


# YOUTH CLIMATE JUSTICE

School of Law, UCC, Ireland

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## Case Law Database



### NAVAHINE F. V. HAWAI'I DEPARTMENT OF TRANSPORTATION



#### Child-friendly summary



Click here to read the [full summary](#).



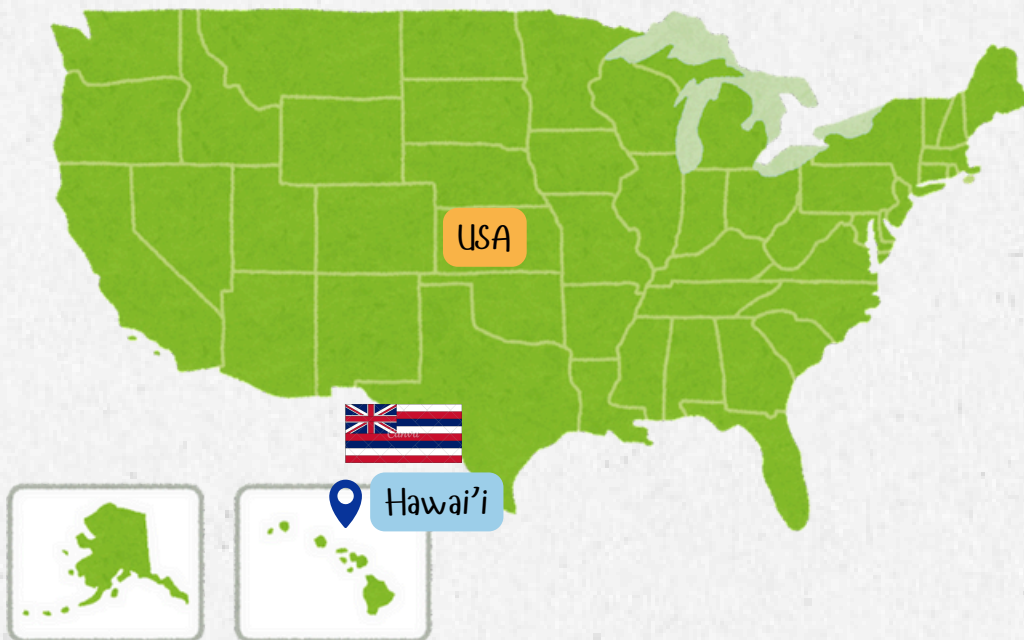
## OVERALL SUMMARY

In 2022, 13 young people from Hawai'i took a petition against the Government of Hawai'i and its **Department of Transportation (HDOT)**. They argued that Hawai'i transportation system results in high levels of **greenhouse gas emissions**. In 2024, the court approved a **settlement agreement** that mandates that HDOT commits to a series of actions, including reducing carbon emissions and implementing new climate policies.



## THE CASE

A group of 13 young people from Hawai'i took a petition against the state and the Hawai'i Department of Transportation (HDOT) for operating a transportation system that results in high levels of **greenhouse gas (GHG) emissions and leads to climate change**, violating their state constitutional rights, causing them significant harm, and impacting their ability to “**live healthful lives in Hawai'i now and into the future**”.



Hawai'i's Constitution says everyone has the **right to a clean and healthy environment**, which includes the right to a life-sustaining climate system. The young people asked the court to say that HDOT was violating this right and not doing enough to “conserve and protect Hawai'i's natural beauty and all natural resources.”

\*Tricky words in  
**BOLD** explained at  
the end!

## MEET THE PETITIONERS!



Credits: Our Children's Trust

The young people in this case are between the ages of 9–18 and from the islands of Hawai'i, O'ahu, Moloka'i, Maui, and Kaua'i. Counsel for the young petitioners include Isaac Moriwake and Leinā'ala L. Ley of **Earthjustice** and Andrea Rodgers and Kimberly Willis of **Our Children's Trust**.

The petitioners are Native Hawaiian youth who are already being affected by climate change harms like sea level rise, drought, floods, and fires, which have put their lives and cultural traditions at risk - like kalo farming, fishing, and gathering. In their case, they asked the Hawai'i government to take strong actions to address the climate emergency and help Hawai'i switch to a safe, clean transportation system that doesn't cause pollution.

## WHAT ARTICLES OF THE HAWAII'S CONSTITUTION DID THEY CITE?

- **Article XI, Section 1.** Hawai'i's constitutional public trust obligation to protect the climate system and all natural resources.
- **Article XI, Section 9.** Right to a clean and healthful environment.

## FOR EXAMPLE:



Children's homes and communities have been destroyed by wildfires and cyclones.



Roads and sacred ancestral burial grounds have been swept into the sea.



People in Hawai`i have witnessed coral reefs die, beaches erode, inundation, and traditional practices like cultivating lo`i kalo (taro fields) and loko I`a (fishponds) threatened or lost.

## WHAT DID THE COURT DECIDE?

In 2024, the petitioners and the HDOT reached an agreement, which was approved by the court. This agreement included a series of transformative actions to take by HDOT, including:

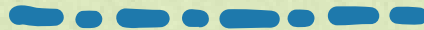
- Making a **Greenhouse Gas Reduction Plan** within one year to cut pollution from Hawai`i's transportation system, with a goal to make the system clean and climate-friendly in the next 20 years.
- Creating a **special team at HDOT** to lead the work on fighting climate change, help improve highways in ways that are safe for everyone, and ensure implementation of the plan.
- Starting a **volunteer youth council**, where young people can share ideas and give advice about how HDOT can protect the environment.
- Changing **how money is spent on transportation**, so the focus is on projects that cut pollution and help people drive less.
- Spending more money on **clean transportation**, including finishing walking, biking, and bus networks in 5 years, and putting at least \$40 million toward building more places to charge electric cars by 2030.



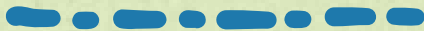


## EXPAND YOUR KNOWLEDGE!

- **Greenhouse gas emissions (GHG):** Driving cars, running factories, or using fossil fuels to get energy release greenhouse gases into the air (like carbon dioxide). These gases trap heat and make the planet warmer, which can cause big environmental problems like rising seas, melting ice or stronger storms.



- Instead of going to trial, the government decided to collaborate with the young petitioners and announced a **settlement agreement**, which was approved by the court. This was the first of its kind, and showed the importance of working together to address the climate crisis. Thanks to this agreement, Hawai'i is becoming one of the leading states in the U.S. to switch from an old system that depends on expensive, polluting fuels to a cleaner, cheaper, and safer one.



- Even though Hawai'i promised to cut its pollution by 50% compared to 2005 levels by 2023, and to stop adding pollution entirely by 2045, it wasn't doing enough to reach those goals. The biggest source of pollution in the state comes from **transportation** - cars, trucks, buses, boats, and planes. Hawai'i has made huge improvements in making its electricity cleaner and healthier for the climate, but the transportation department was still using a lot of fossil fuels and pollution was expected to keep rising. If nothing changed, by 2030, transportation would be responsible for about 60% of all the state's greenhouse gas pollution.



- A **petition** is a legal document that asks for a specific court order. It can be created by a person, a group or an organisation, and it can be sent to a national or regional court, such as the European Court of Human Rights, or to an international body, such as the Committee on the Rights of the Child.