

The Climate Crisis and the Law in Hawaii

Retired Justice Michael D. Wilson
Supreme Court of the State of Hawai‘i
January 11, 2004



Sui Generis Emergency

Climate Change:

UNLIKE ANY OTHER SOCIAL
ISSUE: Impending Solution
Horizon

1.5 degrees = existential threat

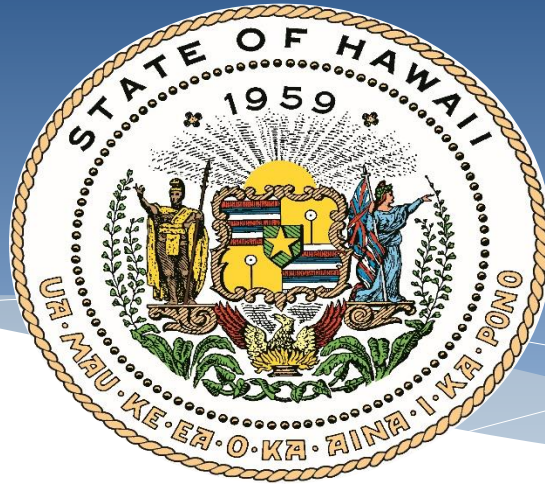
3.0 degrees = our children's

future



Hawaii State Legislature Declares Climate Emergency: Untold Suffering

- * Atmospheric CO₂ concentrations are at the highest levels in four hundred twenty thousand years.
- * greenhouse gas emissions have “pushed Earth’s ecosystems to their breaking point”. “Planet Earth is facing a climate emergency” which will take “**an immense increase of scale** in endeavors ... to avoid **untold suffering[.]**” (2021)



Hawaii's Environmental Court: New Global Model for Environmental Rule of Law and Remedies





Hawaii Supreme Court Recognizes Constitutional Right to a Life-Sustaining Climate System

- * Article XI, section 9’s “clean and healthful environment” right as defined by HRS chapter 269 subsumes a **right to a life-sustaining climate system**. The need to mitigate the catastrophic effects of anthropogenic climate change underlies HRS chapter 269; it in turn shapes and defines the right to a clean and healthful environment.
- * In the MATTER OF the Application of MAUI ELECTRIC COMPANY, LIMITED For Approval of Power Purchase Agreement for Renewable Dispatchable Generation with Paeahu Solar LLC., March 3, 2022

Economic Impacts: Loss of Waikiki Beach Due to Sea Level Rise



- * **Loss of Waikiki Beach could lead to annual loss of \$2 billion in visitor expenditures by mid century**



**NO CLIMATE
PROTECTION PLAN**

Indigenous teens lead legal battle for climate justice in Hawaii



CITY AND COUNTY OF HONOLULU and HONOLULU BOARD OF WATER SUPPLY, Plaintiffs-Appellees,

vs.

SUNOCO LP; ALOHA PETROLEUM, LTD.; ALOHA PETROLEUM LLC; **EXXON MOBIL CORPORATION**;
EXXONMOBIL OIL CORPORATION; **ROYAL DUTCH SHELL PLC**; **SHELL OIL COMPANY**; SHELL OIL
PRODUCTS COMPANY LLC; **CHEVRON CORPORATION**; CHEVRON U.S.A. INC.; BHP HAWAII INC.; **BP PLC**



Aloha

