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**Activity: Fishbowl Activity**

**Warm up Activity:** Youth Plaintiffs vs. Hawai’i Department of Transportation (HDOT)

**Objective:**

1. To engage participants in a critical discussion about key legal issues surrounding climate change litigation, focusing on the case of Hawaiian children suing the Hawai’i Department of Transportation.
2. This activity will encourage participants to explore constitutional environmental rights, public trust doctrines, and global environmental law principles like the Paris Agreement.
3. The goal is to deepen participants' understanding of how international principles are applied in national contexts and the role of litigation in advancing environmental protection.

**Materials Needed:**

1. Chairs arranged in two circles (inner circle for speakers, outer circle for observers)
2. Note-taking materials for participants
3. List of discussion prompts or questions
4. A timer or moderator

**Group Setup:**

1. Inner Circle (Fishbowl): 4-6 participants actively discussing the case and related questions.
2. Outer Circle: Observers who take notes, ready to join the inner circle later.

**Activity Steps**

**Introduction (5-10 minutes):**

1. Objective Explanation:

Explain the purpose of the Fishbowl activity and set ground rules for the discussion (no interruptions from the outer circle, active listening, rotation after each question, etc.).

1. Case Overview:

Provide a brief summary of the Hawaiian children's lawsuit against HDOT. Highlight the key legal arguments, such as the public trust doctrine, right to a clean and healthful environment, and their connection to broader international environmental law principles like the Paris Agreement. Discuss the legal strategies of the youth plaintiffs and the eventual settlement.

1. Key Concepts:

* Public trust doctrine and its application to natural resources and climate change
* Right to a clean and healthful environment (under Hawaiian and international law)
* The role of state action in addressing GHG emissions
* Principles like "polluter pays" and "common but differentiated responsibilities"

**Discussion Prompts (30-40 minutes):**

1. Public Trust Doctrine and Climate Rights:

* How does the public trust doctrine, as used by the youth plaintiffs, align with or differ from international principles of environmental law?
* How does it expand the state's duty beyond merely local environmental protection?
* What precedent could this case set for similar climate lawsuits?

1. Case Study - Hawai’i Youth Plaintiffs vs. HDOT:

* Was the settlement between the youth plaintiffs and the State of Hawai’i sufficient in addressing their demands? Could there have been a more effective outcome for reducing GHG emissions?
* Explore the strengths and weaknesses of the settlement agreement, including the decarbonization timeline.
* Compare this case to the global commitments under the Paris Agreement. Are similar legal strategies being used elsewhere?

1. Environmental Justice and Equity Considerations:

* How does this case address environmental justice for indigenous communities and youth?
* Consider the broader implications of climate litigation for vulnerable groups.
* How does the balance of economic development and environmental protection manifest in this case, and what can international law learn from it?

1. Global Context and Legal Principles:

* Could the principles of "polluter pays" and "common but differentiated responsibilities" be applied to state governments like Hawai’i? What are the ethical implications of demanding decarbonization from local governments?
* How does this connect to global responsibilities in combating climate change, and what role does international environmental law play in local contexts?

**Fishbowl Discussion (20-30 minutes):**

Round 1:

* Select a group of 4-6 participants to sit in the inner circle and discuss Prompt 1 for 10-15 minutes.
* Encourage participants to focus on the role of the public trust doctrine and compare this to international agreements, like the Paris Agreement.

Rotation and Expansion:

* After 10-15 minutes, allow 2-3 participants from the outer circle to join and rotate with those in the inner circle. Discuss Prompt 2 about the sufficiency of the settlement and how it reflects broader climate action.
* Continue this process with Prompt 3 and Prompt 4, ensuring that all participants have an opportunity to contribute.

**Rotation and Reflection (10-15 minutes):**

Rotate participants again and dive deeper into the remaining prompts. Encourage participants to challenge each other’s viewpoints respectfully and to explore the practical realities of applying legal principles like environmental justice, particularly in the context of vulnerable populations and indigenous communities.

**Debrief and Summary (15-20 minutes):**

Summarize Key Points:

* Highlight the major takeaways from the discussion, particularly the intersection of local and international environmental law.
* Discuss the effectiveness of legal action in achieving climate justice and emission reductions, referencing the case as an example.

Reflect on Consensus and Disagreements:

Ask participants from both circles to reflect on what they learned and share any areas where they found consensus or disagreement. What are the implications of these for the future of environmental litigation?

**Post-Activity Assignment:**

Have participants write a brief reflection or position paper on one of the issues discussed, incorporating insights from the Fishbowl activity. This could include:

* How the public trust doctrine can be used to fight climate change in other jurisdictions.
* The role of youth activism and indigenous rights in environmental litigation.
* How international law should evolve to address climate change in vulnerable communities.

**Tips for Success:**

* Encourage active participation by inviting quieter participants to join the discussion.
* Use real-world examples and current events to ground the discussion in practical realities.
* Ensure the discussion is inclusive and balanced between legal principles, ethical considerations, and real-world implications.