mr. Julian Aguon, legal counsel for Vanuatu's and MSG's ICJ case. Professor Wewerinke-Singh and Mr. Aguon which is an international indigenous-led law firm based in Guam. They will each make brief remarks followed by a Q and A. Please go ahead Special Envoy Regenvanu.

[00:02:31.430] - Ralph Regenvanu

Vanuatu is one of the most vulnerable countries in the world to the effects of climate change. And we are almost constantly at a state emergency due to occurring high-level catastrophic events like cyclones, landslides, high-intensity rainfall events, constantly responding to slow unsteadily affected climate change like sea level rise. And we have been continually frustrated by the UNFCCC process that's gone on for over 30 years Vanuatu's the founding chair of the Association of Small Island States AOSIS and fought to see climate change addressed by the multilateral through the UN. And I've been frustrated to this day. And as we saw in Bakaru just a few weeks ago, a failure by the international community to address this existential issue for a country like mine. Coming to the International Court of Justice we are trying to find another way to get climate action that we need. That the IPCC says we need, that science says we need, but which so many countries through political convenience and the power of fossil fuel lobbying refused to take action on. I want to acknowledge here the Pacific Island Students Fighting Climate Change. The group of law students from the Pacific, mostly Indigenous young people. And we saw the chairperson of that group who stood with us and made revised to the court, Cynthia, who's here with us, they were the ones who approached the government in the to take

this. So this is the voice of the youth. This is the voice of indigenous youth asking the world to address this issue which impacts, their future, but also all our futures.

[00:04:38.300] - Ralph Regenvanu

I want to say thank you to the International Court of Justice for allowing Vanuatu to be the first country to address this historic case this morning. And I was very proud by our intervention with the Melanesian Spearhead Group. I want to make special mention here of Blue Ocean Law.

[00:05:00.360] - Ralph Regenvanu

The principal Julian Aguon is here, an Indigenous-led law firm from the Pacific. We deliberately made the choice to choose Blue Ocean Law because we want to represent what this means legally but also culturally to the people of the Pacific. This is a case about our identity as Pacific Islanders, our human rights as citizens of this planet and the responsibilities that states have to ensure our human rights and our cultural identity and our essence and our future is protected. So thank you to Blue Ocean Law. Thank you for this journey. We've been on for five years now, since 2019, since the day the students made their request to advance the Pacific. We've been through Covid we've been through all sorts of things and finally we're so grateful to have this chance to a field of wanting and we look forward to the outcome.

[00:06:06.500] - Moderator

Next, we will hear from Dr. Gregoire Nimtik with the Melanesian Spearhead Group.

[00:06:17.120] - Dr. Gregoire Nimtik

Thank you, thank you very much and good afternoon to everyone this afternoon. Let me begin by saying as Melanesian Spearhead Group, we are proud to be part of this we represent the group of nations and and we also happy that we can be part of this endeavor we we compliment what our member states have contributed and therefore afternoon , I'm proud to say that we we have made a smallest contribution to complement what our members have led in terms of submitting our submissions before the International Board, Framing the concept of Melanesian people across our membership before the board the MSG or Melanesian Spearhead group members are the Independent State of Papua New Guinea, Republic of Vanuatu, Republic of Fiji, Solomon Islands and the Kanak and Socialist National Liberation Front, a territory of France. The MSG group's submissions to the ICJ give voice to Melanesian people still under the boot of colonization, like the Kanak people and support and adds value to the submissions of its members that led in disposition by the Republic of Germany. As you heard from our submissions this morning, a blessed person meaning we are all blessed, our self-determination

cultures, language, cosmologies, social and governance structure, and identity are tied to our lands and waters and plants and animals our place form one of the most viable members and relatively linguistically diverse regions on the planet.

[00:08:19.880] - Dr. Gregoire Nimitik

However, our distinct identity as people and our very existence as people and as sovereign state is closely threatened in the impact by the impact of climate change. We have made submissions from the court today that in ensuring our Melanesian people and our member states, caused by climate change impact represents severe violations of their right to self determination. For our member states this was a hard one, right after many years of colonization by some of the same states who are really identifiable whose conduct is responsible for the majority of greenhouse gas emissions, forcing climate changes. We now look to the court to find solicited conduct and law and breach of occupations and existing international law including the obligations to respect fundamental human rights. We have our hope in the court to not only declare the unlawfulness of state conduct, responsible for climate change, clearly identify the legal consequence of those states who engaged in this conduct. Only then can we begin to subject our places, culture systems and identities across Melanesia around current and future generations. And let me close by also joining those who are working behind the scenes to make our submissions very successful today. Thank you very much.

[00:10:00.940] - Moderator

We will now hear from Margaretha Wewerinke-Singh.

[00:10:27.050] - Margaretha Wewerinke-Singh

We stand here today at the crossroads in the pursuit of climate justice. These proceedings before the International Court of Justice, the highest courts in the world, are really historic. Not just for Vanuatu and the Melanesian Spearhead Group, but really for all nations grappling with the realities of climate change. What is at stake is the integrity of international law and its ability to address ongoing violations. These violations are affecting communities and nations right now. We are not discussing future risks for theoretical stress in these fields exclusively. Territories are disappearing, livelihoods are being destroyed. Fundamental rights are being violated. In our arguments before, we have highlighted that the conduct that is causing these violations has long been disguised as lawful. While the Paris Agreement under the UN Framework Convention on Climate Change lacks legally binding emission reduction commitments, it does not exist in isolation. There are other fundamental rules and norms of international that are also applicable to the same columns: obligations on the general international law, and the Law of the Sea,

environmental law, international human rights group. All these obligations are relevant. And when we consider tapestry of obligations it becomes evident that the destruction of the earth's climate system and operates in the environment constitutes great breaches of international law.

[00:12:28.600] - Margaretha Wewerinke-Singh

So our hopeful expectation is that the court will recognize these and articulate the legal consequences of these violations. And legal consequences or violations of international law are always controlled the role for conduct, the preaching comments must cease, it must be put to an end. And secondly declarations must be released foreign that has been caused. And there's a principle of the obligation to make full reparation, reparation of the full and make the victims whole again. There's also an obligation of providing assurances of non repetition. So it is wrong that the court will articulate that there is an obligation to provide safeguards against full solutions such as geoengineering which is causing even further hard as ever. This is not just about future commitments. It's about addressing current violations and assuring justice for those who today. It's about ensuring that our legal frameworks are not mere words or favor, but given instruments -- instruments that protect our laws and generations to come. We are heartened by the overwhelming support by the Watson and the dozens of other states, organizations and individuals that received in this western protests much recognizing that to turn the tides, prepare the harm and protect our futures from further destruction.

[00:14:22.370] - Moderator

Next, we will hear from Mr. Julian Aguon from Blue Ocean Law.

[00:14:30.610] - Julian Aguon

There is a village at the mouth of a river in the Gulf province of Papua New Guinea, that is on the roof again. The people of Vairibari whose ancestors have lived along the banks of the Kikori River Delta since time immemorial, have already moved four times due to sea level rise. This will be their fifth and final relocation. Final, because there is simply no more inland to go. A planning committee has been formed to handle the logistics. Among other things, these villagers are debating about how best to relocate the remains of their deceased relatives. Because storm surges have already begun washing away the dead. The people of Vairibari want nothing more than to stay. But climate change is maybe that option all but impossible. With rising seas having swallowed what's left of their schools and homes and inundated what's left of the arable land, unable to adapt the pace at which their natural environment is changing, even their rich repository of traditional knowledge, replete with stories about the turbulent wind and wave action

unique to that river delta, has not been enough of an aimed. Looking out at a world they no longer recognize, they have little choice but to leave.

[00:15:55.600] - Julian Aguon

The toll this has taken is hard to describe. These villagers have no migration story; they did not come from somewhere else. They came from Vairibari, as did everybody else. In other words, they believe themselves to be caretakers of one of the birthplaces of human civilization. Their sense of duty runs deep, so deep it drives them in the dead of night into the water during king tides, to stop debris from slamming into the poles that keep their homes up, despite the fact that those same waters are teeming with crocodiles and that those same crocodiles have already claimed some of their lives. Suffice it to say, they are fighting for more than their physical homes. They are fighting to stave off spiritual deprivation. They are fighting for the right to live in the world on their own terms and their children's right to do the same. Our team at Bluish Law has spent the past year being entrusted with these sacred stories. Stories of people fighting tooth and nail to survive the worst and the first effects of the climate crisis. A crisis they had simply no hand in creating. And that's why, with the support of our clients of Vanuatu and the Melanesian Spearhead Group, it has truly been an honor, an honor on the behalf of our entire team to bring these stories to the Great Hall of Justice.

[00:17:26.100] - Julian Aguon

Because that is what radical listening is about. And that's what our firm is about. Radical listening is about listening to the voices of those whose lives are more precarious than our own. It is about listening and lifting up and amplifying the voices of the most vulnerable. And that is exactly why we are here today.

[00:17:45.120] - Moderator

Thank you.

[00:17:50.360] - Moderator

Questions? Could you please raise your hand if you have a question? Could you please identify yourself and outlet to whom you'd like to direct your question. I'm Stephanie A. from Reuters.

[00:18:11.200] - Stephanie V. (Reporter)

I would like to ask SE Ralph and the lawyers what you thought of Germany's remarks today. There is no need to for the 14 findings recommendations and that there already are agreements

in COP that Germany is adhering to when they go on to pay reparations when they are already divisible.

[00:18:30.330] - Ralph Regenvanu

You have the voice transcript, but to answer it is very disappointing and it's immoral I think.

[00:18:46.610] - Margaretha Wewerinke-Singh

Thank you for the question. These arguments are unfortunate, not surprising. We have seen and being made in the written submissions each of these arguments has also been rebutted by Vanuatu and the Melanesian Spearhead Group and, frankly, the majority of participants in these proceedings. So the argument that the UNFCCC and veritably would replace other relevant forms of international law almost completely is untenable because there's a whole range of reasons. But now clear evidence transpires also from climate litigation around the world. So for example the European Court of Human Rights, I stated in the clearest terms the rights obligations are applicable that can be gathered from and rights and it's important to note that courts including Germany's own Supreme Court have recognized that there are extraterritorial obligations to protect people against the adverse effects of climate change when it comes to future generations. Germany's Supreme Court has framed human rights intertemporal guarantees of freedom and which is more, which indicates, that there's more than this abstract, we call it the future and abstract, indiscernible obligations. But these obligations exist, they have been breached and then remedies are due. And it's not to be that that was not addressed in that submission but certainly addressed in publishing that will be made so that over the course of these two weeks.

[00:20:46.310] - Moderator

All right. Does anyone else have any questions? Raise your hand if you have a question. No. In that case thank you all.

[00:21:00.570] - Stephanie V. (Reporter)

I wanted to ask Julian because I understand that you are also with the Pacific students...

[00:21:11.750] - Moderator

We can have Cynthia come she she's the president of the students group.

[00:21:33.640] - Stephanie A. (Reporter)

What does it feel like to be in this place, finally in front of the judges.

[00:21:43.000] - Cynthia Houniuh

It's very emotional. Five years, not just us but the leadership Julian Aguon, so it still feels like a dream that we're actually here. We've been seeing the most.

[00:22:10.430] - Moderator

With that, we thank you all for coming. We'll be in touch over the next two weeks.