

Jordan Diamond Plays the Long Game

To ELI's new president, durable solutions to today's environmental challenges require always thinking about what comes next—and using data and processes to enable long-term change from the start.

By Akielly Hu

GOING into law school, Jordan Diamond never planned to litigate. “I always knew that I wanted to focus on policy,” the new ELI president says. Indeed, Diamond arrives at the Institute a policy veteran. This is actually her second tour at ELI, where she began her career as staff attorney and co-director of the Institute’s Ocean Program. Diamond has since made her mark at several high-level postings. For the past seven years, she served as executive director of the Center for Law, Energy & Environment at the University of California, Berkeley, where she also co-directed the school’s Law of the Sea Institute.

Clearly her early work at ELI paved a lasting career path. Many of the topics she worked on at the Institute the first time around have continued to be focal points—including offshore wind energy and partnerships with affected communities. Diamond has been recognized for her contributions to environmental protection with the *Distinguished Environmental Advocates: The Next Generation* award from the American Bar Association’s Section of Environment, Energy, and Resources. And in 2018, Diamond was appointed by then-Governor Jerry Brown to serve on the California Ocean Protection Council.

Diamond’s dedication to policy arises from an ongoing question: *What comes next?* As an earth and environmental sciences major at Wesleyan, she was originally drawn to scientific research. “I thought I was going to be in a basement lab with goggles on, conducting science experiments for the rest of my life,” she says.

Her thinking changed upon completing her senior-year thesis, a baseline analysis of a bioluminescent bay in an island off of Puerto Rico. Development was projected to grow in the area, and she hoped her assessment would provide a foundation for monitoring the health of the bay. “But when I finished, I had to hand my findings off to someone else. That was a light-bulb moment of, ‘Wait, what’s going to happen with this research? What comes next?’”

Diamond was hooked. “I became keenly interested in the flow of information through the decisionmaking process. And that’s where I’ve stayed.”

In fact, when asked for the most important guiding principles in her work, Diamond names evidence-based decisionmaking as her first. It was at ELI where she first cemented this value. “ELI tells the whole story. We don’t edit out the inconvenient parts, or single out the most sensational details.” To Diamond, telling the whole story is vital to providing trustworthy informa-

ELI President Jordan Diamond



tion. “There’s a deep integrity in how ELI conducts its research and publications. That’s the point of evidence-based decisionmaking—there must be information that supports your story in order for it to be plausible, and it can’t be selective. If you start telling partial stories, you end up with partial solutions.”

Policies aiming to protect environments and the people within them must be grounded in solid data. Diamond wants to know: Does that data get incorporated into the policymaking process? How is it used, and how do you make sure it’s updated when needed? According to Diamond, the lifecycle of governance isn’t limited to the law on the books. Instead, a holistic law and policy ecosystem entails the use of accurate and complete information to inform both written law and implementation over time. As policies are put into practice, fresh data arises, and the cycle begins anew.

ONE of the initiatives Diamond is most proud of launching during her leadership at UC Berkeley’s Center for Law, Energy & Environment is Project Climate, a program directed by Ken Alex, former senior policy advisor to Governor Jerry Brown and director of the Governor’s Office of Planning and Research. The program focuses on scaling up and accelerating the deployment of climate solutions that work, by enabling necessary financing mechanisms and policy vehicles.

“In addition to having an absolutely brilliant legal mind, Ken takes a very pragmatic approach that’s focused on supporting work that other people are already doing, and providing the policy mechanisms for their solutions. It’s the opposite of trying to take credit for an idea, and it’s entirely focused on impact,” Diamond says. Project Climate has launched an AmeriCorps program that places recent graduates in rural communities throughout California to work on regenerative agriculture and forest health. It has also developed protocols to reduce methane emissions in various sectors, and explored ways to reduce the hydrocarbon content of plastics, among many other projects.

As the impact of climate change grows, policies must also grapple with uncomfortable realities. In California, once-rare occurrences of drought have now advanced into chronic water stresses. Working with state policymakers, CLEE is developing a frame-

work to help address California’s challenges with water allocation during times of scarcity. “It’s exceedingly practical—it’s the creation of a contingency-based framework to support drought decisionmaking. That’s not a splashy headline, and the average person may never hear about it. But it’s necessary to make sure people still have access to clean water as we face an uncertain water future.”

Other examples of CLEE’s work during Diamond’s tenure include a project on electric-vehicle battery supply chain issues. Partnering with the Natural Resource Governance Institute, CLEE convened leaders across mining, battery manufacturing, automaker, and governance sectors to look at the sustainability of a critical part of the EV sector through a rare perspective—human rights and the environment.

A common thread throughout Diamond’s career is bringing groups together to facilitate information-sharing and decisionmaking. One example of this approach is her work with the California Ocean Protection Council, a non-regulatory body that coordinates ocean-related activities across state agencies. Among other duties, it facilitates the collection and sharing of scientific data, and recommends state and federal legislation. “To have a coordinating body designated to help with cross-agency action is fantastic, and relatively uncommon,” Diamond points out.

As one of two public members, Diamond advises the council’s work through quarterly meetings. OPC wrestles with a gamut of marine issues. Climate impacts like sea-level rise and ocean acidification, ocean-based economic development like offshore aquaculture and offshore wind, and cleaning up beaches are just a few. In addition to developing policy strategies, the council also allocates state-designated funds for research.

Diamond is a California native who has worked on many of the state’s environmental issues. Doing so has lent her a wealth of experiences to inform work in other jurisdictions. Given that the state’s economy is the fifth largest in the world, while its population of 40 million surpasses countries like Canada and Australia, many view California as a laboratory for environmental solutions. “The state has not shied away from experimentation,” as Diamond puts it.

For Diamond, the most exciting part about working on California policies has been sharing the lessons learned—both good and bad—with other states, as well as at regional, federal, and even international levels of governance. After all, many environmental issues don’t obey traditional governance boundaries. This is especially true in the ocean context. “A fish won’t know when it’s in international waters,” Diamond notes as an

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example. “As environmental practitioners, we always need to figure out how to work across jurisdictional boundaries in a productive, collaborative way.”

SOUND environmental policy is not just a career for Diamond—it’s a responsibility. Growing up in a small town along the coast of Northern California, Diamond learned early on the importance of taking care of the environment. “I was fortunate enough to live in a place with clean air, clean water, and remarkable natural beauty. It instilled this sense of how wonderful it is to have such things, and how easily they can be lost.

“At the same time, you shouldn’t expect people who are working as hard as they can to support their families and stay above water to bear the full burden of environmental protection,” she adds. “Yet that’s often what happens—the people suffering the most from polluted air and water often carry much of the burden of correction. From a fairness and sustainability perspective, that’s not how we want things to operate.”

For truly fair and sustainable solutions, it’s all about the long game—Diamond’s second guiding principle for her work. “From the very beginning, you have to think about how you are going to enable long-term change,” she says. “I believe in setting up long-term, sustainable systems that also place the burden in the right places—not on the most affected folks in a community.”

But figuring out how to set up these systems of governance, including mechanisms for public participation and evaluation, can often turn into a laborious process, involving many steps. What others may find boring or tedious, however, is Diamond’s bread and butter. “I love process,” she says. To Diamond, process is an opportunity to figure out how to set up a system of governance so that it is accountable, transparent, and uses the best information available, whether that’s scientific data, traditional ecological knowledge, or from another source.

Setting up sustainable systems was especially important for her work on ELI’s Gulf of Mexico program, launched in 2010 following the Deepwater Horizon disaster. Although the team initially embarked on a one-year project to support restoration in the area, they quickly realized that the program should continue for much longer. “When we first went down, the restoration work for the *Exxon Valdez* oil spill [of 1989] was still ongoing under the Oil Spill Trustee Council. It had already been twenty years at that point, so we knew restoration would not be a short-term process.”

ELI’s program aims to support restoration in the Gulf of Mexico that is shaped by meaningful input from the region’s varied communities. For Diamond and her team, the challenge was figuring out how to amplify local perspectives in a way that was equitable, yet manageable over the course of many years of recovery. Institute staff endeavored to assist communities during each step of the public input and restoration process, translating complex legal and funding procedures through workshops, educational materials, and direct outreach.

“We spent a lot of time on the road, traveling from Florida to Texas and everywhere in between. We facilitated workshops and helped residents understand where restoration funds were going and what they could be used for, and explained public comment processes and how those pieces fit together,” Diamond recalls. “There was a deep desire, in forming these relationships and processes, to elevate their voices and help them impact their own future.”

Diamond enters her presidency at one of the most uncertain times in the nation’s history. An ongoing pandemic has deepened existing social and environmental inequities, and the window to act decisively on climate change is diminishing. Meanwhile, a crisis of misinformation exacerbates both challenges. Here, Diamond believes ELI has a unique platform to act.

“In a period of diminishing faith in information, ELI remains a trusted source. The people here are as objective as one can be, focused on strengthening environmental governance and rule of law. ELI has a powerful and one-of-a-kind voice,” she says.

To the new president, growing uncertainty must be met with rigorous analysis and creativity. Yet the challenges can seem insurmountable. How can we adapt as wildfires, hurricanes, and other natural disasters become more frequent and unpredictable? How should we update our disaster response and preparedness systems? And how can decisionmaking take into account a changing climate and technological advances? For these questions, Diamond returns to ELI’s approach for answers.

“Many of our laws are not designed to deal with the complex challenges presented by today’s issues. That’s why we need the brilliant people at ELI and within our broader network—to research, build the capacity for, and support the law and policy tools we need—to rise to the challenge and forge new paths forward.” **TEF**

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