



**Wisconsin International Law Journal symposium  
March 31-April 1, 2022  
(Hybrid event)**

**“Climate Change and Law: Global to Local legal and Policy Challenges”  
Room 2260, University of Wisconsin Law School**

**CLE Credit for WI Attorneys Pending**

**Overview**

Climate change is a defining issue of our generation. From the mass movement of people to the disappearance of island states, the adverse consequences of climate change pose unique and unprecedented legal challenges. Moreover, given the disproportionate impact on poor and marginalized communities and states, climate change raises profound social justice challenges.

United States is not immune to these consequences. From indigenous communities in Alaska to Isle de Jean Charles in Louisiana, communities are being relocated due to climate change while coastal communities from Florida to California are worrying about constant flooding and the impact on their property values, increasing severe and frequent extreme weather events, and wildfires ravaging the country, its economy and people. As the highest contributor to greenhouse gases historically, the United States has a greater responsibility to address climate change.

Within hours of being sworn in, President Biden re-joined the Paris Agreement and issued an executive order on climate change. On Earth Day, he held a virtual summit on climate change with world leaders where he pledged to halve carbon emissions by 2030 and go carbon neutral by 2050. Meanwhile in WI, Governor Evers established a Task Force on Climate Change headed by Lt. Governor Mandela Barnes. Its report was published in December 2020.

This symposium seeks to look at these developments. Climate change as well as transitioning to a low carbon economy pose many legal and policy challenges. It will feature leading lawyers, policy makers and activists to look at these challenges and the way forward. The symposium will launch the Wisconsin Initiative on Law and Climate Change (WILCC), a joint initiative between the Human Rights Program and the Global Legal Studies Center at the UW Law School.

## Day 1: Thursday, March 31, 2022

4:00pm                    **Registration and refreshments**  
*Law school Atrium*

4:30pm                    **Welcome**  
**Jake Joling**  
*WILJ Senior Program Editor, UW Law School*

**Dean Dan Tokaji**  
*UW Law School*

Statement on invited keynote speaker, Lottie Cunningham Wren  
*Center for Justice and Human Rights of the Atlantic Coast of Nicaragua*

**5:00-6:30pm            Panel 1: Climate change: Consequences, Challenges, and Opportunities**

This panel discusses the science of climate change, its consequences on people, environment and the economy, the challenges of addressing it as well as the opportunities it provides. It will also discuss the disproportionate impact on racial and other minorities.

**Moderator: Morgan Edwards**  
*La Follette School of Public Affairs, UW-Madison*

**Speakers:**

“Climate Change: This Time is Different”  
**Stephen Vavrus**  
*Atmospheric Sciences, UW-Madison*

“The Promise and Challenge of Carbon Dioxide Removal as a Climate Response Measure”  
**Wil Burns**  
*Environmental Policy & Culture Program, Northwestern University*

“Racial Capitalism and Climate Change”  
**Carmen Gonzalez\***  
*Loyola University Chicago School of Law*

“Environmental Racism and Climate Justice: The Imperative for a Just Transition”  
**Jacqueline Patterson**  
*Chisholm Legacy Project*

“Prefiguring Decolonial Legal Futures: ‘Critical Minerals’ and the Climate Crisis”

**Dayna Nadine Scott**

*Osgoode Hall Law School & Faculty of Environmental & Urban Change,  
York University, Toronto*

6:30-7:30

Reception and launch of Wisconsin Initiative on Law and Climate Change (WILCC)  
*Law School Atrium*

## Day 2: Friday, April 1, 2022

7:45am

**Breakfast and registration**

*Law School Atrium*

8:15-9:00

**Moderator: Heinz Klug**

*UW Law School*

**Keynote address**

**Lt. Governor Mandela Barnes**

*State of Wisconsin*

9:00-10:30

**Panel 2: Climate Justice and Communities at Risk**

Climate change poses an existential threat to certain groups and communities. This panel takes a closer look at these communities and the justice framework

**Moderator: Heinz Klug**

*UW Law School*

**Speakers:**

“Climate Change and Small Island States: Where Things Stand Now”

**Dessima Williams**

*Former Permanent Representative of Grenada to the UN*

“Climate Change and Communities at Risk: The Unfolding Tale of Climate Refugees”

**Sumudu Atapattu**

*UW Law School*

“Climate Change and Youth”

**Ayman Cherkaoui\***

*Hassan II International Center for Environmental Training, Morocco*

“Rights, Resilience and Community-led Relocation”  
**Robin Bronen\***  
*Alaska Institute for Justice*

“Gender, Indigeneity, and Climate Change in Africa”  
**Damilola S. Olawuyi\***  
*HBKU Law School, Doha, Qatar*

**10:30-10:45am**      **Break**

**10:45-12:15pm**      **Panel 3: International Law and Climate Change**

This panel discusses how international law has addressed climate change, climate negotiations including COP26 in Glasgow, North/South challenges, and human rights

**Moderator: Sumudu Atapattu**  
*UW Law School*

**Speakers:**

“Addressing the Climate Crisis through International Law: Invoking the Advisory Jurisdiction of the International Court of Justice”

**Margaretha Wewerinke-Singh\***  
*Grotius Centre for International Legal Studies, Leiden University*

"The International Climate Negotiations: Where Are We, What to Expect this Year, What is Needed?"

**Christina Voigt\***  
*University of Oslo, Norway*

“The Escazu Agreement on Procedural Rights and Climate Justice in Latin America: Lessons from Greenpeace vs. Argentina”

**Patricia Galvo Ferreira**  
*University of Windsor, Canada*

“The Political Ecology of Climate Remedies: An Inter-American Human Rights System Prognosis”

**Juan Auz**  
*Center for Fundamental Rights, Hertie School, Berlin, Germany*

**12:15-1:30pm**      Lunch break

**1:30-3:00pm**      **Panel 4: US Law and Climate Change**

This panel discusses how the United States has responded to climate change, President Biden’s Executive Order on climate change, the infrastructure bill and other recent initiatives on climate change. It examines what initiatives have been taken at the state level to address climate change.

**Moderator: Alexandra Huneeus**

*UW Law School*

**Speakers:**

“Climate Change and the Biden Administration”

**Steph Tai**

*UW Law School*

“State Laws to Achieve Net Zero Emissions”

**Michael Gerrard\***

*Columbia Law School*

“California’s Integrated Approach to a Clean Economy Transition”

**Alice Kaswan**

*University of San Francisco School of Law*

"On the Eve of Destruction: Courts Confronting the Climate Emergency"

**Mary Christina Wood\***

*University of Oregon School of Law*

3:00-3:15

Break

**3:15-4:30pm**

**Panel 5: Wisconsin and Climate Change**

This panel discusses the impact of climate change in WI, the Governor’s Task Force on Climate Change, how WI is responding to climate change, and law and policy challenges.

**Moderator: Steph Tai**

*UW Law School*

**Speakers:**

“Win-win Solutions for Climate and Clean Air in Wisconsin”

**Tracey Holloway\***

*Nelson Institute for Environmental Studies & Atmospheric and Ocean Sciences,  
UW-Madison*

“WI Climate Change Law and Tribal Nations”

**Gary Besaw**

*Menominee Tribal Department of Agriculture and Food system*

“City of Madison’s Commitment to Climate Action and Resilience”

**Jessica Price**

*City of Madison*

“Wisconsin Climate Policy and Political Polarization”  
**Nada Elmikashfi**  
*Office of Representative Hong*

“Climate Justice Activism”  
**Stephanie Janeth Salgado Altamirano**  
*WI Student Climate Action Coalition, UW-Madison*

**4:30-4:45pm**

**Break**

**4:45-5:45pm**

**Roundtable on Teaching Climate Law**

**Moderator: Alexandra Huneeus**  
*UW Law School*

**Participants:** Michael Gerrard,\* Mary Wood,\* Sumudu Atapattu, Alice Kaswan and Steph Tai

6:30pm

Meet at the Union (optional)

8:00pm

Dinner for speakers, moderators, WILJ board members and invited guests

*\*These speakers are joining virtually*

## Keynote Speaker 1: Lottie Cunningham Wren

Lottie Cunningham Wren is a lawyer from the Miskito indigenous group in Nicaragua, defending the rights of indigenous and Afro-descendant peoples to their land and resources. She has been instrumental in ensuring legal protections, including initiating the process of demarcation and titling of indigenous lands. Ms. Cunningham has fought to uphold the human rights of indigenous peoples and Afro-descendants, protecting them and their livelihoods from armed settlers. Through the use of international and domestic law, Ms. Cunningham has secured indigenous land rights in Nicaragua, pioneering legal strategies that have been successfully used by indigenous communities around the world to demarcate their lands. She has also shown that the protection of indigenous land is instrumental to the protection of local ecosystems.

A fierce advocate for her people, Ms. Cunningham has also advanced the rights of indigenous women, including establishing programs to reduce domestic violence and pushing to create space for them in decision-making bodies. She also works to educate youth on how to formally demand respect for their human rights and report violations. Despite threats and intimidation, Ms. Cunningham remains unwavering in her commitment to empower and protect indigenous communities from external forces engaged in the exploitation of their lands. As an indigenous woman in Nicaragua, she has personally experienced the violence and destruction that came from the lack of protections for her people and their land. In response, she has taken the plight of indigenous and Afro-descendant communities to the Inter-American Court of Human Rights – and won. By combining innovative legal tools and grassroots mutual solidarity, Ms. Cunningham found a way to empower and protect long-marginalized indigenous peoples in Nicaragua and beyond.

She received the Right Livelihood award in 2020 and is the president of the Center for Justice and Human Rights of the Atlantic Coast of Nicaragua. Excerpts from:

<https://rightlivelihood.org/the-change-makers/find-a-laureate/lottie-cunningham-wren/>

### **Note from the organizers:**

Although Ms Cunningham Wren accepted our invitation to deliver the opening keynote virtually, a week before the symposium she informed us that her organization was being shut down by the government and it was too dangerous for her to participate in the symposium. We are including this in our program as a way of drawing attention to her plight and the plight of so many human rights/environmental rights defenders around the world who face threats, harassment, and even physical violence. Global Witness reports that 227 land and environmental activists were murdered in 2020, the worst figure on record. Read its report, [Last Line of Defence](#), 2021)

## **Keynote Speaker 2: Lieutenant Governor Mandela Barnes**

Mandela Barnes serves as Wisconsin's 45th Lieutenant Governor. He was elected on November 8, 2018. He is the first African-American to serve as a Lieutenant Governor in Wisconsin, and the second African-American to ever hold statewide office.

Born and raised in Milwaukee, Lt. Gov. Barnes is the son of a public-school teacher and a United Auto Workers member, to whom he credits much of his success. He grew up attending Milwaukee Public Schools and graduated from John Marshall High School in 2003.

Lt. Gov. Barnes is an alumnus of Alabama A&M University. After his time there, he worked for various political campaigns and in the city of Milwaukee mayor's office, eventually becoming an organizer for Milwaukee Inner City Congregations Allied for Hope, a Milwaukee-based interfaith coalition that advocates social justice. He also worked for the State Innovation Exchange, a national progressive public policy organization.

In 2012, at the age of 25, Lt. Gov. Barnes was elected to the Wisconsin State Assembly, where he served two terms. His tenure in the State Assembly included serving as Chair of the Legislature's Black and Latino Caucus and becoming a recognized leader on progressive economic policies and gun violence prevention legislation.

Within his current role, Lt. Gov. Barnes uses a platform of sustainability and equity to fight for solutions that invest in opportunities and fairness for every child, person, and family in Wisconsin, regardless of ZIP code. Governor Tony Evers appointed him to chair the Task Force on Climate Change.

## Biographies of Speakers and Moderators

### **Sumudu Atapattu, University of Wisconsin Law School**

Sumudu Atapattu, LLM, PhD (Cambridge), Attorney-at-law (Sri Lanka), is the Director of Research Centers and International Programs at the University of Wisconsin Law School where she teaches seminar classes on “International Environmental Law” and “Climate Change, Human Rights and the Environment.” She is affiliated with UW-Madison's Nelson Institute for Environmental Studies, Global Health Institute, Center for South Asia, and the 4W Initiative, and is the Executive Director of the Human Rights Program. She serves as the Lead Counsel for Human Rights at the Center for International Sustainable Development Law, affiliated faculty at the Raoul Wallenberg Institute for Human Rights, Sweden, and serves on several advisory/editorial boards. She has been invited to attend several UN expert consultations and speak at events around the world. Her publications include *Emerging Principles of International Environmental Law* (Transnational, 2006), *Human Rights Approaches to Climate Change: Challenges and Opportunities* (Routledge, 2016), *International Environmental Law and the Global South* (co-editor, CUP, 2015); *Human Rights and Environment: Key Issues* (co-author, Routledge, 2019) and *The Cambridge Handbook on Environmental Justice and Sustainable Development* (co-editor, CUP, 2021) and numerous book chapters and articles. She is currently working on a book titled *UN Human Rights Institutions and the Environment* which is under contract with Routledge. Before moving to the USA, she was an Associate Professor (equivalent) at Faculty of Law, University of Colombo, Sri Lanka, and a consultant to the Law & Society Trust, Colombo.

### **Juan Auz, Centre for Fundamental Rights, Hertie School, Berlin, Germany**

Juan Auz is an Ecuadorian lawyer and a PhD candidate at the Hertie School's Centre for Fundamental Rights in Berlin. Before this, he was an Alexander von Humboldt fellow at the Potsdam Institute for Climate Impact Research (PIK). His research lies at the intersection of human rights and climate change law with a focus on Latin America. Juan has previously worked for several years in Ecuador on indigenous peoples' rights in Amazonia as the co-founder of Terra Mater and Executive Director of Fundación Pachamama. Juan also serves as a Legal Analyst with the Climate Change Litigation Initiative at the University of Strathclyde and the Climate Litigation Accelerator at NYU. He holds an LL.B. from Universidad de las Americas in Quito and an LL.M. in Global Environmental Law from the University of Edinburgh.

### **Gary Besaw, Menominee Tribal Department of Agriculture and Food Systems, and the Menominee Tribal Food Distribution Department**

Gary Besaw (Menominee) is Director of the Menominee Tribal Department of Agriculture and Food Systems, and the Menominee Tribal Food Distribution Department. He has served 15 years on the Menominee Tribal Legislature, serving two terms as Tribal Chairman. Gary has served on or presented to multiple tribal, state, and national committees regarding Native policy, the environment, and various other issues. Gary spent almost 30 years serving Native American education at all levels, from K-12 to Post-Secondary. He holds an MS in Education Administration from UW-Madison, and a BS in K-12 Art Education from UW-Stout

### **Robin Bronen, JD, PhD, Executive Director, Alaska Institute for Justice**

Robin Bronen works as a human rights attorney and interdisciplinary social scientist on the issue of climate-forced displacement. She has been working with Alaska Native communities since 2007 to create a federal relocation governance framework based in human rights. She coauthored the

Peninsula Principles on Internal Displacement and was a technical advisor for the Brookings Institute's Guidance on Planned Relocation. She co-founded and directs the Alaska Institute for Justice, a non-governmental organization that serves as a research and policy institute focused on climate and social justice issues and is a senior research scientist at the University of Alaska Fairbanks. She has worked with the White House Council on Environmental Quality as well as the UN High Commissioner for Refugees Climate Change Office. She is also an advisory committee member of the Platform on Disaster Displacement. The FBI awarded the Alaska Institute for Justice the 2012 Director's National Community Service award for the agency's work with human trafficking victims. The Municipality of Anchorage awarded AIJ the Community Diversity award in 2007. Robin's additional honors include: 2012 Alaska Bar Association Human Rights award, 2012 International Soroptimist Advancing the Rights of Women award, and 2007 Robert Hickerson award for public service. Her work is regularly included in media stories about population displacement including CNN, the Guardian and Washington Post.

**Wil Burns, Environmental Policy & Culture Program, Northwestern University**

Wil Burns was Founding Co-Director of the Institute for Carbon Removal Law & Policy at American University's School of International Service in Washington, DC, and is currently a Visiting Professor in the Environmental Policy and Culture Program at Northwestern University. He previously taught at a number of other universities, including the University of Chicago, John Hopkins University, where he served as the Director of the Energy Policy & Climate Program, Stanford University, and the University of California-Berkeley.

Prior to becoming an academic, he served as Assistant Secretary of State for Public Affairs for the State of Wisconsin and worked in the non-governmental sector for twenty years, including as Executive Director of the Pacific Center for International Studies, a think-tank that focused on implementation of international wildlife treaty regimes, including the Convention on Biological Diversity and International Convention for the Regulation of Whaling. He is also the former President of the Association for Environmental Studies & Sciences, and former Co-Chair of the International Environmental Law interest group of the American Society of International Law and Chair of the International Wildlife Law Interest group of the Society. He is also a former Senior Research Fellow for the Centre for International Governance Innovation (CIGI), and Co-Chair of the International Environmental Law Committee of the American Branch of the International Law Association.

He also served as founder and Editor-in-Chief of the Journal of International Wildlife Law & Policy and is the founding Editor-in-Chief of Case Studies in the Environment. He has published over 80 articles and chapters in law, science, and policy journals and books, and has co-edited four books. He holds a Ph.D. in International Environmental Law from the University of Wales-Cardiff School of Law. His current areas of research focus are: climate geoengineering, climate loss and damage, and the effectiveness of the European Union's Emissions Trading System.

**Ayman Cherkaoui, Director, Hassan II International Center for Environmental Training**

Ayman Cherkaoui is the Director of the Hassan II International Center for Environmental Training and Coordinator for the Mohammed VI Prize for the Climate and Sustainable Development. Ayman is Regional Facilitator of Major Groups and Stakeholders, Africa, elected by African organizations accredited to UNEP. Ayman is also the Deputy Chair for the IUCN World Commission on Environmental Law, Lead Counsel for Climate Change at the Center for International Sustainable Development Law, Obama Foundation: Africa Leader, Ambassador for the Adaptation without Borders Initiative, Atlantic Dialogues Emerging Leader, Sherpa for the UN Decade of Ocean Science

for Sustainable Development. Ayman has academic background in Climate Change, Sustainable Development, Finance, Law and Engineering. Previously, he was Executive Director of the Global Compact Local Network in Morocco for UNDP/CGEM, Special Advisor to the Presidency of COP22 as well as Legal Advisor to the Environment Minister of Morocco, Judge for the SDG Action Awards, and worked for Valyans Consulting, the International Air Transport Association and Air Liquide.

**Morgan Edwards, University of Wisconsin-Madison**

Morgan Edwards is an Assistant Professor at the University of Wisconsin-Madison's La Follette School of Public Affairs. Her research and teaching focus on human-centered energy responses to the climate crisis across policymaking scales. She draws on mixed quantitative and qualitative methods, combining large datasets and community knowledge with systems modeling, to assess and track the multi-dimensional impacts of human energy use. Current projects focus on fixing leaks in natural gas distribution systems, accelerating the phase-out of coal power plants, and assessing the equity implications of large-scale use of negative emissions technologies.

Professor Edwards received her Ph.D. in Engineering Systems from the Massachusetts Institute of Technology (MIT), her S.M. in Technology and Policy from MIT, and her B.S. in Environmental Science and Economics from the University of North Carolina at Chapel Hill. Before coming to Madison, she was a President's Postdoctoral Fellow in the Center for Global Sustainability at the University of Maryland.

**Nada Elmikashfi, Office of Representative Hong**

Nada Elmikashfi joined Rep. Hong's staff in January of 2020. She previously ran as a candidate for Wisconsin Senate and served on the Sustainable Madison Commission. She serves as chair of the Young Democrats of Wisconsin, 2nd Congressional District and is a columnist for the Isthmus. She is currently writing the Wisconsin Green New Deal and is a consultant for political campaigns on climate justice and sustainability.

**Patricia Galvao Ferreira, University of Windsor**

Patrícia Galvão Ferreira is an Assistant Professor at the Faculty of Law at the University of Windsor, where she also serves as the Academic Director of the Transnational Environmental Law and Policy Clinic. Dr. Galvão Ferreira is cross appointed to the Great Lakes Institute for Environmental Research (GLIER) at University of Windsor. She specializes in transnational environmental law and justice, with particular focus on climate change and sustainable development. Dr. Galvão Ferreira has published and presented extensively on environmental justice and climate justice, including on equity principles of international environmental law, climate finance and climate litigation. In 2020 she co-edited the 4<sup>th</sup> edition of the Canadian Environmental Law and Policy Coursebook, published by Emond.

**Michael Gerrard, Columbia Law School**

The founder and faculty director of the groundbreaking Sabin Center for Climate Change Law and one of the foremost environmental lawyers in the nation, Michael Gerrard is an advocate, litigator, teacher, and scholar who has pioneered cutting-edge legal tools and strategies for addressing climate change. He writes and teaches courses on environmental law, climate change law, and energy regulation. He was the chair of the faculty of Columbia University's renowned Earth Institute from 2015 to 2018.

For three decades, before joining the Columbia Law School faculty in 2009, Gerrard practiced law in New York, most recently as the partner in charge of the New York office of Arnold & Porter, where he remains senior counsel. As an environmental lawyer, he tried numerous cases and argued many appeals in federal and state courts and administrative tribunals. He also handled the environmental

aspects of diverse transactions and development projects and provided regulatory compliance advice to an array of clients in the private and public sectors. Several publications rated him the leading environmental lawyer in New York and one of the leaders in the world.

A prolific author, he has written or edited 13 books, including *Global Climate Change and U.S. Law*, the first and leading work in its field (co-edited with Jody Freeman). His most recent book is *Legal Pathways to Deep Decarbonization in the United States* (co-edited with John Dernbach). His 12-volume *Environmental Law Practice Guide* and four-volume *Brownfields Law and Practice* each received the Association of American Publishers' Best Law Book of the Year award.

Professor Gerrard is the former chair of the American Bar Association's 10,000-member Section of Environment, Energy, and Resources. He has also chaired the New York City Bar Association's Executive Committee and the New York State Bar Association's environmental law section. He has served on the executive committees of the boards of the Environmental Law Institute and the American College of Environmental Lawyers. Professor Gerrard also has taught courses at Yale School of Forestry & Environmental Studies, Université Paris 1 Panthéon-Sorbonne, and the University of Malta. He has lectured on environmental law in Brazil, Canada, Chile, China, Denmark, France, Great Britain, India, Israel, Italy, Japan, Malta, the Marshall Islands, the Netherlands, Norway, Spain, Taiwan, Vatican City, and throughout the United States. He has worked with the government of the Republic of the Marshall Islands on the legal issues caused by rising sea levels that threaten the island nation.

#### **Carmen G. Gonzalez, Loyola University Chicago School of Law**

Carmen G. Gonzalez is the Morris I. Leibman Professor of Law at Loyola University Chicago School of Law. Her research focuses on international environmental law, environmental justice, human rights and the environment, and the global food system. Her co-edited books include *International Environmental Law and the Global South* (Cambridge University Press, 2015); *Energy Justice: US and International Perspectives* (Edward Elgar 2018); and *The Cambridge Handbook of Environmental Justice and Sustainable Development* (2021).

Professor Gonzalez was a Fulbright Scholar in Argentina, a Visiting Scholar at the University of Cambridge in the United Kingdom, a Visiting Professor at the Hopkins-Nanjing Center in China, and a U.S. Supreme Court Fellow. She later served as the George Soros Visiting Chair at the Central European University School of Public Policy in Budapest, Hungary, and as the Norton Rose Fulbright Distinguished Visiting Professor at the University of Houston Law Center. In 2019, she was recognized by Vermont Law School as its Distinguished International Environmental Law Scholar.

Professor Gonzalez has served as chair of the Environmental Law Section of the Association of American Law Schools; member and vice-chair of the Governing Board of the IUCN Academy of Environmental Law; and member of the Board of Trustees of Earth justice, the largest public interest environmental law firm in the United States. She also served on the International Subcommittee of the National Environmental Justice Advisory Council (NEJAC), an advisory body to the U.S. Environmental Protection Agency on environmental justice issues and has represented non-governmental organization in environmental treaty negotiations.

#### **Tracey Holloway, University of Wisconsin- Madison**

Tracey Holloway is a Professor in the Nelson Institute for Environmental Studies and the Department of Atmospheric and Oceanic Sciences (AOS) at the University of Wisconsin--Madison, with affiliate appointments in Civil and Environmental Engineering and Mechanical Engineering.

Dr. Holloway leads an air quality research program in the Nelson Institute Center for Sustainability and the Global Environment (SAGE) using computer models and satellite data to understand links between regional air quality, energy, and climate. She earned her Ph.D. in AOS from Princeton University in 2001, and completed a certificate in Science, Technology, and Environmental Policy from the Princeton School of Public and International Affairs. Her undergraduate degree (Sc.B.) is from Brown University in Applied Mathematics, and her post-doctoral work was done at Columbia University's Earth Institute.

Dr. Holloway serves as two-time director of the NASA Health and Air Quality Applied Sciences Team (2016-2020 and 2021-2025), with research supported by NASA, EPA, the Joyce Foundation, the McKnight Foundation, Madison Gas and Electric, and other federal agencies, foundations, and companies. At UW-Madison, she has been recognized for excellence in research, teaching and mentoring, with the Gaylord Nelson Distinguished Professor (2017-2021), the Phi Beta Kappa Excellence in Teaching Award (2019), Faculty Achievement Award, Leadership in Engineering Excellence and Diversity (2018), Undergraduate Research Mentoring Award (2018), and the Vilas Mid-Career Investigator Award (2017). National and international recognition includes the American Geophysical Union Ascent Award for mid-career excellence in the atmospheric sciences (2020), the Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring to the Earth Science Women's Network (PAESMEM, 2018; Holloway co-founded ESWN in 2002 and served as its first President from 2014-2017); the first-ever MIT C3E (Clean Energy Education & Empowerment Awards) award in Education and Mentoring (2012), and the Council on Undergraduate Research in the Geosciences (GeoCUR) Undergraduate Research Mentor Award (2012).

#### **Alexandra Huneus, University of Wisconsin Law School**

Alexandra Huneus is professor of law and director of the Global Legal Studies Center at University of Wisconsin Law School and Chair of the campus-wide Human Rights Program which she co-founded. Alexandra Huneus' scholarship focuses on human rights law, with emphasis on Latin America. Her work stands at the intersection of law, political science, and sociology, and has been published in the *American Journal of International Law*, *Harvard International Law Journal*, *Law and Social Inquiry*, *Yale Journal of International Law*, *Leiden International Law Journal*, and by Cambridge University Press. She is Professor of Law and Legal Studies at the University of Wisconsin, Madison, received her PhD, JD and BA from University of California, Berkeley, and was a post-doc at Stanford University's Center on Development, Democracy and the Rule of Law.

In 2017, Professor Huneus was named to serve a ten-year term as Foreign Expert Jurist in the Colombian Jurisdicción para la Paz (JEP), a court created as part of the Colombian peace process. At UW, Professor Huneus currently serves as Director of the Center for Law, Society and Justice. She is on the Board of Editors of the *American Journal of International Law*, and of *Law and Social Inquiry*. Previously, she has served on the Board of Trustees of the Law and Society Association and the American Society for Comparative Law, and as section chair for the Midwest Political Science Association (Law and Courts) and for the ASIL Midwest Interest Group on International law. In 2013, she was awarded the American Association for Law Schools Scholarly Papers Prize, as well as the American Society for Comparative Law Award for Younger Scholars (for two different articles), and in 2014 she was awarded an NSF grant to explore the impact of the Inter-American Court of Human Rights on domestic prosecutions of state atrocity.

Before becoming a scholar, she worked as journalist, and has written for *Wired News*, *Business Week International*, *The San Francisco Chronicle*, *El Mercurio*, and other media.

### **Alice Kaswan, University of San Francisco**

Alice Kaswan is Professor of Law and Associate Dean for Faculty Scholarship at the University of San Francisco. She has written and spoken widely about climate federalism, addressing the appropriate roles of federal, state, and local governments in mitigating and adapting to climate change. Her work also explores the intersection between environmental justice and climate change policy, with special emphasis on the environmental justice implications of climate mitigation and adaptation strategies and of cap-and-trade programs for greenhouse gases. Professor Kaswan is an elected member of the American Law Institute, a member scholar with the Center for Progressive Reform, and a past Chair of the Association of American Law Schools' Environmental Law Section. She received her BS from the University of California, Berkeley, and her J.D. from Harvard Law School.

### **Heinz Klug, University of Wisconsin Law School**

Heinz Klug is Evjue-Bascom Professor of Law and the Sheldon B. Lubar Distinguished research Chair at the University of Wisconsin Law School and Visiting Professor in the School of Law at the University of the Witwatersrand, Johannesburg, South Africa. Growing up in Durban, South Africa, he participated in the anti-apartheid struggle, spent 11 years in exile and returned to South Africa in 1990 as a member of the ANC Land Commission and researcher for Zola Skweyiya, chairperson of the ANC Constitutional Committee. He was also a team member on the World Bank mission to South Africa on Land Reform and Rural Restructuring. He has taught at Wisconsin since September 1996.

Professor Klug taught law at the University of the Witwatersrand in Johannesburg from 1991-1996, offering courses on Public International Law, Human Rights Law, Property Law, Post-Apartheid Law and Introduction to South African Law, among others. He also worked as a legal advisor after 1994 with the South African Ministry of Water Affairs and Forestry as well as the Ministry of Land Affairs on water law and land tenure issues.

Professor Klug has presented lectures and papers on the South African constitution, land reform, and water law, among other topics, in Australia, Canada, Colombia, Ethiopia, Germany, South Africa, the Netherlands, and at several U.S. law schools. His research interests include: constitutional transitions, constitution-building, human rights, international legal regimes and natural resources. His current teaching areas include Comparative Constitutional Law, Constitutional Law, Human Rights and Humanitarian Law, Property, and Natural Resources Law. Professor Klug's book on South Africa's democratic transition, "[Constituting Democracy](#)" was published by Cambridge University Press in 2000.

### **Damilola S. Olawuyi, SAN, HBKU Law School, Doha, Qatar**

Damilola S. Olawuyi, SAN is a professor of petroleum, energy and environmental law at the HBKU Law School, Doha, Qatar, and chancellor's fellow at the Institute for Oil, Gas, Energy, Environment and Sustainable Development (OGEES Institute), Afe Babalola University, Ado Ekiti, Nigeria. In 2020, he was appointed as an Independent Expert on the African Union's Working Group on extractive industries, environment and human rights.

A prolific and highly regarded scholar, Professor Olawuyi has published over 100 influential peer-reviewed articles, books, and reports on energy finance, sustainable development law and extractive resource governance. His most recent book publications include: *Environmental Law in Arab States* (Oxford University Press, 2022), *Local Content and Sustainable Development in Global Energy Markets* (Cambridge University Press, 2021), *Extractives Industry Law in Africa* (Springer 2018), *The Human Rights Based Approach to Carbon Finance* (Cambridge University Press, 2016)

and *Climate Change Law and Policy in the Middle East and North Africa Region* (Routledge, 2021). Professor Olawuyi was formerly an international energy lawyer at Norton Rose Fulbright Canada LLP, Calgary, where he served on the firm's global committee on extractive resource investments in Africa. He has lectured on energy and environmental law in over 40 countries in Africa, Asia, Australia, Europe, North America and the Middle East. Professor Olawuyi serves on the executive committees and boards of several organizations. He is Vice Chair of the International Law Association globally. Professor Olawuyi is a regular media commentator on all aspects of natural resources, energy and environmental law.

**Jacqueline Patterson, Executive Director, Chisholm Legacy Project**

Jacqueline Patterson, MSW, MPH, is the Founder and Executive Director of the Chisholm Legacy Project: A Resource Hub for Black Frontline Climate Justice Leadership. Most recently, Ms. Patterson served for 11 years as the Senior Director of Environmental and Climate Justice at the NAACP. She has worked on gender justice, racial justice, economic justice, and environmental justice with organizations including Center on Budget and Policy Priorities, IMA World Health, United for a Fair Economy, ActionAid, Health GAP, and the organization she co-founded, Women of Color United. She serves on the Boards of Directors for the Institute of the Black World, the American Society of Adaptation Professionals, Greenpeace, National Black Workers Center Project, Bill Anderson Fund and the Advisory Boards for the Center for Earth Ethics and the Hive Fund.

**Jessica Price, Sustainability and Resilience Manger for the City of Madison**

Jessica Price, PhD., serves as Sustainability and Resilience Manager for the City of Madison, where she works to develop and implement policies, programs and strategies that advance climate resilience, sustainability and environmental justice. With an interdisciplinary background, Jessica has extensive experience leading collaborative efforts to develop innovative and equitable solutions to large-scale challenges affecting both people and the environment. Prior to joining the Mayor's Office, Jessica served as Renewable Energy Strategy Lead for the Nature Conservancy in New York. Jessica has a PhD in Landscape Ecology and an MS in Conservation Biology from the University of Wisconsin-Madison, where she was a National Science Foundation Integrative Graduate Education and Research Fellow and a Doris Duke Conservation Fellow.

**Stephanie Salgado, UW-Madison**

Stephanie Salgado is a student at University of Wisconsin-Madison. She is part of the Wisconsin Student Climate Action Coalition, and the Youth Climate Action Team (YCAT), and was a member of the Wisconsin Climate Change Task Force of 2019. They were born and raised in Tegucigalpa, Honduras until she was 14 years old. From seeing how her country has been haunted by drug cartels, poverty, violence, and political corruption, she was inspired to be a climate activist. Through their involvement and educational pursuits, she continues to strive for climate justice reforms that effectively engage communities to strive for systematic change.

Through her involvement as co-founder of the nonprofit the Youth Climate Action Team (YCAT), she along with other youth climate activist have been mobilizing young people to advocate for change politically and culturally. YCAT has been part of major climate strikes over the last 4 years and has gathered over 2,000 people to demand climate justice. As she transitioned into the University of Wisconsin-Madison as a first-year student, they were selected by Lieutenant Governor Mandela Barnes and Governor Tony Evers to serve as the youngest member of the Climate Change Task Force 2020. The members of the committee gathered their knowledge, and the communities concerns to put together the Governor's Task Force Climate Change Report, as proposals to mitigate and combat the effects of Climate Change in the state of Wisconsin. During her second year on campus, Stephanie along with other students formed the Wisconsin Student Climate Action

Coalition (WSCAC) to form an alliance along multiple climate justice student organizations and initiatives to support one another when amplifying climate justice reform on campus. Whether that is demanding for divestment, fundraising for water protectors up in line 3 and line 5, or supporting local community organizations in their efforts to engage with young people to bring change, the Wisconsin Student Climate Action Coalition has been space for coalition building.

#### **Dayna Nadine Scott, York University**

Dayna Nadine Scott is a settler and critical socio-legal scholar studying environmental justice and extraction. She holds the York Research Chair in Environmental Law & Justice in the Green Economy, and is Associate Professor at Osgoode Hall Law School and the Faculty of Environmental & Urban Change at York University in Toronto. Professor Scott is currently working on a book manuscript titled, “Fire in the Ring: Settler Law & Indigenous Jurisdiction on the Critical Minerals Frontier”, about contested mining development in Ontario’s boreal peatlands in a region known as the Ring of Fire.

#### **Steph Tai, University of Wisconsin Law School**

Steph Tai is a law professor at the University of Wisconsin, studying the intersections between environmental, food, and health sciences and administrative law. Steph has a chemistry background (MIT undergraduate, Tufts University Ph.D.) and a J.D. from the Georgetown University Law Center. Prior to teaching, they worked as the editor-in-chief of the *International Review for Environmental Strategies*, a law clerk to the Honorable Ronald Lee Gilman on the U.S. Court of Appeals for the Sixth Circuit, and an appellate attorney at the U.S. Department of Justice. They also represent amici in federal circuit court and Supreme Court cases, including *Massachusetts v. EPA*—the first climate change case brought before the U.S. Supreme Court—and *County of Maui v. Hawaii Wildlife Fund*—a recent case in which their co-authored amicus brief was cited. From 2013-2014, Professor Tai served as a Supreme Court Fellow as a researcher in the Federal Judicial Center.

#### **Stephen Vavrus, University of Wisconsin- Madison**

Stephen Vavrus is a Senior Scientist in the Nelson Institute Center for Climatic Research at the University of Wisconsin-Madison. He uses computer climate models and observational data to understand how our climate is changing across the world, including in Wisconsin. Extreme weather events are an important theme of his research, particularly how they might be affected by climate change. Steve is co-director of the Wisconsin Initiative on Climate Change Impacts (WICCI) and has been a long-time member of its Climate Working Group. He received Ph.D. and master's degrees in meteorology from the University of Wisconsin-Madison and a bachelor's degree in meteorology from Purdue University.

#### **Christina Voigt, University of Oslo**

Christina Voigt is professor at the Department of Public and International Law, University of Oslo, Norway and Chair of the IUCN World Commission on Environmental Law (WCEL). She is an expert in international environmental law and works in particular on legal issues of climate change, biodiversity conservation, environmental multilateralism and sustainability.

She is the author of numerous academic articles, a monograph, and several edited volumes; most recently “International Judicial Practice on the Environment—Questions of Legitimacy” (CUP, 2019) and “*Courts and the Environment*” (with Z. Makuch, EEP, 2018). Others include “*Research Handbook on REDD+ and International Law*” (EEP, 2016) and “*Rule of Law for Nature*” (CUP, 2013). In 2009, she was awarded the first Junior Scholarship Prize of the IUCN Academy of Environmental Law. From 2009-2018, she also worked for the Norwegian Government as lead negotiator on REDD+ (Reducing emissions from deforestation and forest degradation in developing countries) and as

principal legal advisor in the UN climate negotiations negotiating, *inter alia*, the Paris Agreement (2015) and the Katowice Rulebook for the Paris Agreement (2018). At COP24 2018 in Katowice, she was co-facilitator for the negotiations on the rules for the Paris Agreement's implementation and compliance committee. Since June 2020, she has been the inaugural co-chair of that committee.

She is currently on the Steering Committee of "The Legitimate Roles of the Judiciary in the Global Order" (Pluricourts) research project, awarded Centre of Excellence status, where she is project coordinator for non-compliance mechanisms. Professor Voigt was a member of the expert panel to draft a legal definition of "ecocide" as a potential international crime. She is also an expert consultant for the UN Development Program and the UN Environment Program and co-drafted in this capacity the UN Secretary General's Report "Gaps in international environmental law and environment-related instruments" (2018).

Professor Voigt is Vice-President of the Norwegian branch of the International Law Association, and a member of the German Society for International Law. She is a member of the editorial board of *Review of European, Comparative and International Environmental Law*, the *Journal of Human Rights and the Environment*, *Climate Law and Resource Management Theory & Practice* as well as a member of the Global Network for the Study of Human Rights and the Environment, and senior legal counsel at the Center for Sustainable Development Law (CISDL).

#### **Ambassador Dessima Williams**

Dessima Williams has an illustrious diplomatic career. She was the Ambassador/Permanent Representative of Grenada to the United Nations (2009-2013), Chair of the Alliance of Small Island Developing States (AOSIS), Ambassador/Permanent Representative for Grenada to the Organization of American States, Washington, D.C.; Head of Grenada Diplomatic Mission in Washington, D.C.; Ambassador/Deputy Permanent Representative to the Inter-American Commission of Women, Washington, D.C.; Deputy Governor for Grenada to the World Bank, Washington, D.C.; Head of Delegation, UN Commonwealth Finance Ministers, 1983; Deputy Head of Delegation, UNESCO's World Conference on Culture, Mexico City, 1982; Delegate at the rank of Ambassador to the United Nations General Assembly, New York, 1979-1983; 2009 – 2013; She was also the Special Senior Advisor, UN Secretary General's Multi Country Review (MCO) and Report; Special Advisor/Director, Office of the President of the General Assembly (OPGA) United Nations; SIDS Representative to the United Nations Environment Programme, Senior Policy and Programme Advisor and consultant to the United Nations Industrial Organization, UNIDO and many other appointments.

#### **Margaretha Wewerinke-Singh, Leiden University**

Margaretha Wewerinke-Singh is an Assistant Professor of Public International Law at the Grotius Centre for International Legal Studies at Leiden University. She is also an Adjunct Senior Lecturer in Environmental Law at the Pacific Centre for Environment and Sustainable Development at the University of the South Pacific. In 2018 she received an NWO Veni-grant for her project 'Climate Justice through the Courts' (2019-2023), which uses socio-legal research to investigate the effectiveness and potential drawbacks of rights-based climate litigation. Her research builds on more than fifteen years of involvement in legal processes related to sustainable development and human rights. Alongside her academic work, she currently leads the global team assisting the Republic of Vanuatu in its pursuit of an advisory opinion on climate change from the International Court of Justice (with Julian Aguon at Blue Ocean Law). She also serves as the Deputy Regional Director for Europe of the Global Network on Human Rights and the Environment.

**Mary Christina Wood, University of Oregon**

Mary Christina Wood is a Philip H. Knight Professor of Law at the University of Oregon and the Faculty Director of the law school's nationally acclaimed Environmental and Natural Resources Law Center. She is an award-winning professor and the co-author of leading textbooks on public trust law and natural resources law. Her book, *Nature's Trust: Environmental Law for a New Ecological Age* (Cambridge University Press), sets forth a new paradigm of global ecological responsibility. She originated the legal approach called Atmospheric Trust Litigation, now being used in cases brought on behalf of youth throughout the world, seeking to hold governments accountable to reduce carbon pollution within their jurisdictions. She has developed a corresponding approach called Atmospheric Recovery Litigation, which would hold fossil fuel companies responsible for funding an Atmospheric Recovery Plan to draw down excess carbon dioxide in the atmosphere using natural climate solutions. Professor Wood is a frequent speaker on climate issues and has received national and international attention for her sovereign trust approach to global climate policy.

## Abstracts

**1. “Climate Change and Communities at Risk: The Unfolding Tale of Climate Refugees”**  
Sumudu Atapattu, University of Wisconsin Law School

From the mass movement of people to the disappearance of island states, the adverse consequences of climate change pose unique and unprecedented legal and policy challenges. Moreover, given the disproportionate impact on poor and marginalized communities and states, climate change raises justice challenges. We are living during a time when states are getting increasingly paranoid about borders and threats to their national security. At the same time, displacement associated with climate change could make current borders superfluous. Both severe weather events (hurricanes, typhoons, floods, forest fires and droughts) and slow onset events such as sea level rise and desertification can give rise to displacement, often in large numbers. Inhabitants of small island states will be the hardest hit. From islands in the Caribbean to those in the Pacific are all affected by severe weather events as well as sea level rise. These populations will have to be relocated eventually and some have already moved to safer grounds. Low-lying and coastal cities are also affected. Sadly, many people will lose their homes permanently. Especially vulnerable are those who have an intimate relationship with the land such as indigenous peoples.

Climate-related migration is often the last resort, when all other efforts have failed and no other options are available. In addition to war and violence, a changing climate is forcing people to move from their homes. The term “climate refugees” is used to describe those who are displaced due to adverse consequences of climate change. Although used by scholars and laymen alike, it is not a legal term and its use in the legal context can be misleading. This presentation discusses the current legal lacuna governing climate refugees and the proposals that have been advanced to address the protection gap, as well as recent developments - the Global Compact on Migration adopted by the UN General Assembly in December 2018 and the report of the Task Force on Climate Displacement. It briefly discusses the *Teitiota decision* of the UN Human Rights Committee that offered a glimmer of hope to climate refugees. It concludes with some recommendations for action based on notions of human rights, dignity and justice.

**2. “The Political Ecology of Climate Remedies: An Inter-American Human Rights System Prognosis”**

Juan Auz, Centre for Fundamental Rights, Hertie School

The climate crisis is already affecting and will continue to affect human and natural systems across Latin America. Undoubtedly, this jeopardizes entire communities’ enjoyment of human rights. The Inter-American Human Rights System (IAHRS) is therefore expected to contribute to tackling said crisis, particularly since its organs have jurisdiction to order remedies over most Latin American countries, provided they determine a rights’ violation. Despite the growing number of domestic human rights-based climate litigation in the region, none has reached the IAHRS yet. So far, the Inter-American Commission on

Human Rights has dismissed a climate-related case the Inuit filed against the US in 2005 and has yet to decide on a similar pending petition the Athabaskan people filed against Canada in 2013. Against this backdrop, this paper seeks to answer the following questions: what types of remedies could the organs of the IAHRs order in a climate change case from Latin America and the Caribbean? Moreover, what implementation barriers could those remedies face?

In doing so, this paper will employ a doctrinal approach to examine the remedial typologies of the IAHRs's organs and a political ecology lens to understand the barriers to compliance. In that vein, the first part of the paper lays bare the practice of the IAHRs vis-à-vis remedies, focusing mainly on non-repetition measures that aim at ordering States to implement structural legislative reforms. Secondly, to extrapolate the analysis to climate-related cases, a more detailed appraisal of selected cases entailing environmental dimensions will be conducted. Thirdly, barriers to compliance in those cases will be compared with settled Latin American domestic climate cases, thereby using a political ecology approach to understand the root causes of the pervasive compliance deficit in structural litigation.

3. **“WI Climate Change Law and Tribal Nations”**

Gary Besaw, Director, Menominee Tribal Department of Agriculture and Food Systems, and the Menominee Tribal Food Distribution Department

The impacts from changes in our climate are serious and already noticeable even at Wisconsin's latitude. Tribal Nations are impacted even with lower-than-most carbon creation and intentional efforts to protect our environments. This talk will discuss tribal observations on impacts, current tribal directives, and discussion on current Wisconsin climate change law and policy efforts as well as indigenous recommendations.

4. **“Climate Change and Law: Global to Local Legal and Policy Challenges Rights, Resilience and Community-led Relocation”**

Robin Bronen, JD, PhD, Executive Director, Alaska Institute for Justice

Population displacement is the greatest human rights challenge created by the climate crisis. People are already losing the places they live and love because of extreme weather events and slow ongoing environmental change, such as sea level rise, and are having to make the extraordinarily difficult and painful decision about whether to stay or leave. Newtok, Alaska is one of the communities that decided more than two decades ago to leave. Tribal, state and federal government and non-governmental agencies agree that a community-wide relocation is their best long-term adaptation strategy. Yet, despite the tremendous efforts of the Tribe and these agencies for the last 15 years, relocation has not occurred. The policy and practical challenges have been enormous. The U.S. government has written numerous well-documented reports highlighting these challenges yet continues to provide completely inadequate assistance to prevent the ongoing human rights violations which are being caused because people in Newtok are currently living in a humanitarian crisis. The laws governing disaster relief and response, land use and human settlements are anachronistic to the ways the climate crisis is making the places where people live and maintain livelihoods uninhabitable. The U.S. government urgently needs to create a relocation governance framework based in human rights protections.

5. **“The Promise and Challenge of Carbon Dioxide Removal As a Climate Response Measure”**

Wil Burns, Environmental Policy & Culture Program, Northwestern University

The Sixth Assessment Report of the IPCC’s WGI has reaffirmed the compelling need for both aggressive measures to decarbonize the world economy AND large-scale deployment of carbon dioxide removal approaches if the globe is to meet the Paris temperature targets. Carbon dioxide removal options include afforestation/reforestation, regenerative agriculture practices such as no-till and cover crops, bioenergy and carbon capture with sequestration (BECCS), enhanced mineral weathering, direct air capture, and an array of potential ocean interventions. At the same time, CDR deployment at very large scales may pose threats to environmental justice and broader notions of equity, and as well as potential negative environmental impacts. This presentation will briefly outline the case for carbon dioxide removal in a global climate response portfolio, as well as the compelling need to operationalize these approaches in a manner that comports with notions of justice and human rights.

6. **“Youth Climate Movement”**

Ayman Cherkaoui, Director, Hassan II International Center for Environmental Training

The Youth Climate Movement has provided over the last several years one of the key engines of advocacy for Climate Ambition and Action at a far larger scale and at a much-accelerated pace. In the multilateral system, few events are as exemplary of that trend as the launch of the Youth Advisory Board on Climate Change by the United Nations Secretary-General in July 2020. In addition, the Youth Climate Movement has significantly contributed to the mainstreaming of terms such as “Climate Emergency”, “Listen to the Science”, and important advances in Climate Law and Policy. The drivers behind this largely unprecedented mobilization of youth for the Climate are multidimensional and varied. The IPCC Working Group II contribution to the IPCC Sixth Assessment Report<sup>1</sup> indicates that youth climate activists have contended that children and youth today as well as future generations will be exposed to far greater risks than most living adults, (p. 1-51). Such a contention could be viewed as strongly supported by the indication, in the same report, among other relevant elements, that “the intersection of inequality and poverty presents significant adaptation limits, resulting in residual risks for people/ groups in vulnerable situations, including women, youth, elderly, ethnic and religious minorities” (p. 8-3). On the other hand, “Climate Literacy” is also viewed as potential enabling component for Climate Ambition and Action (p. 9-126) and the report also calls for “planning and decision-making [to] respond to marginalized voices and future generations (including children and youth)” (p. 6-120). However, the risk of “tokenism” when it comes to meaningfully including youth voices and actions in public policy discourse and decision making remains high and deep inequalities remain also embedded when it comes to the visibility and support that Youth Climate Activists and Entrepreneurs receive depending on whether they are based in the Global North or the Global South. The presentation will explore the above aspects as well as provide two elements of Global South based initiatives that have been launched to help address these challenges: the African Youth Climate Hub and the African Green Universities and Youth Education Network.

**7. “Wisconsin Climate Policy & Political Polarization”**

Nada Elmikashfi, Office of Representative Hong

From my time in the legislature and as an organizer, I’ve surmised that when it comes to climate policy, the most effective policy makers know how to build agency within the various stakeholder groups they interact with. By democratizing information and utilizing flexible messaging, lawmakers (whether local or statewide) can take a contentious policy proposal beyond the usual political roadblocks that halt it. Here in Wisconsin, one of the biggest roadblocks to passing good climate legislation is polarization and it happens when political ownership is applied to the climate crisis. Legislators who reflect on how a law change messages across different communities can better refine their pitch to engage with a coalition of people —and not just from the same side of the aisle.

When climate policy is created from the ground up, when it draws upon the lived experiences of those it pertains to, when it is delivered in accessible language and created in the spirit of inclusive discourse, then does it engage a wide variety of stakeholders and bypass partisanship.

**8. “The Escazu Agreement on Procedural Rights and Climate Justice in Latin America: Lessons from Greenpeace V. Argentina”**

Patricia Galvao Ferreira, University of Windsor

Adopted in March 2018, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, known as the Escazu Agreement, entered into force in April 2021. The event was widely welcomed by climate justice advocates, who believe that communities disproportionately affected by climate change will be able to use this procedural rights treaty as a tool to help legally frame their resistance to new development projects that significantly contribute to the climate crisis. Skeptics question whether Escazu adds any value in the fight for climate justice, in a region where most countries already adhere to thick bodies of international human rights law and international environmental law. This presentation examines a recent decision by a federal Court in Argentina -which found that the environmental assessment process leading to the approval of an offshore fossil fuel exploration in the Argentinian Sea violated the Escazu Agreement’s right to environmental information—to help illuminate the strengths and limitations of Escazu as an instrument to pursue climate justice in the region.

**9. “State Laws to Achieve Net Zero Emissions”**

Michael Gerrard, Andrew Sabin Professor of Professional Practice, Columbia Law School

In the absence of comprehensive federal climate legislation, many states are taking action to reduce their greenhouse gas emissions and several have adopted plans to achieve net zero emissions, at least in the power sector. Thirty states have adopted renewable portfolio standards, which require electric utilities to acquire a certain percentage of their electricity from renewable sources. About ten eastern states (the number goes up and down with changes in state politics) have formed the Regional Greenhouse Gas Initiative. This talk will discuss these efforts and will focus on New York’s new Climate Leadership and Community Protection Act and its related initiatives to massively scale up utility-scale electricity generation.

## **10. “Racial Capitalism and Climate Change”**

Carmen Gonzalez, Loyola University Chicago School of Law

Racialized communities have borne the brunt of the fossil fuel-based world economy from its colonial origins through the contemporary climate crisis. They have been enslaved, exploited, dispossessed, and subjected to both the physical violence of invasion and occupation and the structural “slow violence” of polluting industry. From the Niger Delta to the Canadian tar sands, racially subordinated populations living in the shadows of oil drilling, coal mining, oil and gas pipelines, power plants, refineries, and petrochemical plants are poisoned by toxic chemicals and treated as surplus and disposable. They are also located in regions profoundly vulnerable to climate change and are on the front lines of climate change-induced displacement. This presentation examines climate change through the framework of racial capitalism. The term racial capitalism was introduced by South African scholars and activists to explain the racialized extractions of apartheid South Africa. The term was later refined and expanded by political theorist Cedric Robinson, who explained the ways that the capitalist world economy deploys race as a means of stratifying populations to facilitate profit-making. Racism makes oppression socially acceptable by portraying large segments of humanity as inferior, unworthy, and expendable. In my presentation, I will focus on how racism has enabled and justified the massive unchecked resource extraction that has caused global climate crisis while externalizing its impacts onto those who are most vulnerable and least responsible for the problem. The presentation will conclude with an examination of the implications for law and policy of an analysis of climate change grounded in racial capitalism.

## **11. “Win-win solutions for climate and clean air in Wisconsin”**

Tracey Holloway, University of Wisconsin-Madison

As Wisconsin charts a path toward a low-carbon future, how do energy strategies affect both climate-and health-relevant pollution? Drawing on over nearly 20 years’ research linking climate, air quality, and health, the speaker will reflect on lessons learned and options for “win-win” energy planning.

## **12. “California’s Integrated Approach to a Clean Economy Transition”**

Alice Kaswan, University of San Francisco

In the absence of federal climate legislation, states have taken the lead in developing and implementing a range of climate mitigation and adaptation policies. California enacted its first major climate bill two decades ago, committing to GHG emission standards for the state’s largest emissions contributor: mobile sources. By 2006, the state took a larger leap: the state enacted its first comprehensive climate bill, the Global Warming Solutions Act, a law that continues to shape the state’s approach to climate mitigation.

One key feature is the state’s planning approach to achieving greenhouse gas reduction targets. Beginning in 2008, the California Air Resources Board has been responsible for developing and approving a series of “scoping plans” for achieving the state’s successively more stringent reduction targets. The scoping plan process facilitates an integrated, comprehensive, approach to a clean energy transition. CARB is responsible for bringing together reduction strategies across a wide range of agencies, including those responsible for electricity, transportation, industry, solid waste, and land use. While cross-agency coordination is always a challenge, the scoping plan process facilitates multi-dimensional

planning and provides a forum for addressing the intersections among sectors and their relative roles in achieving the state's goals.

A second key feature is the state's integration of environmental justice into climate policy. The state's framework climate law, as well as subsequent legislative enactments addressing climate investments, transitioning to renewable energy, and transportation, are designed to achieve climate justice. Legislation emphasizes achieving air quality goals alongside climate goals, and addresses access to the benefits of a clean transition, including distributed renewable energy and clean transportation. The scoping plan process also includes a dedicated Environmental Justice Advisory Committee, consisting of representatives of environmental justice advocates from around the state. Although much controversy exists about the degree to which California's efforts to integrate climate justice have succeeded, the state's initiatives were among the first in the country, and offer important lessons for other states and the federal government.

### **13. "Gender, Indigeneity, and Climate Change in Africa"**

Damilola S. Olawuyi, SAN, HBKU Law School, Doha, Qatar

Despite the conceptualization and promotion of the environmental justice paradigm globally, gender-based inequity in the distribution of environmental burdens and benefits, especially in indigenous communities, remains a major threat to sustainable development in Africa. Projects and policy measures aimed at addressing the impacts of climate change in several African countries still largely fail to properly recognize and integrate women's perspectives and experiences, especially women in indigenous communities. Without a gender justice perspective, climate mitigation and adaptation projects risk exacerbating gender-based marginalization in Africa.

This presentation discusses legal and governance innovations for advancing gender equality in climate and environmental decision-making processes in Africa. First, it evaluates how inequitable colonial, cultural, legal, social, and power relationships continue to create interlocking structures of gender-based vulnerabilities in climate action across Africa, paying specific attention to Nigeria as a case study. It then discusses the need for a human rights-based gender framework as a policy tool for addressing gender-based environmental inequalities associated with low carbon and net-zero emission projects across the continent.

### **14. "Environmental Racism and Climate Justice: The Imperative for a Just Transition"**

Jacqueline Patterson, Executive Director, Chisholm Legacy Project

### **15. "City of Madison's Commitment to Climate Action and Resilience"**

Jessica Price, PhD., Sustainability and Resilience Manger for the City of Madison

The City of Madison is deeply committed to taking climate action and growing our community's resilience to current and future climate change impacts. The City has set the ambitious goal of reaching 100% renewable energy and net-zero carbon emissions for city operations by 2030 and community-wide by 2050. Reaching this goal requires the City to take an innovative and multifaceted approach that includes policies, programs, and projects across multiple city departments and partnerships. This presentation will provide an

overview of the City's recent accomplishments and current priorities for achieving our climate goals, including investing in our public transit system, creating policies and programs to advance building energy efficiency, and ramping up our efforts to address urban heat island and flooding with a focus on prioritizing resilience benefits for communities at the forefront of climate change. Opportunities and challenges presented by state and federal policies to becoming a more climate-friendly and resilient city will be highlighted as well as the potential for collaboration and innovation.

**16. "Climate Justice Activism"**

Stephanie Janeth Salgado Altamirano, WI Student Climate Action Coalition, UW-Madison

**17. "Prefiguring Decolonial Legal Futures: 'Critical Minerals' & the Climate Crisis"**

Dayna Nadine Scott, York University

The much-anticipated switch to electric vehicles and green technology is promoted in mainstream circles as a way to meet the climate crisis. However, the transition to these technologies is predicted to be extremely mineral-intensive. In Canada, interest in 'critical minerals' started to ramp up in 2020 when the federal government signed a trade agreement with the U.S aimed at securing a stable supply chain of minerals and elements 'critical' to the manufacturing of batteries and green technology. In this paper, I explore the implications of this new green rationale for mining on one remote Anishinaabe community in Ontario's northern boreal peatlands. In Neskantaga First Nation, despite being desperate to remedy basic infrastructural deficits in the areas of drinking water, housing, health and education, people are fighting for their jurisdiction on the land, their inherent authority to decide and envision a future for their homelands. It is a story about how the settler state primes an extractive frontier, even into the so-called 'post-extractive' moment—and how we can prefigure a way out.

**18. "Climate Change and the Biden Administration"**

Steph Tai, University of Wisconsin Law School

This talk will provide a brief overview of the climate-change related actions taken by the Biden Administration, discussing both regulatory and programmatic efforts domestically and internationally. It will also discuss initiatives that failed to get through Congress.

**19. "Climate Change: This Time is Different"**

Stephen Vavrus, University of Wisconsin-Madison

Recent climate change has already been affecting the world in myriad ways, and its impacts will likely become much more pronounced in coming years. The basic science behind human-induced climate change was established back in the 19th century, and most of the resulting expectations are coming to pass. Yet there is a natural cognitive tendency for people to believe that whatever is being experienced in their lifetimes is historically unique (a "recency bias"). Is contemporary climate change subject to this same fallacy and thus merely the latest expression of climatic variations that have occurred throughout time? In this presentation, I will explain how our present-day climate change is truly special by putting recent trends into historical perspective.

**20. "The international climate negotiations: Where are we, what to expect this year, what is needed?"**

Christina Voigt, University of Oslo

The presentation will address the expectations towards last year's climate summit in Glasgow and its outcomes. I will critically discuss the implications of the results from Glasgow for the development of climate law in general and the UN climate negotiations in particular. Emphasis will be put on the question of raising ambition through the mechanisms under the Paris Agreement.

**21. "Addressing the Climate Crisis through International Law: Invoking the Advisory Jurisdiction of the International Court of Justice"**

Margaretha Wewerinke-Singh, Leiden University

Climate change is perhaps the greatest threat facing humanity, affecting livelihoods, food security, health, life and culture. A group of United Nations (UN) Human Rights Special Rapporteurs described climate change as 'one of the greatest human rights challenges of our generation' and the UN High Commissioner for Human Rights said that 'the world has never seen a threat to human rights of this scope'. Yet despite this, global emissions continue to rise. The multilateral process is failing to deliver the transformative action necessary to keep temperature rise below 1.5C; and while hundreds of climate cases have been lodged at the national, regional and international levels, these efforts have so far delivered mixed results and remain piecemeal. Against this backdrop, the role of the International Court of Justice (ICJ) in addressing the climate crisis is increasingly being considered. A vibrant youth campaign has been calling for an advisory opinion from the ICJ on climate change, human rights and intergenerational justice since 2019. In September 2021, Vanuatu's Prime Minister, the Hon. Bob Loughman, formally launched a campaign for an advisory opinion from the ICJ on climate change, to be requested through the UN General Assembly. This contribution assesses the potential of such an opinion to contribute to the clarification and progressive development of international law in a manner that promotes enhanced ambition in climate action. It specifically considers how an advisory opinion could accelerate progress in the implementation of the Paris Agreement; contribute to a more integrated understanding and application of international obligations of States pertaining to climate change; and enable courts and quasi-judicial bodies to assess States' compliance with those obligations.

**22. "Climate Change and Small Island States: Where Things Stand Now"**

Dessima Williams Former Permanent Representative of Grenada to the UN

**23. "On the Eve of Destruction: Courts Confronting the Climate Emergency"**

Mary Christina Wood, University of Oregon

This article examines the judicial role in the intensifying climate emergency. In the leading American climate case, *Juliana v. United States*, a Ninth Circuit panel recognized that the world is approaching "the 'eve of destruction'" in which extreme climate disruption threatens to destroy the nation and civilizations worldwide. The court agreed with plaintiffs that the U.S. government has fervently promoted a dangerous fossil fuel energy system for decades with full knowledge of the catastrophic consequences it would cause. In

this last decade of opportunity to stave off irrevocable tipping points, the world must slash emissions 45% by 2030 and reach zero emissions by 2050. Yet a bitterly divided Ninth Circuit panel in Juliana –the only case positioned to force the Executive Branch to decarbonize the U.S. energy sector--rejected plaintiffs’ suit on the basis that the court lacks the power to fashion a remedy. The case awaits a ruling in federal district court on a motion to amend the complaint.

The U.S. government’s ruinous energy policy stems from an imbalance of power between the three branches of government and a colossal failure of constitutional checks and balances. Essentially unbridled discretion grew in the executive branch, which used environmental laws to advantage fossil fuel corporations even as the mounting peril of their products became patently clear. Over several presidential administrations, a dispassionate and ineffective judiciary failed to curb the agencies—such that little restraint existed when the Trump administration floored the accelerator on fossil fuel development, speeding the nation, and the entire world toward a climate cliff.

Juliana’s 21 youth plaintiffs sued the Obama Administration, seeking declaratory relief and injunctive relief ordering government defendants to develop and implement a remedial plan to decarbonize the energy system at a pace set by scientific standards. Shortly after the election of President Trump, they secured a decisive and sweeping victory in the U.S. District Court of Oregon, which announced a constitutional right to a “climate system capable of sustaining human life.” On an interlocutory Ninth Circuit appeal, the majority and dissenting opinions articulated two profoundly different judicial roles.

Judge Andrew Hurwitz’s majority opinion strips the judiciary of its capacity to secure youth plaintiffs’ fundamental rights, leaving the matter entirely to the two political branches—the very branches that delivered this catastrophe to the American public. Solidifying the imbalance of power, it casts courts as passive umpires reflecting their function in simpler cases brought under environmental statutes that end in clear wins or losses and characteristically terminate judicial involvement altogether. Judge Staton’s dissent positions the Juliana climate case in line with other civil rights cases confronting longstanding constitutional rights violations. Faced with entrenched disregard for fundamental rights, those courts perform an engagement role invoking problem-solving tools and mediation techniques to fashion broad declaratory relief and remedial plans designed to bring about constitutional compliance. As an increasing number of courts around the world respond to the rank urgency of climate crisis to hold their governments accountable, the judicial engagement role provides a pathway forward.