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Climate Change and Indigenous Peoples

The Search for Legal Remedies



Climate Change And Indigenous Peoples The Search For Legal Remedies

**Jutta Brunnee, Brenda
Cossman, Andrew Green, Benjamin
Alarie**

Climate Change And Indigenous Peoples The Search For Legal Remedies:

Climate Change and Indigenous Peoples Randall Abate, Elizabeth Ann Kronk, 2013-01-01 Climate Change and Indigenous Peoples offers the most comprehensive resource for advancing our understanding of one of the least coherently developed of climate change policy realms legal protection of vulnerable indigenous populations The first part of the book provides a tremendously useful background on the cultural policy and legal context of indigenous peoples with special emphasis on developing general principles for climate change mitigation and adaptation solutions The remainder of the volume then carefully and thoroughly works through how those general principles play out for different regional indigenous populations around the globe All of the contributions to the volume are by leading experts who bring their insights and innovative thinking to bear on a truly complex subject Whether as a novice's starting point or expert's desktop reference I cannot think of a more useful resource for anyone interested in climate policy for indigenous peoples J B Ruhl Vanderbilt University Law School US In Climate Change and Indigenous Peoples editors Randy Abate and Elizabeth Kronk have assembled a truly comprehensive and informative look at the special issues that indigenous peoples face as a result of climate impacts and an overview of the law international and domestic climate change and human rights substantive and procedural that applies to those issues One of the great strengths of the book is that no group of indigenous people is made to stand proxy for all the others instead after exploring the general issues facing all indigenous peoples and the general legal strategies they use the book focuses most of its attention on the specific climate change issues that confront particular groups South American indigenous peoples the various tribes of Native Americans in the US the indigenous peoples of the Arctic collectively as well as in respect to particular Arctic countries Pacific Islanders indigenous peoples in Asia the various groups of Aborigines and Torres Islanders in Australia the Maori on New Zealand and several tribes in Kenya Africa For people interested in climate change and climate change adaptation this book provides a unique overview of the special vulnerabilities and plights of indigenous peoples issues that must be considered as the world works to formulate effective and protective climate change adaptation policies For people interested in indigenous peoples and international human rights this book paints a grim picture of the various ways in which climate change threatens this very diverse group of cultural entities and the deep knowledge of place that they usually possess while at the same time offering hope that the law can find ways to keep them from disappearing and indeed that indigenous peoples might just help the rest of us to survive as well Robin Kundis Craig University of Utah S J Quinney College of Law US It is one of the world's cruelest ironies that some of the earliest effects of climate change are being felt by indigenous populations around the world even though they contributed no more than trivial amounts of the greenhouse gases that are at the root of much of the problem and they are so politically and economically powerless that they played no role in the decisions that have led to their plight At the same time many of these populations are victimized by certain actions designed to reduce emissions such as land clearing for biofuels cultivation and restrictions

on forest use Professors Abate and Kronk have assembled a formidable collection of experts from around the world who demonstrate the diversity of challenges facing these indigenous peoples and the opportunities and challenges in using various international and domestic legal tools to seek redress This book will be an invaluable resource for all those examining the legal remedies that may be available either now or as the law develops in the years to come Michael B Gerrard Columbia Law School US This timely volume explores the ways in which indigenous peoples across the world are challenged by climate change impacts and discusses the legal resources available to confront those challenges Indigenous peoples occupy a unique niche within the climate justice movement as many indigenous communities live subsistence lifestyles that are severely disrupted by the effects of climate change Additionally in many parts of the world domestic law is applied differently to indigenous peoples than it is to their non indigenous peers further complicating the quest for legal remedies The contributors to this book bring a range of expert legal perspectives to this complex discussion offering both a comprehensive explanation of climate change related problems faced by indigenous communities and a breakdown of various real world attempts to devise workable legal solutions Regions covered include North and South America Brazil Canada the US and the Arctic the Pacific Islands Fiji Tuvalu and the Federated States of Micronesia Australia and New Zealand Asia China and Nepal and Africa Kenya This comprehensive volume will appeal to professors and students of environmental law indigenous law and international law as well as practitioners and policymakers with an interest in indigenous legal issues and environmental justice

Climate Change and Indigenous Peoples Kathryn Norton-Smith, 2016 Climate Change and Indigenous Peoples in the United States Julie Koppel Maldonado, Benedict Colombi, Rajul Pandya, 2014-04-05 With a long history and deep connection to the Earth's resources indigenous peoples have an intimate understanding and ability to observe the impacts linked to climate change Traditional ecological knowledge and tribal experience play a key role in developing future scientific solutions for adaptation to the impacts The book explores climate related issues for indigenous communities in the United States including loss of traditional knowledge forests and ecosystems food security and traditional foods as well as water Arctic sea ice loss permafrost thaw and relocation The book also highlights how tribal communities and programs are responding to the changing environments Fifty authors from tribal communities academia government agencies and NGOs contributed to the book Previously published in Climatic Change Volume 120 Issue 3 2013 The Search for Environmental Justice Paul Martin, Sadeq Z. Bigdeli, Trevor Daya-Winterbottom, Willemien du Plessis, Amanda Kennedy, 2015-07-31 This thoughtful book provides an overview of the major developments in the theory and practice of environmental justice It illustrates the direction of the evolution of rights of nature and exposes the diverse meanings and practical uses of the concept

Research Handbook on Climate Change, Migration and the Law Benoît Maye, François Crépeau, 2017-10-27 This comprehensive Research Handbook provides an overview of the debates on how the law does and could relate to migration exacerbated by climate change It contains conceptual chapters on the relationship between climate change migration and

the law as well as doctrinal and prospective discussions regarding legal developments in different domestic contexts and in international governance Research Handbook on Climate Change Law and Loss & Damage Doelle, Meinhard, Seck, Sara L., 2021-11-17 This timely Research Handbook offers an insightful review of how legal systems whether domestic international or transnational can and should adjust to fairly and effectively support loss and damage L D claims in climate change law International contributors guide readers through a detailed assessment of the history and current state of L D provisions under the UN climate regime and consider the opportunities to fund L D claims both within and outside the UN climate system The Oxford Handbook of International Environmental Law Lavanya Rajamani, Jacqueline Peel, 2021-08-06 The second edition of this leading reference work provides a comprehensive discussion of the dynamic and important field of international law concerned with environmental protection It is edited by globally recognised international environmental law scholars Professor Lavanya Rajamani and Professor Jacqueline Peel and features 67 chapters authored by 76 renowned experts in their fields The Handbook discusses the key principles underpinning international environmental law its relevant actors and tools and rules applying in its substantive sub fields such as climate law oceans law wildlife and biodiversity law and hazardous substances regulation It also explores the intersection of international environmental law with other areas of international law such as those concerned with trade investment disaster migration armed conflict intellectual property energy and human rights The Handbook sets its discussion of international environmental law in the broader interdisciplinary context of developments in science ethics politics and economics which inform the way in which environmental rules are made implemented and enforced It provides an introduction to the foundations of international environmental law while also engaging with questions at the frontiers of research teaching and practice in the field including the role of Global South perspectives the contribution made by Earth jurisprudence and the growing role of a diverse range of actors from indigenous peoples to business and industry Like the first edition this second edition of the Handbook is an essential reference text for all engaged with environmental issues at the international level and the applicable governance and regulatory structures **Climate Change and the Voiceless** Randall S. Abate, 2019-10-24 Identifies the common vulnerabilities of the voiceless and demonstrates how the law can evolve to protect their interests more effectively *The Protection of Indigenous Peoples and Reduction of Forest Carbon Emissions* Handa Abidin, 2015-07-14 In *The Protection of Indigenous Peoples and Reduction of Forest Carbon Emissions* Handa Abidin identifies three main approaches that can be used by indigenous peoples to protect their rights in the context of REDD plus Further he discusses how the available protection for indigenous peoples in the context of REDD plus is currently insufficient to quickly address cases where the rights of indigenous peoples have been violated through REDD plus activities Abidin recommends the establishment of a committee and a panel on REDD plus that could convey greater benefits to the context of REDD plus and indigenous peoples as well as to wider contexts such as climate change human rights and international law Small Island States &

International Law Carolin König, 2022-12-30 What happens under international law if a state perishes due to rising sea levels without a successor state being created Will the state cease to exist What would this mean for its population Have international law and globalization progressed enough to protect the people thus affected or does international law still depend on the territorial state when it comes to protecting entire populations Exploring these issues this book provides answers to these pressing questions Focusing on small island states as actors in the international community it evaluates the challenges that the state as a subject of international law faces in general from globalization and humanization and what this means for small island states threatened by rising seas Highlighting the experience of the indigenous peoples of small island states as collectives and to the individuals living in these states the book addresses fundamental questions of general state theory and international law drawing on an extensive body of source material As rising sea levels present an increasingly pressing threat to small island states this book highlights the importance of international protection of the individual and the capacity of international organizations to act within existing international law It identifies pressing problems where immediate action is required and argues that in future the responsibility for protecting individuals could shift to the international community if a sinking island state can no longer protect its population on its own

The Oxford Handbook of Environmental Ethics Stephen Mark Gardiner, Allen Thompson, 2017 We live during a crucial period of human history on Earth Anthropogenic environmental changes are occurring on global scales at unprecedented rates Despite a long history of environmental intervention never before has the collective impact of human behaviors threatened all of the major bio systems on the planet Decisions we make today will have significant consequences for the basic conditions of all life into the indefinite future What should we do How should we behave In what ways ought we organize and respond The future of the world as we know it depends on our actions today A cutting edge introduction to environmental ethics in a time of dramatic global environmental change this collection contains forty five newly commissioned articles with contributions from well established experts and emerging voices in the field Chapters are arranged in topical sections social contexts history science economics law and the Anthropocene who or what is of value humanity conscious animals living individuals and wild nature the nature of value truth and goodness practical reasons hermeneutics phenomenology and aesthetics how things ought to matter consequences duty and obligation character traits caring for others and the sacred essential concepts responsibility justice gender rights ecological space risk and precaution citizenship future generations and sustainability key issues pollution population energy food water mass extinction technology and ecosystem management climate change mitigation adaptation diplomacy and geoengineering and social change conflict pragmatism sacrifice and action Each chapter explains the role played by central theories ideas issues and concepts in contemporary environmental ethics and their relevance for the challenges of the future

Climate Change Impacts on Ocean and Coastal Law Randall Abate, 2015 Ocean and coastal law has grown rapidly in the past three decades as a specialty area within natural resources law and environmental law The

protection of oceans has received increased attention in the past decade because of sea level rise ocean acidification the global overfishing crisis widespread depletion of marine biodiversity such as marine mammals and coral reefs and marine pollution Paralleling the growth of ocean and coastal law climate change regulation has emerged as a focus of international environmental diplomacy and has gained increased attention in the wake of disturbing and abrupt climate change related impacts throughout the world that have profound implications for ocean and coastal regulation and marine resources Climate Change Impacts on Ocean and Coastal Law effectively unites these two worlds It raises important questions about whether and how ocean and coastal law will respond to the regulatory challenges that climate change presents to resources in the oceans and coasts of the U S and the world This comprehensive work assembles the insights of global experts from academia and major NGOs e g Center for International Environmental Law Ocean Conservancy and Environmental Law Institute to address regulatory challenges from the perspectives of U S law foreign domestic law and international law

Our Ice Is Vanishing / Sikuvut Nunguliqtuq Shelley Wright, 2014-09-01 The Arctic is ruled by ice For Inuit it is a highway a hunting ground and the platform on which life is lived While the international community argues about sovereignty security and resource development at the top of the world the Inuit remind us that they are the original inhabitants of this magnificent place and that it is undergoing a dangerous transformation The Arctic ice is melting at an alarming rate and Inuit have become the direct witnesses and messengers of climate change Through an examination of Inuit history and culture alongside the experiences of newcomers to the Arctic seeking land wealth adventure and power Our Ice Is Vanishing describes the legacies of exploration intervention and resilience Combining scientific and legal information with political and individual perspectives Shelley Wright follows the history of the Canadian presence in the Arctic and shares her own journey in recollections and photographs presenting the far North as few people have seen it Climate change is redrawing the boundaries of what Inuit and non Inuit have learned to expect from our world Our Ice Is Vanishing demonstrates that we must engage with the knowledge of the Inuit in order to understand and negotiate issues of climate change and sovereignty claims in the region

Bezpieczeństwo ludzkie ludów tubylczych w Arktyce na przykładzie Samów. Wybrane zagadnienia AGNIESZKA SZPAK, 2018 Samowie lud tubylczy zamieszkują cyfrową noc Norwegii Szwecji Finlandii i Rosji kiedyś i niekiedy wci nazywanych przez innych niewolnikami Lapów czykami Przedmiotem badań w ramach monografii jest bezpieczeństwo ludzkie oraz zagrożenia dla tych ludów w kontekście Arktyki analizowane na przykładzie konkretnej grupy a mianowicie ludu tubylczego Samów w Zagadnienia analizowane w niniejszej rozprawie mają charakter wybiórczy ale oddają istotę tytułowej problematyki Ogrom zagadnienia i w tym zmusi autorkę do zawężenia tematyki do podtytułu Celem początkowym niniejszych badań jest przegląd i systematyzacja poglądów na temat bezpieczeństwa ludzkiego oraz charakterystyka tej koncepcji jak również koncepcji pojęcia ludu tubylczego Celem autorki jest zdefiniowanie bezpieczeństwa ludzkiego oraz wskazanie jego specyfiki w kontekście Arktyki co jest szczególnie wyraźne w przypadku zagrożenia i wyzwania dla bezpieczeństwa ludzkiego w tym regionie Maj

one zdecydowanie specyficzny charakter dlatego badaczka w dużej mierze skupia się na takich zagrojeniach wynikających ze zmian klimatu Kolejny cel obejmuje wskazanie elementów w koniecznych terminach lud tubylczy Ten cel można określić jako eksploracyjny i opisowy zarazem Na problem badawczy tej pracy składa się wskazanie komponentów w bezpieczeństwie ludzkiego i odniesienie ich do ludu tubylczego Sam w Głównym pytaniu badawczym brzmi: wiemy czy bezpieczeństwo ludzkie Sam w jest wystarczające Szczegółowe pytania badawcze odnoszą się do pięciu kwestii: jaka jest specyfika bezpieczeństwa ludzkiego w Arktyce jakie są formy samostanowienia Sam w czy uprawnienia przyznane instytucjom reprezentującym Sam w są adekwatne co robi aby poprawić sytuację czy ludy tubylcze mają prawo do takiego samego samostanowienia jak inne ludy Pani Agnieszka Szpak podjęła sobie niezwykle trudne zadanie zanalizowania sytuacji prawnej politycznej społecznej i ekonomicznej społecznie ci Sam w w Arktyce Z tego wynika, że są to dwa problemy Pierwszym jest ich podmiot: lud odseparowany geograficznie i klimatycznie od reszty świata Drugim problemem są kwestie definicyjne i instrumenty analizy Z obu dylematów w badawczych wybrana bardzo dobrze proponuję czytelnikowi ciekawą lekturę Książka jest nowatorska doskonale udokumentowana i w pełni zasługuje na publikację Z recenzji wydawniczej prof. dr hab. Grażyny Michałowskiej

Law in a Changing World Jutta Brunnee, Brenda Cossman, Andrew Green, Benjamin Alarie, 2025-05-31 Law in a Changing World explores how climate change is reshaping the law drawing on contributions from legal scholars across diverse fields The book examines how climate change impacts areas such as governance justice housing and disability law Rather than focusing on climate law alone the chapters explore how climate change is challenging foundational legal concepts and demanding adaptations across various sectors The authors consider the roles of international Indigenous and domestic legal systems in addressing climate related issues Topics include climate justice for vulnerable populations the role of government in crisis management and the intersection of law with emerging challenges like housing and disability rights Law in a Changing World provides a comprehensive cross disciplinary examination of how legal frameworks can respond to climate related emergencies and injustices offering fresh perspectives on the role of law in a warming world It is an essential read for those interested in the intersection of law policy and climate change

The United Nations Declaration on the Rights of Indigenous Peoples Damien Short, Corinne Lennox, Julian Burger, Jessie Hohmann, 2020-12-17 The development and adoption of the United Nations Declaration on the Rights of Indigenous Peoples UNDRIP was a huge success for the global indigenous movement This book offers an insightful and nuanced contemporary evaluation of the progress and challenges that indigenous peoples have faced in securing the implementation of this new instrument as well as its normative impact at both the national and international levels The chapters in this collection offer a multi disciplinary analysis of the UNDRIP as it enters the second decade since its adoption by the UN General Assembly in 2007 Following centuries of resistance by Indigenous peoples to state and state sponsored dispossession violence cultural appropriation murder neglect and derision the UNDRIP is an achievement with deep implications in international law policy and politics In many ways it also represents just the beginning

the opening of new ways forward that include advocacy activism and the careful and hard fought crafting of new relationships between Indigenous peoples and states and their dominant populations and interests This book was originally published as a special issue of The International Journal of Human Rights International Environmental Law and the Global South Shawkat Alam, Sumudu Atapattu, Carmen G. Gonzalez, Jona Razzaque, 2015-09-17 The unprecedented degradation of the planet's vital ecosystems is among the most pressing issues confronting the international community Despite the proliferation of legal instruments to combat environmental problems conflicts between rich and poor nations the North South divide have compromised international environmental law leading to deadlocks in environmental treaty negotiations and noncompliance with existing agreements This volume examines both the historical origins of the North South divide in European colonialism as well as its contemporary manifestations in a range of issues including food justice energy justice indigenous rights trade investment extractive industries human rights land grabs hazardous waste and climate change Born out of the recognition that global inequality and profligate consumerism present threats to a sustainable planet this book makes a unique contribution to international environmental law by emphasizing the priorities and perspectives of the global South **The Common Good and Environmental Governance for the Support of Life** Laura Westra, 2016-08-17 The ongoing environmental crisis has given rise to grave concerns everywhere and a number of authors have approached this topic from various disciplines and points of view proposing different strategies to address and correct the situation A major problem however is presented by the role and possible efficiency of existing legal regimes most of which do not consider seriously the ecological problems that are the basis of most of the global problems that beset us In 2015 Italy hosted the 2015 Expo of Milano an important fair that attempted to address some of these major issues primarily the availability of safe food and water and the legal regimes that govern their distribution The conference that resulted in this volume took place at the University of Parma an old university in a city roughly one hour away This volume discusses a variety of environmental and ecological issues from the standpoint of existing legal instruments with a primary focus on the necessity for ecologically oriented governance in order to mitigate and redress a situation that at present supports multiple human rights violations **Palaces of Hope** Ronald Niezen, Maria Sapignoli, 2017-01-26 This book assembles a range of work by researchers who have entered the social worlds of global organizations *Documents of Native American Political Development* David E. Wilkins, 2018-09-06 Before Europeans arrived in what is now known as the United States over 600 diverse Native nations lived on the same land This encroachment and subsequent settlement by Americans forcibly disrupted the lives of all indigenous peoples and brought about staggering depopulation loss of land and cultural religious and economic changes These developments also wrought profound changes in indigenous politics and longstanding governing institutions David E Wilkins two volume work *Documents of Native American Political Development* traces how indigenous peoples have maintained and continued to exercise a significant measure of self determination contrary to presumptions that

such powers had been lost surrendered or vanquished Volume One provided materials from the 1500s to 1933 This collection of primary source and other documents begins in 1933 and spans the subsequent eight decades Broadly the volume organizes this period into the following distinctive eras indigenous political resurgence and reorganization 1934 to 1940s indigenous termination relocation 1940s to 1960s indigenous self determination 1960s to 1980s and indigenous self governance 1980s to present Wilkins presents documents including the governing arrangements Native nations created and adapted that are comparable to formal constitutions international and interest group records statements by prominent Native and non Native individuals and sources featuring important innovations that display the political acumen of Native nations The documents are arranged chronologically and Wilkins provides concise introductory essays to each document placing them within the proper context Each introduction is followed by a brief list of suggestions for further reading This continued examination of fascinating and relatively unknown indigenous history from a number of influential legal and political writings to the formal constitutions crafted since the American intervention of the Indian Reorganization Act of 1934 will be an invaluable resource for scholars and students of the history law and political development of Native peoples

Unveiling the Power of Verbal Beauty: An Emotional Sojourn through **Climate Change And Indigenous Peoples The Search For Legal Remedies**

In some sort of inundated with displays and the cacophony of instant connection, the profound energy and emotional resonance of verbal art often disappear into obscurity, eclipsed by the constant barrage of sound and distractions. Yet, nestled within the lyrical pages of **Climate Change And Indigenous Peoples The Search For Legal Remedies**, a captivating perform of literary beauty that impulses with fresh thoughts, lies an unforgettable journey waiting to be embarked upon. Composed by a virtuoso wordsmith, that magical opus manuals readers on a psychological odyssey, gently exposing the latent potential and profound impact embedded within the intricate web of language. Within the heart-wrenching expanse with this evocative examination, we shall embark upon an introspective exploration of the book is main subjects, dissect their fascinating writing style, and immerse ourselves in the indelible impression it leaves upon the depths of readers souls.

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