

Digging in From Afar

Washburn Law students take on special project to protect an ancient burial site in St. Lucia.

By Annie Flachsbarth

While many students could have used the COVID-19 pandemic as a time to slow down and not take on new endeavors, two Washburn University School of Law students did just the opposite.



Elizabeth "Kinsella" Brunetti, '21

In the summer of 2020, **Elizabeth "Kinsella" Brunetti, '21**, and **Deisy "Pam" Saenz, '21**, worked on an international law research project to assist with litigation in St. Lucia, an island in the West Indies, to protect indigenous rights and preserve indigenous cultural heritage. The case involved a Canadian developer named Cabot, which wanted to build a luxury resort and golf course in an area of St. Lucia that was on an ancient burial site. An archaeological study in 2011 found burial remains from between 1000-1500 A.D., prior to the arrival of the Europeans when a group of people known as the Caribs populated the area.



Deisy "Pam" Saenz, '21

Brunetti and Saenz were introduced to the project by Washburn Law Professor Craig Martin, who grew up in St. Lucia and teaches courses on international law and human rights. Martin heard of the situation from friends still living in the area, and he sent an email to his previous International Human Rights course students to see who would be interested in helping. Brunetti and Saenz, who are also friends outside of school, eagerly volunteered.

Martin asked the two to conduct research and develop arguments on the international human rights law that might assist the local lawyers in developing their case against the government. In particular, they were asked to determine if there were any specific international legal obligations St. Lucia was under that might be violated if the government allowed the Cabot development to proceed as planned.

In the end, they produced a creative and meticulous 9,000-word research memo to assist lawyers working for the St. Lucian National Trust, a not-for-profit organization dedicated to preserving and protecting the natural and cultural heritage of the country. The memo explained how allowing the development to proceed might violate St. Lucia's obligations under the international law relating to the preservation of cultural heritage, and the international law relating to the rights of indigenous peoples.

The two students worked long hours on the complex, pro bono project, clocking in 20 hours per week on average over a two-month period – all on top of jobs and summer classes. While they didn't receive any class credit for this project, both Brunetti and Saenz felt it was well worth the effort.

"After having taken a course with Professor Martin, the idea of working with him on an actual human rights case was very appealing to me," said Saenz. "I felt like it was an opportunity to apply what I'd already learned and to delve deeper into that area of study."

While it was a lot of work, the project gave the two students real world experience that's hard to get in the classroom – as they learned directly from being a part of litigation.

"Kinsella and Pam spent an enormous amount of time working on this project. We went through a number of revisions because we had to make sure that the arguments were tight and correct. They really did as much work as might be expected of a two-credit course," said Martin. "I think this kind of work helps students considerably in developing as lawyers. Particularly, international work helps them think about the opportunities available to Washburn Law students outside of the regional area."

The project wasn't just designed to help with their training and development – their work had real value and was important for the case in St. Lucia. The National Trust and its lawyers were very grateful for the assistance they provided.

However, due to the timing of their work and when the St. Lucian National Trust was preparing to file their case, they weren't at liberty to speak about the case with anyone until this summer.



Cas-en-Bas Beach, St. Lucia. Photo submitted

“It was pretty weird. This project was consuming a lot of both of our lives, but we could only talk about it with each other,” said Brunetti.

Regardless of the somewhat secretive circumstances, both Brunetti and Saenz were grateful for the opportunity.

“Working on a project like this adds an element to the law school experience that you don’t get from turning in a paper,” said Brunetti. “I learned a lot about time management, and my research skills increased. It was very different from research in my undergrad classes.”

“I also learned about interdisciplinary research – which was something I hadn’t done before,” said Saenz. “I researched scientific reports, anthropology reports, and international treaty language. It helped me to see the bigger picture and take everything into consideration.”

Due to the pandemic, all work and research was done remotely and via Zoom. However, the experience still made an impression on the students.

“I gained an appreciation of international law. Just because you’re geographically far away doesn’t mean you can’t have an impact on the international law sphere and international litigation,” said Saenz. “I also gained an appreciation for our technology, which contributed to our capabilities to make an impact from afar.”

“For a project that we dedicated a lot of time to, and sometimes made us want to pull our hair out, it was still very fun,” said Brunetti. “It’s easily the thing I’m most proud of from my time at Washburn Law.”

Litigation with Cabot is ongoing. Although they recognize that it may not be realistic to completely stop the development project, the two are proud of the work they did to help the indigenous people of St. Lucia.

“A complete excavation of the site could take years without the proper resources,” said Brunetti. “The goal at this point is to just be able to preserve as much of it as possible.”