

“From Genocide to Ecocide: 20 Years of R2P and Expanding the Scope of Protection”

Thursday 30 October 2025, 6pm – 7pm

Abel Smith Lecture Theatre (23), UQ St Lucia, The University of Queensland

Keynote Address by Pacific Islands Forum Deputy Secretary General Mr Esala Nayasi

A. Introduction

Distinguished Ladies ad gentlemen,

1. Bula Vinaka, warm Pacific greetings to you all. To begin, I wish to convey the appreciation of Pacific Islands Forum Secretary General for the invitation to the PIF Secretariat to join you on this important event. At the outset, let me take this time to thank the Asia Pacific Centre for Responsibility to Protect that is housed here at the beautiful University of Queensland for this opportunity to deliver this keynote address.
2. It is an honour to address you on this occasion marking a pivotal moment to reflect on two decades of the “**Responsibility to Protect**” (R2P) principle and its evolving relevance in a rapidly changing global landscape. I will share perspectives on how Pacific Islands Forum members are giving meaning to the doctrine of R2P.
3. We often think of the responsibility to protect in the context of mass atrocities: genocide, war crimes, and crimes against humanity. And I acknowledge that the focus of your meetings today has been on global best practices in the investigation and prosecution of core international crimes. However, my presentation will digress a bit from that to put R2P in our Pacific context and look at this in terms of the evolving jurisprudence.
4. For the Pacific, R2P takes on a distinctive dimension: the protection of states, communities, and peoples from the existential threat of climate change, environmental destruction and by extension, the protection of the “Blue Pacific” itself – as envisaged in our region’s *2050 Strategy for a Blue Pacific Continent*.
5. In support of today’s theme, my remarks will focus on **two flagship regional initiatives** through which the Blue Pacific is asserting this responsibility:
 - (i) **firstly**, the PIF submission to the International Court of Justice (ICJ) on its advisory proceedings throughout 2023 – 2024 on the obligations of states with respect to climate change; and
 - (ii) **secondly**, the Pacific-led initiative to incorporate a crime of ecocide into the Rome Statute of the International Criminal Court.

B. Regional context: Pacific Islands Forum and global norm-setting

6. By way of background, these initiatives represent a culmination of decades of leadership by the Blue Pacific in regional and global norm-setting. Since its founding in 1971, the Pacific Islands Forum has served as the collective political voice of the Pacific. Over time, it has transformed from a regional dialogue body into an influential actor in global norm-setting – shaping the principles, values, and standards that guide international behaviour.

7. Over the years, we have been instrumental in **ocean governance** and promoting norms of **sustainable ocean management**. As their very first Declarations, issued in 1976 and then in 1977, the founding Leaders of the Pacific Islands Forum agreed to establish 200-mile fishing or economic zones as quickly as possible to secure the benefits from their resources for their peoples. Through this prime example, the Pacific region championed the norm of “exclusive economic zones” even before it became international law years later through the 1982 *UN Convention on the Law of the Sea* (UNCLOS).
8. Ocean stewardship and protection of our people continued throughout subsequent regional and Pacific-led international commitments. This includes the 1985 *South Pacific Nuclear Free Zone Treaty*, inclusion of a standalone UN Sustainable Development Goal 14 and the entry into force of the conservation of marine biodiversity in areas beyond national jurisdiction¹.
9. Through the concept of the “Blue Pacific Continent”, the Forum has reframed global discussions on ocean governance. By emphasizing traditional stewardship and collective responsibility, the Forum has influenced international norms that see the ocean as a shared heritage – not a resource to be exploited.
10. On **nuclear issues**, the Pacific championed the *South Pacific Nuclear Free Zone Treaty* (Treaty of Rarotonga) in 1985 – setting a global precedent for regional denuclearization. This year, we commemorated the 40th Anniversary of the Treaty of Rarotonga where Leaders reaffirmed our collective conviction against the atrocities of nuclear weapons and nuclear testing. The Forum continues to lead global advocacy for nuclear justice, transparency, and the safe disposal of nuclear waste, reminding the world that nuclear security is not only a strategic issue but a moral one.
11. On broader **peace and security**, the 2018 *Boe Declaration on Regional Security* redefined the Pacific’s approach to security, highlighting climate change as the single greatest threat to the livelihoods, security, and wellbeing of Pacific peoples. This redefinition has resonated globally, influencing broader UN and regional security discourses to prioritise human-centred and climate-related security.
12. Perhaps nowhere is the Forum’s moral authority stronger today than on **climate change**. The Pacific has been a leading voice in global climate diplomacy, from the Paris Agreement to COP summits, consistently pushing for 1.5°C as a survival threshold. The Forum’s advocacy for loss and damage financing and climate justice has shaped the global narrative – turning small island states from passive victims into global leaders of moral clarity and resilience.
13. Across all these issues, one constant shines through: the Pacific Islands Forum – a living network of nations, cultures, and communities bound by shared histories and collective vision – has shown that the collective Pacific voice can set global norms – not through power, but through principle.

¹ To date, 7 PIF members have ratified the BBNJ: Fiji, RMI, FSM, Palau, Solomon Islands, Tuvalu and Vanuatu. And the BBNJ will enter into force on 17 January 2026, 120 days after the 60th ratification which was reached on 19 September with ratifications of Morocco and Sierra Leone.

14. Whether at the United Nations, the COP (climate change) negotiations, or in the corridors of regional organizations, the Pacific has proven that principled leadership can amplify even the smallest voices into a chorus for global good. In an era when global politics is often dominated by competition and power blocs, the Pacific offers something different – a consensus-based diplomacy grounded in respect, dialogue, and shared humanity.

C. Pacific commitment to R2P

15. Against this backdrop, for Pacific nations, the “Responsibility to Protect” has never been an abstract doctrine. It has found fertile ground in our *Blue Pacific*, where the concept of shared responsibility resonates deeply with our traditional and cultural values of collective care, stewardship, and interconnectedness.

16. The Pacific Islands Forum Leaders – through their Declarations in Biketawa in 2000 and in Boe in 2018 – have long recognised our common challenges and the need to address these collectively.

17. The *Biketawa Declaration* served as the foundation for regional assistance efforts to countries, including a successful mission to Solomon Islands – ‘RAMSI’ – that ended in 2017. This is an example of Pillar 2 of R2P in action. A clear example of our commitment which resonates well with our international peacekeeping efforts.

18. The *Boe Declaration* reaffirmed the critical importance of a rules-based international order, with the UN Charter at its heart. It commits to strengthen regional security and stability, including by identifying and addressing emerging security challenges and improving early warning mechanisms.

19. And last month, our Leaders reaffirmed in Honiara the Pacific vision of an “Ocean of Peace”, recognising the need to protect Pacific peoples, including from the escalating impacts of climate change.

20. At the 80th Session of the UN General Assembly, late last month, Pacific Leaders urged that climate security be recognised as a core element of global peace and security – for without climate resilience, there can be no lasting peace.

21. Ladies and gentlemen, true protection is people-centred, protecting the health, environment, and heritage of our Blue Pacific for generations to come. And crucially, it means urging others – major emitters, major states, duty-bearers – to assume responsibilities (duties) under international law.

D. Expanding the Scope of Protection

22. In that sense, the Pacific is expanding the scope of protection by carrying the mantle of R2P from the realm of armed conflict into the realm of climate and environmental justice. Pacific Islands states have not only championed ambitious climate action but have also brought moral and legal clarity to the international stage.

23. I will therefore now turn to the most recent examples of regional and global norm-setting through which the Blue Pacific is asserting the Responsibility to Protect.

(i) *The Pacific Islands Forum submission in 2024 to the International Court of Justice on the obligations of states with respect to climate change*

- *Setting global legal norms to address climate change-related sea-level rise*

24. Firstly: the PIF submission to the International Court of Justice (ICJ) on its advisory proceedings throughout 2023 – 2024 on the obligations of states with respect to climate change.
25. Ladies and gentlemen, the existential threats posed by climate change present significant, complex and unprecedented international legal issues, including in relation to the law of the sea, statehood, and the protection of persons affected by sea-level rise. Now more than ever, strong collective responses that are rooted in sound international law are needed to tackle the climate crisis.
26. Legal certainty, in the face of the existential threat of climate change, is fundamental to securing the rights, entitlements, and interests of all states and peoples of the Pacific. It is critical to the continuity of all states, to the protection of our people, ocean, land and environment, and to the maintenance of global peace and security.
27. The region has therefore taken a proactive and holistic approach to collectively shape and influence norms, and contribute to the progressive development of international law, on these unprecedented issues in order to ensure legal certainty of states in all its elements.
28. In 2019 in Tuvalu, “*Leaders **committed** to a collective effort, including to develop international law, with the aim of ensuring that once a Forum Member’s maritime zones are delineated in accordance with the 1982 UN Convention on the Law of the Sea, that the Members maritime zones could not be challenged or reduced as a result of sea-level rise and climate change*” (2019 PIF Communique, para 26).
29. As a result, in 2021, at the 50th Anniversary of the Form, Leaders issued the *Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise* (2021 Maritime Zones Declaration).
30. Subsequently, at the 51st Forum Leaders Meeting, held in Fiji in 2022, “*Leaders **recognised** the many impacts of climate change and disaster and their threat to the future of the region’s people and the statehood of many Pacific nations*” (paragraph 42, PIF Communique) and “***noted** that due to the complexity of the issues of statehood and persons affected by sea-level rise, due consideration of these issues should be guided and informed by applicable principles and norms of international law and relevant international frameworks and standards, and the need for the region to unpack these issues further*” (paragraph 39).
31. By the next Forum, in 2023 in the Cook Islands, Leaders endorsed the *Declaration on the Continuity of Statehood and the Protection of Persons in the face of Climate Change-Related Sea-Level Rise* (2023 Statehood Declaration), and the *Pacific Regional Framework on Climate Mobility*.
32. These key agreements set out the region’s collective interpretation of networked duties including: respect for the rights of Pacific states to their maritime zones; the continuity of statehood; the protection of persons; and global cooperation and burden-sharing.

33. This shows the region’s treatment of climate and environment not merely as adaptation or mitigation tasks, but as matters of rights, duties and obligations under international law.
34. Through these collective efforts, the Pacific is also countering some of the more unhelpful narratives of “disappearing states” or “state extinction”, which are not based on sound international law analysis. The Pacific Islands Forum’s efforts show the agency of the Forum and our ability to put forward perspectives that are not only based on sound principles of international law but also speak to the realities of our region.
35. Through coordinated international advocacy, these normative declarations have gained international momentum with expressed support from over a hundred states and illuminated through the final report of the International Law Commission in May 2025 on its study on “Sea-level rise in relation to International Law”.

- *PIF Submission to the ICJ*

36. Colleagues, the journey I have just outlined with respect to these normative declarations formed the basis of the Pacific Islands Forum Secretariat’s submission to the International Court of Justice during its Advisory Opinion proceedings on the question of the *Obligations of States in respect of Climate Change*. The submission underscored how climate change is framed in the Pacific as not only an environmental challenge but one of justice, sovereignty, human rights, and state survival.
37. I was honoured to participate in the proceedings of the World Court in 2024, on behalf of the Pacific Islands Forum. The submission was also underpinned by technical legal work of all PIF members through the Forum Specialist Sub-Committee on Sea-Level Rise in Relation to International Law.
38. The submission called on the ICJ to affirm three key legal positions:
 - (i) **Firstly**, to affirm that the maritime zones of States, as established and notified to the Secretary-General of the United Nations in accordance with the UNCLOS, and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise;
 - (ii) **Secondly**, to affirm that the statehood and sovereignty of States will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise; and
 - (iii) **Thirdly**, to emphasize the duty to cooperate in ensuring the protection of persons affected by climate change-related sea-level rise including through international cooperation, consistent with the duty to cooperate and principles of equity and fairness.
39. For today’s purpose, let me highlight briefly the 2023 Statehood Declaration, which was developed by our Members to specifically address climate change-related sea-level rise in relation to statehood as well as relevant elements on the protection of persons, in the context of international law.

40. The 2023 Declaration expresses a firm commitment by PIF Members, both individually and collectively, to protect persons affected by climate change-related sea-level rise.
41. It sets out a non-exhaustive description of what protection of persons involves – it is protecting, promoting, and fulfilling their human rights, including civil, political, economic, social and cultural rights, and also protecting their culture, cultural heritage, identity and dignity, and meeting their essential needs, including through international cooperation.
42. The 2023 Declaration then links protection of persons to statehood by referring to States’ important duty in ensuring protection of their people, and that continuity of statehood is necessary and fundamental for that protection to be implemented and to endure.
43. In addition to the 2023 Declaration, the *Pacific Regional Framework on Climate Mobility* promotes regional collaboration on rights based and people-centred considerations in the context of climate change, including in respect of staying in place, and planned relocation, migration, and displacement. It firmly acknowledges PIF Members’ fundamental priority to ‘stay in place’ in our ancestral homes, including through land reclamation, and is a global first that provides practical guidance to governments planning for and managing climate mobility, while also respecting Members’ national laws and policies.

- *ICJ Advisory Opinion of 23 July 2025*

44. Ladies and Gentlemen, by bringing this submission to the ICJ, the Pacific Islands Forum asserted a collective responsibility to protect and be protected—not only internally but within the global system; major emitters, larger states, and the international community as a whole have obligations.
45. As is of course now well known, the historic opinion of the World Court was delivered on 23 July 2025, and I am elated to highlight the unequivocal support by the ICJ Advisory Opinion to – *amongst other things* – the key tenets of the submissions made by PIF, its members and many other states that advocated on these issues.

46. The Court noted:

“that many participants voiced strong concerns about sea level rise and its implications, especially for the stability of maritime zones.” (Para 355, page 105 of the ICJAO)

47. It then went on to recognise the 2021 Declaration of the Pacific Islands Forum to assert the view that there is no obligation for countries to *update the charts or lists of geographical co-ordinates showing the baselines of their maritime zones once they have been duly established, in conformity with UNCLOS.* (Para 360, page 106 of the ICJAO, emphasis added)

48. On the issue of statehood, the Court noted that:

“Several participants argued that sea level rise also poses a significant threat to the territorial integrity and thus to the very statehood of small island States. In their view, in the event of the complete loss of a State’s territory and the displacement of its population, a strong presumption in favour of continued statehood should apply. In the view of the

Court, once a State is established, the disappearance of one of its constituent elements would not necessarily entail the loss of its statehood.” (Para 363, page 107 of the ICJAO, emphasis added)

49. It also highlighted the duty of co-operation, concluding that:

“co-operation in addressing sea level rise is not a matter of choice for States but a legal obligation” (Para 363, page 107 of the ICJAO), and that *“... the legal obligation to co-operate requires States ... to work together with a view to achieving equitable solutions, taking into account the rights of affected States and those of their populations”* (Para 365, page 107 of the ICJAO).

50. Further, the Court unanimously agreed that:

“States have obligations under international human rights law to respect and ensure the effective enjoyment of human rights by taking necessary measures to protect the climate system and other parts of the environment” (Para 457, sub-para-E., page 131 of the ICJAO).

51. In addition to the ICJ Advisory Opinion of July, the UN International Law Commission in May released its final report on its study of the topic of “Sea-level rise in relation to International Law”. It confirmed that *“international cooperation is required to protect persons and communities affected by sea-level rise, including to protect their culture, cultural heritage, identity and dignity and to meet their essential needs”* (para 48, ILC).

52. At their 54th Meeting, held last month, Pacific Forum Leaders commended the ICJ Advisory Opinion on climate change as a powerful affirmation of what the region can achieve when it works together as one Blue Pacific, and acknowledged with appreciation the leadership by the Government of Vanuatu and the advocacy of the Pacific Islands Students Fighting Climate Change.

53. Having arrived at this momentous point with a legal opinion of the World Court, we now turn our attention towards implementation, and Leaders have urged all countries to utilise the ICJ AO in implementing their respective obligations nationally and internationally.

54. To this end, it is noted that earlier this month on 7 October 2025, the 60th Session of the Human Rights Council adopted a [Resolution on sea-level rise and its effects on the full and effective enjoyment of human rights](#) which made a first attempt at implementing the ICJAO by:

“Recognizing the guidance of the International Court of Justice in its advisory opinion of 23 July 2025 on the obligations of States in respect of climate change and of the International Tribunal for the Law of the Sea in its advisory opinion of 21 May 2024 on climate change and international law” (OP1, A/HRC/RES/60/20)

55. The resolution notes the norm-setting movement by the Pacific and the Alliance of Small Island States on these issues and underlined the need for cooperative international responses and protection frameworks. Significantly, for PIF, the resolution:

“Affirms that climate change-related sea-level rise constitutes a serious threat to the full and effective enjoyment of human rights, including, inter alia, the right of all peoples to

self-determination, the rights to life, health, and an adequate standard of living, including food, water, sanitation and housing, and the right to a clean, healthy and sustainable environment;” (OP1, A/HRC/RES/60/20)

56. It also reaffirms the PIF-led positions on statehood and maritime zones, as it relates to the duty states to protect, respect, promote and fulfil human rights.²
57. Looking ahead, Pacific Forum Leaders agreed to progress next steps in respect of the ICJ AO, including in the development of a follow-up resolution in the UN General Assembly.
58. Leaders also reaffirmed their collective commitment to urgently conclude all outstanding maritime boundaries delimitations and continental shelf submissions. This decisive action is crucial to securing legal certainty and safeguard the region’s sovereign rights, protect ocean resources, and secure the Blue Pacific Continent for Pacific peoples and for all generations to come.

(ii) Pacific-led initiative to include ecocide in the Rome Statute

59. Ladies and Gentlemen, I now turn to the second pillar of the Pacific region’s engagement with protection responsibilities; that being the initiative to elevate “ecocide” to the status of an international crime under the Rome Statute of the International Criminal Court.
60. Whereas the ICJ matter has well advanced to the highest levels of the regional and multilateral systems, this second issue regarding the ICC is at infancy stages and evolving. It is important to note this as work in progress, with Forum members committing to explore this issue further.
61. Like the ICJ, Vanuatu has also been the champion of this initiative since it first raised the idea in 2019 and has persisted through diplomatic, legal and advocacy channels.
62. On 9 September 2024, Vanuatu, Fiji and Samoa formally submitted a proposed amendment to the Rome Statute to include the crime of ecocide. The proposed definition is:

“unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts”.
63. If adopted, ecocide would become the “fifth international crime” alongside genocide, crimes against humanity, war crimes and the crime of aggression.

² *“Recognizes that States bear the duty to protect, respect, promote and fulfil human rights and that continuity of statehood is consistent with the maintenance and fulfilment of that duty, and in this regard acknowledges that the statehood and sovereignty of States remain unaffected and that their maritime zones as established in accordance with international law as reflected in the United Nations Convention on the Law of the Sea, and the rights and entitlements that flow from them, shall continue to apply, notwithstanding climate change-related sea-level rise;” (OP2, A/HRC/RES/60/20)*

64. This initiative conveys that protecting vulnerable peoples, states and territories from large-scale environmental destruction is not optional; it is part of the international responsibility framework. It also underscores that transnational harms (climate-related, environmental) can invoke responsibility across borders: states and actors who damage the environment may incur legal consequences, especially if those destructions impair other states and peoples.
65. In essence, the recognition of ecocide creates a protective dimension by making the environment—on which communities and states depend—the subject of international criminal accountability. While seemingly an uphill battle, there is a strategic choice in pushing this global reform rather than focusing solely on domestic law or regional mechanisms.
66. Small island states are particularly vulnerable to large-scale environmental damage (e.g., from climate change, mining, deforestation, sea-level rise) and seek legal tools to hold perpetrators (states/corporations/individuals) accountable.
67. We note growing momentum around the world to include ecocide in their laws. For instance, Belgium has [introduced](#) ecocide as a domestic crime. [Chile](#) and [France](#) have also added elements of ecocide in their laws. Countries like Scotland, Brazil, Mexico and Peru have proposed ecocide-related bills.³
68. Within the PIF context, this initiative is being considered at the technical level. Significant political, legal and practical hurdles remain, but it marks an important shift in the Pacific region’s engagement with “ecocide” as a concept. Interestingly, where we are at now is similar to the earlier stages of the call for the ICJ Advisory Opinion years ago.

E. Conclusions and looking forward.

69. To bring these two strands together: the Pacific Islands Forum is actively operationalising a version of R2P that is tailored to its realities: protecting states and peoples from climate and environmental threats, and insisting that other actors—states, international institutions, corporations—bear duties to prevent harm, anticipate victims, and cooperate.
70. In leading by example, the Pacific Islands Forum is not simply reporting the problem—it is forging legal instruments, submitting to courts, tabling reform proposals. This speaks to agency and strategic vision. The Pacific believes that global norms ultimately matter, given the transboundary nature of climate and environment harm.
71. The ICJ initiative addresses obligations of states and the continuity of rights, whereas the ecocide initiative targets accountability of actors causing large-scale harm. Together, they form a layered architecture: rights-based protection + accountability mechanisms.
72. Implementation, however, remains the test. Legal submissions and reform proposals – powerful though they are – will only matter if they translate into tangible policy, resource mobilisation, domestic legal frameworks, and global action.

³ https://news.mongabay.com/short-article/2024/09/pacific-island-nations-propose-ecocide-be-adopted-as-international-crime/?utm_source=chatgpt.com

73. Looking ahead, for the PIF membership and observers, the strategic tasks include building and strengthening partnerships, ensuring that the concept of protection remains rooted in the lived realities of our peoples. Pacific solidarity and leadership on these issues remain central to moving the dial forward.
74. To conclude, the Responsibility to Protect gave the world a new language of moral responsibility. Today, we are called to expand that language — to recognize that the protection of people and the protection of the planet are inseparable duties.
75. The ongoing commitment of the PIF to the responsibility to protect is not a passive one. It is visionary, proactive and norm-shaping. By engaging the ICJ and the ICC processes, PIF members are insisting that the global order recognise not only the victims of climate and environmental harm but the duty-bearers and the legal architecture that must protect them.
76. The journey from genocide to ecocide is not one of abandoning old commitments, but of expanding them—to embrace a holistic understanding of security, dignity, and protection for all. Let us continue to build a future where the “Responsibility to Protect” extends beyond borders, beyond generations, and beyond species—to safeguard the fragile web of life upon which we all depend.

I thank you for your attention. *Vinaka vakalevu.*