

e news

FROM THE WILLIAM S. RICHARDSON SCHOOL OF LAW AT THE UNIVERSITY OF HAWAI'I



Richardson Law School

played an incredible role in the **World Conservation Congress** held by the International Union for Conservation of Nature (IUCN) in Marseille, France, from September 3-11, 2021. The event was postponed in 2020 due to the onset of the pandemic.

IUCN

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TOP: The International Union for the Conservation of Nature holds its World Conservation Congress every four years. In 2021, Marseille, France hosted the conference

BOTTOM: The Environmental Law Program with Hawai'i delegates at the 26th Conference of the Parties (COP26) in Glasgow, Scotland



Kenya delegation (Keriako Tobiko speaking)

An introduction from the Environmental Law Program's Co-Directors

BY DAVID M. FORMAN '93 AND RICHARD WALLSGROVE '08

THE ENVIRONMENTAL LAW PROGRAM (ELP) at the William S. Richardson School of Law has been a voting member of the International Union for the Conservation of Nature (IUCN) since 2015. It is one of only two law schools in the United States with that status.

Founded in 1948, the IUCN serves as the global authority on a wide range of conservation issues; it is the largest global network for conservation. The international organization harnesses the experience, resources, perspectives,

and reach of more than 1400 members from government and nongovernmental organizations, with more than 18,000 expert serving on its Commissions worldwide.

The ELP's students and faculty became extensively involved with the IUCN in 2016 when the global organization held the quadrennial World Con-

servation Congress (WCC) in Honolulu, Hawai'i. (You can find out more in the Law School's 2017 e-News [Special Issue: IUCN World Conservation Congress](#).)

From 2016 through 2020, Professor Denise Antolini raised the Law School's international profile by serving as Deputy Chair for the IUCN's World Commission on Environmental Law (WCEL). (The WCEL is currently one of seven IUCN Commissions.) In 2017, Antolini was elected to the inaugural Executive Committee of the IUCN U.S. National Committee. Alongside these and other IUCN roles, she also served as co-coordinator for the Hawai'i Hui of IUCN members.

In 2021, then-ELP Director David M. Forman '93 worked with Professor Antolini to lead ELP's virtual and in-person delegations to the IUCN's 2021 WCC in Marseille, France. With more than two dozen delegates, the



David Forman '93

WCC marked the ELP's continued efforts to mentor and prepare students in the arena of international environmental law. In this issue, Professor Forman shares his role as the ELP's Head of Delegation in Marseille. Students Diego Rivera '23, Olivia Staubus '22, Joe Udell

'22 also describe their experiences advocating on motions covering a range of environmental issues.

Recently named ELP Co-Director Richard Wallsgrove '08 contributed to the WCC's virtual events by coordinating and moderating a well-received [virtual session](#) (detailed further in this issue), "Forests, Future Generations, & Climate Change." This session convened students from the Philippines, Brazil, and New Zealand to speak about their participation in the WCEL Climate Justice Moot Court/6th Oposa Inter-



Richard Wallsgrove '08

"The Environmental Law Program at the William S. Richardson School of Law is one of only two law school voting members of the International Union for the Conservation of Nature."

generational Moot Court; ELP students and faculty are also frequent participants in this collaborative moot court series. At the 2020 event, over a dozen law students from six countries presented legal arguments about the International Court of Justice's role in addressing the climate crisis.

In Hawai'i and abroad, the ELP continues to create incredible opportunities like these. Through the program's clinic and fellowships, students and graduates work directly on pressing sustainabil-

ity issues in Hawai'i. Internationally, the ELP leads the University of Hawai'i delegation to the United Nations Framework Convention for Climate Change (UNFCCC). As they share later in this issue, students Naima Fifita '23 and Joe Udell '22 participated in the UNFCCC's 26th Conference of the Parties (COP) held in Glasgow, Scotland. At the time of this writing, students Diego Rivera '23, Emily Sarasa '23, and Elizabeth Songvilay '24 are preparing to participate in COP27 in Sharm el-Sheik, Egypt.

Earlier in 2022, ELP students Holly Crawford '24, Evan Miyaki '23, and Constancio Paranal III '22 (L.L.M. '24) participated in the Normandy Chair for Peace summer session at the University of Caen in France. Working alongside environmental lawyers and students from around the world, they learned about how the law protects the rights of future generations.

We are excited to celebrate these journeys and the excellence of the Environmental Law Program at the William S. Richardson School of Law. We look forward to continuing the work ahead locally, regionally, and internationally. ❖

ELP continues to influence global conservation efforts

BY DAVID M. FORMAN '93, DIRECTOR, ENVIRONMENTAL LAW PROGRAM

ELP Director David Forman addressing the audience at the IUCN World Conservation Congress



Workshop “Motions Class” in the Spring, Summer, and Fall of 2019, including: Kekoa Andrade '21, Leo Clifton '21, Emily DeVille '20, Rachel Goldberg '20, Luke Hollingsworth '20, Ryan McDermott '19, May Nachum '21, Constancio Paranal III '22 (L.L.M.'24), Katie Pham '21, Miranda Steed '19, and Kevin Wrabley '21. As I will detail further, all motions drafted and submitted by this group were adopted as resolutions by IUCN members.

Prior to the postponement of the Congress due to the pandemic, Professor Antolini turned over responsibility for the Spring 2020 IUCN Workshop “Motions Class” to myself and co-lecturers Emily Gaskin '17, Executive Officer for the IUCN World Commission on Environmental Law (WCEL), and Aarin Gross '08, Hawai'i Senior Program Manager for Policy and Operations at Conservation International, an IUCN member institution.

The course included upper-level students Kekoa Andrade '21, Leo Clifton '21, Fang He (L.L.M. '20), May Nachum '21, and Kevin Wrabley '20, and first-year auditors Kelli Ann Kobayashi '22, Dave Miyamoto '22, Patricia Señdao '22, Olivia Staubus '22, and Joe Udell '22. The class analyzed a record-breaking 120 motions accepted for further discussion by IUCN members (compared to 86 motions accepted in 2016, 13 of which were scheduled for full discussion that year). Students monitored and submitted comments on motions, produced consensus-based modifications to the language, and proposed amendments where agreement could not be reached.

Students then prepared oral statements in support of select motions for potential debate during the IUCN Assembly. (This was initially rescheduled for early January 2021.) During the 2020 Hawai'i Conservation

Conference, Kelli Ann, Joe, and Kevin joined ELP alumni Emily Gaskin '17, Ryan McDermott '19, and Miranda Steed '19, summer fellow Keona Blanks, and faculty for a [workshop](#) on the IUCN Motions Process; the effort built upon multiple [presentations](#) from the previous year's conference.

“Alongside government representatives and non-governmental organizations from around the world, students provided comments on proposed changes to pending motions.”

Following the IUCN's postponement of the WCC until September 2021 and conducting a final electronic vote on accepted motions in October 2020, the ELP's [impressive record](#) remained intact; five of its motions were formally adopted by the IUCN's members:

022: [Stopping the global plastic pollution crisis in marine environments by 2030](#)

030: [International cooperation on marine pollution from sunken vessels](#)

***046:** [Strengthening the Global Judicial Institute on the Environment and the Global Institute of Prosecutors for the Environment](#)

**Two separate motions written by ELP were combined into this motion*

Li Yedan interviewing ELP Director David Forman '93 for a livestream attended by 1,000+ youth in China

PHOTO BY SHIRLEEN CHIN



054: Climate crisis legal toolkit

071: Safeguarding coral reefs from harmful chemicals in sunscreen

Professor Antolini also offered a new Fall 2021 World Conservation Congress Seminar focused on preparing the ELP's virtual delegation. With over 18 ELP Delegation meetings held over three weeks prior to the Congress, the seminar provided vital support for our in-person delegation, which included Diego Rivera '23 along with myself, Olivia Staubus, and Joe Udell. (I would also like to acknowledge financial support provided by the Normandy Chair for Peace, which covered my air travel and accommodations in Marseille.)

Over the 10-day World Conservation Congress, our ELP Delegation tracked key motions of interest to Hawai'i and the Pacific (including Indigenous people's organizations). We followed "new and urgent motions" that arose, attended a variety of high-level events, and tracked the progress of motions scheduled for floor debate.

Despite the 12-hour time difference, many ELP students participated in virtual meetings held in Hawai'i. Alongside government representatives and non-governmental organizations from around the world, students provided comments on proposed changes to pending motions. Their participation and communication kept me well-informed as the ELP's Head of Delegation; it would not have been possible without their engagement, feedback, and frequent reporting (via WhatsApp), as detailed communication was crucial to the ELP's impactful presence at the Congress.

Throughout the conference, we co-sponsored an event, participated in sessions and networking opportunities, met with ELP 'ohana, and were able to

share and build upon the Environmental Law Program's objectives and efforts.

The ELP co-sponsored a [session](#), "In the Conflict Zone: Conservation in Troubled Environment," which converted to a virtual event due to travel restrictions imposed in some countries. I co-moderated with Professor Jonathan Liljebblad (Australian National University), and panelists included: Alex Diment (Wildlife Conservation Society, Myanmar), Professor Rosaleen Duffy

"The class analyzed a record-breaking 120 motions accepted for further discussion by IUCN members."

(University of Sheffield), Professor Elaine Hsiao (Kent State University), Geoffroy Mauvais (South Africa), and Professor Rose-Liza Eisma-Osorio (University of Cebu). Also participating as virtual panelists were Dodé Heim Myline Houehounha (Benin) and Hawai'i Island's Uncle Charlie Young (Kua'āina Ulu 'Auamo).

The session sought to establish a "community of practice" among civil society organizations, international non-governmental organizations, government representatives, Indigenous persons, and academic scholars with experience in this area. Following

up on our call to action, we have held post-Congress Zoom sessions with the [Geneva Peacebuilding Platform](#) and hope to continue building a community of practice around the globe.

I also moderated an in-person "Climate Crisis Commission (Motion 003)" [information session](#) featuring Camille Ducharme (L.L.M., Pace Law School), and Naima Fifta '23 (participating virtually), the Honorable Guillaume Maman (Honorary Consul of France for Hawai'i), Vassar Seydel (Oxygen Project), Richard Sneider (IUCN Patrons of Nature), Charles "Chipper" Wichman (National Tropical Botanical Garden), and Associate Justice Michael D. Wilson (Hawai'i Supreme Court).

Members of the ELP 'ohana were also in attendance at the 2021 WCC: alumni Lorenzo Lima '21, Ryan McDermott '19, and Miranda Steed '19; and undergraduate summer fellows [Jessica Lee and Kristen Lu](#) participated as part of the Hawai'i Conservation Alliance delegation. The fellows were also building upon prior youth outreach and engagement efforts initiated by their predecessor, [Keona Blanks](#).

Additionally, it was a pleasure to interact with Professor Emilie Gaillard's M.A. and Ph.D. students studying Future Generations Law at Sciences Po Rennes (Caen, France), as well as participate in strategy sessions with Normandy Chair for Peace (NCP) colleagues Professor Victor Tafur (Global Center for Environmental Legal Studies, Elisabeth Haub School of Law, Pace University) and Professor Nicholas Robinson (Elisabeth Haub School of Law, Pace University, representing the International Council of Environmental Law).

Prior to the Congress, I had the honor of representing Hawai'i and Oceania at an international environmental law [symposium](#) held



Attendees from Hawai'i gather at the World Conservation Congress

at the Marseille MUCEM (Museum of Civilizations of Europe and the Mediterranean). The event included a panel focused on advocating for the adoption of [Motion 048](#), which calls upon the IUCN to renounce the Doctrine of Discovery; the Congress adopted this motion the following week. The symposium also provided the wonderful opportunity to discuss thematic stream session proposals and events not selected for the WCC program.

Networking opportunities are among the many valuable benefits of in-person attendance at an international conference like this one; they allow us to spread knowledge about the ELP's efforts around the globe. The ELP was pleased to support efforts at the Oceania-Hawai'i Pavilion as an active participant of the IUCN Hawai'i Hui.

While transitioning from presentations to contact group meetings, we met frequent ELP collaborator [Shirleen Chin](#) (founder of

“Networking opportunities are among the many valuable benefits of in-person attendance at an international conference like this one.”

Green Transparency, an environmental consultancy firm), and her friend [Li Yedan](#) (founder of 3 Hérissons, a nonprofit). After sharing one of the ELP's objectives to support youth participation in IUCN activities, Li invited me to join a livestream event with nearly a thousand children participating virtually from China. (On a personal and serendipitous note, I was wearing one of my father's aloha shirts to honor him that day.)

Overall, the ELP's participation in the 2021 WCC and associated events were a huge success that continued to build upon the strong foundation established through Associate Dean and Professor Denise Antolini's major contributions over the years. We look forward to continuing the ongoing progress that brought ELP co-founder Associate Dean and Professor M. Casey (Jarman) Leigh to tears earlier this year during our 30th Anniversary Conference. ❖

PHOTO BY SERGE MARCIL

Kua'āina Ulu 'Auamo continues partnership with the Environmental Law Program

BY KEVIN CHANG, EXECUTIVE DIRECTOR

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INCE 2012, Kua'āina Ulu 'Auamo (KUA) has worked with leaders and students in the Environmental Law Program on the campaign to hold the World Conservation Congress (WCC) in Hawai'i in 2016; that collaboration continues to the present day.

In the past couple years, that partnership generated two significant and unique Motions that ultimately passed at the 2021 World Conservation Congress in Marseille, France: 1) Motion 2, which calls for an audit of IUCN past practices re-

garding Indigenous peoples, and 2) Motion 55, which calls for the support of a global Indigenous aquacultural network.

The trajectory of Motion 55 and IUCN's support or involvement remains to be seen, however, such a network is growing between Hawai'i fishpond initiatives and other Indigenous communities globally. Motion 2 should prove to be strategically helpful to Hawai'i and global Indigenous People organization members in their advocacy to transform some of the ways the IUCN works and engages with Indigenous people and conservation initiatives.

In Marseille prior to the event, ELP students, KUA, and its E Alu Pū network (an initiative to nurture community responsibility, which includes multiple communities around Hawai'i) members collaborated to negotiate and support the development of Motion 3 in order to create a new commission within the IUCN to address climate change. KUA staff and community members met with the ELP students, led by Hawai'i Supreme Court Justice Michael Wilson and a vanguard of international environmental lawyers. E Alu Pū kupuna Solomon Kaho'ohalahala and Charles Young especially spent numerous days and nights in-person and virtually, discussing the motion with ELP students, international environmental lawyers, and the like.

Another motion of great significance and pride for KUA was its co-sponsorship and negotiation in support of Motion 48, which renounced the Doctrine of Discovery, an international legal doctrine embedded in the laws of most nation-states with strong western colonial histories. Passed down from Western churches before the advent of



Kevin Chang

nation-states, the foundational doctrine is used to justify the dispossession of Indigenous people from their lands and resources. This was the first time in 500 years that nation-states had taken the matter under consideration. Richardson Law School students Kelli Ann Kobayashi '22, Tehani Louis-Perkins '22, Kealapon Richardson '23, and Olivia Staubus '22 participated and supported amendments with KUA and Pace University Law School to work on the language of the motion before it was passed onto the floor.

In closing, the election chair called Motion 48 the “most significant motion in IUCN's history,” before the full World Conservation Congress. ❖

Kua'āina Ulu 'Auamo is an innovative, community-based initiative and part of the ELP 'Ohana

Motions Drafted by ELP and Hawai'i's IUCN Members Adopted

BY DAVID. M. FORMAN '93

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he motions drafted by Environmental Law Program (ELP) students included:

- **Motion 022:** Stopping the global plastic pollution crisis in marine environments by 2030
- **Motion 030:** International cooperation on marine pollution from sunken vessels
- **Motion 046:** Strengthening the Global Judicial Institute on the Environment and the Global Institute of Prosecutors for the Environment
**Two separate motions written by the ELP were combined into this motion*
- **Motion 054:** Climate crisis legal toolkit
- **Motion 071:** Safeguarding coral reefs

from harmful chemicals in sunscreen

The following motions co-sponsored by the ELP (including drafting assistance on Motion 002 and 055) and other Hawai'i IUCN Members also passed:

- **Motion 002:** Strengthened institutional inclusion concerning Indigenous peoples
Co-Sponsored by the ELP, Hawai'i Conservation Alliance Foundation, Kamehameha Schools, Kua'āina Ulu 'Auamo
- **Motion 038:** Promoting biodiversity preservation through environmentally friendly energy transformation measures
Co-Sponsored by the ELP
- **Motion 055:** Global Indigenous Network for Aquaculture (GINA)
Co-Sponsored by the ELP, Kamehameha Schools, Kua'āina Ulu 'Auamo
- **Motion 112:** Maximising return on conservation investments and sustainable development: eradicating invasive alien species (IAS) to conserve island biodiversity and benefit society

Co-Sponsored by the Hawai'i Conservation Alliance Foundation

ELP Delegation Helps to Pass Several Motions in Marseille

The International Union for the Conservation of Nature (IUCN) Hawai'i Hui and the Environmental Law Program (ELP) delegation worked on several motions during the World Conservation Congress (WCC) in Marseille. ELP students gained firsthand experience in the legislative process at the IUCN by advocating for motions in contact groups and making key adjustments to the critical language of several important motions. The motions the ELP delegation helped to pass at the WCC include:

- **Motion 003:** Establishing a Climate Change Commission
- **Motion 013:** Protecting of Andes-Amazon rivers of Peru
- **Motion 021:** Planning of Maritime Areas and Biodiversity and Geodiversity Conservation
- **Motion 024:** Restoring a peaceful and quiet ocean
- **Motion 030:** International cooperation on marine pollution from



sunken vessels

- **Motion 034:** Integrated solutions to the climate change and biodiversity crises
- **Motion 039:** Protecting environmental human and peoples' rights defenders and whistleblowers
- **Motion 040:** Develop and implement a transformational and effective post-2020 global biodiversity framework
- **Motion 044:** Actions to strengthen food sovereignty and security of Indigenous peoples and peasant communities
- **Motion 045:** Recognising and supporting Indigenous peoples' and local communities' rights and roles in conservation
- **Motion 048:** Renunciation of the Doctrine of Discovery to Rediscover care for Mother Earth
- **Motion 062:** Towards a Policy on Natural Capital
- **Motion 067:** Reducing the impacts of the mining industry on biodiversity

- **Motion 069:** Protection of deep-ocean ecosystems and biodiversity through a moratorium on seabed mining
- **Motion 075:** Towards development of an IUCN policy on synthetic biology in relation to nature conservation
- **Motion 084:** Taking action to reduce light pollution
- **Motion 101:** Setting area-based conservation targets based on evidence of what nature and people need to thrive
- **Motion 118:** Reinforcing the protection of marine mammals through regional cooperation
- **Motion 125:** Strengthening the protection of primary and old-growth forests in Europe and facilitating their restoration where possible
- **Motion 126:** Acting for the conservation and sustainable use of marine biological diversity in the ocean beyond national jurisdiction
- **Motion 130:** Strengthening sustainable tourism's role in biodiversity conservation and community resilience

- **Motion 137:** Affirming the right of Indigenous peoples and local communities to sustainably manage and utilise wild resources in the context of COVID-19
- **Governance Motion A:** Including subnational governments in IUCN's membership
- **Governance Motion B:** Election of Regional Councillors resident in dependent territories
- **Governance Motion:** Establishment of an elected Indigenous Councillor position
- **Governance Motion D:** Modification of the term "Regional Councillor"
- **Governance Motion E:** To protect the intellectual independence of the knowledge-based and evidence-based work carried out by the Commissions and Secretariat of IUCN
- **Governance Motion F:** Role of Commissions in National and Regional Committees
- **Governance Motion G:** Clarification of conditions for readmission of former State Members
- **Governance Motion H:** Establishment, operating rules and oversight of National, Regional and Interregional Committees
- **Governance Motion I:** Functions of the IUCN Treasurer
- **Governance Motion J:** Development of a new 20-year Strategic Vision, inclusive of a Financial Strategy, and Strategic Plan for the Union ❖

Forests, Future Generations, and Climate Change

BY RICHARD WALLSGROVE '08

ON SEPTEMBER 6, 2021, Professor Richard Wallsgrove '08 hosted a session at the World Conservation Congress (WCC) entitled, "Forests, Future Generations, and Climate Change." The session featured law students who participated in the 2020 Climate Justice Moot Court / 6th Oposa Intergenerational Moot Court hosted by the World Commission on Environmental Law (WCEL).

The session began with a welcome from WCEL Chair and former Richardson Visiting Scholar Professor

Christina Voigt. It included a discussion by Pace University Law School S.J.D. student Maria Antonia Tigre outlining how the broad contours of international environmental law can help promote forest conservation as a climate change mitigation tool, using examples from her own work on Amazon conservation.

Professor Wallsgrove then turned the floor over to a group of impressive law students from around the world, who each highlighted key elements of their moot court arguments.

Mary Jeanelly Bontilao, from the University of Cebu School of Law (Philippines), argued that various international instruments promote sustainable management of forests for the purpose of preserving resources that can protect human health. She explained using examples of how forests can serve as carbon sinks necessary to achieve international climate goals, and how forest conservation may preserve resources that can help address pandemics such as COVID-19.

Humberto Filpi, from the Federal University of Santa Catarina (Brazil), described how an ecosystems approach to international environmental law can catalyze climate solutions such as forest conservation. University of Oslo students Camille Zuber and Roberto Coll explained how the Paris Agreement and various international law principles recognize an obligation to protect children and future generations. Jasmine Cox from Victoria University of Wellington, Aotearoa (New Zealand), argued that environmental protection has ripened into a fundamental principle in international law, and that it is essential in order to protect human rights (particularly, the rights of Indigenous peoples).

The students' mastery of the subject matter shone alongside their well-practiced skills for oral argument. The session ended with each student explaining how the moot court experience opened their eyes to new interests and career opportunities. Videos of the students' oral arguments, and their discussion with jurists from around the world, are available on the Environmental Law Program's [YouTube channel](#). ❖



Richard Wallsgrove '08

"The students' mastery of the subject matter shone alongside their well-practiced skills for oral argument."

Student Reflections

ENVIRONMENTAL LAW PROGRAM (ELP) students share the impact of their experiences as part of the ELP's delegation at the World Conservation Congress (WCC) held by the International Union for the Conservation of Nature (IUCN).



Joel Burgess '23

"It was great to see Motion 003 get passed on the floor of the WCC. Many colleagues as well as myself had spent hours lobbying for the motion to pass, so it was a great relief to hear that a new Climate Change Commission would be formed! There were plenty of compromises made to pass this motion – including independent funding for the new commission – but the important part is that it passed. Now the commission can get down to business and start doing the real work: tackling the issue of climate change."

"I learned far more than I ever could have hoped for, and I recognized that I am well on the path to becoming an effective lawyer and leader."

— **Diego Rivera '23**

Loredana Craciun (L.L.M. '22)

"When I entered the ELP delegation, I did not know much about how the conference would work, especially in regards to participating online. I had studied notions of international law – such as how states create legally binding documents like treaties – and how they can make reservations. But my knowledge was mostly theoretical. By being able to attend the IUCN and especially by participating in the contact groups, I was able to see practically how the different IUCN members – such as representatives of states and environmental organizations – worked with the help of a facilitator to find a consensus in order to pass motions."



Elena Chang '24

"I'm grateful I got to play a small part in advocating for a more just food system during my two-week stint as a delegate. It was especially exciting to watch in real-time as members voted to adopt our motion to ensure the rights of Indigenous farmers around the world. It was inspiring to observe other delegates from across the world advocate for the rights of Indigenous people within international organizations like the IUCN. I hope to see more global conservation efforts rooted in Indigenous peacemaking and restorative justice."

"What had once taken place through virtual comments was unfolding before my eyes in real time."

— **Joe Udell '22**



Kelli Ann Kobayashi '22

“The WCC expanded my knowledge on environmental law. My experience with the IUCN grew over the years, starting with a presentation by the law school at the Hawai'i Conservation Conference in 2019, then to the IUCN Workshop Class where I learned about commenting and voting on motions, and finally to the actual WCC. The WCC really exposed me to a process of the law that I knew nothing about. The need for international cooperation will be vital in the coming years as we face major global environmental challenges such as the climate crisis and plastic pollution. As a self-proclaimed environmentalist, I now feel that high-level international environmental law can be fruitful (thinking about Motion 003 and the plastic pollution motion) and even something someone like me can play a role in.”



Farah Danial Mok (L.L.M. '22)

“I was previously intimidated by the experts at these conferences, but with the contact groups I realized that one could participate in small ways first and ease into the process, and to increasingly contribute accordingly as you grow and learn. It definitely provided more options for me to consider, and being exposed to the existing organizations provided a big list of career options for the future.”

Gabriel Leggott '22

“International diplomacy is an entirely different sphere from anything I have observed before. Watching the Member's Assembly and the discussion on Motion 003 was awe-inspiring. This experience allowed me to be a fly on the wall and watch Justice Michael Wilson artfully, zealously, and respectfully advocate for the Hawaiian Islands and other island communities – I will never forget this. It was helpful to observe other countries' delegates and their tone, the vehicle by which they delivered their comments, and how these comments were received by the general Assembly. I now have a further appreciation for the importance of intimately familiarizing oneself with the rules and how the intent behind a governance motion can be the vessel through which one bases their point.”



Naima Fifita '23

experience and I am grateful that there was so much opportunity for connection and collaboration throughout the WCC and ELP Delegation experience.”

“Throughout the entire Congress, I marveled at the fact that I was able to participate as fully as I did from Hawai'i. I never felt disconnected from what was happening on the ground in Marseille, thanks to the Zoom and streaming technology and those who so frequently provided updates for the ELP Delegation from France. Though tired, I enjoyed texting back and forth with other ELP members during the 2 and 3 a.m. sessions and feeling like we were all “in it” together. This was a total bonding

“I never felt disconnected from what was happening on the ground in Marseille, thanks to the Zoom and streaming technology.” – Naima Fifita '23

Diego Rivera '23

“Reflecting on my experience with participating in the Congress, the most important ‘lessons learned’ for me were: the process of political negotiations in a high stakes situation between very influential environmental lawyers and leaders, how to maintain a team over a very long, sustained, stressful event with little to no sleep on certain nights, how to conduct myself diplomatically in contact group meetings with other



felt was the right way to protect this planet. I kept my mind and ears open and learned far more than I ever could have hoped for, and I recognized that I am well on the path to becoming an effective lawyer and leader.”

delegations, nongovernmental organizations (NGOs), and government representatives, and ultimately how to rise up to meet a challenge.

I was unprepared for all of the political posturing, maneuvering, and high emotions that were involved in what proved to be a very controversial and much discussed motion. I also learned when to assert myself for my own sake and for the sake of my team, and I learned how to exist not necessarily as a fly on the wall, but on the periphery of what proved to be a conflict of philosophy between two environmental leaders over what they



Emily Sarasa '24

“The WCC did not change my views on law school or wanting to earn the Environmental Law Certificate, but it did make me consider how I can advocate in a way that I enjoy in my career. I hope to continue exploring my interests more by finding a summer position with a like-minded legislator or an environmental protection NGO.”

Olivia Staubus '22

“I really enjoyed the session hosted by Synchronicity Earth because I was able to hear from Indigenous leaders in conservation. One of the main takeaways from the session was that oftentimes “nature-based solutions” can actually be harmful to Indigenous peoples. Many times, conservation methods are implemented without Indigenous input and consequently Indigenous rights are not taken into account. The session strengthened my understanding of the critical importance of ensuring Indigenous peoples are represented in conservation decision making.”



Joe Udell '22

“The difference between analyzing IUCN motions in class and actually being at the Congress in Marseille is a stark one. For nine days, I walked the halls of the Palais des Congrès Marseille Chanot, where my primary responsibility was helping ELP Director David Forman with a variety of tasks. One particular task involved my attendance at several “contact groups,” where I watched IUCN Members discuss potential changes as well as the substance of several motions that would be voted on at the floor of the Members' Assembly.

What had once taken place through suggested changes made in virtual comments was unfolding before my eyes in real time. The names of organizations that had been active in the comments section now appeared across my computer's Zoom checkerboard interface. I watched as representatives from those organizations exchanged diplomatic greetings, proposed changes to the operative text, and worked together to achieve consensus. This provided a remarkable window into the ways that contact groups can shape the final structure and language of IUCN motions.” ❖

Panel: “Meet the Next Generation of Green Lawyers”

BY JOE UDELL '22

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ON SEPTEMBER 5, I moderated a panel at the 2020 World Conservation Congress held in Marseille, France: “Meet the Next Generation of Green Lawyers: Talk Story with Hawai’i-Oceania Environmental Law Students.”

The panel featured William S. Richardson School of Law students Olivia Staubus '22 and Diego Rivera '23, as well as undergraduate Environmental Law Program (ELP) summer fellows



Jessica Lee (Stanford University) and Kristen Lu (Claremont McKenna College) as in-person speakers. We discussed a range of topics during the one-hour session, including motivations for pursuing a career in environmental law, memorable work experiences in Hawai’i, obstacles they have overcome, future career goals, and advice for others considering similar career paths.

Including Richardson Law School ‘ohana Tehani Louis-Perkins '22, and Naima Fifita '23, and Ian Tapu '20, several law students and recent graduates from the Hawai’i-Oceania region sent videos discussing similar topics: Ura Makulau (University of the South Pacific), Belyndar Rikimani (University of the South Pacific), Gelareh Yousefi (Western Sydney University). It was a wonderful discussion and I am so glad that I could be a part of it. ❖



ELP Summer Fellow Jessica Lee (left) answering audience questions with Olivia Staubus '22 (right)

A Collaborative Partnership with Pace University

BY CLAIRE SUTHERLIN MCLEDD, FORMER GCELS FELLOW, ELISABETH HAUB SCHOOL OF LAW AT PACE UNIVERSITY

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Claire Sutherlin McLedd

THE WILLIAM S. RICHARDSON SCHOOL OF LAW at the University of Hawai’i at Mānoa’s Environmental Law Program (ELP) and the Global Center for Environmental Legal Studies (GCELS) at the Elisabeth Haub School of Law at Pace University are the only two law schools in the United States that are voting members of the International Union for the Conservation of Nature (IUCN). This unique privilege held by both institutions has led to a longstanding and fruitful collaboration between the two law schools, which have worked together to advance international environmental law and policymaking through the IUCN.

In the events leading up to the most recent IUCN World Conservation Congress, which was held as a hybrid event in Marseille, France in September 2021, and at the Congress itself, the collaborative efforts of GCELS and the ELP resulted in the successful submission and advocacy for the adoption of groundbreaking motions to strengthen human rights and environmental protections.

“This unique privilege held by both institutions has led to a longstanding and fruitful collaboration between the two law schools.”

The delegations are comprised of both faculty and students.

Prior to the Congress, students and faculty from the ELP and GCELS participated as panelists in the International Symposium, “Peace with Nature.” Organized by the Normandie Chair for Peace, International Council of Environmental Law (ICEL), and the IUCN World Commission on Environmental Law, the focus of the Symposium was an agenda for a renaissance in humani-

ty's juridical relationships with Earth's natural systems, with each panel highlighting a decision to be made at the Congress.

Haub Law Professors Nicholas Robinson and Victor Tafur helped organize the symposium and participated in various panels throughout the event. Haub Law students Carly Hopkins and John Notoris presented on the urgency of ending fossil fuel subsidies alongside Dean Emeritus and GCELS Co-Director Professor Richard Ottinger. Haub Law student Madison Shaff presented on the need to prevent further zoonotic diseases.

Notably, then-Director of the Environmental Law Program David Forman '93 and Haub Law student Christopher Sudol presented jointly on the need to renounce the colonial Doctrine of Discovery. Together with GCELS Co-Director and Haub Law Professor Smita Narula, Haub Law School graduates Cassandra Jurenci and Nick Sioufas (2021 and 2019, respectively) presented on the critical links between upholding food sovereignty and protecting biodiversity. Former Environmental Law Program Fellow Umair Saleem (L.L.M.'21) presented on Lahore's Judicial Commissions while Haub Law School alumnus and 2020 Haub Visiting Scholar Professor James May discussed actualizing the rights of nature.

Preparations for the Congress involved students from GCELS and the ELP drafting and studying their priority motions under the supervision and expertise of both the ELP and GCELS faculty – cumulatively over a year-and-a-half of work.

Priority Motions for the Congress included: Motion 048 – Renunciation of the Doctrine of Discovery to Rediscover care for Mother Earth, Motion 044 – Actions to strengthen food sovereignty and security of Indigenous peoples and peasant communities, Motion 034

– Integrated solutions to the climate change and biodiversity crises, Motion 135 – Promoting human, animal and environmental health, and preventing pandemics through the One Health approach and by addressing the drivers of biodiversity loss, and Motion 003 – Establishing a Climate Change Commission.

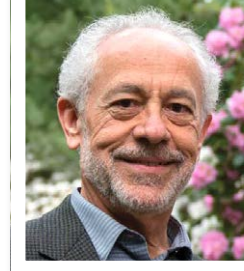
“This collaboration enabled both programs to approach negotiations on a united front, eventually leading to the IUCN’s historic decision to renounce the Doctrine of Discovery through the passage of Motion 048.”

As the start of the Congress neared, ELP and GCELS students collaborated on their respective priorities for each motion in order to create alliances and support. In particular, GCELS Motion Team 048 students identified that their preparation and collaboration with Richardson Law School student and ELP member Kealapon Richardson '23 was critical to both the ELP and GCELS' interests of being successfully

represented in the final draft of Motion 048. This collaboration enabled both programs to approach negotiations on a united front, eventually leading to the IUCN's historic decision to renounce the Doctrine of Discovery through the passage of Motion 048.

During the Congress itself, both the ELP and GCELS delegations exercised their IUCN voting member status to advocate for their priority Motions. Their collaborative effort was a key factor in the success of each Motion. The ELP and GCELS student-led motion teams spearheaded advocacy efforts during the Congress' contact group negotiations, ensuring that crucial points for each Motion were represented. With students having established alliances on their Motions prior to the start of the Congress, they were able to provide essential support to each other during contact group negotiations. In addition to the students' joint contributions to each Motion through virtual negotiations, interests of both the ELP and GCELS were represented at the Congress in person. In Marseille, Professor Victor Tafur and Professor Nicholas Robinson of GCELS and ICCEL provided support both visibly and behind-the-scenes during contact group meetings, informal gatherings between sessions, and on the Assembly floor.

The extensive contributions of the ELP and GCELS faculty and students, from the drafting to the negotiations of motions, was a testament to the preparation, expertise and collaboration that each delegation brought to the Congress. With all priority motions passed by an overwhelming majority vote, the close of the Congress established another set of distinguished successes for the ELP and GCELS' collaborative partnership. ❖



The ELP's efforts are invaluable to the IUCN

BY CHRISTOPHER DUNN, CHAIR, IUCN NATIONAL COMMITTEE FOR THE USA

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HE INTERNATIONAL UNION for the Conservation of Nature (IUCN) has long been the world's largest conservation nongovernmental organizations (NGO), with member organizations that span the globe and represent government agencies, national and international NGOs, and Indigenous peoples' organizations. Effective and lasting conservation demands the attention and resources of myriad groups all working together.

In a globalized world, it also requires engagement, energy, and enthusiasm from a broad range of individuals and organizations. It seems, at times, that the old adage, “think globally, act locally,” is no longer useful. Rather, we need to work effectively and collaboratively at a global scale so that attention and resources can be brought to bear at the local level. It is this global-local continuum makes the IUCN such a powerful organization.

The IUCN has a global voice and is a global convener. Its quadrennial World

Conservation Congress (WCC) brings together 10,000 delegates to consider, debate, and vote on policies and motions that will advance conservation practice and outcomes for years. These WCCs are transformative, as anyone who attended the Hawai'i WCC in 2016 can attest. It was transformative - not just for the IUCN and participants, but also for the State of Hawai'i.

“We need to work effectively and collaboratively at a global scale so that attention and resources can be brought to bear at the local level.”

It is this “promise” of transformation that keeps many of us engaged in IUCN. And it is virtually guaranteed, thanks to the dedicated involvement of member organizations such as the Environmental Law Program (ELP) at the William S. Richardson School of Law. I recall while planning for the Hawai'i WCC, speaking with former Dean Avi Soifer about the importance

of the IUCN and how we need more law faculty and students, particularly those engaged in environmental law, Indigenous rights, and environmental justice. To him it was a “no brainer” and the ELP quickly became a full voting member of IUCN.

Since then, the level of engagement of faculty members (particularly of Professors Denise Antolini, David Forman '93, and Richard Wallsgrove '08) and students (the new leaders, including Naima Fifita '23, Diego Rivera '23, Olivia Staubus '22, and Joe Udell '22), has been remarkable and consistent.

Of the dozens of motions discussed at the 2021 WCC in Marseille, France, many were supported and sponsored by the ELP. It is fair to say that it was the ELP's efforts that led to successful outcomes. One motion in particular (creation of a new Climate Crisis Commission within IUCN) was particularly controversial; however, the youth voice and the persistence of the ELP students won the day. It was without a doubt the most important outcome of the WCC and could not have happened without the active and visible engagement of the ELP; the ELP is invaluable to the IUCN.

As Chair of the IUCN National Committee for the U.S., I highly value and respect the faculty and students of the Environmental Law Program at Richardson Law School and look forward to continuing to work with them to make the world a better and more hospitable world for all. ❖

ELP continues to lead UH Delegation at International Climate Conference

BY RICHARD WALLSGROVE '08

FOR SEVERAL YEARS, the Environmental Law Program (ELP) has led the University of Hawai'i's delegation to the United Nations Framework Convention on Climate Change (UNFCCC) annual Conference of the Parties (COP). The UNFCCC was adopted in 1992 as a global agreement to address the problem of "dangerous human interference with the climate system." With this goal, the 197 signatories meet each year at the COP to work on international climate policy. For example, COP21 in Paris (2015) yielded the Paris

Agreement and its unanimous global agreement that global warming should be held to 1.5 to 2°C.

Like many international environmental agreements, the UNFCCC provides various ways for non-state entities to participate. The University of Hawai'i participates via its status as an official observer delegation and a member of the constituency for research and non-governmental organizations. For the past three COPs, this work has been taken up by Richardson students and faculty.

Sparked by a student project in Professor Richard Wallsgrove's course on International Environmental Law, a delegation of four ELP students and two professors participated in COP24 in Katowice, Poland: 2019 graduates Stacey Gray, Ryan McDermott, Miranda Steed, and Tiana Winsted, along with Professor Wallsgrove and Professor Denise Antolini. The following year, Professor Wallsgrove led a delegation of three students to COP25 in Madrid, Spain: 2020 graduates Kekoa Andrade, Rachel Goldberg, and Shea Henson. After learning about the UNFCCC from seasoned climate negotiators, these students attended COP negotiating sessions on a wide range of topics. While at the COP, they also networked with negotiators, climate experts, and students from around the world, and shared their own experiences at various events in and around the COP.

In 2021, Richardson students Joe Udell '22 and Naima Fifita '23 attended COP26 in Glasgow, Scotland alongside ELP Director David Forman '93 and Professor Antolini. This delegation was joined by Professor Chip Fletcher from the School of Ocean & Earth Science & Technology, ELP graduate and climate policy analyst Colin Lee '20, and several others from Hawai'i, including Governor David Ige. Please read on to hear more about what ELP's delegation learned in Scotland. ❖

"While at the COP, these students networked with negotiators, climate experts, and students from around the world, and shared their own experiences..."

Attending COP26 for the first time

BY JOE UDELL '22



Joe Udell '22

IARRIVED IN GLASGOW shortly before my conference credentials were active. Instead of accessing the Blue Zone with other accredited 26th Conference of the Parties (COP26) attendees, I explored the Green Zone in the Glasgow Science Centre, a free gathering place for youth groups, civil society, academia, artists, and the general public managed by the government of the United Kingdom. This space housed over 200 in-person and online events, exhibitions, and workshops during the conference.

The Green Zone provided a glimpse into the climate dialogue accessible to the public. An exhibit urged observers to think about how they could "rise to the challenges of climate change." It continued, "We can all play our part, no positive change is too small. We are all interconnected, we are all part of the solution to climate change."

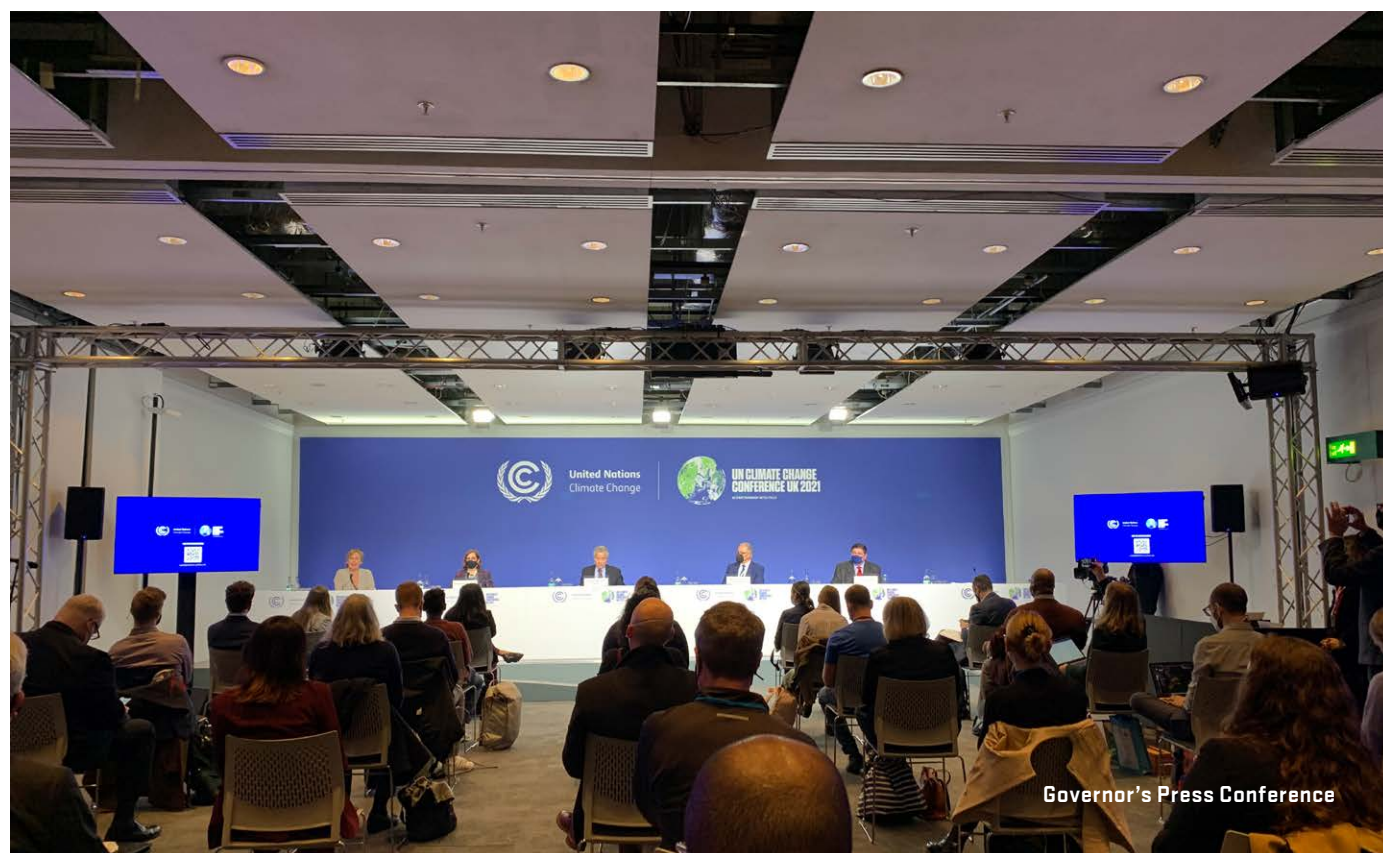
"Climate Change Legislation, Litigation and the Rule of Law" was held at the University of Strathclyde on November 6. Discussion topics included domestic, regional, and international cli-

mate litigation, and how those areas can help implement the Paris Agreement. In addition to attending the insightful panels, I was thrilled to meet those who contributed to the Judicial Handbook of Climate Litigation. The handbook is a best practices guide for judges and courts; I am also co-writing a chapter on the duty of care with Dr. Christina Voigt, Chair of the International Union for Conservation of Nature World Commission on Environmental Law.

"We are all interconnected, we are all part of the solution to climate change."

After my credential was activated, I attended a variety of events representing the scope of COP26. COVID-19 protocols highly restricted in-person access to negotiating rooms, thus the daily plenary recaps carried a sense of intrigue; I attended several of these meetings.

As the window to reach consensus on an agreement dwindled, meetings became more impassioned. On November 12, U.S. Special Presidential Envoy



for Climate John Kerry called fossil fuel subsidies “the definition of insanity,” while Keriako Tobiko, Cabinet Secretary for the Ministry of Environment and Forestry of Kenya noted that for the country’s 55 million residents, “1.5 degrees is not a statistic, it is a matter of life and death.”

Tense negotiations extended beyond the conference; parties ultimately agreed to the Glasgow Climate Pact on November 13 – one day after COP26 was scheduled to end. The agreement urges parties to raise their ambitions on many items, including cutting emissions, climate finance, and adaptation. However, the pact has also been criticized for not being ambitious enough; eleventh-hour language changes called on parties to “phase down” instead of “phase out” coal power.

Following the talks that became the Glasgow Climate Pact was undoubtedly-

“The heartfelt dialogue was a reminder that the COP experience is also about creating genuine, interpersonal connections and inspiration.”

ly one of the most memorable parts of my COP26 experience. However, the various panels, pavilion sessions, and press conferences that I attended were also significant; they broadened my understanding of climate change and the role I could play in that arena as a

future lawyer.

One memorable session, “Partnerships for Island Resilience: Sharing solutions in the great Ocean States,” featured former President Barack Obama, who shared how his experiences as an “island kid” shaped his worldview. He also explained the difficult realities of climate negotiations from the United States’ perspective.

“We’ve got our contentious battles. It’s one thing about democracy – it turns out you don’t always get your way.”

Realities of climate negotiations for the U.S. were also underlined by the United States Climate Alliance, a coalition of 25 states committed to reducing greenhouse gas emissions (consistent with the goals of the Paris Agreement). A press conference was held to highlight the work of the coalition, which featured multiple state governors including Gov. David Ige (Hawai’i).

Ige noted Hawai’i’s commitment to “high-impact action,” such as setting a 100 percent renewable energy goal by 2045 or enshrining the Paris Agreement into law. (In both cases, Hawai’i was the first state in the nation to take such ambitious action.)

Many calls for climate action at COP26 originated from youth activists in the streets of Glasgow, which were flooded by over 100,000 protesters, and in the halls of the Scottish Event Campus. I attended several youth-

focused events, including “Keep Calm & Love Our Planet,” which featured youth leaders from Vietnam, Pakistan, and Singapore who regularly engage in climate activism.

Of course, the speeches and key takeaways only offer a glimpse of what it was like to attend in person. Half the adventure is getting to those spaces and the energy found within the venue: attendees hurry off to their next destination, a cacophony of conversations can be found in different corners, and

hundreds or even thousands of interested attendees stand in line for events.

On the final day of the conference, I was invited to a roundtable conversation in the “Nature’s Newsroom” alongside

“Following the talks that became the Glasgow Climate Pact is undoubtedly one of the most memorable parts of my COP26 experience.”



TOP: United States delegation (John Kerry speaking); BOTTOM: Strathclyde panel

university students, event organizers, and COP veterans from the U.S. and the U.K. I shared the interests I had in climate justice and litigation which drew me to the conference; we also discussed our cautious optimism for the future. The heartfelt dialogue was a reminder that, aside from the negotiations that captured the world’s attention, the COP experience is also about creating genuine, interpersonal connections and inspiration.

I left the venue each day feeling grateful for the knowledge that I gained and energized by those I had met. I could not have been prouder to be a representative of the University of Hawai’i and I am sincerely thankful for all those who supported my trip. COP26 was an adventure that I needed to participate in to understand why attendees keep coming back. Now that I have, I hope to return in the future and inspire others as I contribute to the fight against climate change. ❖

Developing student networks and engaging with Indigenous peoples' platform

BY DAVID M. FORMAN '93

I

HAD THE PRIVILEGE OF SERVING on the “advance team” representing our University of Hawai‘i (UH) observer delegation and the larger Hawai‘i ‘ohana delegation at the 26th Conference of the Parties (COP26) held by the United Nations Framework Convention on Climate Change (UNFCCC) in Glasgow, Scotland from October 31 - November 13 in 2021.

From the William S. Richardson School of Law’s Environmental Law Program (ELP), Professor Denise Antolini and Naima Fifita '23 joined me for the first week, while the UH delegation’s week two credentials were carried by Dr. Charles “Chip” Fletcher (Associate Dean for Academic Affairs and Professor in the Department of Earth Sciences,



Pictured (clockwise): David Forman '93, Chip Fletcher, Sen. Chris Lee, Joe Udell '22, Denise Antolini, Naima Fifita '23, Colin Lee '21. Hawai'i delegates to COP26 gather for a photo outside the convention hall in Glasgow, Scotland

School of Ocean and Earth Science and Technology), his policy analyst Colin Lee '21, and ELP student Joe Udell '22.

This was my first time attending the Conference of the Parties. (Although previous opportunities had presented themselves to attend COP24 and COP25 in Poland and Spain, respectively, it made more sense for Professor Richard Wallsgrove '08 to accompany and mentor his Clean Energy Law and Policy students at those conferences.)

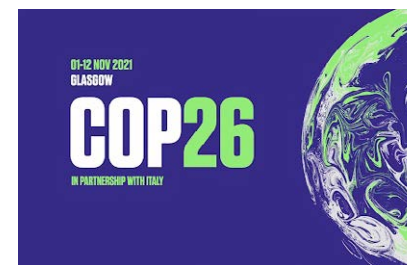
My primary goal going into COP26

was to facilitate our Environmental Law Program (ELP) students’ networking efforts. Additional priorities included engaging with the Local Communities and Indigenous Peoples Platform (LCIPP) as well as to represent the Ka Huli Ao Center for Excellence in Native Hawaiian Law for Richardson Law School.

Of course, necessary COVID-19 measures required daily testing for entry into venues. (In contrast, many Glasgow establishments merely asked for contact tracing information with-



Pictured (left to right): Vishal Prasad, PISFCC President; Naima Fifita '23; and Solomon Yeo, PISFCC Campaign Director. COP26 included many networking opportunities for ELP students



out proof of vaccination, unlike the establishments in Marseille). To my understanding, all Hawai‘i delegation members tested negative, compared to the [nearly 300](#) COP26 participants who did not. (Reportedly only four out of every 1,000 participants tested positive, compared to 12 out of every 1,000 people in the Scottish population).

Our meetings did not remain

“Another objective during COP26 was to engage with the Local Communities and Indigenous Peoples Platform (LCIPP), which promotes knowledge exchange, engagement, and development of climate change policies by local communities and Indigenous peoples.”

unaffected, however, as pandemic protocols resulted in missed meetings and programming. Professors Maxine Burkett (Office of the Special Presidential Envoy for Climate) and Shalanda Baker (Secretarial Advisor on Equity and Deputy Director for Energy Justice, Office of Economic Impact and Diversity, U.S. Department of Energy) unfortunately were unable to meet with us and our students when a member of the U.S. delegation tested [positive](#). I also missed a day of the conference and a speaking engagement at a University of Glasgow panel due to potential exposure and subsequent self-quarantine.

During the first week, our delegation supported a World’s Youth for Climate Justice (WYCJ) sponsored event at the Benelux (Belgium-Netherlands-



Pictured (left to right): Vishal Prasad, PISFCC President; Professor Denise Antolini; Solomon Yeo, PISFCC Campaign Director, ELP Co-Director David Forman '93



AT LEFT: Aiyaz Sayed-Khaiyum and Naima Fifita '23, further discussing a question that Naima posed during the Q&A period about Pacific Island nations' capacity to enforce environmental protections.

ABOVE: Pacific Climate Warriors spokesperson Brianna Fruean

Luxembourg) pavilion, “The Road to the International Court of Justice: a youth-led initiative to take climate justice to the World’s Highest Court.” Speakers featured Solomon Yeo, campaign director and co-founder of the Pacific Islands Students Fighting Climate Change (PISFCC), WYJC coordinator Jule Schnakenberg, His Excellency Odo Tevi, Permanent Representative of the Republic of Vanuatu to the United Nations, and the Honorable Aiyaz Sayed-Khaiyum, Attorney General of Fiji and Minister for Climate Change. The Hon. Sayed-Khaiyum offered one of



ABOVE: (left to right): David Forman '93, Edgardo Sobenes, Solomon Yeo, Jule Schnakenberg, and Vishal Prasad. Photo Credit: Sahil Chandra, PISFCC.

“Necessary COVID-19 measures required daily testing for entry into venues. To my understanding, all Hawai’i delegation members tested negative, compared to the nearly 300 COP26 participants who did not.”



ABOVE: Standing room only attendees at Benelux Pavilion including Professor Denise Antolini, Naima Fifita '23, and Brianna Fruean (seated foreground) with the moderator asking permission to read Naima’s question for the benefit of an online audience.

the most powerful observations during the session when he emphasized the need for synergy versus dichotomy with respect to youth and older generations.

Our ties to the PISFCC had begun long before the panel; in 2019, I had spoken at their first public event on the University of the South Pacific’s Emalus campus in Vanuatu. My presentation, “Raging River(s): High & Low Islands TUGETA with Island Earth, Making

Our Final Stand(s),” encouraged collaboration with youth climate activists in Hawai’i, New York, the Philippines, India, and elsewhere.

I also had the pleasure of joining the youth of the PISFCC for a lunch meeting with their legal advisor, Edgardo Sobenes. Attorney Sobenes has exten-

sive experience litigating before the International Court of Justice on behalf of Nicaragua and other clients.

Including meeting with the PISFCC, the gatherings at COP26 were accompanied by other wonderful opportunities to speak with inspiring people, aside from the strict entry process for accessing negotiating rooms for observer delegations like ours (typical of COPs). We met with members of the Pacific Climate Warriors, a network of Pacific Islanders working to protect the Islands from climate change, including spokesperson Brianna Fruean and other youth; they enthusiastically provided contact information to share with our students.

To assist with students’ networking opportunities further, I turned to frequent ELP collaborator Shirleen Chin (founder of environmental consultancy [Green Transparency](#)). In addition to accepting my invitation to provide future training for our ELP students,

Shirleen facilitated an introduction to Kato Ewekia, Director of Saving Tuvalu, a youth-led nongovernmental organization working to raise collective awareness of the impact of climate change on Tuvalu; we met upon his arrival at the venue.

We were also able to reconnect with former faculty and colleagues. We spoke with 2018 ELP Distinguished Visiting Scholar-in-Residence, Professor and Dr. Christina Voigt, Norway’s chief climate negotiator, and heard her take on the ongoing negotiations. COP26 provided the opportunity to reconnect with attendees of a 2018 Honolulu symposium (convened by Dr. Voigt), including Dr. Francesco Sindico (Professor of Law, University of Strathclyde) and Professor Markus Gehring (University of Cambridge). I also had the chance to reunite with the recently reelected Chair of the International Union for the Conservation of Nature (IUCN) Commission on Environmental, Economic and Social Policy, Kristen Walker Painemilla, and

“We met with members of the Pacific Climate Warriors, a network of Pacific Islanders working to protect the Islands from climate change.”

Justice Antonio Benjamin, former Chair of the IUCN World Commission on Environmental Law.

As encouraged by IUCN Hawai’i Hui member Kua’āina Ulu ‘Auamo (KUA), another objective during COP26 was to engage with the Local Communities and Indigenous Peoples Platform (LCIPP), which promotes knowledge exchange, engagement, and develop-

ment of climate change policies by local communities and Indigenous peoples.

I attended the conference-adjacent event, “U.K. COP Presidency dialogue with Indigenous Peoples,” held at the Scottish Event Campus (partial recording available [here](#)). Notably, I learned about the event during a pre-COP webinar featuring National Congress of American Indians (NCAI) President Fawn Sharp; surprisingly, the COP26 President in Glasgow failed to acknowledge Ms. Sharp’s forceful intervention demanding full and effective participation of Indigenous peoples in the development of nationally determined contributions.

Equally impressive were the insights shared by Dr. Dalee Sambo Dorough, International Chair of the Inuit Circumpolar Council, Dr. Dalee Sambo Dorough, who noted the adverse impact on the cultural integrity of state laws and unsustainable development, while stressing the distinct rights of Indigenous peoples [recognized](#) in the Paris



in Native Hawaiian Law, and other Indigenous institutions in Hawai’i concerned about climate change to reach out to her.

Rather than document the inspiring events I attended in their entirety, I will conclude by sharing one of the most powerful exchanges that I observed during COP26.

I was most encouraged by what was billed as a “pan-generation conversation,” including New York-based youth climate activist Xiye Bastida and Dr. Sylvia Earle, along with an event moderator and a climate scientist (the latter two individuals appropriately sensed the powerful dynamic between Bastida and Earle and made space for that conversation to take place outside of normal constraints).

The 19-year-old Bastida demonstrated a level of sophistication I have rarely witnessed when observing youth at international environmental conferences. She ultimately insisted that COP26 delegates must “do better.” Dr. Earle re-

ABOVE: Kato Ewekia, left, and Shirleen Chin, right, as Ewekia saw the Tuvalu Pavilion display for the first time. He was shocked to find that the display featured five large polar bears in life jackets next to a penguin hanging from a noose

AT LEFT: ELP Director David Forman ‘93 and Dr. Sylvia Earle

sponded by acknowledging the sense of betrayal, sadness, and anger that youth are experiencing before explaining her own sense of hope; she underlined how much more knowledge young people have now than what was available to her when she was their age.

More generally, Dr. Earle urged young people to open their hearts and bring fresh voices to the conversation for a truly intergenerational experience, one that recognizes that “activism should be something you just do, otherwise you are doing nothing and are simply part of the problem.” ❖

Photo Gallery



Joe Udell '22 attending his first COP



Hawai'i delegation members gather at an event at the Congress



CLOCKWISE FROM TOP: Naima Fifita '23 attending her first COP; Naima Fifita, Shirleen Chin and Kato Ewekia in the cool Scotland air outside the convention hall; David Forman '93 and Shirleen Chin join Indigenous peoples whose powerful testimony convinced IUCN members to take decisive action; members from the Hawai'i delegation answer audience questions; Hawai'i delegation members gather for a photo.

