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Annual Report of Center for International Law and Justice: 2014-2015

August 14, 2015

This report summarizes the program initiatives, student achievements, and faculty activities of the Center for International Law and Justice (CILJ) in the 2014-2015 academic year, and the activities and achievements of the Environment, Development & Justice Project within CLIJ.

Mission Statements

The Center for International Law and Justice (CILJ) at Florida A&M College of Law seeks to develop scholarly, educational, and practice-orientated activities for students and faculty. CILJ seeks to be the nation's leading center of excellence in research, training, and advocacy in the international and comparative law of developing nations.

The Environment, Development & Justice Project (EDJP) within CILJ promotes faculty and student engagement within and outside the law school community on environmental regulation, the needs of developing countries and of minority and low-income populations, and how these two topics intersect in the domestic and international law fields in promoting justice for vulnerable populations while ensuring adequate protection of the natural environment. EDJP seeks to advance FAMU College of Law's overall mission of training minority students for the legal profession and, more particularly, to place FAMU graduates in careers in domestic and international environmental law field, areas in which there is significant historical under-representation of minorities.

I. Program Initiatives

International Human Rights Fellows

- Fall 2014 – Megan Reid
- Spring 2015 – Sesilia Valdez Diaz and Carolina Garcia
- Completed research and writing projects for CILJ on international human rights issues

International Law Scholars Program

- The International Law Program (ILSP) is a specialized program designed for a select number of students interested in making a substantial commitment to the study and practice of international law and foreign affairs. Students that are selected for the program are required to attend a number of events, lectures, symposia, and conferences hosted by CILJ each academic year. ILSP students are assigned an affiliated faculty mentor that advises them on research opportunities, study abroad programs, international law internships, fellowships, and career opportunities. Six full-time faculty members serve as CILJ affiliated faculty.
- In the 2014-2015 academic year, 20 students were enrolled in the ILSP program.

International Law Track

- The International Law Track (ILT) is designed for students interested in receiving information on international law-related events and opportunities at the College of Law, but that are not interested in making a substantial commitment to the study and practice of international law and foreign affairs. ILT students receive information about upcoming events hosted by CILJ.
- In the 2014-2015 academic year, 32 students were enrolled in the ILT program.

Symposia and Annual Lectures

- **First Annual Climate and Energy Justice Lecture** (Mar. 26, 2015)
 - Speaker: *Dr. Damilola Olawuyi, Afe Babalola University, Nigeria*
 - Topic: *Advancing Climate Justice in International Law: Evaluating the United Nations Human Rights Based Approach*
- **Energy-Water-Food Nexus Summit** (Mar. 27, 2015)
 - *Held on FAMU's main campus*
 - *Prof. Abate served on the planning committee for the event and was a session chair for a panel on "New Developments in Energy Law, Policy, and Practice"*
 - <http://www.famuenergywaterfoodnexus.org/>
- **33rd National Pesticides Forum: Agricultural Justice, Alligators, and Age of Organics**
 - *Held at FAMU College of Law on April 17-18, 2015*
 - *Prof. Abate delivered opening remarks for the event and was a session chair for a panel on "Factory Farming, Urban Agriculture, and the Right to Food"*
 - <http://www.beyondpesticides.org/forum/programs/documents/Program.pdf>
- **Fifth Annual Lecture on International Human Rights & Global Justice**
 - Speaker: *Marcella David, Provost, Vice President for Academic Affairs, and Professor of Law, Florida A&M University*
 - Topic: *How to Become a Real-Life Human Rights Activist*
- **FAMU Law Review Environmental Law and Justice Symposium issue: *Empowering Environmental Justice Communities Locally and Globally*** (published Apr. 2015)

Information Sessions

- CILJ Open House – Sept. 11, 2014
- Perspectives on International Law Internships Panel – Oct. 9, 2014
- LeRoy Paddock, *GW Law School's Environmental LL.M. Program* – Oct. 13, 2014
- Michael Thurston, *FAMU Diplomat-in-Residence* – Nov. 6, 2014
- Avi Garbow – *General Counsel, U.S. Environmental Protection Agency* – Dec. 2, 2014
- JR Swanegan, *Study Abroad Programs at Stetson* – Jan. 20, 2015
- Perspectives on Study Abroad Panel – Jan. 22, 2015
- Study Abroad Orientation – Apr. 2, 2015

II. Student Activities and Achievements

Recipients of Certificate in International Human Rights and Global Justice Studies (May 2014)

- Cindy Campbell
- Christine Castro
- Andrea Houser
- Megan Reid
- Heather Rosato
- Michael Zeiler

International and Environmental Law Internships

- Ginna Arevalo—UN Headquarters Law of the Sea Division, New York, NY
- Jacqueline Bertelsen—EPA Environmental Appeals Board, Washington, DC
- Barbara Harris—NOAA Office of Ocean and Coastal Zone Mgmt., Silver Spring, MD
- Sabrina Persaud—NOAA Southeast Regional Office, St. Petersburg, FL
- Felicia Thomas—Everglades Law Center, Winter Haven, FL

Study Abroad

Winter Intersession (Dec. 2014-Jan. 2015)

Seven students participated in a winter intersession study abroad program in the Cayman Islands.

Summer 2015

Six students participated in summer study abroad programs in the U.K., Spain, and the Netherlands.

Published Student Authors on International and Environmental Law Topics

- Oscar Burkholder, *A Shift in the Wind: Siting More Wind Power Projects Along Texas' 367-Mile Coast of Gulf Winds, and Mitigating Potential Risk to Migratory Bird Populations*, 6 SEATTLE J. ENVTL. L. (forthcoming Spring 2016)
- Sabrina Persaud, *Eyes on Bangladesh's Disappearing Coasts: Proposed Constitutional Protections for Coastal Communities Particularly Vulnerable to Climate Change*, 6 J. SUSTAINABLE DEV'T L. & POL'Y (Afe Babalola University, Nigeria) (forthcoming Fall 2015) (peer reviewed)

- Jacqueline Bertelsen, *"Fed" Up with Acidification: "Trusting" the Federal Government to Protect the Tulalip Tribes' Access to Shellfish Beds*, 5 WASH. J. ENVTL. L. & POL'Y (forthcoming Spring 2016) (peer reviewed)
- Simran Dolla, *Move it or Lose it: Facing Annihilation, Should the Maldives Relocate to an Artificial Island or Move to India or Australia?*, 6 J. SUSTAINABLE DEV'T L. & POL'Y (Afe Babalola University, Nigeria) (forthcoming Fall 2015) (peer reviewed)
- Cindy Campbell, *Implementing a Greener REDD+ in Black and White: Wounaan Lands and Culture in Panama with Indigenous-Sensitive Modifications to REDD+*, 39 AM. INDIAN L. REV. (forthcoming Fall 2015) (Winner of 2015 National Writing Competition)
- Diana Coronel David, *Green Energy in Indian Country as a Double-Edged Sword for Native Americans: Drawing on the Inter-American and Colombian Legal Systems to Redefine the Right to Consultation*, 38 ENVIRONS ENVTL. L. & POL'Y J. (UC Davis School of Law) (forthcoming Fall 2015)
- Ashley Rawlings, *Erosion-Induced Community Displacement in Newtok, Alaska and the Need to Modify FEMA and NEPA to Establish a Relocation Framework for a Warming World*, 5 SEATTLE J. ENVTL. L. (forthcoming 2015)
- Kristen Taylor, *Improving Substantive and Procedural Protections for Indigenous Rights in REDD+ Projects: Possible Lessons from Brazil*, 5 J. SUSTAINABLE DEV'T L. & POL'Y (Afe Babalola University, Nigeria) (forthcoming Fall 2015) (peer reviewed)
- Michael Nichola, *Takings of the Future: Sea Level Rise's Impact on Florida's Coastal Property Under Current Florida Law and Proposed Strategies for Adaptation*, 27 ST. THOMAS L. REV. (forthcoming Fall 2015) (Winner of 2013 Florida Bar Environmental Law Writing Competition)
- Cameryn Rivera, *Please Turn Your Lights Off, The Turtles Are Nesting: Ensuring that Federal, State, and Local Laws Help Guide Endangered Marine Turtle Hatchlings in Florida to the Right Source of Light*, 27 ST. THOMAS L. REV. (forthcoming Fall 2015)
- Loren Vasquez, *Big Storms, Big Debt, and Biggert-Waters: Navigating Florida's Uncertain Federal Flood Insurance Future*, 5 SEATTLE J. ENVTL. L. (forthcoming Fall 2015)

Writing Competition Winners

- Cindy Campbell placed first in the annual American Indian Law Writing Competition, sponsored by the University of Oklahoma College of Law. Ms. Campbell received a cash prize and her paper will be published in the *American Indian Law Review*. [A press release with more information appears in the Appendix of this annual report.](#)
- Amy Judkins and Felicia Thomas placed first and second in the annual Dean Frank Maloney Environmental Law Writing Competition, sponsored by the Environmental and Land Use Law Section of the Florida Bar. [A press release with more information appears in the Appendix.](#)

International and Environmental Law Moot Court Competitions

International Environmental Moot Court Competition (Feb. 2015)

- Competed in the North American Regional Rounds in Washington, DC
- FAMU team of Kelsey Burke and Simran Dolla earned recognition for *Runner-up Best Brief for Respondent*
- Prof. Abate coached the team

National Energy and Sustainability Moot Court Competition (Mar. 2015)

- Competition held in Morgantown, WV
- FAMU team of Ashley Rawlings, Amy Judkins, and Jacqueline Bertelsen earned recognition as a *Quarterfinalist* and for drafting the *Best Brief for Respondent*
- Prof. Abate coached the team

NOAA-ECSC Fellows in Ocean and Coastal Law and Policy

- The NOAA-ECSC Fellows for the 2014-15 academic year were Ginna Arevalo, Jacqueline Bertelsen, Kayann Chambers, Simran Dolla, Yusef Hakki, Amy Judkins, Larry Page, Sabrina Persaud, Loren Vasquez, and Lara Weems. Professor Abate and Professor Abrams serve as the co-advisors of the program. Prof. Dineen provides valuable assistance.
- The fellows conducted research and writing on ocean and coastal law and policy issues. They also delivered oral and poster presentations in three venues: (1) the biannual NOAA-EPP Forum in Maryland (Oct. 2014), the annual meeting of the NOAA-ECSC consortium in Orlando (Mar. 2015), and a in meeting with Russell Smith, Deputy Assistant Secretary for International Fisheries, at FAMU College of Law (Apr. 2015).

III. Alumni News

Job Placements in International and Environmental Law

- Victoria Orero, U.S. Department of State, Bureau of Energy Affairs, Washington, D.C.
- Josie Balzac, Visiting Assistant Professor, Rollins College
- Michael Nichola, Office of U.S Representative Alan Grayson, Washington, DC

LL.M. Degrees in 2015

- Michael Harrison – LL.M. in Energy and Environmental Law, Univ. of Houston

IV. Faculty Activities in the 2014-2015 Academic Year

Prof. Randall S. Abate

Books

- WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW? (ELI Press 2015)
<http://www.eli.org/eli-press-books/what-can-animal-law-learn-environmental-law>
- CLIMATE CHANGE IMPACTS ON OCEAN AND COASTAL LAW: U.S. AND INTERNATIONAL PERSPECTIVES (Oxford University Press 2015)
<http://global.oup.com/academic/product/climate-change-impacts-on-ocean-and-coastal-law-9780199368747?cc=us&lang=en&>

Articles

- *Ocean Iron Fertilization and Indigenous Peoples' Right to Food: Leveraging International and Domestic Law Protections to Enhance Access to Salmon in the Pacific Northwest*, 20 UCLA J. INT'L L. & FOREIGN AFF. (forthcoming Fall 2015)
- *Comment on Maxine Burkett's Rehabilitation: A Proposal for a Climate Compensation Mechanism for Small Island States*, 13 SANTA CLARA J. INT'L L. 125 (2015)

Book Chapters

- *Climate Change Impacts on Ocean and Coastal Law: Scientific Realities and Legal Responses* (co-authored with Dr. Sarah Krejci) in CLIMATE CHANGE IMPACTS ON OCEAN AND COASTAL LAW: U.S. AND INTERNATIONAL PERSPECTIVES (Oxford University Press 2015)

Lectures and Presentations

- *Introduction to Environmental Regulation: Mechanisms, Principles, and Players*, Center Wide Core Competency course, NOAA-ECSC program, Port Aransas, Texas, July 23, 2015
- Panelist, *Environmental Threats to the Right to Food and International Legal Responses*, Realizing the Right to Food Symposium, UCLA Law School, Mar. 6, 2015
- Lecture, *Climate Justice for Indigenous Peoples*, University of London, School of Oriental and African Studies, Dec. 9, 2014

- Panelist, *Atmospheric Trust Litigation: New Hope for Climate Justice?*, 5th Annual Colloquium on Environmental Law Scholarship, Vermont Law School, Oct. 4, 2014
- Panelist, *Atmospheric Trust Litigation: New Hope for Climate Justice?*, Yale-UNITAR Conference on Environmental Governance and Democracy, Yale Law School, Sept. 6, 2014

Summer Teaching and Research

- Taught course in *Comparative Animal Law* (Granada, Spain – June 2015)
- Conducted field research on environmental and human rights impacts of mining on indigenous peoples (Antigua, Guatemala – June-July 2015)

New Courses and Seminars on International and Environmental Law Topics

- *Climate Change Law and Indigenous Peoples Seminar* (Fall 2014)
- *Climate Change Impacts on Ocean and Coastal Law Seminar* (Spring 2015)
- *Natural Resources Law and Indigenous Peoples* (Fall 2015)
- *Animal Law and Policy Seminar* (Fall 2015)

Dr. Jeremy Levitt

Articles

- *Under International Human Rights Law, Black Lives Matter*, ORLANDO SENTINEL, Aug. 9, 2015

New Seminar on International Law Topic

- *Black Lives Matter Under International Human Rights Law Seminar* (Fall 2015)

Prof. Robert Abrams

Books

- 2014 Supplement to ENVIRONMENTAL LAW AND POLICY: NATURE, LAW, AND SOCIETY (4th ed.) (with Zygmunt Plater, Robert Graham, Lisa Heinzerling, David Wirth & Noah Hall).

Articles

- *Downstream Inundations Caused by Federal Flood Control Operations in a Changing Climate: Getting the Proper Mix of Takings, Tort, and Compensation*, 19 DENVER U. WATER L. REV. (forthcoming Fall 2015) (with Jacqueline Bertelsen)
- *Water Law Transitions*, 66 S.C. L. REV. 597 (2015)

Lectures and Presentations

- “Water Transitions: Regulated Riparianism and the New South Carolina Surface Water Statute,” presentation to the University of South Carolina Law Review Symposium, “Water Lawgged,” Feb. 20, 2015, Columbia, SC.

Professional Activities

- Reappointed Vice Chair of the American Bar Association Water Resources Committee

Prof. Ron Griffin

Lectures and Presentations

- Presented a paper on Domestic Surveillance and chaired a Scholars session at the ATINER Conference in Athens, Greece (July 2015)

Professional Activities

- Worked as a member of a drafting committee on a model farm-out agreement for the oil and gas industry. The drafting committee met in June 2015 in Edinburgh, Scotland. The work is being conducted under the auspices of the Association of International Petroleum Negotiators. The next meeting on the model contract convenes in Mexico City, Mexico.

APPENDIX

Press Releases on Writing Competition Winners

FAMU Student Wins National Writing Competition for Second Consecutive Year

For the second consecutive year, Cindy Campbell ('15) has won a national writing competition and has had an article accepted for publication. Ms. Campbell's article was selected as the winning submission in the **2014-2015 American Indian Law Review Writing Competition**, sponsored by the University of Oklahoma College of Law. Her article, *Implementing a Greener REDD+ in Black and White: Wounaan Lands and Culture in Panama with Indigenous-Sensitive Modifications to REDD+*, won the first place award of \$1,000. Her winning submission will be published in volume 39 of the *American Indian Law Review* and her name will appear in the front pages of the *Review* as the competition winner. She will also receive a complimentary two-issue subscription to the *Review* and a copy of the eBook edition of *Cohen's Handbook of Federal Indian Law*, courtesy of LEXIS.

Ms. Campbell prepared this paper in Professor Abate's *Climate Change Law and Indigenous Peoples Seminar* in Fall 2014. Last year, Ms. Campbell's article, *Give Them a Dam Break!" Protecting the Ngäbe-Buglé Community of Panama with Clean Development Mechanism Safeguards to Promote Culturally Sensitive Development*, was selected as the first place submission in the **2013-2014 National Native American Law Students Association Writing Competition**, sponsored by Seattle University School of Law. Ms. Campbell received a \$500 cash prize and had that paper published in the *American Indian Law Journal*, 3 AM. INDIAN L.J. 547 (2014). She prepared that paper in Professor Abate's *Human Rights and the Environment Seminar* in Fall 2013.

FAMU Earns Top Two Places in Statewide Environmental Law Writing Competition

Congratulations to Amy Judkins ('16) and Felicia Thomas ('16) for earning first and second place in the Dean Frank Maloney Environmental Law Writing Competition, sponsored by the Environmental and Land Use Law Section of the Florida Bar. This year's results mark the first time that FAMU students have claimed the top two places in this competition in the same year.

For three consecutive years, FAMU students have claimed at least one of the top three spots in this prestigious competition open to all law students in Florida. FAMU students earned first and third place recognition in 2013, and claimed second place in 2014. The submissions for this competition must address topics on environmental or land use law issues of concern to Florida.

Ms. Judkins' first place paper is titled, "Taking it to the Bank: Creating a New Constitutional Standard and Using Blue Carbon Banking to Compensate the Miccosukee

Tribe for the Federal 'Taking' of Their Tribal Lands." She prepared this paper in Professor Abate's *Climate Change Law and Indigenous Peoples Seminar* in Fall 2014. Ms. Judkins is entering her second year of service as a *NOAA-ECSC Fellow in Ocean and Coastal Law and Policy* at the College of Law.

Ms. Thomas' second place paper is titled, "Of Life and Limb: The Failure of Florida's Water Quality Criteria to Test for *Vibrio Vulnificus* in Coastal Waters and the Need for Enhanced Criteria, Regulation, and Notification to Protect Public Health." She prepared this paper in Professor Abate's *Climate Change Impacts on Ocean and Coastal Law Seminar* in Spring 2015. Ms Thomas is the Executive Editor of the *Florida A&M Law Review*.

Ms. Judkins and Ms. Thomas were invited to proudly represent the College of Law at the Environmental and Land Use Law Section's Annual Meeting in Boca Raton on June 25, 2015, where they were honored with cash awards and certificates for their outstanding papers.