Climate Change and Indigenous Peoples

The Search for Legal Remedies

Edited by Randall S. Abate, Monmouth University, US and Elizabeth Ann Kronk Warner, Dean and Professor of Law, College of Law, The University of Utah, US

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 volume pairs climate change-related issues with legal solutions tailored to indigenous peoples and their concerns, covering world regions from the Pacific Islands to North and South America and Africa and providing a wide range of subjects: everything from reindeer husbandry in a changing Saami world to international litigation arising from climate change disputes. The result is a solid and varied set of articles and analyses key to any international legal collection and for social issues readers alike.’

– Midwest Book Review

‘The book will be a sought after reference work in libraries worldwide... has an excellent index and has been scrupulously edited. It will serve as a useful reference for students and professors teaching indigenous peoples’ rights and climate change.’

– Paul Havemann, Journal of Environmental Law

‘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...’

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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

‘Titles rarely capture exactly what a book is about and this is certainly true of Abate and Kronk’s expansive edited volume. . . Climate Change and Indigenous Peoples: The Search for Legal Remedies could well become a vital reference for both experienced and new observers regarding the specific effects climate change has on indigenous rights.’

– Aled Dilwyn Fisher, Nordic Journal of Human Rights