Small States Seeking Environmental Justice via International Courts: The Case of Vanuatu

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ABSTRACT

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This body of work aims to explain why a small island state would choose an advisory opinion at an international court as a strategy for pursuing environmental justice. Since this is not a common course of action in literature regarding small state advocacy, this choice stands out as an interesting departure which merits future studying. What was found throughout my research based on a constructivist and liberal framework is the fact that Vanuatu's choice of strategy was heavily based on the current normative environment and the opportunity structures that emerged from negotiations. This is due to the fact that Vanuatu behaved both as a self-interested state weighing its options according to a cost-benefit analysis, as well a norm entrepreneur seeking to pursue the most legitimate route available. Through the use of process tracing delineating Vanuatu's preference formation and decision making in regard to environmental justice, the choice of an advisory opinion at the International Court of Justice is made apparent by Vanuatu's willingness to pursue the most legitimate avenue at its disposal. The key findings stemming from this analysis are then that a small state can act as more than its capacities indicate, and that it can do so by carefully weighing its choice of strategy and discourse. I would go as far as saying that this research highlights the strength of small states in international negotiations. More broadly, Vanuatu's case showcases a positive outlook for small state advocacy and environmental justice no matter the verdict given by the ICJ.

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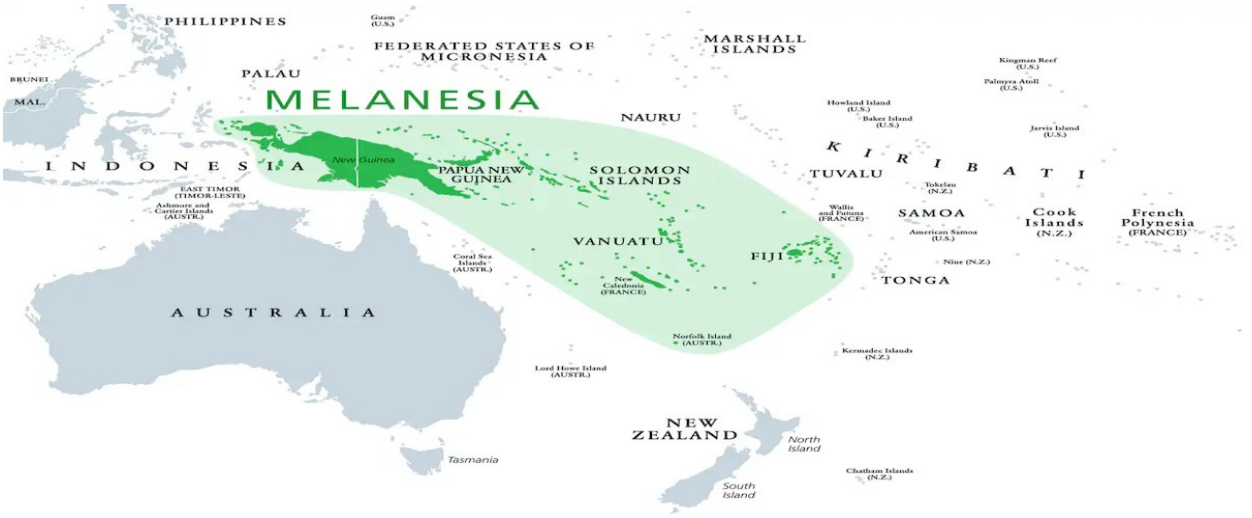
Chapter 1 - Introduction

1.1 Understanding The Context

The topic of climate change and its impacts is an ever-growing debate that has sought to push the boundaries of international relations for decades. Every passing year, the implications that climate change has on international discourse, state responsibility, growing inequalities, and the extent of its damages on our environment are exponentially growing. Because of this, every so often, the assessment of the actions/inactions that states take regarding climate change raises concerns on human rights. In common discourse, climate change is usually attributed to natural disasters, the loss of fauna and flora, as well as the quality of air due to increasing greenhouse gas (GHG) emissions - which also impact the durability of the ozone layer protecting the earth from ultraviolet radiation (Stoett 2012, 66; Roschman 2013, 204). To put this danger into more perspective, the world is now entering a phase in which (according to some estimates) 27,000 species vanish every year, and around one million species face complete extinction (Atapattu 2021, 1). Additionally, climate change is surpassing the scientific predictions of the past few years, which means that without any concrete mitigating results from major emitters, a temperature increase of 3-5 degrees Celsius is all but expected by 2100 (Atapattu 2021, 2). Furthermore, China, the E.U and the U.S contribute close to 46% of all global emissions (collectively the top 10 emitters constitute 2/3 of all global emissions), while the bottom 100 countries contribute close to 4% combined (Chapman 2021, 83).

Unfortunately, rarely do people focus on how climate change and its associated consequences unequally affect humans across the world. Due to the fact that countries from the Global North often have more means to handle climate damages, the impacts are rather more intense and noticeable in the Global South. This means that natural disasters do not simply impact landscapes in poorer countries as it would in developed countries, but the actual rights to property and life of many (Brulle 2006, 103). People lose their homes, their land, their property, and for some, even their culture (Brulle 2006, 110). The most notable recipients of these damages and increasing inequalities are small states in the Pacific. Small states in the Pacific, which we will refer to as Small Island States (SIS), are states that have been identified by multiple actors as having characteristics such as population size, military power, economy, and territory that are smaller than its counterparts (Theys 2022, 84-86). Small island states in the Pacific are then states that share the commonality of that definition, and that are located in the outskirts of the Pacific (see Map 1). In turn, because of their size and geographic location, they face the most notable impacts of climate change such as constant natural disasters taking away their homes, the rise of sea level destroying their agricultural crops, and biodiversity loss impacting their landscape, while major emitters such as the U.S scapegoat these consequences (McLennan 2022). There is then clearly the need for international cooperation to combat climate change while considering the disproportionate impacts it has on small island states.



Map 1: Map representing and showcasing the location of SIS in the Pacific (Wilkinson 2022)

Throughout my research, between these two concepts, EJ has resurfaced as the primary goal of any SIS in climate negotiations, or in their efforts to mobilize countries to their cause. SIS have "embraced the discourse of EJ due to the fact that the language of EJ is morally compelling and has given a voice to marginalized communities" (Atapattu 2021, 10). In simple terms, EJ infers that clean air, clean water, access to food, access to a healthy environment, and the right to non-toxic living conditions should be viewed as civil or human right, as important as the right to freedom of speech (Solis 2003, 5). Furthermore, EJ also stipulates that environmental rights and duties have to be fairly shared, especially since SIS only contribute less than 1% of global GHG emissions (Scobie 2022). Specifically, this means that no population constrained by its political, economic, or territorial shortcomings, should be forced to bear a disproportionate share of environmental impacts (Brulle 2006, 104). Because of this, SIS advocate for, and make the case for EJ, on the basis that there is the need to recognize the uneven damages climate change poses on their lands and populations. They argue that a move beyond just donations and charity towards SIS is necessary, and a focus on changing the laws regarding climate change in hopes of altering the behaviour of major emitters is required instead (Scobie 2022). Put together, EJ has become the rallying cry of most small states or subordinated communities that face unequal impacts of environmental degradation (Atapattu 2021, 9).

Before moving forward, an important distinction must be made for conceptualizing EJ for this study. More often than not, the term "Climate Justice" (CJ) is also used to refer to what SIS advocate for. Climate Justice according to Mary Robinson (appointed UN-Secretary-General Special Envoy for Climate Change in 2014 and the founder of the "*Mary Robinson Foundation of Climate Justice")* is an approach linking human rights and development to achieve a human centred approach to climate action that focuses on lessening the burden of less developed countries in the quest for a carbon neutral world (Robinson 2015, 9-10). Because of the similarity in definition to EJ, some scholars argue that a distinction has to be made in which EJ is considered a national problem and CJ its global counterpart, while others believe that EJ is broad enough a term to envelop CJ (Atapattu 2021, 439). For the scope of this thesis, I will take the

position advocated by Sumudu Atapattu in her book of "Environmental Justice and Sustainable Development" and consider EJ as an overarching framework that envelops other justice frameworks such as climate justice (Atapattu 2021, 438-440). In doing so, I will avoid any possible confusion between the terms as well as any lingering misunderstandings that can be made if both terms are used interchangeably.

To advocate for EJ and make their preferences heard, SIS have used numerous Transnational Advocacy Networks (TANs) at their disposal (Keck and Sikkink 1998; Grote 2010; Blackmore 2015; Rietig 2016). According to Keck and Sikkink, TANs are able to pressure and persuade more powerful actors by giving influence to the weaker groups in society (Keck and Sikkink 1998, 23). For example, petitions, sanctions, protests, and the re-evaluation of court documents undertaken under the volition of Non-Governmental Organizations (NGOs), are but some of the avenues utilized by small island states to gain the attention of neighbouring states. Among these, the use of court documents has spring-boarded into the larger area of climate litigation. This is of interest because with a growing number of climate cases being presented to courts around the world by non-state actors such as individuals and various NGOs, with focus of showcasing how climate negligence is equal to human rights violations, small island states have found a "new" opportunity for advocating EJ (Verheyen 2013). SIS have also advocated for EJ through prioritization and coalition building. In short, due to the fact these will be explored later on in the thesis, prioritization refers to the fact that SIS can cover specific issues while leaving others to the side, which lets them focus their scarce resources effectively on what matters most (Deitelhoff 2012, 348). Coalition building as the name suggests, refers to the ability for SIS to band together and join forces in specific forums and associations as to draw more expertise, simplify the exchange of information, and increase the political weight of each member in the coalition leading to easier negotiations (Deitelhoff 2012, 348). These avenues are the most studied in political science and international relations/law which grants them overall validity and recognition as effective strategies and advocacy tools. More interestingly however, is the way that Vanuatu has approached their quest for EJ by separating itself from these expected avenues.

Vanuatu, a small state in the Pacific facing multiple hazards intermittently that threaten its nation and create major uncertainty about its future generations has taken on a new approach of pursuing EJ (World Bank Group 2021, 17). Following the constant failure of diplomatic strategies to achieve any concrete mitigating results from the part of major emitters, Vanuatu turned towards the International Court of Justice (ICJ) to seek an Advisory Opinion (AO) on the issue. An advisory opinion is an authoritative explanation of a question or issue that is raised by the UN General Assembly, Security Council, or according to Article 96 of the UN Charter, any other organs of the UN and specialized agencies that are empowered by the Assembly (Aljaghoub 2006; Nalbandan 2009, 15). Developing this further, an advisory opinion holds weight because of the fact it affects the general interpretation of international law for the international community (Aljaghoub 2006, 5). This means that many of the principles of international law we now know today (such as self-determination or international legal personality of IOs) were born from advisory opinions (Aljaghoub 2006, 5-6). In essence, an advisory opinion is more than just a court ruling impacting individual states, but a decision that holds value for the entire international community and the functioning of international law. The use of such a strategy is where Vanuatu sets itself apart from other small island states.

1.2 Research Question

A clear puzzle has then started to form in which our research question lies. Why would a state such as Vanuatu representing the ideals of most pacific SIS decide to pursue a legalized strategy of seeking an AO to achieve EJ? More precisely, knowing that historically and theoretically courts are not a preferred avenue over diplomatic strategies in the pursuit of climate action for small states, what explains Vanuatu's decision to pursue a legal route over the more traditional diplomatic strategies? My research question stems directly from the above: Why would small island states pursue environmental justice through an advisory opinion in an international court?

1.3 Core Argument

I hypothesize that small states like Vanuatu take advantage of shifting normative structures, which in this case, have elevated international courts as a favourable avenue to advance climate action. In this regard, as courts have become a successful avenue for advocating for environmental justice based on human rights, Vanuatu has shaped its preferences accordingly. In this thesis, I will then highlight why Vanuatu has chosen to pursue an AO as its strategy of choice to obtain environmental justice. To demonstrate this, I will use a constructivist and liberal framework that looks at small states in environmental negotiations. This framework seeks to address some very important questions: How can small states make their preferences heard?; How can small states achieve their environmental goals?; How can small states achieve EJ?; What strategies can they use? The objective is then to have a framework that can adequately explain small states' choices of advocacy strategies that can increase the chance of small states having their environmental justice preferences heard. The framework will provide both liberal and constructivist interpretations of small state preferences, opportunity structures, legal strategies, and advocacy goals. This framework also offers an interesting departure to the general realist consensus in the discipline that stipulates that small states do not have the capacity and power to be effective international actors, since the most powerful leadership strategy in negotiations is based on the structural power of an actor – ie: material resources, economic wealth, and political power (Waltz 1979, 102-129; Corneloup 2014, 284). In regards to courts, realists would also state that courts are an ineffective strategy for small states to pursue. Since powerful states often manipulate the design of courts to get rulings in their favour (Bosco 2014, 12), and due to the fact that court rulings are non-enforceable, the behaviour of major-emitters is often left unaltered (Suter 2004, 349-352; Bodansky 2022, 3; Nalbandan 2009, 14).

In contrast, one the one hand, liberalism assumes that states (whether small or not) are not the only influential actors in international relations, but that non-traditional actors such as TANs, NGOs, IOs, also play a crucial role in achieving international stability and cooperation (Novikova 2022, 85). Applied to small state literature, this implies that these non-traditional actors are crucial components in how small states pursue their preferences. The opportunities that then open up to a state such as Vanuatu are created by the interactions between the state and these actors.

On the other hand, constructivists argue and move beyond the use of institutions by emphasizing the role of norms (standards for the legitimate behaviour of actors) and social interactions as important pillars of international cooperation and negotiations (Choi 2015, 113; Novikova 2022, 897). For small states this means that they can be norm entrepreneurs (Finnemore and Sikkink 1998) and work in partnership with various organizations through which they can set targets,

update normative issues, and use the law in interesting ways (Benwell 2011, 204). Essentially, for constructivists, agency and structure are mutually constituted, which implies that for states such as Vanuatu opportunities stem from both the ability of the state to act, and the material and ideational elements of the international system (Theys 2017, 37). These views on their own offer great insights and explanations as to how a state such as Vanuatu can choose the best advocacy strategy to pursue EJ, but they cannot provide a definitive answer to my research question. By this I mean that looking at opportunity structures and small state advocacy through a liberal or constructivist lens exclusively cannot fully provide a coherent picture of how Vanuatu navigates the institutional landscape through the use of norms, institutions, and legal strategies in order to achieve EJ through an AO at an IC. However, when using both theoretical perspectives as the foundation of my framework, I am able to concretely justify the choice of strategy that a state such as Vanuatu will pursue because I will both: (1) be able to assess the preferences of Vanuatu by using a cost-benefit analysis that stems from a liberal mindset highlighting their use of opportunity structures, as well as (2) fully explain why an AO was chosen by studying the normative environment (leading to a discussion on legitimacy) in which Vanuatu found itself in while it was acting as a norm entrepreneur (which is rooted in constructivism). On the contrary to these positions, realists hold a strong belief that states are the most important actors in IR, who as unitary actors, are seeking survival and preservation in the international system (Splinter 2013, 128). Furthermore, contrary to our framework, realists believe that a country can only enact change if there is "a decrease or increase in the strength of the state, change (increase or decrease) in the abilities of a neighbouring country, an increase or decrease in the threat from neighbouring states, reversal of the polarity of the world order, and changes in global or regional hegemony" (Novikova 2022, 899). This is because from a realist perspective, states would pursue security and survival rather than environmental justice. In turn, this marks a clear departure from our aims, but it still offers us pertinent ways of thinking about how a small state may navigate its environment to pursue EJ.

To achieve all of this, I will conduct a four-part analysis. The first section will represent my research design which will include a literature review and my theoretical framing. This section will serve the purpose to lay out the core foundational pillars of my thesis through which I will develop my argumentation and answer my research question. The second section will focus on the methodological approach I am undertaking with this research. It will set forward the reasoning behind my case selection, the method employed to operationalize my findings, and the type of data used throughout the thesis. The third section will present the prospect of the ICJ and its function of providing AOs. This serves the purpose of grounding the outcome of my research in theory and within my perceived framework. It will in turn allow me to give a rigorous account as to all the aspects needing consideration when pursuing this strategy, which will ease the argumentation needed in this regard in the empirical section. The last section (empirical analysis) will then constitute of making the case for what mechanisms influenced Vanuatu's decision-making when pursuing an AO. By putting all of the above together, I will be able to make the case as to what exactly Vanuatu's rationale was in their choice of strategy, as well as determine whether my hypotheses are congruent or incongruent with my findings. I will do so by process tracing Vanuatu's decision-making vis a vis the climate and EJ in the last 10-20 years. This last section will then offer a chronological account as to how Vanuatu decided to pursue and shape its interests in accordance with our framework, culminating in its pursuit of an AO. Whether or not the outcome of this case will justify Vanuatu's apparent faith in the International Court of

Justice as being the most valuable advocacy strategy for pursuing environmental justice is not the purpose of this section, whereas the choice and reasoning behind this choice is.

II – Theoretical Framework

2.1 Literature Review

When unpacking a topic revolving around small state advocacy, climate change, and international courts, numerous disciplines can be relevant. Even though some sociological, anthropological, and environmental studies are present in the pool of literature, international relations and international law literature still represents the largest sum of sources at the disposition of the researcher. Due to this, numerous topics resurface among the literature that when brought together give a coherent picture of how a small state navigates potential strategies to pursue its preferences. In what follows, I will unpack every one of these individual topics and themes on their own, and then highlight the numerous gaps and limitations present within them. In doing so, I will concretely situate my own research among this literature to provide a point of departure and a new way of looking at how small states approach environmental advocacy through my own contributions.

A Discussion on "Small-ness"

The first focal point that resurfaces when unpacking literature surrounding small states is that of smallness. As briefly stated in the introduction, it is important to understand what a small state is and why it is defined as such when trying to understand the intricacies of how they behave internationally. Having a clear definition of small states is important for such research, since in most literature, there is no shared understanding of what a small state really is which makes the concept of "smallness" quite loose and without much significance (Theys 2022, 82). Three different explanations will be presented here. The first over-arching explanation of small states is based upon material and military capacities. Small states are then interpreted based on their economic resources and military arsenal which leads most of the literature to label them as "system-ineffectual" since they are unable to impact any facet of international relations or law (Willis 2021, 25-26). The second explanation differs from this stipulating that defining smallness based on "power" is a viable option, but instead of placing the focus on material capacities, the focus should be placed on normative power (Novikova 2022, 890). Smallness should then be defined based on how little impact a state can have internationally in negotiations and in regard to its preferences. Is it ever able to get anything done or be heard? That is what should be considered according to this view of "smallness". The last explanation on offer is basing "smallness" on geographical characteristics. This means that a small state is defined by its land size, proximity to other countries, and population size (Theys 2022, 85). These three definitions surround most of, if not all of the literature that surrounds small states. However as highlighted, the fact there is no general consensus as to this definition is a major limitation that embodies any research based on such states. In my work, I will combine both the second and third definition of smallness as highlighted in the introduction. I define smallness as states having a small surface size which creates the need for states to rely on normative power rather material or political power to get their preferences heard. What unites the concepts from the second and third definition that allow me to provide my own interpretation is the fact that states with relative small geographical characteristics (land and population size), often do not have the capacities nor the infrastructures to develop strong material capacities. Because of this, they are often seen as "smaller" actors in international negotiations. There are of course exceptions to this such as states/regions like Hawaii or Martinique. Such states/regions that are part of larger western

countries such as the U.S or France do not fit as part of this definition because they are part of a larger sum. Nonetheless, my definition of smallness will allow me to propose an interesting way of viewing small states in multilateral negotiations which can contribute to the already large pool of conceptual definitions that are attributed to the interpretation of smallness in international relations literature.

Small States as Potent Actors?

Small state advocacy literature is of fundamental importance for providing an answer to the empirical puzzle that the research question addresses. The major discourse regarding small state advocacy is that small states cannot possibly have any influence in international cooperation (Page 2004, 72). As pointed out previously, realism remains the most prominent discourse when it comes to interpreting small states in international relations. Not only does it offer a different view of what a small state is, but it treats its potential pool of resources and advocacy quite differently as well. In general, the realist interpretation of a small state pursuing an advisory opinion lies in the fact that smaller states lack any diplomatic influence in international cooperation (due to a lack of resources and power), and need to turn towards other avenues that can yield them any significant result (Waltz 1979). This way of thinking remains relevant and rather omni-present among a lot of the strands of literature involving small state advocacy and the environment. As per Willis Jeffrey, small state advocacy is assumed by realists to lack the necessary power to have any significant impact in discourse (Jeffrey 2021, 23). More importantly, realism also offers additional critiques of small state advocacy beyond simply the fact that small states do not have much power in international and environmental discourse.

As Kenneth Waltz (the main theorist behind realism in IR) would argue, norms do still play a role in IR, but they emerge spontaneously from repeated interactions between states rather than being passed on from culture and identity as other theories would advance (Waltz 1979). The main difference in this regard is then not necessarily on what norms are and do for small states, but more on the nature of the link between the two concepts (Finnemore 1998, 911). Additionally, realists also disagree with the impact that non-traditional actors such as TANs and IOs can have in regard to shaping the outcomes available to a certain state. Realists propose that these actors only serve the purpose to advance already pre-determined interests, and that governments use them purely as a tool to enhance their fixed and hierarchically ordered preferences, rather than these actors being a helpful avenue for small states to achieve their goals (Fuentes-George 2016, xvi). As enticing as these arguments are, they do also carry some faults. The fact that realists focus extensively on the concept of power (and balance of power), the anarchy of the international system, and material capabilities (often military) as ways to determine the opportunities structures that would be created for a state in negotiations is rather problematic (Bernstein 2020, 15; Morgenthau 1978). This heavily limits the ability of the researcher to grasp the complexities as to the strategic choices that a small state may have to undergo in their quest to make their preferences a reality. The impact of non-traditional actors and norms are undeniable in small state advocacy literature, which means that underpinning their impact on the way a small state would choose to pursue an advisory opinion at an international court is constraining.

However, this position is not the one that is advocated prominently among our specific set of literature. Instead, the argument that small states are more impactful than previously anticipated

is dominant. Some examples to illustrate this are the role that small states had in the creation of the Universal Declaration of Human Rights (UDHR) and the role of Latin-American states in the evolution of human rights (Waltz 2002 & Sikkink 2015). Even if their role can be contradicted, the fact that small states did have a voice in the area of human rights is undeniable. The reason behind this prominent voice lies in their ability to find power in normative claims, distinct conceptions, and the creation of coalitions (Page 2004, 80 & Long 2017, 193). When approaching a topic such as climate change that creates a winner/loser framework, small states have no choice but to go the normative route and play on the moral authority of major powers (Nanda 2021, 154-168). This is the shared position among the literature positing that as the global order is becoming denser and plural, small states have banded together and become norm entrepreneurs (Goulding 2015; Fehl 2020, 1; Corbett 2019, 648). In turn, there is a clear paradigmatic shift in recent literature that highlights the increasing role of small states in international negotiations whether they are in the realm of climate or not (Fry and Tarte 2015, 11). This is mostly achieved through their astute use of advocacy strategies. The contribution of my research in this regard is in strengthening the already growing debate of small states as capable and potent actors. By adding a trending and ground-breaking case highlighting the grit of a small state pursuing its preferences to the existing pool of literature will offer a new instance that can prove that small states are more than just pawns in the international sphere.

Diplomatic Advocacy Strategies

Stemming from the work of Keck and Sikkink, the increasing use of TANs in hopes of offering weaker states a strategic avenue to affect the position of powerful states is becoming an important part of weak state literature (Keck and Sikkink 1998, 118). The main strategies at the disposal of small states are NGOs, campaigning (specifically alliance building and lobbying), public opinions, appeals, protests, policy papers, and as of late, even lawsuits (Blackmore 2015, 118; Abbot 2021, 27; Haddad 2021, 25). According to the prominent position in the literature, the coordination between small states and NGOs is the advocacy strategy of choice for pursuing environmental justice, since NGOs are then able to undertake information politics, leverage politics and capacity building in order to influence international discourse (Rietieg 2016, 274-276; Finley-Brook 2014; Vizzoto 2021). Even if liberals may to some extent dispel the normative impact that these non-traditional actors have, TANs do still shape norms and change the way powerful states approach cooperation (Kemi-Fuentes 2010, xv). What the literature fails to do here is attempt to connect theoretical understandings of how a small state navigates its options. The limitation that I am attempting to flag here is the fact every approach in the discipline is either rooted in realism, liberalism, or constructivism. There is no overlap or thought given as to how a small state may combine mechanisms of influence from these perspectives as to achieve its preferences. I will attempt to fill this gap by my theoretical framework which I will address shortly.

Judicial Advocacy Strategies

Moving away from the previous point, the use of international courts and advisory opinions also resurfaces as a major strand of literature. According to several authors, international courts provide the best way for states to seek change on various pressing issues (Nalbadan 2009; Preston 2016; Mayer 2022). More specifically, international courts offer small island states the best opportunity to raise climate issues on the international stage (Mayer 2022, 16). Since 1947, there has been a constant increase of cases submitted by small island states to international

courts, representing a 63% increase between 1947-2009 (Nalbadan 2009). The concept of norms in the use of international courts is of major importance here. International courts facilitate the growth of legal norms, through which weaker states can attempt to challenge the moral authority of powerful states (Shany 2012, 225). Through an advisory opinion which seeks to resolve legal disputes between states and provide advice on legal issues to UN bodies (Bodansky 2022, 1), small island states have found a rather positive strategy to make their claims heard (Savoie 2004). As per Barnes in his text pertaining to whether or not advisory opinions are a realistic prospect, he establishes that the ICJ has declined only one request from 27 applications, and that the Permanent Court of International Justice has refused to give an advisory opinion in only one of 29 applications (Barnes 2022, 182). This highlights the willingness that international courts have to truly hear out smaller states, which is why they are such a popular avenue. In addition, advisory opinions also "carry great legal weight and moral authority and are often an instrument of preventive diplomacy" (Savoie 2004 & Materna 2021, 740). Mayr reflects on this statement as well, and in his paper regarding the contributions of advisory opinions on the development of international law, establishes that advisory opinions can deeply influence the understanding of rules and norms present in IL due to its "erga omnes" (rights and obligations are owed to all) character (Mayr 2006, 426). Nonetheless, there are some authors that share opposing views on international courts as an advocacy path for weaker states. As a general consensus, Bosco in his book tackling the behaviour of states in-front of international courts, explains that no major power will empower or support a court or their decisions if they do not have significant control over its proceedings (Bosco 2014, 12). More precisely, states will seek to undermine, delegitimize, and even threaten to leave a court if they are unsatisfied with its rulings (Bosco 2014, 12). Even if Bosco does not directly focus on the ICJ, but rather on the International Criminal Court (which holds a very different legal proceeding to that of the ICJ), his findings on the behaviour of states vis a vis international courts still holds value in our research.

In the context of the ICJ however, this is made even further relevant, since states that do not consent to its jurisdiction can face no repercussions as to any decision made by the ICJ. In essence, advisory opinions set forward by the ICJ will fail even if successful, because states can simply disregard them and refuse to comply (Mayer 2022, 5). Nalbadan adds that due to the ease states have in refusing consent to be legally bound by the ICJ's decisions, and the lack of compliance and enforcement stemming from the non-binding advisory opinions (Nalbadan 2009, 13-14), cases such as the one in Vanuatu will yield little to no results. Yes, states care about their reputations which can take massive hits by such behaviour, but on a demand such as the one by Vanuatu, which could reshape many sectors across the world, it is possible for many important actors to simply refuse to comply with the ICJ's advisory opinion (Powell 2013, 350 & Nalbadan 2009, 15). A clear gap is formed here. As seen, there is a general consensus on whether or not the ICJ and advisory opinions are a viable strategy, but not much research is specifically attributed to small states and how they would navigate this avenue. This is where my research will help fill this gap.

A Distinctive Menu of Strategies

Considering the individual strategies presented in both the diplomatic and legal advocacy sections, an important part of small state literature revolves around the grouping of these strategies that small states can use to be effective actors. This is what I refer to as the "menu of strategies" that becomes available to small states. Following the work of Diane Panke, there are three potent

categories of strategies for small states to consider when approaching multilateral negotiations. These are: "Argumentative Strategies", "Bargaining Strategies", and "Moral/Institutional Strategies" (Panke 2008, 5). Before looking at what is nested within each of these three sets of strategies, it is also of value to briefly explain how they came to be and their relation to my research. Diane Panke's work on small states comes from studying european small states and how they act to combat their relative weaknesses in the institutional landscape (Panke 2008). More specifically what she is seeking out to explain through research spanning over multiple volumes is proving that small states need a broad variety of argumentative or bargaining strategies as to have any success in international multilateral negotiations (Panke 2010, 2). A small state then needs credible bargaining positions, good scientific groundwork, and convincing moral appeals and arguments as to be seen as an important actor (Panke 2010, 2). This essentially reflects the capacities (bargaining), ideational (argumentative), and institutional (moral/institutional) resources that a small state needs to make any potent claim internationally. Hence, this is where the three menus come in. Bargaining strategies highlight how a small state may use its resources through prioritization or the use of coalition building to achieve concrete results during the agenda setting and decision making phase of a set issue; argumentative strategies highlight how small states advance national interests through framing and expertise in those same phases; and moral institutional strategies showcase how norm advocacy and norm entrepreneurship can be used between actors and institutions as to make claims more valuable and exploit opportunity structures that may arise (Panke 2008, 7).

Knowing now the three main set of strategies that will be used within this research to determine the selection of advocacy strategy of a said state, it is crucial to expand these strategies and explain what specifically is nested within each of them. This will not only contextualize each of these better, but it will also offer more information as to the various elements that come into play in the decision-making of states when deciding to pursue one of these sets of strategies. As seen previously, states have numerous individual strategies at their disposal in negotiations spanning from discourse vulnerability all the way to alliance building. These individual strategies are what constitute the "interior" of our larger categories. For starters, argumentative strategies revolve around framing (influencing negotiation process through specific mechanisms that play in your favour), and causal arguing (scientific or empirical based information is used to influence actors) (Panke 2012, 10). Essentially, argumentative strategies revolve around the use of issue framing, reframing, agenda setting, discourse vulnerability, and treaties (Panke 2012, 8; Panke 2011, 125; Panke 2012, 390). Second, bargaining revolves around the use of demands/concessions/threats, value claiming (first-mover initiatives in bargaining are used to obtain specific outcomes), and coalitions (increasing power and collective leverage by banding with other actors) as methods for states to achieve their preferences (Panke 2012, 10). Key areas of bargaining strategies are the use of naming and shaming, prioritization, lobbying, coercion, and multiple external actors obtained through coalition or alliance building (Panke 2012, 8; Panke 2011, 125; Panke 2012, 390). Lastly, the moral/institutional strategy is composed of legal arguing (use of a third party, often a legal one, to influence other actors) and moral arguing (influencing negotiations through moral arguments) (Panke 2012, 10). Obvious use of civil society organizations, media, courts, transnational advocacy networks, international organizations, and non-governmental organizations are at play when selecting this approach to advocacy (Panke 2012, 8; Panke 2011, 125; Panke 2012, 390). When all of this is put together, it paints a clearer picture of what exactly each of my chosen three categories represents, and the nested strategies within them that states can use. An obvious point of criticism

does resurface here. What is nested within each of my chosen sets of strategies is not exclusive to that said strategy. Fluctuating circumstances, preferences, concessions, etc, can alter what is used by a state. This then means that for example, the use of international organizations even if nested within the moral/institutional strategy, can be used by an actor within the argumentative or bargaining strategies as well if the opportunity occurs. This is an issue to consider, but one that I believe, similarly to Panke, can be solved by clear delineations within the scope of a given analysis (Panke 2010, 6-7). In my case, I believe these delineations to be achieved within the empirical section of this body of work.

To conclude, even though Diane Panke's work explains why a small state may choose a strategy over another, she does not emphasize whatsoever the motivations behind pursuing a legal route, nor does she put focus on any state that is non-European which is where I can contribute to the literature. In sum, grouping all these strategies into these three distinct categories will make it easier to navigate and justify the use of strategies that small states may employ in international negotiations. Furthermore, due to the fact that much of the literature surrounding this topic fails to approach advocacy through these set menus, I can fill in certain gaps that are left open by the lack of concrete categorization of advocacy strategies.

Additional Limitations and Gaps

Understanding the knowledge presented in these areas of scholarship, as well as its respective limitations, allows me to identify additional gaps to the ones already highlighted through which this thesis can contribute significantly to the discipline of IR. The first gap that presents itself is in regard to the connections made between the various sets of literature that constitute my research. Even though there are similarities and over-arching topics as shown previously, there seems to be a large limitation in the fact that there are no definitive connections being made as to why small island states would choose courts over other strategies. Most of the literature tackles why courts are a viable option, why courts can help small island states yield positive results in their quest for environmental justice, and why courts can pressure powerful states into complying to weaker state's demands. However, none of it really explains why international adjudication can be preferred over lobbying for example. This presents an important gap that can and should be filled by research. By tracing how and why Vanuatu has turned to courts over previous strategies, some important results can be drawn that will have a place in the body of literature. The second gap worth noting revolves around why an advisory opinion was chosen as the strategy of choice among the possible other legal procedures in the ICJ. Yet again, the literature justifies why an advisory opinion is effective, and why it can be a valuable strategy, but never really offers any distinct conclusions as to why an advisory opinion is preferred over a dispute settlement for example. Since there is not much literature tackling this, I will be able to theorize why small island states would seek an advisory opinion over anything else at their disposable. Lastly, as mentioned throughout this literature review, climate change and small island states is a rather understudied topic in international relations. Even if there is a resurgence of such literature as of late, between 2015 and 2019 in a survey conducted in five major IR journals (see Chart 1), only 0.76 per cent of articles in these journals actually tackled climate change and surrounding topics (Sending 2019, 184). Being able to contribute to this rather "understudied" topic in IR is of value. Put together, three rather flagrant gaps in the literature will be filled by the research at the core of my thesis. Since the case of Vanuatu is also relatively new, these presented gaps will be filled with a modern case that can push research in the discipline forward.

Journal	Total number of articles	Articles about climate change	% of total
International Organization	150	2	1.32
International Studies Quarterly	325	3	0.91
International Security	82	0	0.00
Foreign Affairs	1789	13	0.72
American Political Science Review	259	2	0.77
Total	**2605**	**20**	**0.76**

Chart 1: Number of articles about climate change across five major IR journals between 2014-2019 (Sending 2019, 184).

In sum, as vast as the literature pool is for a topic such as the one presented here, the literature nonetheless remains unconnected and raises numerous debates and gaps that can be filled by our respective research. To further this implication, the presentation of our theoretical framework is in order.

2.2 Theoretical Framework

Throughout the introduction and the literature review, a discussion was raised regarding the interpretation of the major paradigms in international relations as to the strategies that small states employ to persuade more powerful states. All of these paradigms whether constructivism, liberalism, and realism, offer solid foundations and frameworks as to interpreting the way a small state may (or may not) navigate the institutional landscape and its opportunities in hopes of achieving its preferences. However as solid as these interpretations are on their separate accounts, they fail to fully provide a clear answer as to my specific research question. To reiterate, the goal of my chosen framework is not only to explain why a state has decided to bring their claim to an international court, but more importantly why it has decided to pursue an advisory opinion at an international court among all the possible strategies at its disposal. In essence, what the theoretical framing at the core of my research will attempt to do is justify the selection of this specific strategy for Vanuatu. Because of this, simply using one theory to guide my research would not suffice as to provide a definitive answer to this inquiry. On the contrary, I will be providing a two-pronged framework that offers both liberal and constructivist explanations as to achieve this goal. The justification as to why I chose this framework will happen in two parts. I will first introduce the groundwork of liberalism and constructivism which will be focused on explaining the strategies at the disposal of small states, to afterwards explain how according to these theoretical principles why a state may choose a particular strategy over another.

How Small States Choose Strategies for Specific Advocacy Goals

Generally, constructivism (described as an ontology rather than a theory) is a set of assumptions about the world, human motivations, and agency (Wendt 1992). It emphasizes the importance of social interactions and social meanings when treating topics such as institutions, sovereignty, and

anarchy (Martin 2012, 335-336; Slaughter 2011). In regard to the specificities of my research, and according to constructivism, small states can be strategic in their choice of advocacy strategy and in turn more impactful than once presumed (Jeffrey 2021, 27 & Slaughter 2011). As for international law, constructivism stipulates that international law helps inform a richer understanding of norms through social interactions that in turn influence state behaviour (Brunée 2012, 3). Evidently, this position stems from the pivotal work of Keck and Sikkink in which the evolution of norms, and the role of weaker states advocating through these evolving norms, changes the dynamic of international advocacy (Keck and Sikkink 1998, 888). According to Brunnée, constructivism helps inform a richer understanding of important norms that may have not been considered by powerful states, which in turn lets small states become influential actors (Brunnée 2012, 3). The underlying condition to this is that small states have "a causal power to shape foreign policy purposes of states and influence structural changes" that generate new ideas, interests, and opportunity structures that they can now use to advance their preferences (Rasheed 2019, 216). By going through this process and also working with two or more states that share common goals, the ability of small states to exert influence becomes even stronger. This is important when considering our topic and the use of an advisory opinion, since small states can use norms to gain support and rally countries to their cause. To authors such as Grote, Smith, and Sending, the ability to build coalitions is an integral part of why smaller states have stature. They argue that small island states have understood that they can band together in their quest for environmental justice, and that pursuing coalitions through a set of shared norms is a viable strategy (Grote 2010, 186; Smith 2005; Sending 2020, 188).

In essence, in the constructivist view and recalling to the menu of strategies established beforehand, a state may use argumentative strategies if it is seeking to advance a specific goal that it can frame to fit its national interests, and one that is grounded by scientific expertise. By using this type of strategy at the forefront of negotiations, it can be easier for a state to achieve its preferences and influence other actors (Brunnée 2012, 3). Hence, a state will choose this strategy if it feels that the issue they are tackling can gain enough traction by convincing other actors that it is a pressing matter. In regard to bargaining, constructivism stipulates that interests change due to the complexity of social interactions in bargaining situations (Martin 2012, 335-336). Due to the fact that for constructivists agency and structure are mutually constituted, which signifies that structure influences agency and that agency influences structures, the behaviour of a state in such a situation is to remain open to other ideas, values, identities, beliefs and perceptions in negotiations (Theys 2017, 37; Galal 2019, 49-50). Furthermore, alliance building and coalitions are also an additional way through which states can operate in this set strategy. Coalitions allow states to be able to pool their resources together in the aim of common goals, which provides a voice to all members of the international community (Meiser 2017, 24). In turn, if a state is willing to shift its ideologies slightly as to gain more support in a given scenario it will do so. Lastly in regard to moral/institutional strategies, constructivism signals that external actors and norms are of vital importance when settling on a specific course of action (Barnett 2020, 193). Norm advocacy and norm entrepreneurship are then the principal motivations at the root of this strategy. If a state can act as a norm entrepreneur, then this will be the strategy they will decide to take on.

On the contrary, liberalism explains how progress, individual rights, human reason, freedoms, the protection of life and liberty, and property are assets that the government must protect from

opposition or tyrannical systems (Rousseau 2012, 21; Meiser 2017, 22; Bell 2014, 686). Because of this, it is assumed that actors (could be the state or even non-traditional actors) are self-interested (egotistic) and seek out to advance their preferences in a way that they can maximize their interests and personal objectives, alongside the attainment of those aforementioned rights (Choi 2015, 11). To achieve this, liberalism, highlights the importance of non-traditional actors such as transnational corporations, international organizations, and non-governmental organizations as important conditions and actors for achieving international stability (Novikova 2022, 895; Meiser 2017, 24). This stability is important because it lets states improve cooperation, lets countries strive for common goals (such as the climate), and lets both states large and small have a voice in diplomatic proceedings (Meiser 2017, 24). Furthermore, liberalism also attributes importance to international norms much as constructivism. Contrary to the constructivist interpretation, liberal norms are more of a bargaining chip and a cost benefit analysis variable due to the fact that states unwilling to internalize or accept certain norms will be seen as uncooperative (Meiser 2017, 25; Moravcsik 2001, 4). This highlights an important factor as to the importance that a state's behaviour has among groups in civil society and the international sphere. When applying liberalism to the specific parameters of our research however, a quote by R. Keohane comes to mind: "If Lilliputians can tie up Gulliver or make him do their fighting for them, they must be studied as carefully as the giant" (Novikova 2022, 891). This quote highlights perfectly the way in which small states can find ways to rally larger states to their cause. Throughout the years, small states have managed to ensure their recognition as a distinct category in the U.N, secured a special seat on the COP Bureau alongside the five U.N regional groupings, and managed to get the term small island developing states to be attributed special needs during the Rio Conference in 1992 (Benwell 2011, 203-204). Even with their limited resources and institutional capabilities, small states have had a major role to play in the international sphere of climate change and international relations. To some authors in the liberal literature, small states have greater social cohesion and flexibility in their policies which lets them respond to opportunities and change in the normative environment in a much faster and efficient way than a superpower would (Wallis 2008, 38). As per Moravcsik, this policy interdependence adopted by small states comes from the different domestic and international goals they set out for themselves paired up with the underlying matter at hand (climate change) (Moravcsik 2001, 7). What this surmounts too is then the fact that small state preferences rarely pose negative externalities on dominant social groups in major countries, but rather sometimes simply reinforce their positions or try to nudge them towards more rigour in those domains (Moravcsik 2001, 8). Of course that depends on the issue, but as of late, climate change and environmental justice has been a topic that has had adverse impacts on larger western states, most notably the U.S. Liberalism then offers an account that opens many interpretations as to the ability of a small state to make their preferences heard. As Tom Long argues, small states through their astute use of international organizations have managed to propagate norms, shape global climate negotiations, execute creative diplomacy, and influence alliances and powerful states into understanding their requests (Long 2017, 2).

Putting this information to use with our menu of strategies, in the liberal account argumentative strategies are used by states to highlight and represent the right of individual freedoms (Rousseau 2012, 21). This means that a state will want to advocate for the right of an individual to life, liberty and property, since these are the highest goal that any government should have (Meiser 2017, 22). If a specific issue raises concerns on one or more of these parameters, or more so,

threatens the integrity of a state or government, then this approach is the one that will be considered as to advocate for their preferences. When looking at bargaining strategies, liberalism highlights the importance of a cost-benefit analysis. A rational actor will approach bargaining by weighing the benefits and the drawbacks of any given situation before making its decision and acting upon its preferences (Moravcsik 2001, 7). Whether this is done individually, or as part of concessions in a large setting framed by alliances and coalitions, a state will always determine the least costly course of action it can take as to maximize its preferences. Finally, moral/institutional strategies are as important for liberalism as they are for constructivism. External actors such as international organizations like the United-Nations are a vital element of a state wanting to achieve its preferences. However, there is a small departure here. Liberalism will identify opportunity structures more so than norms. In this set strategy, a state will use its institutional resources wisely as to exploit and/or find opportunity structures that will benefit their advocacy goals.

The Choice of a Particular Strategy: Why Choose a Strategy Over Another

Having seen how both liberalism and constructivism interpret the potential strategies and avenues that small states can take in regard to multilateral negotiations, I will now unpack precisely why a small state may choose a strategy over another and what the motivation behind this rationale is. This will be rooted in a Cost-Benefit Analysis (CBA) on the one hand, and a constructivist account based on legitimacy and the normative environment on the other hand. As per Vital and his work on small states in negotiations, "the choice of strategy that a state will eventually pursue depends on two core factors: the assessment of its external environment and base and the total pool of its material and human resources" (Radoman 2018, 80; Vital 1967). In this view, there are two major components that need to be studied which is the normative environment shaped by social interactions which can be attributed to constructivism, and the extent of resources and how they are handled by the state which can be interpreted by liberalism. In turn, this falls in line with my structure as well, and will be unpacked further.

Based on the previously highlighted liberal account of how states interpret their menu of strategies, an omni-present discussion of weighing the costs and benefits of each strategy was noted. For starters, it is crucial to unpack what a cost benefit analysis entails, as well as delineate how a state assumes what its costs and benefits are. In essence, cost benefit analysis is a method that compares the gains and losses associated with a project (any governmental action that causes a change in the status quo – a road, a railway, a health insurance system, etc) or with a policy (ie: environmental policies) that a state is currently undertaking (Pearce 1998, 84; Adler & Posner 1999, 177). In the simplest of terms then, a cost benefits analysis helps a government or agency decide if the pros of a specific strategy outweigh the cons (Clowney 2006, 106). Because of its apparent simplicity, a cost benefit analysis is the most widely used tool employed by governments when evaluating whether or not to implement a proposed plan or action (Clowney 2006, 106). An important question then comes to mind: How exactly does a state interpret what a benefit and a cost is? Pearce offers us four clear points that help answer this elusive question: (1) "a benefit is defined as any gain in human wellbeing (welfare or utility) and a cost is defined as any loss in wellbeing"; (2) a benefit is determined by how much an individual is willing to pay or willing to accept in compensation to secure that gain; (3) a loss is measured by how much one is willing to accept to tolerate or prevent a loss; (4) if benefits exceed the costs, then the project or

policy is potentially worthwhile as long as they meet a state's capacities, and rank high in their preferences (or among its menu of strategies) (Pearce 1998, 87). Knowing this, it is then clear why a state will undergo this process as to determine what particular strategy among its menu is best suited to achieve its preferences. For small states specifically, this brings certain benefits such as the ability for a state to promote thoughtful deliberation in its choice of strategy, make sure to draw attention to its economic capabilities ensuring that the action they take is the most beneficial, and help decision makers overcome possible poor agenda or priority setting (Clowney 2006, 109-113). More specifically in accordance with the liberal account and in the case of small states seeking EJ, a benefit would be attributed to achieving your preferences, selling your ideas, achieving recognition, and ensuring you gain the best possible outcome vis a vis the stipulations of EJ (Pearce 1998; Adler & Posner 1999; Moravcsik 1997; Clowney 2006). The costs however, would be attributed to the amount of time a certain strategy takes, reputation costs, transaction costs, the resources required, and the concessions needed as part of a coalition or alliance (Pearce 1998; Adler & Posner 1999; Moravcsik 2001; Clowney 2006). With these in mind, a small state can balance and determine whether a set course of action or advocacy strategy is best suited for their specific end goal. Nonetheless, there are some critiques that can be made to this method of strategy selection. The most prominent critiques of cost benefit analysis are the following: a lack of transparency rendering it an inappropriate framework for policy analysis and decision making, reduces priceless values and intangible goods into dollars, and trivializes harms into a simple +/- equation (Clowney 2006, 108-199). These are important points to keep in mind, but I feel that they over-emphasize the general stipulations of what a cost benefit analysis really surmounts too.

In the constructivist account, a rather more grounded approach is set forward as to why a state may choose a particular strategy over another. In this view, norms, identities, ideas, and legitimacy are what shape the choice of strategy of a said actor (Barnett 2020, 193). I have already explored the impact of norms, identities, and ideas on the behaviour of a state in negotiations, which is why I want to emphasize the importance of legitimacy in the decision-making of states. Essentially, why do states see some strategies as more legitimate in the pursuit of some advocacy goals than others? To start off, defining legitimacy is an important step in making the case for this argument. It is also of value to point out that legitimacy is not the same as legitimation, since legitimation refers to the process in which actors come to believe in the legitimacy of an object or actor (Thomas 2014, 742). I will be referring to legitimation as a process within the larger contextual scale of legitimacy. Knowing this difference, as per Ian Hurd, legitimacy refers to "the normative belief by an actor that a rule or institution ought to be obeyed" (Hurd 1999, 381). Essentially, this definition has both a sociological and normative meaning. The sociological dimension highlights the importance of authority (the more positive the attitude towards an institution and its laws, the greater its legitimacy) and the normative dimension highlights whether a claim of authority is well founded or justified (ie: the WTO is normatively legitimate if there are good reasons in support of its claims to authority) (Bodansky 1999, 601). Pushing this even further, legitimacy as it relates to my research can be labelled as "Social Legitimacy". According to Thomas, legitimacy encompasses various conceptions that are either legal, moral, or social (Thomas 2014). Briefly, legal legitimacy (which is similar to moral legitimacy) refers to "a property of an action, rule actor or system which signifies legal obligation to submit or support that action, rule, actor or system" (Thomas 2014, 735). Moral legitimacy refers to who has the right to rule, essentially the exercise of power by one actor over another can be morally justified in a given situation (Thomas 2014, 738). However, for our

purpose, in justifying why a state might choose a strategy over another, social legitimacy offers the best route. Social legitimacy in comparison to both previous forms of legitimacy enforces that the "property projected onto an action, rule, actor or system by an actor's belief that that action, rule, actor or system is morally or legally legitimate" (Thomas 2014, 741). In crux, social legitimacy focuses on what specific forms of power an actor believes to be morally or legally justified in a specific scenario (Thomas 2014, 741). This is important because a state will choose a certain strategy or even an avenue (as is the ICJ) to pursue their advocacy goals based on whether or not they believe that route is the most legitimate and in line with their principles. This is due to a few reasons. First, a legitimate strategy will make actors more inclined to obey the rules and parameters it sets forward because of fear of punishment; secondly, the actor may see this rule as being in its own self-interest; and lastly, if an actor feels a rule or strategy is legitimate, then it ought to be obeyed (Hurd 1999, 379). Put together, compliance with a rule is motivated by the perceived legitimacy of said rule or body that generates the rule (Hurd 1999, 387). This grants states a belief that the enforcement and compliance generated from their strategy of choice will be greater than otherwise, hence, favouring the avenue with the highest degree of legitimacy (Barnett 2020, 197-198). This shows that there is a direct link between legitimacy and action. The more legitimate an avenue, the more convincing it is as a choice for a state to choose. Reversely, the least legitimate an avenue is, the least convincing and attractive it is for a state (Barnett 2020, 198).

The choice of strategy of a state between these two alternative frameworks then relies on either a cost-benefit analysis or legitimacy concerns. On the one hand, the liberal lens used in this thesis would set forward the idea that any rational state looking to maximize its gains in any given situation would undergo a cost benefit analysis when selecting a strategy among its potential menu. The choice of strategy is then cemented in finding the least costly option granting the largest share of benefits. For small states, this is particularly important since they need to maximize their efforts and limited capacities in a "full proof" strategy. The potential of wasting resources (whether material or not) is not a desired outcome by any state, more so small states. On the other hand, within the constructivist lens a state will choose a specific advocacy pathway based on the perceived legitimacy of said pathway. This will grant the state a more stable and "safe" strategy since it will be one rooted in a system where the present norms, values and beliefs match their own and their goals. If these set parameters also match the widely accepted ones within a specific context, the degree of compliance, control, and enforcement also raise exponentially. This then offers a state a more attractive strategy than one that does not follow this logic. In turn, justifying their choice of strategy over another.

What Other Options Would be Available?

An important aspect here is also acknowledging the potential other choice available to states in these matters. Due to the nature of the paper and the research question, it may seem that advisory opinions are the desired outcome when using either of the two previous theoretical stances. However, that is not the case. States have other options at their disposal when determining their approach. We have talked previously of diplomatic strategies, but what other legal alternatives to advisory opinions are there for states to choose from? Three notable legal strategies have resurfaced among my research. The first is a dispute settlement. A dispute settlement is quite simply the process in resolving a dispute or conflict between a set amount of parties at the

international level in a court or a tribunal (Verheyen 2013, 764). As much as this approach can be useful, small states do not often intend to target a specific state or category of states in their advocacy pursuit, since they risk simply getting shut down by larger western countries (Jacobs 2005).

The second legal option that could be used by small states is arbitration. International arbitration is an alternative form of a dispute settlement that produces legally binding decisions (Verheyen 2013, 764). Arbitration is an effective avenue because a growing number of bi-lateral and multilateral treaties provide clauses that open up discussion on environmental concerns (Verheyen 2013, 764). The issue with arbitration, albeit its strong capabilities to provide legally binding decisions on the environment, is the fact that small states could risk reluctance from states signing on to their motion. If the strategy employed would have enforceable legally binding obligations upon (western) states, there is without a doubt the possibility that many countries never sign on.

The third and final relevant legal strategy is compliance control. Compliance control is a treaty-based concept that is relevant in the context of the Kyoto Protocol (Verheyen 2013, 765). This strategy was developed as a means to enhance implementation and compliance control with international law and various fundamental treaties (Verheyen 2013, 765). As much as small states rely on protocols and treaties to form their preferences, this strategy meets various institutional roadblocks that would hinder a small state's progression in their demand for environmental justice. From the vague language used in multiple treaties, non-complying and binding obligations, and the lack of capacity to actually bring forth claims based on treaty obligations, compliance control is again a strategy that brings more issues than positives for a small state wanting to pursue a legal advocacy strategy. Understanding the drawbacks of these other legal strategies highlights why advisory opinions are the more favourable choice of advocacy strategy for small states.

Framework Justification

Having seen how both theories stand on their own regarding my research area, it is important to explain why simply using one or the other is not enough to guide me towards a sound interpretation of my results. In general, and as I have explained, liberalism and constructivism hold their ground and offer various ways of interpreting small state advocacy and their corresponding use of either diplomatic or legal strategies to achieve their preferences. Nevertheless, as with any approach, there are gaps that remain and that can be filled by further research. Understanding this, I provide a framework that proposes we look at the problem by examining both liberalism and constructivism explanations in tandem. This is not a novel approach in major strands of international relations or international law literature, but it is quite novel in regard to the topic of small states and the environment. The inspiration behind this framework is based on work by Caroline Fehl and her explanation of the International Criminal Court using both rationalist and constructivist approaches simultaneously. In her work, rationalist and constructivist approaches complemented each others shortcomings exceptionally well, which let her reach conclusions and interpretations to her results that she could not possibly get by using a singular approach (Fehl 2004, 360). The same mindset is applied here, but as noted, the theories change as to serve my purpose better, and the way in which these are used is also drastically different. Instead of combining approaches in a two-step framework as Fehl did, I have decided to offer both liberal and constructivist answers to my question simultaneously. Doing so serves multiple purposes that I will elaborate. First, as with Fehl, the two chosen

theories underpinning my framework have complementary capabilities. Some aspects that constructivism may overlook or interpret differently in regard to my research are complemented and reinforced by that of liberalism (the same can be said reversely). Second, as seen in the literature review (Chart 1), climate change remains understudied among the major IR journals which leaves space for innovation and new ways of interpreting small state advocacy surrounding that topic. By using two approaches in tandem, I am able to fill in gaps that exist in the literature due to the preponderant use of a singular theoretical lens in most scholarly work. I am then able with this framework to fill in certain gaps that singular theoretical approaches leave open. Having the ability to use different approaches when treading boundaries of multi-disciplinary research is useful in my case.

Hypotheses

Stemming from the above framework also come my two alternative hypotheses that will guide my empirical section forward. The hypotheses are the following:

H1: Within a shifting normative environment, small states decisions are influenced by a high presence of ideas and norms surrounding legitimacy, in turn making the avenue with the highest degree of legitimacy the most attractive strategy of choice due to its increased chance of enforceability and compliance. When the degree of ideas and norms surrounding legitimacy is low, and in turn lowering the legitimacy of the actors/avenues at their disposal, small states will be less likely to pursue this course of action.

H2: Within a shifting normative environment, small state decisions will prioritize a high degree of compatibility within a cost-benefit analysis (the benefits are higher than the costs) when selecting their choice of strategy. Reversely, a state will want to avoid a low degree of compatibility within a cost-benefit analysis (the benefits are lower than the costs).

Before moving on to the limitations of my framework, providing a small account as to our expected results and observations based on our hypotheses and theory is in order. This will help bring our data and theory closer together. Regarding H1, I theorize that a small state will choose its strategy based on the highest standing marching order that aligns with its norms and ideas. This is to say that depending on the normative environment surrounding an issue in which a small state has an interest in, the outcome that is perceived to be the most legitimate will be chosen. This would occur theoretically because small states in this account would want an outcome that is enforceable and one that holds weight normatively as to make sure compliance occurs. On the offset, and looking towards H2, I theorize that a state would pursue this decision-making procedure as to ensure that even if failure where to occur, it mitigates the damages of its pursuit to the minimum. This is particularly true in the case of small states because of their low economic and institutional capacities/capabilities. Ensuring that a strategy yields the most benefits while taking into account the costs is an approach that is theoretically omni-present within small state literature. In sum, a state will choose this strategy since it will allow for the "safest" approach in advocacy.

Limitations

A discussion as to the limitations of my framework is also in order. Since my framework was created to answer a specific question, there are some caveats that need to be addressed before delving into the methodology. These limitations are twofold. First, since I narrowed down my theoretical implications to small island states, most of the results that will be presented hereafter are based upon how a small states navigates its opportunity structures and normative environment. Obviously, this varies greatly if a state with minimal climate risks and an abundance of resources were to be studied. My framework is then specific to certain contexts and cannot be used to offer definitive answers as to any state and their choice of legal forum. Second, my framework was also created to address specific capabilities and characteristics that are intrinsic to small (island) states. For example, a state like the U.S would not need to be constantly assessing the opportunities that arise in a complex normative environment as to find a strategy it can use to advocate for environmental justice. That is something that is more relevant among small states since they do not have the economic capabilities nor the international voice to advocate for anything they would want at a given point in time. This entails that some of my findings and arguments stemming from this framework cannot justify any possible scenario that may occur in the future. As the normative environment around climate change is changing, some findings may hold more weight in the near future, while others may not. This is an important limitation that needs to be considered.

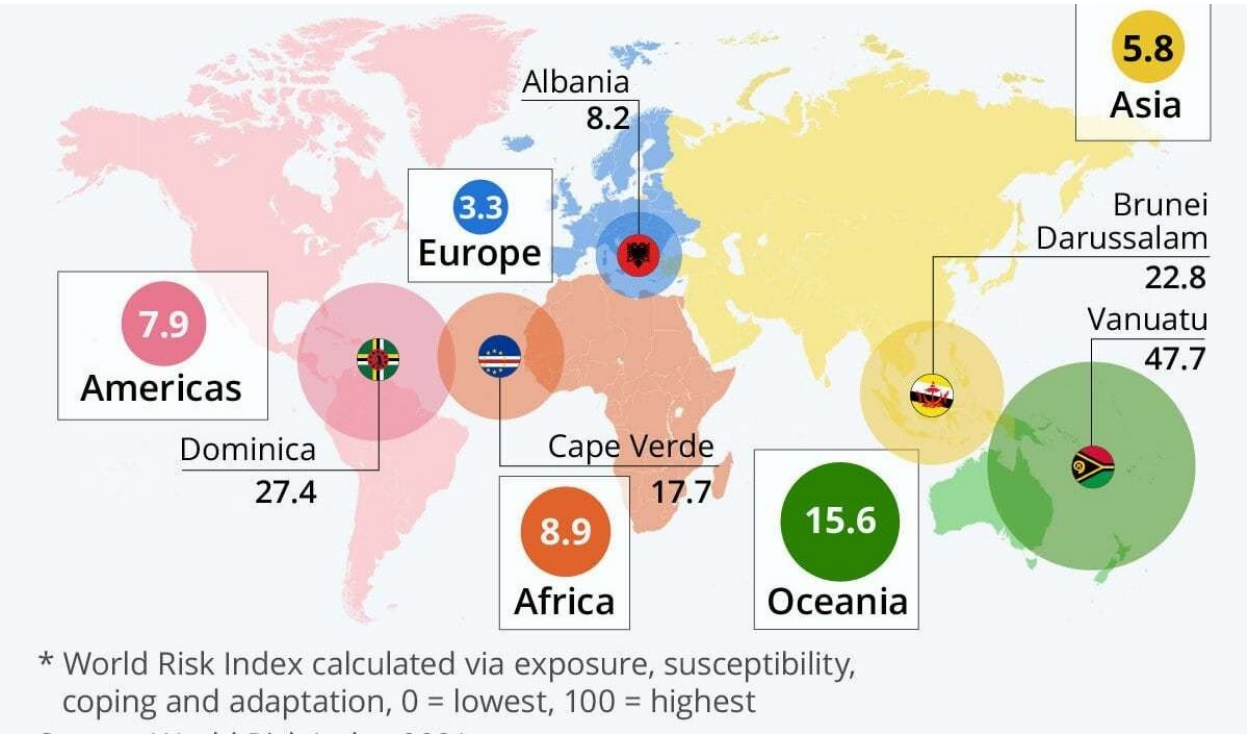
III- Methodology

3.1 Case Selection

The population of study for our research are undoubtedly SIS advocating for EJ. Since all SIS face share similar climate related consequences, as well as unequal treatment on the international stage, their common interests culminating in the pursuit of EJ is indisputable. As demonstrated, SIS are the primary recipients of climate damages, with little to no consideration on the hardships they endure by major powers/emitters. In turn, this negligence and non-respect of climate targets by these emitters, makes SIS turn to various advocacy strategies to seek international action. Empirically, advisory opinions have not been a prominent strategy undertaken by SIS to advocate for EJ. It is a strategy that presents divisive opinions. On the one hand, AOs "carry great legal weight and moral authority and are often an instrument of preventive diplomacy" (Materna 2021, 740). AOs are then able to deeply influence the understanding of the rules and norms present in international law which posits a great benefit for small states. On the other hand, AOs are challenged on the fact that they have a hard time generating compliance and specific obligations for states. In the context of an AO by the ICJ, states that do not consent to the ICJ's jurisdiction can face no repercussions as to any decision imposed by the AO (Mayer 2022, 5). In essence, AOs are seen by some authors as failures even if successful because of the fact that states can simply disregard them and refuse any form of compliance and enforcement of law that the AO may entail (Nalbadan 2009, 13-14). This is due to the fact that since an AO is an interpretation of international law, determining what compliance really is is rather hard to achieve. However, among our universe of cases, Vanuatu's jump from diplomatic strategies to international adjudication marks an interesting departure.

As is the case for most small island states, Vanuatu has been faced with numerous natural disasters that have pushed them towards their quest of EJ. Due to the fact that small island states have higher vulnerability and lower adaptive capacities (Vanuatu remains high in the vulnerability index) in order to deal with climate problems, many of these states including Vanuatu have concerns about their future generations (Mimura 2007, 690; Mourgues 2005, 12). Because of the rise of sea level, coastal erosion, higher temperatures, cyclones, droughts, biodiversity loss, and the extinction or loss of various animal species of land, the human cost of living in Vanuatu has become extremely high (Stoett 2012, 66). Not only do these issues impact the physical landscape of Vanuatu which brings various development issues, but it also impacts topics such as food security and health which makes the possibility of development and protection for future generations close to impossible. Vanuatu stands as the most prone country to environmental disasters with a 47.7 risk index according to the World Risk Index (See Map 2) (Ndlovu 2022). As an example, a cyclone in the Pacific (cyclone Pam) has had an estimated economic impact of 64% of Vanuatu's country's GDP, while a cyclone in the U.S (Florida) has impacted 15% of Florida's state GDP (Thomas 2020, 5). These contrasting examples show how much more vulnerable islands in the Pacific are to disasters, but more importantly how hard each and everyone one of these incidents hinder their path to development. As for some estimates, if the situation does not progress positively for Vanuatu, they face numerous issues that will only keep accelerating. For one, Vanuatu's temperature has steadily increased from 1991 to 2020 at a relatively increased pace of around 0.5C every few years (World Bank Group 2021, 5). This

means that Vanuatu's now average temperature in 2020 is at a minimum 25 degrees steadily increasing as years go by. This is in turn makes all the above mentioned issues worse, specifically the ability to hold healthy crops and a good air quality. If these problems do not halt by 2100, Vanuatu and other small island states may well be in danger of losing everything. Put together, Vanuatu is definitely a vulnerable state in the face of climate change because they face a higher degree of exposure to its damages, they have limited capacities to adapt to projected upcoming impacts, and lastly, they do not get major international help because climate change still does not make the list of a top priority internationally (Mimura 2007, 703).



Map 2: Map showcasing the places most prone to disasters (Ndlovu 2022)

To combat this, Vanuatu has formed a commission based around the symbiotic quest small states have for EJ. In this commission of 132 co-sponsoring states such Palau, Trinidad and Tobago, Tuvalu, Maldives, Marshall Islands, alongside some major powers such as the United-Kingdom and Germany to name a few, lies a fundamental quest to reduce the climate based human rights inequalities that the current and future populations of SIS (and the world) are facing (UN General Assembly 2023, 1). Furthermore, this commission was assembled exclusively to pursue an AO in the ICJ, which marks an unprecedented turn in advocacy strategies for SIS. What is also interesting to point out is the fact that Vanuatu is the first state to have achieved bringing an environmental case of this magnitude in-front of the ICJ with the support of the United-Nations General Assembly (UNGA). Even with the rise in climate litigation cases, there has yet to be a breakthrough such as this one. Even if historically there have been small states wanting to pursue this course of action, none have been able to bring it to light as Vanuatu has done. Because of this interesting departure in advocacy, among all possible cases in our universe which constitute

of small island state strategies for seeking environmental justice, Vanuatu seeking an AO at the ICJ has been selected as our object of study.

Knowing now the particularities of the choice behind choosing Vanuatu as our case study, it is important to specify what type of case Vanuatu represents. According to Seawright and Gerring, there are seven type of cases that can be used in research, among which a "deviant" case seems to be the most fitting within my thesis (Seawright 2005, 10). A "deviant case" analyses a case that does not support (or contradicts) the major patterns and explanations in a specific set of literature or data (Seawright 2005, 19). The purpose of such a method is to probe for new, but also unspecified explanations of causal mechanisms that can illustrate some other causal factors present in other cases (Seawright 2005, 20). At the end of the line, a deviant case study culminates in a proposition or statement that can be applied to other cases within the studied population (Seawright 2005, 20), which is a valuable asset to have when seeking to fill gaps and contribute to a specific set of literature. Why is then Vanuatu representative of a deviant case? As explained, Vanuatu is unique and different in the fact it has decided to pursue (and successfully at that) an AO at the ICJ. This approach is not a common one, nor a popular one among small states. Even if there have been attempts from Palau and the Marshall Islands in the past to go this route, their efforts never even managed to make it to any sort of deliberations which clearly sets Vanuatu apart (Tigre 2023). This creates quite a few important parameters that need explaining. First, not many (if any) small states use legal strategies or AOs in their pursuit of climate action. This means that a state using such an approach would create an "extreme" value representative of a deviant case. Second, because the normative environment around climate action favours the use of diplomatic action over legal action, then the use of the latter creates another "extreme" value to be noticed. Lastly, because these two parameters are representative of Seawright and Gerrings's components of what constitute a deviant case, Vanuatu can fit within these parameters and be labelled as such. Hence, in their year long campaign to build strong support within the UNGA, Vanuatu not only managed to get their request for an AO, but it also managed to get that request approved (Tigre 2023). Putting this together, Vanuatu is clearly an outlier within our population of study, and one that fits within the characteristics of a deviant case.

Understanding the parameters of a deviant case, the importance of highlighting our variables is then in order. My dependent variable (Y) has been attributed to Vanuatu's advocacy strategy, while my independent variable (X) has been attributed to the variables that influence the variation of strategies employed by a state in multilateral negotiations (ie: coalitions, other states, etc…). These variables were chosen because numerous variations were observed throughout my research as to the strategies that Vanuatu has employed to advocate for climate change and environmental justice. Most often, these variations were conjectured to have happened when a new opportunity or new normative framework was made available to Vanuatu. I am then seeking with these variables to answer my research question and provide an answer as to why Vanuatu has settled on an advisory opinion at the ICJ as its strategy of choice.

3.2 Methods

The method chosen to interpret our case in the best possible way is process-tracing. Process tracing in general terms sets out to determine how a potential cause (s) creates a change (s)

within a single case that is worth studying (Beach 2018). Process tracing follows a set of hypotheses within a specific chain of events as to draw causal inferences that are pertinent to one's research (Beach 2018). In my case, I will be tracing the factors that are guided by my theoretical framework as to explain why Vanuatu chose an AO as its strategy to pursue EJ. In the scope of our thesis, three general criteria have to be met to justify the use of process tracing. First, there needs to be reasonable information leading us to believe that small island states do want to achieve environmental justice, which according to our literature review and introduction has been proven. Second, our (X) has to be faithfully implemented in the universe of cases and linked to the outcome (Y) (Beach 2018). Yet again, due to our literature review and the above case selection, this has been established rather soundly. Lastly, the mechanism (s) influencing the relation between (X) and (Y) has to be substantive in generating results among multiple cases (Beach 2018). Due to the fact that these mechanisms stem from pre-established theoretical views as seen in our theoretical framework, then they can be aptly applied to other cases, hence validating this criterion. Since our case selection fits into all three categories of process tracing, then process tracing is justified as the method of choice.

3.3 Data

Case study data can come in the form of direct observations, interviews, archival records, documents, articles, participant observation, research data, and physical artefacts (Yin 2017). Hence, when gathering data, it is important to analyze what is available to us. The sources that will be used in this thesis will be reports from various international actors (states, NGOs, IOs, etc..), pre conducted interviews with key individuals in Vanuatu's climate plan, various books surrounding my main topics of interest, articles, papers, and studies conducted by various scholars and researchers. In essence, and in accordance with Yin's characteristics, I am using interviews, documents, articles, and research data as my main data sources. Among this large pool of data, my main goal is to gather data on Vanuatu's motivations for its advocacy strategies and how it pursued them. More importantly, I need data that will allow me to trace the process of past advocacy strategies, to the one being used now. To do this, I first had to establish a timeframe that correlates to the issue I am studying. This is important since I have to frame the period of study in which my data will be collected. What I have found to be pertinent is looking at data in a timeframe of around 10-20 years (specifically 2007-2023), since that is what I believe envelops a large enough period to understand the various motivations that Vanuatu has had in their quest for EJ. The reason behind this is not simply because of the evolution of the issue of EJ for Vanuatu and small states, but that the first document published by Vanuatu in regards to this topic dates to 2007. Hence, looking at data from 2007 to the present, offers a clear and distinct period of time through which I can process trace the changes in advocacy of Vanuatu. Second of all, I had to find data that precisely tackles Vanuatu's motivations for its advocacy strategies. On the offset, this was no easy task. I first had to deep dive into their various environmental plans that they laid out in the past 10-20 years. Each document occurred at a specific point in time, which let me clearly see a progression of what worked and what did not work for Vanuatu in terms of advocacy. From there, I took those strategies and ideas and started broadening the data in the realm of political science and international law as to see what has been previously presented on the matter. By digging deep here, I was able to find a plethora of data sources that pertain to how small states use different advocacy strategies in different scenarios, and what kind of results ensue from each specific strategy. By then looking at these

results in tandem with Vanuatu's changing advocacy plans, various noteworthy conclusions were drawn from the data. By gathering data through this procedure, I undoubtedly ensured that I was staying true to the fundamentals of process tracing. Lastly, I had to ensure that the data that I collected would correlate to my issue and would offer the best possible insights to my research question and relate to the methodology I am using. Since I have established in the literature review that numerous gaps remain unfilled in this area of research, it was my job to find primary and secondary sources of data that can help me bridge these gaps. This is why the sources that I have found and presented earlier are rather diverse. In sum, by collecting and interpreting my data in this way, I can confidently ensure that the data that I am presenting is based on a clear timeframe, diverse, and in line with my methodological choice.

Understanding now the justification as to my case selection of Vanuatu, the reasoning behind my choice of process tracing as a method, my hypotheses, and the type of data I am using for this thesis, there remains one last thing to operationalize before diving into my empirical section. Setting the stage for the ICJ and its function of giving AOs is a necessary step that needs to be made before tracing Vanuatu's progress towards this end. This is why in the next section I will be unpacking all of the facets that surround this choice of advocacy forum.

IV- The ICJ and Advisory Opinions

4.1 Unpacking The Choice of The ICJ and Advisory Opinions

The International Court of Justice (principal judicial organ of the United Nations) located in The Hague is a court that has for mandate to settle inter-state legal disputes with the consent of both parties, in aims of providing a decision on a pressing matter that cannot simply be solved through diplomatic measures (Hurd 2021, 219). The ICJ is then an important element in the architecture of international relations and law because it fulfills the role of an institution providing definitive judgements in matters of legal disputes between countries (Hurd 2021, 243). The bulk of the cases that the ICJ hears or gives advisory opinions on revolve around issues or questions of sovereignty, maritime delimitation, diplomatic relations, border disputes, and as of late, environmental disputes (Powell 2013, 353). In doing so, the ICJ can make meaningful contributions in providing equal access to justice, determining climate change claims, upholding the rule of law, explaining the fundamental values of law and compliance, and making reasoned and evidence-based decisions on all matters within its jurisdiction (Preston 2016, 11). The ICJ then holds up to be an effective avenue in pursuing climate based cases, which could explain small state's sudden interest in it. However, there are some crucial aspects that are worth briefly explaining here. The power of the ICJ, also referred to as its jurisdiction, has certain limits that are beyond its control. On one hand, the ICJ possesses contentious jurisdiction to decide disputes between states, which means that both states in the given dispute need to consent to the ICJ's jurisdiction (Aljaghoub 2006, 35). Only when both parties consent can the ICJ undergo its process in that given case. On the other hand, the ICJ can also get permission to pursue advisory opinions through the requests of international organizations (Aljaghoub 2006, 35). In this scenario, and based on Article 65 (1) of the ICJ's statute, as long as the request for an advisory opinion is made by an authorized organ, and that the topic at hand is a legal question, then an issue can be brought to court without the need of formal consent from all states individually (Aljaghoub 2006, 36). Additionally, due to the fact that international law is defined as a body of principles, customs, and rules recognized as binding obligations by sovereign states in their mutual relations, certain norms are required to be applied and interpreted by courts (Simmons 2012, 353). International courts such as the ICJ then contribute to the operation of related institutional and normative regimes in hopes of legitimizing associated international norms (Shany 2012, 244-246). This opens up the playing field for small states to make norms a crucial aspect of their advocacy strategies.

As mentioned, the ICJ has a dual function as to settle legal disputes submitted by states and to give non-binding advisory opinions on legal questions submitted to them by internal UN organs and agencies (Mahasen 2010, 192). Advisory opinions are then a mode of social ordering that stand somewhere between consultation and adjudication, remaining an integral and legitimate part of the courts judicial function and the development of international law (Savoie 2004, 89-90). Due to its "erga omnes" character (signifying obligations in which all states have interests in) and the high authority of the ICJ, advisory opinions can achieve and influence the understanding of the rules and norms of international law (Mayr 2016, 426). This means that the advisory function of the ICJ acts as an effective instrument of preventive diplomacy (Nalbandan 2009, 15). Nonetheless, as good as advisory opinions seem on paper, they do have some

drawbacks that need to be mentioned. Since neither the Charter of the UN nor the Statute of the ICJ provides advisory opinions with legally binding force, one can argue that no powerful state will comply with an AO that may challenge its interests (Mayr 2016, 429). Simply put, it can be said that advisory opinions are well intended but ultimately destined to fail (Mayer 2022, 1). This occurs because states have no obligation to comply with the decisions given by the ICJ, which means that if initially a state had no interest in the case, it will have even less interest if the decision is not in its favour. This is especially relevant in climate cases.

4.2 Past Cases of the ICJ

Throughout my research, four stand out cases from the ICJ database stood out as definitive markers representing the legitimacy of the Court. The reason these will be presented here is to highlight the aforementioned perceived legitimacy of the ICJ, but also the behaviour of the ICJ (historically) towards small state inquiries and more delicate issues.

The first pivotal case in this regard is that of the Chagos Archipelago. The general idea behind this case is that a dispute between Mauritius and the UK as to the "reign" of the Chagos Archipelago resulted in an advisory opinion (Minas 2019, 124). What Mauritius did is launch a diplomatic campaign that aimed for the ICJ to review the legality of the procedures by the UK in regard to them retaining the Chagos Archipelago after Mauritius' claim to independence (Minas 2019, 129). In the end, the Court ruled in the favour of Mauritius and claimed that the decolonization and attempt to retain the reign over the Chagos Archipelago by the UK was unlawful (Minas 2019, 132). This marks a good result for a small state against a more powerful one, even though the US publicly declared that the court should not have provided an answer and "meddled" in such affairs (Minas 2019). The notable aspect of this case is the role the advisory opinion played in this process. What the advisory opinion did in this case is cement the incomplete doctrine of decolonization more firmly (Minas 2019, 134). The ICJ had judged that the various treaties and documents pertaining to decolonization were not complete nor astute enough. The advisory opinion then served the purpose of reinforcing the necessary institutional documents and ensuring an easier way for states to manoeuvre their claims to independence.

The second notable case from the ICJ that holds major importance is the "Nuclear Weapons Case". As per the title, the nuclear weapons case was an advisory opinion advanced by various antinuclear groups for the purpose of securing an opinion by the ICJ stating that any nuclear threat should be considered unlawful (Matheson 1997, 417). As per the previous case, the U.S was strongly opposed and verbal as to the ICJ having the ability to give a verdict on a matter such as this. Nonetheless, the UNGA raised valid questions that were under the jurisdiction of the ICJ's statute, which ultimately pushed the case forward even with the clear pushback of the U.S (Matheson 1997, 418). The reason why this case is pivotal is due to the fact it transcended various boundaries and areas of international relations. Of course it had diplomatic roots as per what various UN documents raised in regards to nuclear weapons, but more interestingly, a large sum of the discussion around this case was based on human rights and environmental rights. The ICJ was adamant that nuclear weapons were a clear violation of the right to life, however due to concessions from the U.S, this would only apply in times of peace (Matheson 1997, 421). The ruling here from the Court holds monumental impacts as to the interpretation of the right to life. If the right to life can be subsided due to certain circumstances, then countries can possibly find

loopholes in which they can negate their obligation to this rule. This is ever present in regard to climate change and the responsibilities that numerous larger states tend to forget. In regard to the environment, the nuclear weapons case raised the issue that nuclear tests and their usage violate environmental law (Matheson 1997, 422). Even if the Court eventually ruled that environmental law does not prohibit the use of nuclear weapons, it did state that the environment must play a part in the planned testing of such weapons (Matheson 1997, 423). This again is a positive for small states seeking EJ since it shows that the ICJ does take environmental concerns and law seriously. More importantly, the interpretation that the ICJ gave in regard to the survival of the state and the importance of future generations when discussing the nuclear weapons case is also noteworthy. The language used by the ICJ was incredibly vague insofar as defining what the survival of a state means. Whether it's the survival of a state in terms of a government, the survival of the state as an independent entity, or the survival of the physical population of a state was not clarified (Matheson 1997, 430). Since a concrete response as to this matter was never provided, it may cause issues for states claiming that the survival of their state is at risk due to climate related concerns. Lastly, in terms of future generations, the Court established that it is among its inherent duty to protect future generations, but that it could not provide an answer as to how the destructive effects of nuclear testing would impact future generations (Jacobs 2005, 124). This "future generations" framing is becoming quite a popular strategy among states seeking EJ. Hence, not knowing precisely the ICJ's stance as to how intergenerational rights can be operationalized in any given context is an interesting gamble for one to take. In sum, the nuclear weapons case with all its strengths in terms of covering multiple topics through its advisory opinion, is a highlight of a disappointing outcome for the concerned parties (Bodansky 2023, 4). The Court eventually ruled that it was unable to conclude that nuclear weapons should be prohibited in all circumstances. This case ended up being more detrimental than it was beneficial because of all the loopholes it left unanswered, and the vague language employed in many areas of inquiry.

The third case of interest is that of the Pulp Mills judgement between Argentina and Uruguay. The context behind the Pulps Mills case is determining whether or not, according to the statute of 1975 (Statute of the River of Uruguay), Uruguay acting unlawfully when placing two Pulp Mills along the shore of a shared body of water (Uruguay River) with Argentina (I.C.J Reports, 2010). Due to the obvious operation of the Pulp Mills, and its impacts on the river, Argentina raised the issue that Uruguay did not respect the 1975 statute in the fact it did not consider the environmental damages that their Pulp Mills would create (I.C.J Reports 2010). Since the purpose of the statute was to govern all natural resources along the river, and Uruguay installed facilities that rapidly deteriorate the quality of air and increase the chance of water pollution in the region, Argentina felt compelled that the ICJ could offer a positive verdict on the matter. Essentially, Argentina's claim was that Uruguay had an obligation to protect and preserve the environment surrounding the river by undergoing an environmental risk protection assessment before its installations of the Pulp Mills, which it did not do (I.C.J Reports 2010, 9). As strong as Argentina's position seems in this summary of the case, it did unfortunately not get a favourable judgement from the ICJ on the matter. The ICJ had ruled that it was unable to determine concretely the direct air pollution and water pollution impacts of the Pulp Mills on the river (I.C.J Reports 2010, 8). Since there are no clear indicators that can achieve or prove without a shadow of a doubt that such fluctuations are occurring precisely because of the mills, then the court was not able to offer a positive judgement in favour of Argentina. By allowing Uruguay to

go unpunished on the matter, the court sets a rather somber precedent on climate issues regarding the damages of air and water pollution. Since, because of this case, the court made clear it cannot determine the precise origins of damages that revolve around air and water pollution, then future cases that would want to argue on similar grounds are already starting their inquiry on the back foot.

The last case that has direct relevancy to our research is that of Tuvalu. In order to improve the life of their future generations and the chances that their island stays afloat (similarly to Vanuatu), Tuvalu decided in 2002 to fight back against the U.S and other industrialized nations that refused to sign on or abide to the Kyoto Protocol (Jacobs 2005, 104; Okubo 2013, 746). The way that Tuvalu approached this case is by targeting a single country (the U.S) and attempting to persuade other western countries by possibly gaining a ruling in their favour that would impose constraints on the U.S, and by association the rest of the world (Jacobs 2005, 115). The reasoning behind Tuvalu's choice of targeting major polluters directly is an interesting one. The Tuvalu delegation felt that by imposing constraints and naming and shaming the largest polluters, it would gain a greater sense of compliance with the court ruling if it would end in their favour (Jacobs 2005, 111). The difficulty in this approach is twofold: (1) they had to prove that GHG emissions directly cause all of their stated problems, and (2) that the U.S was the primary responsible of the emissions that impact Tuvalu directly (Jacobs 2005, 111). Even when using intergenerational rights as an argument, Tuvalu had to prove that the U.S is the primary responsible towards the degradation of the right to life of future generations in Tuvalu (Kravchenko 2008, 521). Due to these constraints, the Tuvalu attempt was always destined to fail, so much so that even the UNGA did not consider pushing it through to the ICJ. This attempt of pursuing an advisory opinion never even saw the light of day. The same can also be said as to the attempt by Palau which was met with the same reprisals by the largest emitters, notably the U.S (Burkett 2013, 635). As with Tuvalu, the Palau effort never saw the light of day.

These four cases present multiple aspects that a small state can use (or should not use) when pursuing an advisory opinion at the ICJ. Various loopholes, underspecified language, and room for interpretation can give certain claims more validity if approached in the correct way. A brief explanation as to the implication of these cases on Vanuatu's AO is in order. Since all four of these cases have created definitive changes in the normative environment surrounding the use of the ICJ as an advocacy avenue, the impacts of these changes on Vanuatu's AO need to be specified. The case of the Chagos Archipelago has highlighted the possibility of states to showcase that certain treaties and their respective language are not astute or complete enough to deal with pressing and evolving matters. Since climate change is such a matter, Vanuatu can rely on this precedent quite effectively in the pursuit of their AO. Second, the Nuclear-Weapons case offers two distinct advantages to Vanuatu's AO. On the one hand, since this case showed that using the right to life can be a slippery slope when arguing for damages, Vanuatu was astute enough to spin the right to life towards the right to intergenerational rights, which negates this possible roadblock. On the other hand, the ruling of the ICJ within this case on what the survival of a state entails is also crucial for Vanuatu's AO. As a drawback, the fact the ICJ was unable to concretely determine the parameters of what the "survival" of a state is, is problematic for Vanuatu. Since they are arguing that their survival is at stake, dealing with an avenue that has complications on determining what that is is worrisome. However, this can also work in their advantage. Since the language and stance used by the ICJ is rather loose, Vanuatu's AO can

exploit this and themselves offer a clear framing of what the survival of a state means. This would play greatly in their favour. The Pulps Mills case is more of a sour note for Vanuatu. Since the judgement by the ICJ was quite concrete on not being able to offer decisions based on air or water pollution, Vanuatu has to make sure it can either scientifically back its claims, or completely avoid this terrain all-together. Lastly, the Tuvalu case showcases the lack of agency for small states in courts when trying to go head to head with larger more powerful states. By learning from this previous attempt by Tuvalu, Vanuatu has seen that rather than going against major emitters, it should make their claims attractive to them rather than punitive.

Essentially, these cases highlight various factors that show how weak states can use courts and their established precedents to their advantage, but also how certain decisions can influence Vanuatu's pursuit of an AO. More importantly, in regard to the proceedings and judgements offered by the ICJ, the general realist consensus that smaller states have no power or agency against more powerful states holds true. All of these cases when looking purely at their judgements show the uphill battle that states have to go through to get a positive result from the court. Based on this, there are barely any signs that point towards Vanuatu being able to gain a successful outcome in their AO. However, looking solely at the outcome of these cases is erroneous. Because of how I unpacked the more intricate details and positions the ICJ has given on certain aspects within the larger scheme of the final judgement, shows that there is support for the idea that courts can redefine interests and allow smaller states a platform for their claims to be heard. Vanuatu can use multiple more minute aspects of each of these cases to build a stronger and more solid case that its predecessors.

All of this will be unpacked more succinctly in the coming chapter, but before doing so, diving deeper into the ICJ as an avenue for climate action, and looking at its benefits and drawbacks is in order.

4.3 The Benefits of the ICJ as an Advocacy Avenue

In order for a state's case to have a lasting impact and circumvent some of the shortcomings that going to a court or pursuing an advisory opinion in and of itself entails, the state must ensure that its selection of the ICJ is justified. By this I mean that the ICJ needs to be considered a legitimate and efficient actor. According to my framing and the literature surrounding my research, two factors stand out in regard to how states shape their perception of the ICJ's legitimacy. One is the court's legal or institutional design, and the second is the courts performance (Powell 2013, 351). These two aspects are important because states are more inclined to support a court that the international community perceives as legitimate, rather than a court that has a tarnished reputation (Powell 2013, 349). States then tend to support international courts in hopes of augmenting their interstate commitments (Powell 2013, 350). The way the ICJ functions, notably being the judicial organ of the UN, offers the possibility to boost reputation costs, reduce monitoring costs, and clarify existing rules of international law, which ideally (in most regime types) are assets that states would want to possess (Powell 2013, 350). This ultimately culminates in the way the ICJ is designed to gain support and legitimacy from states. Additionally, the ICJ can gain legitimacy through the cases and topics it decides to handle. Similarly to the International Criminal Court which uses NGOs and other intermediaries to boost its legitimacy (DeSilva 2017), the ICJ has avenues through which it can garner support from states. For example, the fact that the ICJ has started taking more climate cases among its case

load is a positive outlook for many countries that are willing to fight for climate change. Being able to interpret and (re) define the pillars of environmental law is a major steppingstone for the ICJ towards gaining more support.

Due to this resurgence, environmental justice has started to become an increasing topic of conversation in legal matters. What small states have found is that treating environmental justice within a constitutional framework of human rights provides a substantive and procedural foundation to conceptualize the idea as a legal process (Puvimanasinghe 2021, 142). By expanding the concept and the theories surrounding it, it opens up the possibility to make principles such as the right to life, right to health, and to some extent the right to privacy, legitimate environmental concerns (Leib 2010, 71-72). Since international environmental law is rather weak, going through this process allows countries to use well established human rights law to advocate for their preferences (Posner 2007, 1927). The role the ICJ plays in all this is its willingness to take on this reframing of environmental law and treat it as a major concern. By not refusing Vanuatu's claim and deciding to grant it an advisory opinion shows that the ICJ does want to acknowledge climate issues as something more than they already are. It remains to be seen how the ICJ will deal with this human rights angle employed by Vanuatu, but through its human rights language, Vanuatu has given a human face to its claim (Knur 2014, 55-56). Hence, legitimacy and the interpretations of environmental law that the ICJ has started to provide are major aspects that bolster its image, however, without satisfactory performance and results to show for it, this means little. I have demonstrated through the previous cases of the ICJ that performance wise the ICJ is a mixed bag. Over the years, the ICJ has been an accessible venue for all states. The ICJ has only declined one case from 27 applications, and only one case from 29 did not receive an advisory opinion as per its request (Barnes 2022, 182). The Court is then willing to undertake cases and give decisions on all types of matters which shows that it is an actor that performs when it is asked. From our framework, this is a good asset for the Court to have because it lets it engage with a wide array of identities, ideas, and norms which in turn make it a more relatable actor capable of making states accept new rules in the international legal system (Simmons 2012, 358). Additionally, even if certain cases do not get their desired results, the fact that the ICJ has undertaken the case opens up the door towards other types of opportunities. Public attention, increasing pressure to reach political solutions, publicity, and shaping public opinion are all side products that naturally come from bringing a case to the ICJ (Posner 2017, 1927; Murray 2019, 15). This demonstrates that as long as the ICJ performs as intended, then it is an efficient and legitimate actor in the area of international law and even climate change.

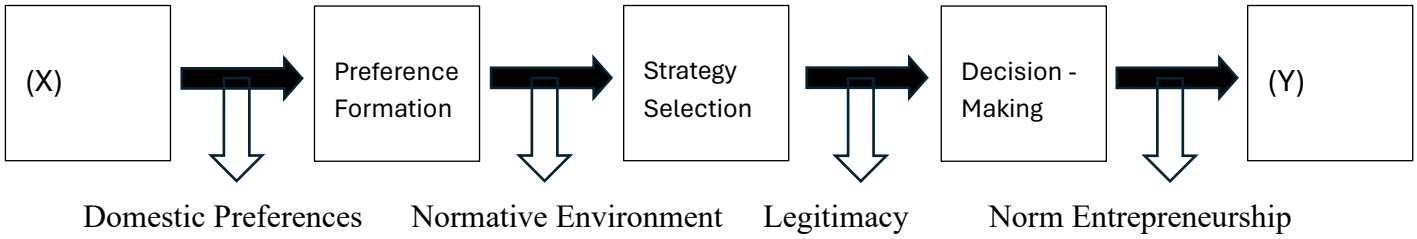
4.4 The Issues of the ICJ as an Advocacy Avenue

As with any topic, there are differing opinions that can be used when discussing the validity of a choice of forum and the legitimacy of actors. The ICJ is a clear proponent of this since it is a very criticized and underwhelming avenue according to many scholars. I will provide the main critiques that exist regarding the ICJ and its performance. A growing body of legal literature has turned its focus towards questions of legitimacy in trying to determine if international courts can ever be effective (Burkett 2013, 635). Since the ICJ is seeking to interpret states general obligations on climate mitigation, it will eventually fall into one of two opposite pitfalls (Mayer 2022, 10). One the one hand, "the court may content itself with reaffirming the existence of

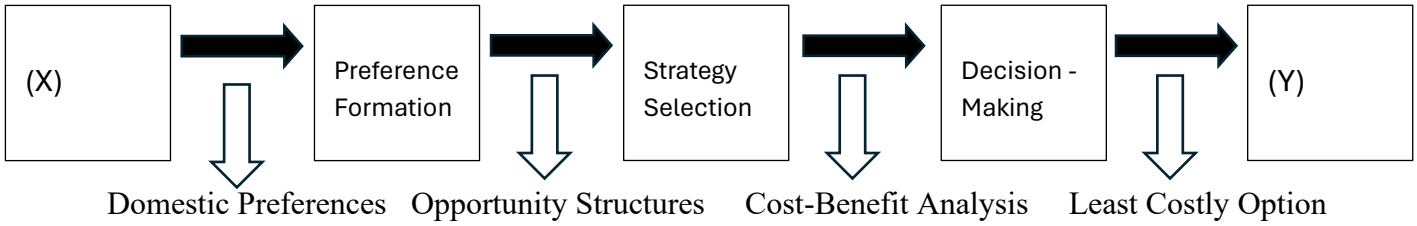
norms that states have expressly agreed upon – for instance, the principles that each state's action must represent its highest possible ambition" and reflect its respective capacities and capabilities (Mayer 2022, 11). The issue with this is the fact that norms are already established and undisputed, which means that the advisory opinion will not have an impact except for the fact it will simply reaffirm the norms that are already known. On the other hand, the court may try to go beyond interpretation and try to shift the actual level of mitigations by states by accentuating their lack of ambition through strategies such as naming and shaming (Mayer 2022, 11). The problem here is that if the ICJ oversteps its jurisdiction or threads carefully through its use of language as to sidestep certain of its limitations, then the advisory opinion will end up being extremely controversial and the court will be walking in a political minefield (Mayer 2022, 12). This then means that the ICJ is heavily hindered in the extent of the verdicts it can offer cases that thread multiple sensitive topics as if often the issue in climate cases. On top of this, the ICJ also faces certain limitations beyond its control that are rooted in the international regime: (1) there is no common global philosophy underpinning respect for one system of international law, (2) national sovereignty, (3) only-nation states can be parties to an ICJ case, (4) no international enforcement, (5) not every dispute can get its desired result in an international court, and (6) procedural aspects such as evidence are hard to prove in climate cases (Suter 2004, 349-352). Even if the ICJ were able to surmount this, the Court is unable to hold countries accountable and/or enforce upon them any special obligations (Nalbandan 2009, 14). In doing so, the court risks losing legitimacy and the support of some major powers (Bosco 2014, 11). With all these constraints it is understandable why it can be argued that the ICJ will essentially be an ineffective avenue for a small state's quest for environmental justice.

Chapter V – The Unprecedented Pursuit of an AO by a Small State

Before undergoing the empirical analysis at the core of my thesis, it is important to provide a causal graph highlighting my hypotheses (Collier 2011, 823; Seawright 2010). What a causal graph will help present is the expected process that each hypothesis sets forward. This will allow for a visual representation of what is to be expected when unpacking my data and comparing it with my framework.



Causal Graph 1: Causal Graph for a Choice of Strategy in the Constructivist Account



Causal Graph 2: Causal Graph for a Choice of Strategy in the Liberal Account

5.1 Understanding Vanuatu's Decision-Making Throughout the Years 2007-2018

I will now present Vanuatu's preferences in regards to climate change between the years 2007 to 2018. These dates have been selected due to the availability of information that pertains to Vanuatu's country plans and documents. Additionally, this period also showcases Vanuatu's fluctuating behaviour vis a vis climate change. As will be demonstrated shortly, Vanuatu has undergone an upbringing when it comes to its climate action. Starting from a point where it did not yet value the environment as an integral part of its country plan due to the need to develop economically, it faced numerous roadblocks in its quest to find its climate voice. Eventually, as climate issues started to become more prominent internationally, and possibly even more attractive to Vanuatu due to the multilateral climate regime expanding within small state discourse, Vanuatu found itself advancing clearer and more targeted interests related to climate change as time went on. These interests and preferences are fundamental to Vanuatu's behaviour

during this period because they not only evolve over-time due to the resurgence of new climate treaties and pillars within the already complex normative environment, but these interests also show how Vanuatu exhausted multiple strategies that eventually failed – ultimately pushing them towards looking at new avenues such as courts. I will present these preferences in chronological order as to highlight the process that has occurred in the change of goals and strategies employed by the state.

For starters, in 2007 Vanuatu set up their adaptation program (NAPA Process) that sought out to stabilize the country's low rates of economic growth in comparison to their high rate of population growth (Mourgues 2005, 13). In that document, out of the 10 key sectors identified, 6 of them pertain directly to the economy, while the other four pertain to food security, and the protection of wildlife. Even though the latter do constitute important aspects for environmentalism, there is no direct mention of any established climate/environmental goals in the program. However, there is mention of the established National Advisory Committee on Climate Change created in 1989 and their goals of using decisions stemming from the Kyoto Protocol in order to improve climate negotiations and inform Vanuatu departments of climate change issues (Government of Vanuatu 2008, 19). Surprisingly, there are then no clear preferences being advocated for environmental justice and climate change at this stage. Even if Vanuatu is aware of the problem of climate change, and specifically sea level rise for the country, it seems that their focus and resources are placed elsewhere. As stated in a National Communication in 1999, "the vulnerability of Vanuatu to sea-level change will, for the most part, be determined by the nature of ongoing development and the way in which Vanuatu manages its environment and resources" (Republic of Vanuatu 1999, 3). Furthermore, due to the fact that in the early 2000s the adverse effects of climate change were rather sporadically observed throughout Vanuatu (meaning they were not spread out and more focalized towards the low-lying islands and areas) can explain their lack of urgency to deal with the issue (Republic of Vanuatu 1999, 3). However, even with the lack of clear environmental policies, there is the important aspect of the Kyoto protocol highlighted here that shows Vanuatu still has climate action in the mind. Vanuatu has created a specific committee seeking to advance the plans of the Protocol as to better their own situation. From early on, it can be seen how Vanuatu is seeking new measures and using new opportunities opening up to them as to further their own development, and the Kyoto Protocol is a direct highlight of that. Vanuatu used the Kyoto Protocol as a baseline for their plans, but there is no clear mention or data to specify what the impact of this approach truly was in the country plan. Because of this, from our identified menu of strategies, I would argue that none actually apply to this scenario. Neither of the argumentative, bargaining, or moral/institutional strategies of either liberal or constructivist nature apply here. Furthermore, as to Vanuatu's decision-making during this period, there is also little to no concrete data that can fully explain their behaviour. The only determinative aspect here is the fact the Vanuatu delegation is willing to use already made pillars in treaties rather than make their own. This shows a willingness to abide to the general consensus that is omni-present internationally. In essence, 2007 is a rather inconclusive year for our process tracing methodology. No clear conjectures can be made. Hence, none of our hypotheses can be applied or proven in this context.

Moving on to 2010, there are some changes in how Vanuatu presents its preferences and goals, however, the environment does not feature as a pillar of its own. Environmental considerations

are presented as a sub-unit of the preferences revolving around the primary sector (Government of Vanuatu 2011, 11). The most notable aspect of this country plan is the fact that the environmental unit of Vanuatu became fully fledged in 2010, and had for goal to analyze various bills and amendments centred around the Montreal Protocol (Gov of Vanuatu 2011, 30). Nonetheless, environmental preferences are becoming more noticeable in Vanuatu's plans, but they remain grouped up under the primary sector, and revolve largely around the economy and the ability for Vanuatu to keep its agricultural sector working as to keep increasing its exports. The reason behind these climate preferences becoming more noticeable is also due to the volition that Vanuatu has towards the "Barbados Programme of Action for Sustainable Development". Even within this document, political, social, and economic problems are highlighted as crucial aspects of Vanuatu's development, but contrary to 2007, there is some urgency placed on the climate by Vanuatu due to the environmental quality of the state being rapidly deteriorated (Republic of Vanuatu 2009, 7-8). Again, Vanuatu is shaping up its preferences and plans according to a new opportunity that has opened up to them. Previously it was the Kyoto Protocol, and now they have jumped ship to treating the Montreal Protocol and the Barbados Programme as a basis for their environmental unit strategies. While looking at the big picture, 2010 is a very similar year to 2007 in many aspects. However, some more direct conclusions can be offered here. Because of Vanuatu's intense focus on the economy, there is a bit more of a cost-benefit analysis going on here. It is rather transparent from the way that the country plan is organized that Vanuatu values the environment as a by-product of economic growth. A look at Vanuatu's development report of 2010, shows that the key environmental considerations revolved around the Montreal Protocol's amendments on the depletion of the ozone layer (Government of Vanuatu 2010, 30). To push this further, the rest of the focus of the environment section is placed on strengthening the fishery industry, restructuring the agricultural sector as to enhance export growth, and strengthen the national livestock services (Government of Vanuatu 2010, 32). Even within the Barbados Programme, climate problems are raised, but the fact Vanuatu has yet to sign multiple agreements around climate change (ie: Ramsar Convention, Cartegena Convention, Vienna Convention, etc), nor has it developed a national environmental strategy, highlights their focus on tourism and the economic sector more so than the environment (Republic of Vanuatu 2009, 9). From this kind of examples, we can see that Vanuatu is undergoing a weighing of its options through a cost-benefit analysis mindset. By valuing its agricultural sector and exports as an important index, it is then by association interested in a clean environment. The purpose of these environmental improvements are solely a benefit in the larger scheme of economic enrichment. The strategy then pursued here by Vanuatu is that of bargaining within a liberal framework. The decision behind this use of strategy is then clearly the increasing want for economic gain, while at the same time working on their environmental sector. Even if not convincing, 2010 marks a point in time where I can apply our second hypothesis to Vanuatu's decision-making and choice of strategy.

Starting in the following two years (2011 and 2012), notable changes start to appear in how Vanuatu presents itself in-front of environmental concerns. Even if the environment remains a subcomponent of the primary sector, clear sections delineating environmental management, natural resources, biodiversity, and climate change goals are now present. Additionally, these changes have been implemented due to Vanuatu's signing of the Bio-Safety Cartagena Protocol and the Nagoya Protocol (Gov of Vanuatu 2012, 35). The main objectives identified across these two documents are to establish a five-year national strategy on waste management, ozone layer

protection, coastal water monitoring, disaster risk management plans organized through NGOs and Civil Society Organizations, and environmental assessment reports (Gov of Vanuatu 2012, 36; Gov of Vanuatu 2013). At this time, we see that Vanuatu has started to work internationally with other actors and use advocacy tools in order to achieve their goals. The use of such a strategy is a common one among small states. The current climate regime is bolstering with new actors that offer small states the opportunity to find solutions that are considerate of their economic state and their resources (Finley-Brook 2021). Since progress is often slow at the annual conferences relating to climate change (such as the UNFCCC), NGOs and CSOs emerge as new actors that small states can rely on (Finley-Brook 2021). These non-state actors pursue different strategies as to attract the attention and interest of higher ranking government officials (Rietig 2016, 270). Throughout the years, Vanuatu has relied on NGOs and CSOs for a few reasons. On the topic of NGOs, their benefits were three-fold for small island states: (1) they offer a multitude of information that can be used by small island states as to increase their influence in climate talks, (2) they are persuasive actors that can raise awareness among populations as to certain issues in hopes of increasing their reach, and (3) NGOs strive to influence key actors towards changing their negotiation positions in hopes of helping out small states – if not, they are able to name and shame those unwilling to cooperate (Rietig 2016, 274). Civil Society Organizations on the other hand have emerged quite actively during the past few years, which has offered Vanuatu another outlet to use in their quest for environmental justice. CSOs serve the purpose of emphasizing social issues such as gender, human rights, urban slavery, and the environment, rather than more class-based or diplomatic interests (Vizzoto 2021, 299). Paired with NGOs and other networks, CSOs offer Vanuatu a more focused approach on specifically the damages that climate change inflicts upon their population, which reinforces their stance as a vulnerable state seeking help. As mentioned, these major changes came after Vanuatu signed onto two new protocols, which follows a clear trend among our literature. Moving on to 2014, little can be said in terms of major improvements from the previously mentioned two years. The only major change that is worth noting is that Vanuatu has made its climate change preferences its own pillar in their annual development plans (Gov of Vanuatu 2015, 2).

The period analyzed here is then extremely fruitful for our research. There are clear indications that Vanuatu has started to value the environment more so than it ever did, but more importantly, stopped treating it as a by-product of the economy. By also separating its environmental plans from the primary sector in 2014, Vanuatu's volition towards environmental justice starts to surface. By changing their preferences and interest's vis a vis climate change due to their signing of two different protocols, and with the help of numerous external actors, Vanuatu's strategy is more delineated than in the past two timeframes. A bargaining strategy cemented in the constructivist account is apparent here. The bargaining strategy is noticed by Vanuatu's use of CSOs and NGOs as to get aid in framing realistic climate goals for its country. The decision behind this use of strategy is a domestic one. It can be said that due to Vanuatu's quest to better itself domestically climate wise, it is now seeking to be a more influential international actor on this front as well. By realizing the difficulty of achieving climate targets on their own, Vanuatu then decided to become more involved within the larger scheme of operation of environmental justice. By appealing to the norms and the legitimacy of actors within a shifting normative environment, Vanuatu starts to behave more in line with our theorized mechanisms and hypotheses. Specifically, this falls in line with our first hypothesis. This period shows Vanuatu's use of an increased constructivist mindset in its decision-making that also highlights

the use of norms and legitimacy. Even if these are not extremely apparent as of yet, they will become more visible as we progress in our analysis.

In 2016, which coincides with Vanuatu's signing on to the Paris Agreement, a major change is made as to how Vanuatu lays out its plans. For the the first time, we see that Vanuatu presents clear policy goals, strategies, advocacy routes, lobbying techniques, and capacity building considerations (Gov of Vanuatu 2017). What it seeks out is to create a framework with the help of civil society and non-governmental organizations that would help disaster risk reduction and develop its sustainable development process (Gov of Vanuatu 2017, 2). Among this, Vanuatu is also committed to expand its networking capabilities by working with the alliance of small states, G77 and China, the least developed countries group, and the Melanesia Spearhead group (Gov of Vanuatu 2017, 11). These same goals and preferences transfer over to 2017 and 2018 as well, with little to no change or noticeable improvements. This avenue of alliance and coalition building is an important one to trace. Throughout the years, small states have formed their own alliances such as AOSIS, their own UN groupings such as FOSS, and frequently banded together in international negotiations (Willis 2021, 28). The results from what these alliances have built, most notably AOSIS, are notable in allowing small states to figure more prominently as potent actors (Grote 2010, 186). All in all, by joining coalitions small states can increase their bargaining leverage and the chances they have to get their preferences heard (Panke 2012, 396). It is then not surprising that small states will seek strength in numbers and that they will seek out collective power based on similar interests when advocating in international negotiations (Long 2017, 198). The strategy employed here by Vanuatu is clearly revolving around the spread of information and the abilities small states have in negotiations when banding together. Furthermore, the Paris Agreement is a pivotal instrument in this process, and one that has propelled Vanuatu towards being resourceful, active in climate negotiations, and more influential in climate discourse internationally. This follows hand in hand with my previous results of Vanuatu using protocols or agreements to further its position and use of strategies to become more influential in regards to climate change. Compared to previously examined years, this period marks an acute use of strategies by the Vanuatu delegation. On the one side, Vanuatu's extensive use of alliances and coalitions as to enforce its beliefs and facilitate the obtention of its goals showcases a bargaining strategy of the constructivist nature. Additionally, by banding together with other small states as to highlight their vulnerabilities and reframe certain climate discourses, Vanuatu also highlights the use of argumentative strategies of the constructivist nature. On the other hand, Vanuatu's use of multiple external actors as to identify opportunities that they can exploit (ie: The Paris Agreement) highlights the moral/institutional vein of strategies of the liberal account. Furthermore, since Vanuatu starts considering its capacities more explicitly and undergoes quite arduous lobbying, the bargaining strategies of the liberal account surrounding a cost-benefit analysis are also made apparent. Vanuatu is now much more active and aware of the possibilities that open up for them internationally. Whether through exploiting opportunity structures or the normative environment surrounding climate negotiations, Vanuatu's decision-making becomes much more direct. During this period, there is a rise in the sentiment of accountability and the need for equal effort in the climate battle that becomes recognizable in Vanuatu's decisions. This can be seen through goal 3 of their country plan in which they want to slow down the risks posed by man-made hazards. The approach here revolves around commitments not only from Vanuatu, but the international community as a whole (Government of Vanuatu 2018, 53-56). This is a clear departure from what we have

previously observed, and a much more delineated and direct approach to tackle climate change. Putting this together, this period of 2 years highlights very interesting empirical results. Vanuatu has behaved in line with both of our theorized hypotheses.

To conclude this section, it was seen that Vanuatu's preferences throughout the years have changed and evolved. They have shaped themselves according to new political opportunities and based on shifting normative environments. In this regard, Vanuatu has acted historically as both a rational actor that seeks to mobilize its opportunities through a cost-benefit analysis, but also as a state seeking to pursue the strategies that are most legitimate and in tune with their corresponding norms and ideas. Up until this point, none of my hypotheses can be concretely proven or disproven. From the empirical analysis conducted here, from the years 2007 to 2018, both alternative hypotheses are congruent with the data. What this means is that both hypotheses could be considered when explaining Vanuatu's behavior during this timeframe. It is only when studying Vanuatu's preferences and decision-making in the years 2018-2023 that one hypothesis starts to become clearer in explaining the mechanisms as to why Vanuatu ultimately pursued an AO and the ICJ.

5.2 An Unprecedented Turn to Courts: Vanuatu's Changed Perspective during the Years 2018-2023

One of the main talking points surrounding Vanuatu's decision to choose an advisory opinion as an advocacy strategy is that of: why pursue it now and not years before? What changed? What avenue did they see that would lead them towards deciding an advisory opinion is better than any other strategy at their disposal? These are all pressing and important questions to which I can offer an answer to in the following pages.

In the years 2018 to 2023, Vanuatu's quest for climate change mitigation shifts drastically as to what we have observed earlier on. Due to the rise of climate litigation and courts as an adequate front to advocate for climate change (in 2018 a wave of more than 80 climate related lawsuits and cases saw the light of courtrooms), the normative environment that surrounds climate action becomes more favourable towards judicial strategies in the pursuit of environmental justice than was the case previously. Three distinct pillars are representative of this: (1) the impact of past cases in the ICJ, (2) the influence of the Paris Agreement, and (3) the rise in the connection between human rights and environmental rights. Regarding (1), the past cases of the ICJ have an important impact on the normative environment surrounding climate action. The cases examined in this body of work showcase that every ruling regarding climate change in the ICJ sets a certain degree of precedent for future attempts. For example, the Pulp Mills case and its failure to punish Uruguay (even if clear violations were found) sets a negative precedent for any future claims regarding air pollution and water pollution within the ICJ (I.C.J Reports 2010, 8-9). Other cases such as the Nuclear-Weapons Case also explored here, sets other more positive precedents in the ICJ regarding climate action. Showing the ability to manoeuvre around intergenerational rights and linking human rights to environmental rights, the ICJ is allowing the chance for states to deepen these clauses in future cases (Matheson 1997, 421). Essentially, these cases and the respective behaviour of the ICJ sets clear (positive and/or negative) elements within the normative environment for states like Vanuatu to exploit. The second pillar (2) regarding the Paris Agreement also has similar influence on the normative environment. The Paris Agreement

and various International Panel on Climate Change (IPCC) reports have created benchmarks (such as NDCs) to assess government climate action that impact the normative environment in various ways (Garavito 2022, 18). To accentuate this, these benchmarks allow for norms, framings, and enforcement mechanisms based on human rights to be pursued by states to hold governments accountable to their climate targets (Garavito 2022, 19). Pairing these benchmarks with the rise of climate litigation, allows court judgements to holder greater weight and validity. Without such parameters available in the normative environment, Vanuatu would not find the use of an AO based on intergenerational rights as favourable as it does now. Lastly, the third pillar (3) enforces the rise in connection between human rights and environmental rights. Due to the fact of health concerns, property concerns, and the concern of the life of future generations, human rights and environmental rights have become more interconnected in the past few years than ever before (Brulle 2006, 104). Paired with the fact that human rights are taken more seriously internationally than environmental rights, this recent pairing in concepts makes climate concerns much more pressing (Attapatu 2021, 13). This has a clear impact in the normative environment surrounding climate action. It allows states such as Vanuatu to give a "human face" to their claims and issues (Knur 2014, 55-56). When uniting these three pillars and climate litigation together, Vanuatu has a normative environment that favours the use of courts as a method to pursue climate action.
Because of this, Vanuatu decides to reframe its preferences by changing the language they employ (Preston 2016; Murray 2019, 15). Instead of advocating for sustainable development and risk reduction as was the case between 2016-2018, Vanuatu's sets out "to protect the Republic of Vanuatu and safeguard the national wealth, resources and environment in the interests of the present generation and of future generations" (Gov of Vanuatu 2021, 1-2). This way of shaping its preferences is still guided by the Sustainable Development Plan and the help of NGOs and CSOs, but the change in scope and language is heavily apparent. Vanuatu changed the framing of its approach towards something more tangible and recognizable – human rights and the right to life of future generations. This is a major step forward and change of strategy for Vanuatu. Due to the fact that climate litigation is a front where human rights language prospers and brings multiple benefits to environmental claims, it is again noteworthy to point out that Vanuatu has not changed its preferences per se, but adapted them to fit into a new political opportunity brought forward by the wave of climate litigation and the changes in the normative environment originating around 2018.

The most mundane explanation as to this behaviour is that there has been an increasing normalization of international litigation and international environmental litigation during the past few years (Bodansky 2023, 3). Paired with the fact that the ICJ has started to take on environmental cases such as Pulps Mills and the Costa Rica vs Nicaragua case, states have found that courts have finally felt the urgency that climate change entails for small states (Bodansly 2023, 3). Additionally, and specifically for Vanuatu, the rise in litigation cases and the fact that the Paris Agreement set pretty somber deadlines in regard to achieving its 1.5C temperature goal (a cut of 50% of emissions needs to occur by 2030 to achieve that) has spring-boarded the ICJ and climate litigation and the top of Vanuatu's list of strategies and approaches (Bodansky 2023, 4). Furthermore, due to the rise in climate cases and the human rights language surrounding them, Vanuatu has seen that the accelerating rate at which climate change puts future generations in danger is an opportunity to attempt to mobilize courts by reframing the issue of climate change to a human rights one (Kravchenko 2008, 547). Intergenerational justice is then a new

opportunity that Vanuatu can exploit in order to get its preferences heard. This entails that a state can treat environmental rights as "emergent human rights", which establishes a strong argument for environmental justice and its stipulation that all should be equal in the face of the climate (Hiskes 2005, 1346). These reasonings explain why an advisory opinion is on the table for Vanuatu. Even though advisory opinions where an option since the mid 1990s for small states, they never actually yielded positive results as with the Pulp Mills case, they never had a supporting document to reinforce the severity of the problem as the Paris Agreement does, and lastly, the link between environmental rights and human rights was never convincingly made until recently. All of this paired together explains why Vanuatu only saw an advisory opinion as a valid strategy among all others in and around the year 2018-2023.

There are also some additional reasons that explain this switch to courts. Broadly, according to Lisa Vanhala, there are three main strands of arguments that explain a turn to courts: (1) the focus of institutional and structural incentives to mobilize the law, (2) group dynamics shape collective mobilization efforts pushing towards the courts, and (3) micro-politics of disputing behaviour push towards a turn to law (Vanhala 2022, 86). With my findings, Vanuatu has definitely used the first approach of finding opportunities and structures that it can exploit when deciding to turn to the courts. What Vanuatu did is using a two-pronged strategy that remains grounded in both international relation and law principles. They have on the one hand asked courts to take the goals set forward by the Paris Agreement (and other sources) as benchmarks to assess government climate action and compliance, to on the other hand, invoke norms that reflect the standard behaviour expected when dealing with climate change, as to highlight states non-compliance in hopes of holding them legally accountable to their actions (Garavito 2022, 15). Since states have pledged to solve climate change and under international law pledged to uphold the right to life of all, then there is no excuse to not help small island states in their quest to fight climate change and ensure environmental justice (Tabucanon 2013, 567). The ability to use these human rights principles in the fight for environmental justice is a major asset that Vanuatu now has at its disposal. In doing so, and advancing the norms and responsibilities that states have committed on to, Vanuatu has also acted as a norm entrepreneur. Some important aspects will be highlighted here.

Norms in the general sense are a standard of appropriate behaviour for actors with a given identity, while norm entrepreneurs try to take these norms and attempt to convince a larger amount of states to embrace them (Finnemore 1998, 891; Finnemore 1998, 895). The goal here is to try and socialize norms in states that may not have planned to adopt certain standards of behaviour. As per Finnemore, norm entrepreneurs are critical for norm emergence because they draw attention to specific issues or even create new issues using innovative language as to draw the focus and attention of more powerful states (Finnemore 1998, 897). This is even more important when it comes to climate change. More often than not, major powers do not oblige to their climate obligations and fulfill the environmental rights they often sign onto (Attapattu 2021, 13). It is then critical for small states to ensure that states are reminded of these responsibilities, and that they end up truly offering the safe and clean environment that they promise. As of late, small states have taken up this role of norm entrepreneurs. Small island states have used their particular vulnerabilities in order to advance normative claims based on the environment (Long 2017, 193). By using a various range of approaches and activities such as mobilizing public opinion (protests, petitions, campaigning, etc), appeals to political elites, and the pursuit of policy through the courts, these small island states have managed to advance norms and ideas

without the need and support of great powers (Long 2017, 193; Abbott 2021, 27). For example, Vanuatu has attended multiple summits and conferences as an independent state in order to advance their view of climate change and environmental justice. In these meetings Vanuatu have been adamant that states have failed to abide to numerous promises and behaviours that are crucial to both international relations and law (Commonwealth Foundation 2022). They advanced that small island states are the only ones that can understand and start a movement that will give western states the ability to understand the extent of the danger climate change can cause (Commonwealth Foundation 2022). In doing so, Vanuatu are reflecting on the three stage model advanced by Risse and Sikkink in their pivotal work on norms and advocacy. Vanuatu are clear that they are attempting to make new norms emerge, make them widely accepted, and hopefully internalized by the west as to ensure environmental justice (Finnemore 1998, 895). Lastly, if Vanuatu were able to get this strategy to work, norm violations would be easier to observe and it would also be easier to shame and regulate the behaviour of those concerned (Sending, 2019, p188).

Considering now the above empirical data that presents the main reasons and mechanisms that pushed Vanuatu towards an AO, it is now important to analyze why these mechanisms were valued by Vanuatu's decision-makers. In terms of what has been observed, a few clear strategies from our theorized menu of strategies for small states are present. First, through Vanuatu's reframing of issues and change in language, the argumentative strategy of the constructivist account can be observed. Second, because of their astute use of external actors, coalitions and alliances of small states, it can be said that Vanuatu also used bargaining strategies of the constructivist vein to pursue its end goal. Third, because Vanuatu heightened the importance of norms, identities, focused on the legitimacy of international actors and acted as a norm entrepreneur, it can also be said it acted within the boundaries of moral/institutional strategies rooted in constructivism. This distinct period shows that Vanuatu acted fully within the constructivist mindset when pursuing an AO, at least in their selection of strategies.

The above strategies can be seen in the motion presented to the ICJ by Vanuatu. As of February 2023, Vanuatu advanced its motion to the ICJ which pertains to seeking an advisory opinion on many grounds. I will not present every line from the motion here, but I will highlight certain key aspects. For starters, the claim on which Vanuatu is seeking to make its case and advance its preferences is based on "recognizing that climate change is an unprecedented challenge of civilizational proportions, and that the well-being of present and future generations of humankind depends on our immediate and urgent response to it" (UNGA 2023, 1). This reflects the emphasis Vanuatu is placing on intergenerational rights. Second, when compared to all the previous strategies employed by Vanuatu throughout the years, the use of human rights language is omni-present throughout the motion. From recalling the right to life, recalling further numerous resolutions from Human Rights Councils, and emphasizing the importance of the UN Charter and the UDHR, Vanuatu has made this motion one that is rooted and grounded in human rights (UNGA 2023, 1-2). This marks a major step forward in their quest for environmental justice. Additionally, it helped that Vanuatu had support from a multitude of actors with the language used in their resolution. States like Iran and Sierra Leone immediately backed the decision by the UNGA by stating that western states do not seem to care of the adverse consequences they create on the most vulnerable nations, and that a court judgement based on human rights could be a potent strategy in changing that (United Nations 2023). On the contrary, and as expected, the U.S rose quite rapidly to the podium to voice their disagreement in the use

of a legal strategy over a diplomatic one in climate matters (United Nations 2023). Following this, Vanuatu has used the basis of the Kyoto Protocol and more importantly the Paris Agreement as to enforce its claims and the urgency of the situation. Through the Paris Agreement, they highlight the notions of equity and the "principle of common but differentiated responsibilities" from which they seek out to raise urgency and scale up action and support to their cause (UNGA 2023, 2). In doing all this, Vanuatu wraps up its motion with four major pillars on which its advisory opinion lies: " (a) What are the obligations of States under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for present and future generations; (b) What are the legal consequences under these obligations for States where they, by their acts and omissions, have caused significant harm to the climate system and other parts of the environment, with respect to: (i) States, including, in particular, small island developing States, which due to their geographical circumstances and level of development, are injured or specially affected by or are particularly vulnerable to the adverse effects of climate change?; (ii) Peoples and individuals of the present and future generations affected by the adverse effects of climate change?" (UNGA 2023, 3).

This motion is highly reflective of Vanuatu's internal decision-making when it came to the choice of strategy and constructivist mindset employed. For starters, since the beginning of this process, Vanuatu has been much more vocal internationally when it comes to offering interviews and its positions on aspects of international law. In interviews conducted in 2023 with Vanuatu high standing officials, their internal position is made rather clear. Vanuatu is looking towards upholding human rights, enforcing the standards of the Paris Agreement, increasing compliance with international law, holding states accountable to their actions and create enforceability as to climate targets (Vanuatu ICJ 2023). Compared to previous years, such strong commitments and targets were not identifiable. Furthermore, Vanuatu officials recognize the ICJ as the highest standing and most legitimate international instrument when it comes to offering definitive decisions on important matters (CommonWealth Foundation 2022). Pairing together this set of internal objectives with their perception of the ICJ, then it is rather obvious why the AO was chosen as a strategy. Nonetheless, I can push even further as to this justification. As observed in the period of 2007 to 2018, Vanuatu exhausted quite a large set of potential mechanisms and strategies in their pursuit of environmental justice. Because of the rather lacklustre results and progression observed with those strategies, it could prove too costly for Vanuatu to keep investing their time and resources into such means. Even if the ICJ and an AO can be considered a costly avenue, the fact it manages to fit within the internal discourse of Vanuatu, utilize its preferences to the maximum, and employs mechanisms that Vanuatu is already accustomed to, it manages to offset the costs that may ensue. Vanuatu has then exploited a normative environment rich in normative opportunities as to pursue the most legitimate course of action it could have possibly used. Hence, all the criteria of our first hypothesis are met, and the data is congruent with our theoretical basis.

5.3 Discussion

Having now unpacked all that the Vanuatu case entails in regard to our theoretical framework and foundations, it is time to offer a definitive answer as to our research question. What specifically led Vanuatu to decide that pursuing an advisory opinion at an international court is

the best suited strategy to offer them closure in their quest for environmental justice? Empirically and theoretically, the answer unfolds in multiple parts. Having been strategic through their choices and approaches, Vanuatu has essentially managed to pave the way for a new avenue through which small states can advocate for environmental justice. On the one hand, due to its status of a norm entrepreneur exploiting a shifting normative environment on the climate front, Vanuatu has managed to profit from the increasing wave of climate cases being undertaken at both national and international courts. Additionally, by shifting the language used and the way it is advocating for environmental justice, Vanuatu is also acting as a norm entrepreneur. This again fits within the moral/institutional strategy under the constructivist umbrella that I have highlighted previously. However, because of the way it re-framed its priorities and language to fit a more human rights approach, it can also be said that it behaved in line with the argumentative strategy based on constructivist theory. Lastly, due to the large commission it is heading, Vanuatu also used the bargaining side of the constructivist interpretation. Vanuatu has then extensively behaved within a constructivist framework in their pursuit of an AO. Knowing already that it valued the ICJ as a high standing court, even though it was aware of some of its limitations, Vanuatu did not hesitate to pounce on the opportunity given to them by the UNGA. When the proposition of taking their demands to the ICJ was presented to them, there was little to no hesitation (at least in my interpretation) from the Vanuatu delegation. When the opportunity struck, they seized it with open arms. To put it clearly and in relation to our causal graph representing H1, Vanuatu used its domestic issues and stances on climate change as to form its preferences, which afterwards due to a shifting normative environment influence its possible menu of available strategies. Once those strategies are identified, the Vanuatu delegation chooses what seems to be the most legitimate course of action that would ensure goal attainment. Finally, once that is set in motion, Vanuatu takes the mantle of a norm entrepreneur as to spread the cause and norms revolving around its case as they settle on their specific advocacy strategy. This is done in hopes of persuading states (both small and large) that their issue is important not only to Vanuatu internally, but to everyone else in the world as well. This ultimately falls in line with our process established in H1.

In sum, Vanuatu has behaved in accordance with our constructivist account (H1) when deciding to choose the ICJ and an advisory opinion as its strategy of choice. It was able to study the previous cases at the helm of the ICJ that produced both positive and negative outcomes in order to structure a strong and well-intended motion. It was also careful to weigh the limitations of the ICJ as for them to play in their favour. Identifying that climate cases were on the rise, and that they provided relatively positive results for climate litigants pushed Vanuatu towards this end. Ultimately, in being able to analyze the normative environment surrounding climate change, Vanuatu may well have found a strategy that can succeed and provide concrete results in their quest for environmental justice. This also expands towards broader implications in international relations and small state advocacy. If Vanuatu's use of an advisory opinion ends up being a fruitful one, then an entire new set of strategies will open up for small states to pursue vis a vis climate related concerns.

VI- Conclusion

Throughout this thesis, my aim has been to understand why a shift in advocacy strategies has occurred, and why a turn to courts has been preferred over any other legal or diplomatic strategy. By analyzing Vanuatu's case and their motion in the ICJ pursuing an advisory opinion on environmental justice, numerous talking points were made. First, a major shift was noticed in Vanuatu's preferences over the years, specifically a departure highlighted around the time of the Paris Agreement. A change in language and focus on human rights rather than the economy was ever present from 2016 onwards. This change in approach has then offered Vanuatu the possibility of using courts as a medium, because as we have seen, bringing human rights and the life of future generations into play is an effective measure of advocacy in international courts. Secondly, by identifying various opportunity structures which shaped Vanuatu's preferences differently, lead to various shifts in their behavior vis a vis climate change. By studying how small states have historically negotiated for climate change, a few effective strategies were made apparent that Vanuatu has used to some extent in their pursuit of environmental justice. By making itself a norm entrepreneur focused on a small set of issues leading an alliance of 132 states, Vanuatu has managed to use and combine its past strategies into a more effective forum that is the ICJ. Hence, by taking this approach in the ICJ through an advisory opinion, Vanuatu's turn to courts is a memorable achievement for both international relations and law. Even if various critiques have been provided as to the legitimacy of the ICJ and general validity and compliance of advisory opinions, I believe that this new way of advocating for environmental justice will bring more benefits to the topic of climate litigation rather than negatives. Theoretically, Vanuatu has also behaved in line with our expected outcomes. It has used both constructivism and liberal mindsets among their selection of strategies before and after their choice of pursuing the advisory opinion. What is worth noting is that compared to previous advocacy strategies, the choice of the advisory opinion at the ICJ heightened Vanuatu's use of diverse strategies. It used many more strategies cumulatively than it did previously. By accentuating a constructivist mentality on top of their already pre-determined liberal behavior in certain areas, Vanuatu managed to secure its advisory opinion and the platform it wanted to reach as to advocate for environmental justice. In turn, we were able to validate our first hypothesis rather soundly. By broadening these noted impacts, small states are in a position that is quite beneficial in the area of the environment and advocacy more generally. Due to the fact that small states are increasingly able to overcome structural and institutional weaknesses via diverse menus of strategies showcases their intrinsic ability to fight for what they believe in (Corbett, 2019, p654-655). As Tom Long suggests, it is a good time to be a small state in the current international landscape (Long, 2017). My research simply reinforces this position. If a state like Vanuatu is able to bring a case to the ICJ that revolves around environmental justice and intergenerational rights which were previously heavily contradictory topics for the court, then the sky is the limit for the advocacy potential of small states. We are far away from the stipulations that small states are inefficient and powerless actors in the international arena. On the contrary, when banded together, I would wager that small states could achieve results that the literature in the early 2000s could not even account for. Especially in the area of climate related concerns, I think that we are heading in a very positive direction when it comes to paving an institutional field in which all states can strive and have a voice. The outcome of the Vanuatu case which will be released shortly after this paper will have a very important say in this area. As of the time of writing, I cannot provide a definitive conclusion as to the extent that the ICJ's

decision will have on the issue, but I can provide a last statement on the importance that the turn to courts will have on the fight for climate change internationally. With this in mind, an interesting parallel to the case of Vanuatu is also occurring in the International Criminal Court (ICC). A motion wanting to recognize “ecocide”, which is the destruction of the natural environment removing human habitat, is being put forward in-front of the ICC in hopes of wanting to label ecocide as an international crime (Greene, 2019). Following both these cases closely, as well as their final judgements (whether favourable or unfavourable), will undoubtedly change the way we look at environmental advocacy in the future. Arguably, both the ICC and the ICJ have movement defining cases and verdicts to give in the area of environmental rights and sustainability. With positive outcomes and decisions, we could possibly see definitive measures being taken when dealing with climate damages. Possible enforcement, or at least having laws in place that could sway the motivations of previously uninterested states a tad more than before is a great step forward. I am both excited and weary of what these cases may offer for the future of small state advocacy and environmental justice, but more importantly, I am interested in seeing how all of this will be interpreted in future publications.

Bibliography

Abbot, Carolyn, and Lee, Maria. 2021 “NGOs, lobbying and legal mobilization. In: Environmental Groups and Legal Expertise”. UCL Press. Accessed at: https://www.jstor.org/stable/j.ctv17ppc5c.9

Adeola, O. Francis. 2001 “Environmental Injustice and Human Rights Abuse: The States, MNCs,
and Repression of Minority Groups in the World System”. Society for Human Ecology: Human Ecology Review, Vol. 8, No. 1: pp. 39-59.
Accessed at: https://www.jstor.org/stable/24707236

Adler, Matthew D., and Posner, Eric A. 1999. “Rethinking Cost-Benefit Analysis”. The Yale Law Journal Company: The Yale Law Journal, Vol 109, No 2, pp 165-247.
Accessed at: http://www.jstor.com/stable/797489

Alabi, A. Saheed. 2012.“Using Litigation to Enforce Climate Obligations under Domestic and International Laws”. Lexxion Verlagsgesellschaft mbH: Carbon & Climate Law Review , Vol. 6, No. 3: pp. 209-220.
Accessed at: https://www.jstor.org/stable/24323907

Aljaghoub, Mahasen M. 2006. “The Advisory Function of the International Court of Justice 1946-2005”. Springer: New York. ISBN-10 3-540-35732-7.

Aljaghoub, M. Mahasen. 2010. “The Absence of State Consent to Advisory Opinions of the International Court of Justice:Judicial and Political Restraints”. Brill Institute: Arab Law Quarterly, Vol 24, No 2: pp 191-207.
Accessed at: https://www.jstor.org/stable/40604827

Alter, Karen J, Hafner-Burton, Emilie M, and Helfer, Laurence R. 2019. “Theorizing the Judicialization of International Relations”. International Studies Quarterly 63, pp 449-463.

Alter, Karen J. 2021. "The International Court of Justice in Comparison: Understanding the Court's Limited Influence". Melbourne Journal of International Law 21, No. 3, pp 676-697

Akkerhuis, Wanja. 2019. “The Alliance of Small Island States and the Struggle Against the Tide of the Times: the Success of Leadership Strategies in a warming world”. Universiteit Leiden: pp 1-48.

Ammann, Odile. 2020. “The Interpretative Methods of International Law: What Are They, and Why Use Them? In Domestic Courts and the Interpretation of International Law”. Brill.
Accessed at: https://www.jstor.org/stable/10.1163/j.ctv2gjwn8t.11

Antunes, Sandrina, and Camisao, Isabel. 2017. “Realism. In: International Relations Theory”. E-International Relations Publishing, pp 15-22. ISBN 978-1-910814-20-8

Atapattu, A. Sumudu, Gonzalez, G. Carmen, and Seck, L. Sara. 2021. “The Cambridge Handbook of Environmental Justice and Sustainable Development”. Cambridge University Press.
Accessed at: https://doi.org/10.1017/9781108555791

Atapattu, A. Sumudu, Gonzalez, G. Carmen, and Seck, L. Sara. 2021.“Intersections of Environmental Justice and Sustainable Development: Framing the Issues. In: The Cambridge Handbook of Environmental Justice and Sustainable Development”. Cambridge University Press.
Accessed at: https://doi.org/10.1017/9781108555791

Atapattu, A. Sumudu, and Simonelli, C. Andrea. 2021.“ Climate Justice, Sustainable Development, and Small Island States: A Case Study of the Maldives. In : The Cambridge Handbook of Environmental Justice and Sustainable Development”. Cambridge University Press.
Accessed at: https://doi.org/10.1017/9781108555791

Barnes, Richard. 2022. “ An Advisory Opinion on Climate Change Obligations Under International Law: A Realistic Prospect?”. Taylor & Francis: Ocean Development & International Law, Vol 53, No 2-3: pp 180-213.
Accessed at: https://doi.org/10.1080/00908320.2022.2106329

Bartram, R. Darin. 2007. “International Litigation over Global Climate Change: A Skeptic’s View”. Cambridge University Press: Proceedings of the Annual Meeting (American Society of International Law) , Vol. 101: pp. 65-67.
Accessed at: http://www.jstor.com/stable/25660156

Barnett, Michael and Baylis, John & Smith, Steve & Owens, Patricia.. 2020. “Social Constructivism: In The Globalizations of World Politics: An Introduction to International Relations”. Oxford University Press: Eight Edition, pp 192-207.

Batros, Ben, and Khan Tessa. 2022. “Thinking Strategically about Climate Litigation. In: Litigating the Climate Emergency”. Cambridge University Press.
ISBN: 9781009106214

Beach, David. 2018. “Process tracing and congruence analysis to support theory based impact evaluation”. Research Gate. DOI: 10.1177/1356389018786081

Beck, Gregor, Ditzel, Cora, Ganter, Sofia, and Perov Olga. 2015. “Mind the Gap: The Discrepancy Between the Normative Debate and Actual Use of Human Rights Language in International Climate Negotiations”. Columbia University: Consilience, No 14: pp 25-45.
Accessed at: https://www.jstor.org/stable/26188740

Benwell, Richard. 2011. “The Canaries in the Coalmine: Small States as Climate Change Champions”. The Round Table, Vol 100, No 413, pp 199-211.
Accessed at: https://doi.org/10.1080/00358533.2011.565632

Bell, Duncan. 2014. “What is Liberalism?”. Sage Publications: Political Theory, Vol 42, No 6, pp 682-715. Accessed at: https://www.jstor.org/stable/24571524

Bernstein, Steven. 2020. “ The absence of great power responsibility in global environmental politics”. Sage Publications: European Journal of International Relations, Vol. 26 (1), pp 8–32.

Betzold, Carola. 2010. “ Borrowing’ Power to Influence International Negotiations: AOSIS in the Climate Change Regime, 1990-1997”. Political Studies Association, Vol 30 (3), pp 131-148.

Blackmore, Emma, Bugalski, Natalie, and Pred, David. 2015.“Using Complementary Advocacy Strategies”. International Institute for Environment and Development. Accessed at: https://www.jstor.org/stable/resrep16528.10

Bodansky, Daniel. 1999. “The Legitimacy of International Governance: A Coming Challenge for International Environmental Law?”. Cambridge University Press: American jOURNAL OF International Law, Vol 93, No 3, pp 596-624.
Accessed at: https://www.jstor.org/stable/2555262

Bodansky, Daniel, and O’Connor, Day Sandra. 2022. “An ICJ Advisory Opinion on Climate Change: Ten Questions and Answers”. Arizona State University: College of Law, Center for Climate and Energy Solutions.
Accessed at: chrome://external-file/an-icj-advisory-opinion-on-climate-change-ten-questions-and-answers.pdf

Bodansky, Daniel. 2023. “ Advisory opinions on climate change: Some preliminary questions”. Wiley Periodicals LLC. DOI: 10.1111/reel.12497.

Bosco, David. 2014. “Rough Justice: The international criminal court in a world of power politics”. Chapter 1: pp 11-22.
Accessed at: http://ebookcentral.proquest.com

Boyle, Alan. 2007. “Human rights or environmental rights? A reassessment”. Fordham Environmental Law Review: Environmental Law Review, Vol. 18, No 3: pp 471-511.
Accessed at: https://www.jstor.org/stable/44175132

Bowen, William M. 2017. “Environmental Justice and Rational Choice Theory”. Routledge, Handbook of Environmental Justice, pp 50-60.

Brook, Finley Mary. 2014. “Climate Justice Advocacy”. University of Richmond: Geography and the Environment Faculty Publications, Public Diplomacy Magazine 12: pp 11-15.

Brulle, J. Robert, and Pellow, N. David. 2006. “Environmental Justice: Human Health and Environmental Inequalities”. Annual Review Public Health.
Accessed at: doi: 10.1146/annurev.publhealth.27.021405.102124

Brunnée, Jutta, and Toope, J. Stephen. 2012. “Constructivism and International Law”. Cambridge University Press: pp 1-39.

Burkett, Maxine. 2013. “A Justice Paradox: On Climate Change, Small Island Developing States, and the Quest for Effective legal Remedy”. University of Hawai’i: Law Review, Vol 35:633: pp 633-670.

Carvalho, Sandra, and Baker, Eduardo. 2014. “Strategic Litigation Experiences In The Inter-American Human Rights System”.

Chapman, Audrey, and Ahmed, Karim. 2021. “Climate Justice, Human Rights, and the Case for Reparations”. The President and Fellows of Harvard College on behalf of Harvard School of Public Health/François-Xavier Bagnoud Center for Health and Human Rights: Health and Human Rights, Vol. 23, No. 2: pp. 81-94.
Accessed at: https://www.jstor.org/stable/10.2307/48636257

Choi, Young Ji. 2015. “Rationality, norms and identity in international relations”. Macmillan Publishers: International Politics, Vol 52, 1: pp 110-127.

Clowney, Stephen. 2006. “Environmental Ethics and Cost-Benefit Analysis”. Fordham Environmental Law Review, Vol 18, No 1, pp 105-150.
Accessed at: https://www.jstor.org/stable/44174945

Collier, David. 2011. “Understanding Process Tracing”. University of California: Political Science and Politics, Vol 44, No 4, pp 823-830. Doi: 10.1017/S1049096511001429

Commonwealth Foundation. December 13th 2022. “Small Island States, Climate Justice, and International Law”. [Video], Youtube.
Accessed at: https://youtu.be/WRsdzGqQQnk

Corbett, Jack, Xu, Yi-Chong, and Weller, Patrick. 2019. “Norm entrepreneurship and diffusion ‘from below’ in international organizations: How the competent performance of vulnerability generates benefits for small states”. University of Southampton and Griffith University: Review of International Studies: pp 647-668. doi:10.1017/S0260210519000068

Corbett, Jack, Ruwet, Melodie, Xu, Yi-Chong, and Weller, Patrick. 2020. “Climate governance, policy entrepreneurs and small states: explaining policy change at the International Maritime Organisation”. Routledge, Environmental Politics, Vol 29, No 5, pp 825-844.
Accessed at: https://doi.org/10.1080/09644016.2019.1705057

Corneloup, Ines de Agueda, and Mol, P.J Arthur. 2013. " Small island developing states and international climate change negotiations: the power of moral ''leadership''. Springer Science + Business: pp 282-297. DOI 10.1007/s10784-013-9227-0.

De Silva, Nicole and Plagis, Misha Ariana. 2022. " NGOs, international courts, and state backlash against human rights accountability: Evidence from NGO mobilization against Tanzania at the African Court on Human and Peoples' Rights". Wiley Periodicals LLC, pp 1-25. DOI: 10.1111/lasr.12639.

De Silva, Nicole. 2017. " Intermediary Complexity in Regulatory Governance: The International Criminal Court's Use of NGOs in Regulating International Crimes". DOI: 10.1177/0002716217696085

Deitelhoff, Nicole and Wallbott, Linda. 2012. " Beyond soft balancing: small states and coalition- building in the ICC and climate negotiations". Cambridge Review of International Affairs, 25:3, pp 345-366, DOI: 10.1080/09557571.2012.710580.

De Moor, Joost, and Wahlstrom, Mattias. 2022. "Environmental Movements and Their Political Context". Routledge, Handbook of Environmental Movements, pp 1-22.
Accessed at: https://hal-sciencespo.archives-ouvertes.fr/hal-03705763

De Vries, Catherine E, Hobolt, Sara B, and Walter, Stefanie. 2021. " Politicizing International Cooperation: The Mass Public, Political Entrepreneurs, and Political Opportunity Structures". The IO Foundation, International Organization 75, pp 306-332.
doi:10.1017/S0020818320000491

Efremova, Ksenia. 2019. "Small States in Great Power Politics: Understanding the Buffer Effect". Central European Journal of International and Security Studies, Vol 13, No 1, pp 100-121.

Ezer, Tamar, and Patel, Priti. 2018. "Strategic Litigation to Advance Public Health". The President and Fellows of Harvard College on behalf of Harvard School of Public Health/François-Xavier Bagnoud Center for Health and Human Rights: Health and Human Rights , Vol. 20, No. 2: Human Rights and the Social Determinants of Health: pp. 149-160.
Accessed at: https://www.jstor.org/stable/10.2307/26542067

Falk, Richard. 2011. "The Kosovo Advisory Opinion: Conflict Resolution and Precedent". Cambridge University Press: The American Journal of International Law , Vol. 105, No. 1, pp. 50-60.
Accessed at: https://www.jstor.org/stable/10.5305/amerjintelaw.105.1.0050

Fearon, James. D and Wendt, Alexander. 2002. "*Rationalism vs Constructivism: A Skeptical View"* In Handbook of International Relations (1992). Sage Publications.

Fehl, Caroline, and Rosert, Elvira. 2020. “It‘s Complicated: A Conceptual Framework for Studying Relations and Interactions between International Norms”. Research Institute Frankfurt. Accessed at: https://www.jstor.org/stable/resrep26156

Finnemore, Martha, and Sikkink, Kathryn. 1998. “International Norm Dynamics and Political Change”. International Organizations 52, 4: pp 887-917.
Accessed at: https://www.cambridge.org/core.

Fry, Greg, and Tarte, Sandra. 2016. “The New Pacific Diplomacy:An Introduction. In: New Pacific Diplomacy”. ANU Press.
Accessed at: https://www.jstor.org/stable/j.ctt19w71mc.7

Foley, Maria Aideen. 2017. “Climate impact assessment and “islandness” Challenges and opportunities of knowledge production and decision-making for Small Island Developing States”. Emerald Publishing: International Journal of Climate Change Strategies and Management, Vol 10, No 2, pp 289-302. DOI 10.1108/IJCCSM-06-2017-0142

Fuentes-George, Kemi. 2016. “Between Preservation and Exploitation: Transnational Advocacy Networks and Conservation in Developing Countries”. The MIT Press: Project Muse. Accessed at: muse.jhu.edu/book/46955

Future Advocacy. “What makes a brilliant advocacy strategy? With Kirsty McNeil”. Youtube Video, 6min06, Jan 29 2019, https://youtu.be/EODO6NDV9go?si=iPClp01vnRlcPO1B

Galal, Mostafa Abdelraouf. 2020. “External behavior of small states in light of theories of international relations”. Emerald Publishing: Review of Economics and Political Science, Vol 5 , No 1, pp 38-56. DOI 10.1108/REPS-11-2018-0028

Garavito-Rodriguez, Cesar. 2022. “Litigating the Climate Emergency”. Cambridge University Press. ISBN: 9781009106214

Gerring, John. 2007. “Case Study Research: Principles and Practises”. Cambridge University Press, pp 1-279. ISBN: 978-0-511-26876-2.

Goulding, Nicollette.2015. “Marshalling a Pacific Response to Climate Change. In: The New Pacific Diplomacy”. ANU Press.
Accessed at: https://www.jstor.org/stable/j.ctt19w71mc.22

Government of the Republic of Vanuatu. 1999. “Vanuatu National Communication To The Conference Of The Parties To The United Nations Framework Convention On Climate Change”.

Government of the Republic of Vanuatu. 2009. “Vanuatu National Assessment Report: 5 Year Review of the Mauritius Strategy for Further Implementation of the Barbados Programme of Action for Sustainable Development”.

Government of the Republic of Vanuatu. 2015. “Vanuatu Climate Change and Disaster Risk Reduction Policy 2016-2030”. Secretariat of the Pacific Community. ISBN: 978-982-00-0938-7

Government of the Republic of Vanuatu. 2011. “Annual Development Report 2010”. Department of Strategic Policy, Planning and Aid Coordination – Monitoring and Evaluation Unit.

Government of the Republic of Vanuatu. 2012. “Annual Development Report 2011”.

Government of the Republic of Vanuatu. 2013. “Annual Development Report 2012”. Department of Strategic Policy, Planning and Aid Coordination – Monitoring and Evaluation Unit.

Government of the Republic of Vanuatu. 2015. “Annual Development Report 2014”.

Government of the Republic of Vanuatu. 2018. “Annual Development Report 2017”.

Government of the Republic of Vanuatu. 2020. “Annual Development Report 2019”.

Green, Anastacia. 2019. “The Campaign To Make Ecocide An International Crime”. Fordham Environmental Law Review, Vol 30, No 3: pp 1-48.
Accessed at: https://www.jstor.org/stable/10.2307/26954620

Grote, Jenny. 2010. “The Changing Tides of Small Island States Discourse - A Historical Overview of the Appearance of Small Island States in the International Arena”. Nomos: Law and Politics in Africa, Asia, and Latin America, Vol 43, No 2: pp 164-191.
Accessed at: https://www.jstor.org/stable/43239555

Haddad, Mary Alice. 2021. “ Effective Advocacy Strategies that Work. In: Effective Advocacy: Lessons from East Asia’s Environmentalists”. doi:10.7551/mitpress/13475.001.0001

Hiskes, P. Richard. 2005. “ The Right to a Green Future: Human Rights, Environmentalism, and Intergenerational Justice”. The Johns Hopkins University Press: Human RightsQuarterly , Nov., 2005, Vol. 27, No. 4: pp. 1346-1364.
Accessed at: https://www.jstor.org/stable/20069836

Hoad, Darren. 2016. “The 2015 Paris Climate Agreement: outcomes and their impacts on small island states”. Institute of Island Studies, Island Studies Journal, Vol 11, No 1, pp 315-320.

Hurd, Ian. 1999. “Legitimacy and Authority in International Politics”. MIT Press: International Organizations, Vol 53, No 2, pp 379-408.
Accessed at: https://www.jstor.org/stable/2601393

Hurd. Ian. 2021. “International Organizations: Politics, Law, Practise”. Cambridge University Press. ISNB: 978-1-108-81431-7.

I.C.J Reports. 2010. "*Pulp Mills on the River Uruguay (Argentina v. Uruguay), Judgment*".

Jacobs, Elizabeth Rebecca. 2005. " Treading Deep Waters: Substantive Law Issues in Tuvalu's Threat to Sue the United States in the International Court of Justice". Washington International Law Journal, Vol 14, N 1, p 103-128.
Accessed at: https://digitalcommons.law.uw.edu/wilj/vol14/iss1/5

Jolly, Stellina. 2021. "The Vedanta (Niamgiri) Case: Promoting Environmental Justice and Sustainable Development. In: The Cambridge Handbook of Environmental Justice and Sustainable Development". Cambridge University Press.
Accessed at: https://doi.org/10.1017/9781108555791

Keck, Margaret E., and Sikkink, Kathryn. 1998. "Activists beyond Borders: Advocacy Networks in International Politics". Cornell University Press.

Keck, Margaret E., and Sikkink, Kathryn. 2014. "Environmental Advocacy Networks. In Activists beyond Borders". Accessed at: https://doi.org/10.7591/9780801471292-005

Keohane, Robert. 1969. " Lilliputians' Dilemmas: Small States in International Politics". University of Wisconsin Press: International Organization , Vol. 23, No. 2, pp. 291- 310.
Accessed at: https://www.jstor.org/stable/2706027

Knur, Franziska. 2014. "The United Nations Human Rights-Based Approach to Climate Change – Introducing a Human Dimension to International Climate Law in Climate Change as a Threat to Peace". Peter Lang AG: pp 37-60.
Accessed at: https://www.jstor.org/stable/j.ctv2t4cvp.7

Kravchenko, Svitlana. 2008. "Right to Carbon or Right to Life: Human Rights Approaches to Climate Change". Vermont Law School: Vermont Journal of Environmental Law , Vol. 9, No. 3: pp. 513-547.
Accessed at: https://www.jstor.org/stable/10.2307/vermjenvilaw.9.3.513

Leib, Hajjar Linda. 2010. " Theorization of the various human rights approaches to environmental issues. In: Human Rights and the Environment". BRILL.
Accessed at: https://www.jstor.org/stable/10.1163/j.ctt1w8h1t2.7

Long, Tom. 2017. "Small States, Great Power? Gaining Influence Through Intrinsic, Derivative, and Collective Power". Oxford University Press: International Studies Review, Vol 19, No 2: pp 185-205. Accessed at: https://www.jstor.org/stable/26407895

Long, Tom. 2017. "It's not the size, it's the relationship: from 'small states' to asymmetry". CentAUR, International Politics, Vol 54, No 2, pp 144-160. doi: https://doi.org/10.1057/s41311-017-0028-x

Madsen, Mikael, Cebulak, Pola, and Wiebusch, Micha. 2018. “Backlash Against International Courts: Explaining the Forms and Patterns of Resistance to International Courts”. International Journal of Law in Context 14(2), pp 1-41.
Accessed at:https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3131641

Matheson, Michael J. 1997. “ The Opinions of the International Court of Justice on the Threat or Use of Nuclear Weapons”. Cambridge University Press: The American Journal of International Law , Jul., 1997, Vol. 91, No. 3, pp. 417-435.
Accessed at: https://www.jstor.org/stable/2954181

Martin, Lisa & Simmons, Beth. 2012. “*International Organizations and Institutions.* In Handbook of International Relations”. Sage Publications, pp 326-351.

Materna, Malgorzata. 2021. “Introductory Note to the Agreement for the Establishment of the Commission of Small Island States on Climate Change and International Law”. Cambridge University Press: The American Society of International Law. DOI:10.1017/ilm.2022.21

Mayer, Benoit. 2022. “International Advisory Proceedings on Climate Change”.

Mayr, F. Teresa, and Singer, Mayr- Jelka. 2016. “Keep the Wheels Spinning: The Contributions of Advisory Opinions of the International Court of Justice to the Development of International Law. http://www.zaoerv.de

McKibben, Elko Heather. 2013. “ The Effects of Structures and Power on State Bargaining Strategies”. Midwest Political Science Association: American Journal of Political Science , April 2013, Vol. 57, No. 2, pp. 411-427.
Accessed at: https://www.jstor.org/stable/23496605

McGlinchey, Stephen, Walters, Rosie, and Scheinpflug, Christian. 2017. “ International Relations Theory”. E-International Relations, Publishing. ISBN 978-1-910814-20-8 (e-book).

McLennan, Marsh. 2022. “The Global Risks Report 2022: 17th Edition”. World Economic Forum: SK Group, Zurich Insurance Group. ISBN: 978-2-940631-09-4.

Meiser, Jeffrey W. 2017. “Liberalism. In: International Relations Theory”. International Relations Theory”. E-International Relations, Publishing, pp 22-28. ISBN 978-1-910814-20-8

Miller, Rory, and Verhoeven, Harry. 2019. “Overcoming smallness: Qatar, the United Arab Emirates and strategic realignment in the Gulf”. School of Foreign Service Qatar, International Politics, Vol 57, pp 1-20. Accessed at: https://doi.org/10.1057/s41311-019-00180-0

Mimura, N., L. Nurse, R.F. McLean, J. Agard, L. Briguglio, P. Lefale, R. Payet and G. Sem. 2007: “Small islands. Climate Change : Impacts, Adaptation and Vulnerability”. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, M.L. Parry, O.F. Canziani, J.P. Palutikof, P.J. van der Linden and C.E. Hanson, Eds., Cambridge University Press, Cambridge, UK: pp 687-716.

Minas, Stephen. 2019. " Why the ICJ's Chagos Archipelago advisory opinion matters for global justice—and for 'Global Britain". Transnational Legal Theory, 10:1, p 123-136. DOI: 10.1080/20414005.2019.1612159

Moravcsik, Andrew. 1997. "Taking Preferences Seriously: A Liberal Theory of International Politics". International Organizations 51, 4: pp 513-53.
Accessed at : https://www.cambridge.org/core/terms

Moravcsik, Andrew. 2001. "Liberal International Relations Theory: A social Scientific Assessment". Harvard University: Weatherhead Center for International Affairs, paper No 01-02, pp 2-51.

Morgenthau, Hans J. 1978. Politics Among Nations: The Struggle for Power and Peace. Knopf, New York, 5. Ed.

Murray, David. 2019. "Will Climate Change the Courts?". Center for the Study of Technology and Society: The New Atlantis, No 57: pp 14-25.
Accessed at: https://www.jstor.org/stable/10.2307/26609099

Nalbandan, Lucia. 2009. " The Relevance of the International Court of Justice in International Law". Oxford University Press: University of Toronto: pp 12-19.

Nanda, Silatsa Serge, Samba, Omar, and Sahide, Ahmad. 2021. "Inequity in International Climate Change Negotiations". Nation State: Journal of International Studies. E ISSN 2621-735X

National Advisory Committee on Climate Change. 2007. "National Adaptation Programme for Action (NAPA)".

Ndlovu, Lesley. 2022. "Can parametric insurance mitigate Africa's climate risk". World Economic Forum.: Climate Change.
Accessed at:https://www.weforum.org/agenda/2022/08/parametric-insurance-africa-climate-change-risk/

Ngum, Faith, Alemagi, Dieudonne, Duguma, Lalisa, Minang, Peter A., Kehbila, Anderson, and Tchoundjeu, Zac. 2018. " Synergizing climate change mitigation and adaptation in Cameroon An overview of multi-stakeholder efforts". Emerald Publishing: International Journal of Climate Strategies and Management, Vol 11, No 1, pp 118-136. DOI 10.1108/IJCCSM-04-2017-0084

Novikova, Irina Nikolaevna. 2022. "Small States in International Relations: Some Theoretical Aspects". Vestnik Sankt-Peterburgskogo Universiteta: Mezhdunarodnye Otnosheniya, Vol. 15, No. 3, pp. 219–242. DOI: 10.1134/S1019331622150072

Oculi, Neil, and Stephenson, R. Scott. 2018. " Conceptualizing climate vulnerability: Understanding the negotiating strategies of Small Island Developing States". Elsevier: Environmental Science and Policy, Vol 85, pp 72-80.
Accessed at: https://doi.org/10.1016/j.envsci.2018.03.025

Okubo, Noriko. 2013."Climate Change Litigation: A Global Tendency in Climate Change: International Law and Global Governance". Nomos Verlagsgesellschaft mbH: pp 741-758.
Accessed at: https://www.jstor.org/stable/j.ctv941w8s.28

Open Society Foundation (OPF). 2016. "Advancing Public Health through Strategic Litigation: Lessons from Five Countries". Open Society Foundations: pp1-68.
Accessed at: https://www.jstor.org/stable/resrep29302

Ourbak, Timothee, and Magnan, Alexandre K. 2017. "The Paris Agreement and climate change negotiations: Small Islands, big players". Springer, Reg Environmental Change, pp 2201-2207.
Accessed at: https://doi.org/10.1007/s10113-017-1247-9

Page, Sheila. 2004. "Developing Countries in International Negotiations: How they Influence Trade and Climate Change Negotiations". IDS Bulletin 35.1

Panke, Diana. 2011. "Small states in EU negotiations: Political dwarfs or power-brokers?". Sage Publications, Cooperation and Conflict, pp 123-143. DOI: 10.1177/0010836711406346

Panke, Diana. 2010. "Small states in the European Union: Structural disadvantages in EU policymaking and counter-strategies". Journal of European Public Policy, pp 799-817.

Panke, Diana. 2008. "The Influence of Small States in the EU: Structural Disadvantages and Counterstrategies". UCD Dublin European Institute Working Paper, pp 2-30.

Panke, Diana. 2012. " Small states in multilateral negotiations. What have we learned?". Cambridge Review of International Affairs, 25:3, pp 387-398.
DOI:10.1080/09557571.2012.710589

Panke, Diana. 2012. "Dwarfs in international negotiations: How small states make their voices heard". In: Cambridge Review of International Affairs, Research Gate, pp 1-22.
DOI: 10.1080/09557571.2012.710590

Pearce, David. 1998. "Cost- Benefit Analysis and Environmental Policy". Oxford University Press: Oxford Review of Economic Policy, Vol 14, No 4, pp 84-100.
Accessed at: https://www.jstor.org/stable/23606639

Preston, J Brian. 2019. "The Contribution of the Courts in Tackling Climate Change". Oxford University Press: Journal of Environmental Law, Vol 28, No 1: pp 11 -17.
Accessed at: https://www.jstor.org/stable/10.2307/26168904

Powell, Emilia Justyna. 2013. “Two Courts Two Roads: Domestic Rule of Law and Legitimacy of International Courts”. Oxford University Press: Foreign Policy Analysis, Vol 9, No 4: pp 349-368. Accessed at : https://www.jstor.org/stable/24910820

Peel, Jacqueline. 2011. “ Issues in Climate Change Litigation”. Lexxion Verlagsgesellschaft mbH: Carbon & Climate Law Review , 2011, Vol. 5, No. 1: pp. 15-24.
Accessed at: https://www.jstor.org/stable/24324007

Posner, A. Eric. 2007. “Climate Change and International Human Rights Litigation: A Critical Appraisal”. The University of Pennsylvania Law Review: Symposium: Responses to Global Warming: The Law, Economics, and Science of Climate Change, Vol. 155, No 6: pp. 1925-1945. Accessed at: https://www.jstor.org/stable/40041385

Puvimanasinghe, Shyami. 2021. “ The Role of Public Interest Litigation in Realizing Environmental Justice in South Asia: Selected Cases as Guidance. In : The Cambridge Handbook of Environmental Justice and Sustainable Development”. Cambridge University Press. Accessed at: https://doi.org/10.1017/9781108555791

Radoman, Jelena. 2018. “Small States in World Politics: State of the Art”. University of Belgrade: Journal of Regional Security, Faculty of Political Science, pp 179-200.
DOI: 10.5937/JRS1802179R

Raustiala, Kal, and Slaughter, Anne- Marie. 2002. “International Law, International Relations and Compliance. In: The Handbook of International Relations”. Sage Publications: Princeton Law & Public Affairs Paper, No 2: pp 539-558.

Rietig, Katharina. 2016. “ The Power of Strategy: Environmental NGO Influence in International Climate Negotiations”. Brill: Global Governance, Vol 22, No 2: pp 269-288. Accessed at: https://www.jstor.org/stable/44861077

Rasheed, A. Athaulla. 2019. “ Role of Small Islands in UN Climate Negotiations: A Construct Viewpoint”. Sage Publications: Griffith University: pp 215-235.
DOI: 10.1177/0020881719861503.

Republic of Vanuatu. 2020. “Vanuatu’s First Nationally Determined Contribution (NDC)”. Paris Agreement Database.

Risse, Thomas & Sikkink, Kathryn. 1999. “The socialization of international human rights norms into domestic practise:introduction”. Cambridge University Press.

Roa, Monica, and Klugman, Barbara. 2014. “Considering strategic litigation as an advocacy tool: a case study of the defence of reproductive rights in Colombia”. Taylor & Francis: Reproductive Health Matters, Vol 22, No 44: pp 31-41. Accessed at: https://www.jstor.org/stable/43288359\

Rousseau, L. David and Thomas, C. Walker. 2012. “Liberalism”. Taylor and Francis: Handbook of Security Studies. ISBN: 9780203866764

Roschmann, Christian. 2013. “Climate Change and Human Rights”. Climate Change: International Law and Global Governance, Vol 1: Legal Responses and Global Responsibility: pp 203-242.
Accessed at: https://www.jstor.org/stable/j.ctv941w8s.12

Rootes, Christopher. 1999. “Political Opportunity Structures promise, problems and prospects”. La Lettre de la Maison Francaise, No 10, pp 75-97.

Sending, Ole Jacob, Overland, Indra, and Hornburg, Thomas Boe. 2019. “Climate Change and International Relations”. Journal of International Affairs, Vol 73, No 1: pp 183-194. Accessed at: https://www.jstor.org/stable/10.2307/26872788

Simmons, Beth. 2012. “International Law. In: Handbook of International Relations”. Sage Publications: pp 325-378.

Savoie, Pierre-Olivier. 2004. “La CIJ, l’avis Consultatif et la Fonction Judiciaire: Entre Decision er Consultation”. Canadian YearBook of International Law, 42: pp 35-90.

Seawright, Jason, and Gerring, John. 2005. “ Case-Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options”.

Seawright, Jason, Collier, David, and Brady, Henry E. “*Sources of Leverage in Causal Inference: Towards and Alternative View of Methodology”.* In Rethinking Social Inquiry: Diverse Tools, Shared Standards, 2nd ed, pp 161-199.

Scobie, Michelle. 2022. “Environmental justice for Small Island Developing States”.ODI.
Accessed at: https://odi.org/en/insights/environmental-justice-for-small-island-developing-states/

Shany, Yuval. 2012. “Assessing the Effectiveness of International Courts: A Goal Based Approach”. Cambridge University Press: The American Journal of International Law, Vol 106, No 2: pp 225-270.
Accessed at: URL: https://www.jstor.org/stable/10.5305/amerjintelaw.106.2.0225

Sharman, J. C. 2007. “ Rationalist and Constructivist Perspectives on Reputation”. Political Studies Association, Vol 55, pp 20-37. doi: 10.1111/j.1467-9248.2007.00643.x

Sikkink, Kathryn. 2015. “Latin America’s Protagonist Role in Human Rights”. International Journal on Human Rights.

Slaughter, Anne-Marie. 2011. “International Relations, Principal Theories. In: Max Plank Encyclopedia of Public International Law”. Oxford University Press.

Solis, L. Hilda. 2003. “Environmental Justice: An Unalienable Right for All”. American Bar Association: Human Rights , Fall 2003, Vol. 30, No. 4: pp. 5-6.
Accessed at: https://www.jstor.org/stable/27880393

Smith, Nicola, Pace, Michelle, and Lee, Donna. 2005. “Size Matters: Small States and International Studies”.Oxford University Press: International Studies Perspectives, Vol 6, No 3. Accessed at: https://www.jstor.org/stable/44218422

Spindler, Manuela. 2013. “International Relations: A Self-Study Guide to Theory”. Barbara Budrich Publishers. eISBN 978-3-86649-550-0

Stoett, J. Peter. 2012. “Deforestation and Land Degradation in Global Ecopolitics: Crisis, Governance and Justice”. University of Toronto Press.

Suter, Keith. 2004. “The Successes and Limitations of International Law and the International Court of Justice”. Taylor & Francis: Medicine, Conflict and Survival, Vol 20, No 4: pp 344-354. Accessed at: https://www.jstor.org/stable/10.2307/27017609

Tabucanon, Marvel Gil. 2013. “Pacific Environmental Migration in a Warming World: Is There an Obligation Beyond State Borders?”. Vermont Law School: Vermont Journal of Environmental Law , Vol. 14, No. 4: pp. 549- 573.
Accessed at: https://www.jstor.org/stable/10.2307/vermjenvilaw.14.4.549

Tarp, Maria Nilaus and Ole Bach Hansen, Jens. 2013. “ Size and Influence. How small states influence policy making in multilateral arenas”. DIIS Working Paper.

Taylor, A. David. 2004. “Is Environmental Health a Basic Human Right?”. The National Institute of Environmental Health Sciences: Environmental Health Perspectives , Dec., 2004, Vol. 112, No. 17: pp. A1006-A1009.
Accessed at: https://www.jstor.org/stable/3435892

Theys, Sarina. 2017. “Constructivism. In: International Relations Theory”. E-International Relations, Publishing, pp 36-42. ISBN 978-1-910814-20-8

Theys, Sarina. 2022. “Small States Reconsidered”. Journal of International Affairs, Vol 74, No 2: pp 81-96. Accessed at: https://www.jstor.org/stable/10.2307/27169804

The Republic of Vanuatu. 2023. “ICJ Draft Resolution”.
Accessed at: https://www.vanuatuicj.com/resolution

Tigre, Antonia Maria, Carillo, Alejandro Jorge. 2023. “The ICJ’s Advisory Opinion on Climate Change: What Happens Now?” Columbia Law School: Sabin Center For Climate Change Law. Accessed at: https://blogs.law.columbia.edu/climatechange/2023/03/29/the-icjs-advisory-opinion-on-climate-change-what-happens-now/#:~:text=The%20process%20of%20requesting%20an,strong%20support%20within%20the%20UNGA.

Thomas, Adelle, Baptiste, April, Koller-Martyr, Rosanne, Pringle, Patrick, and Rhiney, Kevon. 2020. "Climate Change and Small Island Developing States". Annual Review of Environment and Resources.
Accessed at: https://doi.org/10.1146/annurev-environ-012320- 083355

Thomas, A Christopher. 2014. "The Uses and Abuses of Legitimacy in International Law". Oxford University Press: Oxford Journal of Legal Studies, Vol 34, No 4, pp 729-758.
Accessed at: https://www.jstor.org/stable/24562832

United Nations. 2023. "General Assembly Adopts Resolution Requesting International Court of Justice Provide Advisory Opinion on States' Obligations Concerning Climate Change". Meetings Coverage: General Assembly / Plenary, Seventy-Seventh Session, 64th & 65th .
Accessed at: https://press.un.org/en/2023/ga12497.doc.htm

United Nations Environment Programme. 2021. "In battle against climate change, courts become a new frontier". Environmental Rights and Governance: Climate Action.
Accessed at: https://www.unep.org/news-and-stories/story/battle-against-climate-change-courts-become-new-frontier

United Nations Environment Programme. 2017. "The Status of Climate Change Litigation: A Global Review". Columbia Law School: Sabin Center for Climate Change Law. ISBN No: 978-92-807-3656-4.

United Nations General Assembly. 2023. "Report of the International Court of Justice: Seventy-Seventh Session". Agenda Item 70, A/77/L.58.

Van Der Heijden, Hein- Anton. 2006. "Globalization, Environmental Movements, and International Political Opportunity Structures". Sage Publications, Organization & Environment, Vol 19, No1, pp 280-45. DOI: 10.1177/1086026605285452

Van Der Pas, Kris. 2021. "Conceptualizing Strategic Litigation". Onati Socio-Legal Series, Vol 11, Issue 6(S): pp 116-145.
Accessed at: HTTPS://DOI.ORG/10.35295/OSLS.IISL/0000-0000-0000-1226

Vanhala, Lisa. 2012. " Legal Opportunity Structures and the Paradox of Legal Mobilization by the Environmental Movement in the UK". Wiley, Law and Society Association, Vol 46, No 3, pp 523-556. Accessed at: https://www.jstor.org/stable/23252253

Vanhala, Lisa. 2022. "The Social and Political Life of Climate Change Litigation: Mobilizing the Law to Address the Climate Crisis. In Litigating the Climate Emergency". Cambridge University Press. Accessed at: https://doi.org/10.1017/9781009106214.004
Vanuatu ICJ. March 2nd 2023. "Vanuatu Prime Minister Kalsakau Human Rights Council ICJ Remarks". [Video], Youtube.
Accessed at: https://youtu.be/q4gaAVxKYsg?feature=shared

Vanuatu ICJ. March 29th 2023. “Prime Minister of Vanuatu Celebrates UNGA Resolution win on Climate Change”. [Video], Youtube.
Accessed at: https://youtu.be/09364ONQgFs?feature=shared

Vanuatu ICJ. March 29th 2023. “Minister Jotham Napat celebrates UNGA Climate Resolution”. [Video], Youtube.
Accessed at: https://youtu.be/jCpRwcQgy0g?feature=shared

Verheyen, Roda, and Zengerling, Cathrin. 2013. “International Climate Change Cases in Climate Change: International Law and Global Governance”. Nomos Verlagsgesellschaft mbH: pp 759-804.
Accessed at: https://www.jstor.org/stable/j.ctv941w8s.29

Vital, David. 1967. “The Inequality of States: A Study of the Small Power in International Relations”. Oxford: Clarendon.

Vizzoto, Diniz Andrieli, Verschoore, Jorge Renato de Souza, and Gavronski, Iuri. 2021. “Exploring Transnational Advocacy Networks for Environmental Sustainability”. International Journal of Sustainable Development and Planning, Vol 16, No 2: pp 299-307. Accessed at: http://iieta.org/journals/ijsdp

Wallis, Joanne. 2008. “Small States in a Globalised World: Resilience as a Response to Vulnerability?”. University of Cambridge, Melbourne Journal of Politics, pp 30-47.

Waltz, Kenneth N. 1979. Theory of International Politics. Addison-Wesley Publishing Company.

Waltz, Susan. 2001. “Universalizing human rights: The role of small states in the construction of the universal declaration of human rights”. Human Rights Quarterly, 23 (1): pp 44-72.

Weller, Nicholas, and Barnes, Jeb. 2016. “Pathway Analysis and the Search for Causal Mechanisms”. Sage Publications: Sociological Methods and Research, Vol 45, No 3: pp 424-457. DOI: 10.1177/0049124114544420

Wendt, Alexander. 1992. “Anarchy is what States Make of it: The Social Construction of Power Politics”. MIT Press: International Organizations, Vol 46, No 2, pp 391-425.
Accessed at: https://www.jstor.org/stable/2706858

Wendt, Alexander. 1995. “Constructing International Politics”. MIT Press: International Security, Vol 20, No 1, pp 71-81. Accessed at: https://www.jstor.org/stable/2539217

Wewerinke-Singh, Margaretha, and Salili, Diana Hinge. 2019. “Between negotiations and litigation: Vanuatu’s perspective on loss and damage from climate change”. Taylor & Francis: Climate Policy, Vol 20, No 6, pp 681-692.
Accessed at: https://doi.org/10.1080/14693062.2019.1623166

Willis, Jeffrey. 2021. “Breaking the paradigm(s):A review of the three waves of international relations small state literature”. Journal of Interdisciplinary Research: Pacific Dynamics, Vol 5, 1: pp 18-32. DOI : http://dx.doi.org/10.26021/10639

Wilkinson, Emily, Bishop, Matt, and Castillo-Winckets, Sanchez Nadia. 2022. “Why a chain of tiny Pacific islands wants an international court opinion on responsibility for the climate crisis”. The Conversation. Accessed at: https://theconversation.com/why-a-chain-of-tiny-pacific-islands-wants-an-international-court-opinion-on-responsibility-for-the-climate-crisis-193595

World Bank Group. 2021. “Climate Risk Country Profile: Vanuatu”. Accessed at: file:///private/var/mobile/Containers/Shared/AppGroup/A9D4BA40-DBC7-4BD5-B8D5-6BC87C8F338C/File%20Provider%20Storage/THESIS/15825-WB_Vanuatu%20Country%20Profile-WEB.pdf

Yin, K. Robert. 2017. “Case Study Research and Applications: Design and Methods”. Sage Publications: Cosmos Corporation Sixth Edition.