

**Center for Global Governance and Emerging Law  
Futures Inquiry Roundtable Discussion on Oil Spills and Island States Report**

On Thursday, October 29, 2020, the Center for Global Governance and Emerging Law (CGGEL) was officially launched as part of its inaugural event, the “Futures Inquiry Roundtable Discussion on Oil Spills and Ocean States.” Hosted online due to Covid-19 pandemic-related restrictions, the event was attended by those from North America, South America, the Caribbean and throughout Europe.

During the launch, Prof. Dr. Alexandra R. Harrington, CGGEL’s Executive Director, explained that CGGEL has been created to fill the void between law and global governance perspectives and scientific and technical perspectives on evolving areas of policy and innovation. She stressed that this is an existential void which will have impacts on current and future generations if it is not addressed now and that creating interdisciplinary dialogue through CGGEL will generate knowledge and understanding for academics, practitioners and students. In particular, Prof. Dr. Harrington highlighted the importance of students as the next generation of professionals who will be faced with, and learn to bridge, the interdisciplinary void, and expressed gratitude to Albany Law School for its support of CGGEL. She highlighted the dedicated efforts of CGGEL’s research leaders, Mr. Corey Benziger, Ms. Megan Goss and Ms. Viktoria Yudchits. Dr. Claire A. Nelson, CGGEL’s Director for Futures, provided an evocative poetic statement challenge for attendees to join together in creating tools for examining how the future can be framed and understood across disciplines and generations. She noted the necessity of interdisciplinary collaboration for creating a sustainable future, including for the achievement of the Sustainable Development Goals.

Congratulatory opening remarks were given by Albany Law School President and Dean Alicia Ouellette, Associate Director of Faculty Research & Scholarship, Albany Law School Prof. Christian Sundquist and Ambassador Eden Charles. Dean Ouellette warmly welcomed the creation of CGGEL and stressed the support it has within the Albany Law School community as well as the global community. Prof. Sundquist stressed the importance and need for collaborative discussion in order to find a diverse range of voices from various fields to help anticipate the needs of a future world. Ambassador Charles congratulated CGGEL on its founding and on the choice of subject matter for its inaugural event. He spoke of the destructive effects of oil spills, the tainted waters, the concerns of unrectified widespread damage to fragile ecosystems in the Caribbean Sea and the legal regimes framing the Roundtable discussions.

The Roundtable featured presentations scientific and legal perspectives, building on each other to support a clearer sense of addressing oil spills in the context of island states. Prof. Dr. Harrington and Dr. Nelson explained the choice of this topic as being framed by the July 2020 oil spill in Mauritius and ensuring environmental catastrophe suffered by the state. By using CGGEL’s inaugural Roundtable event as a platform to highlight the issue, the intent was to bring significant international attention to the need for action to prevent further disasters.

Prof. Beth Polidoro, Associate Professor of Environmental Chemistry and Marine

Conservation, School of Mathematical and Natural Sciences, Arizona State University, who stressed the importance of properly categorizing oil spills and the types of oil-related product spilled as well as monitoring and identifying the source of an oil spill in order to efficiently assess methods of mitigation and/or action. She noted the significance of a “trait based risk assessment,” monitoring each species in an ecosystem affected by an oil spill. Finally, Prof. Polidoro emphasized that determining who will pay for the costs of containing and remediating or mitigating an oil spill is essential to the regulatory and scientific handling of such efforts.

Mr. Bruce Bell, Director, Environmental Consulting, Ksolv Group-OMI, explained that the costs of oil spill cleanup operations have become so high that there are incentives for following regulations and pre-planning for an oil spill. This includes an emphasis on information sharing and preparation beginning in the environmental impact assessment (EIA) phase and moving throughout operations. However, Mr. Bell stressed that there remains a need to ensure that, at national and international levels, laws that are in place are implemented and complied with.

The legal portion of the Roundtable began with a framing discussion by Prof. Dr. Harrington. The first presentation, by Prof. Alana Malinde S.N. Lancaster, Lecturer in Energy Law, International and Caribbean Environmental Law, Marine & Fisheries Law, University of the West Indies (Cave Hill), focused on the importance of Caribbean regional biodiversity and geography in needs for specific oil responses and associated planning. In this context, she stressed the importance of designated protected areas at the international and national levels. Further, Prof. Lancaster discussed the special challenges faced by Small Island Developing States, many of which are found in the Caribbean, for cleanup of oil spills and emphasized the importance of regional coordination to mitigate the impacts on these states.

Dr. Carlos Hernandez-Salas, Outreach & Partnerships for Latin America, Commonwealth Scientific & Industrial Research Organisation (Chile) and Visiting professor Department of Oceanography, Universidad de Concepcion, brought unique perspectives on the involvement of Indigenous and traditional knowledge in addressing oil spills. Using his work with Indigenous coastal communities in Chile, he provided insights into how to merge traditional practices with modern environmental problems as a matter of law and policy. Dr. Hernandez-Salas emphasized the fundamental links between Indigenous activities as procedures for management and both national and international laws and rules.

Dr. Samvel Varvastian, Researcher, Cardiff University School of Law & Politics, presented his insights into climate litigation as a means for addressing the types of environmental issues. He discussed the importance of climate litigation for communities which are often marginalized throughout the legislative and judicial processes. Dr. Varvastian spoke of how cyclical the issues are and how global climate change and regional issues such as oil spills would most efficiently be solved through policy and legislation that aimed to tackle both issues at the same time.

Prof. Dr. Silvana Insignares Cera, Research Professor in International Law, Division of Law, Political Science & International Relations, Universidad del Norte (Colombia), discussed lessons which the international community can learn from the Atrato River case in Colombia, in which the Colombian Constitutional Court recognized the legal capacity of a natural resource. In this context, she noted that protection of the environment would include

measures to stop, and help negate the effects of, illegal mining, exploitation, and destructive methods of harvesting resources and dumping materials in important river basins.

Additionally, Prof. Insignares spoke of how Indigenous and vulnerable communities suffered the most from such industries, in part because of the contamination of water.

The insights raised by the panelists were further amplified during the question and answer period, where the discussion moved to the potential problematic issues of collaborative environmental response, including language barriers, national law structures, international legal requirements, and cultural priorities. In conclusion, Prof. Dr. Harrington and Dr. Nelson summarized the key points of the Roundtable and invited attendees to join CGGEL's work and the next event in December.