

THE CLIMATE OF ENVIRONMENTAL JUSTICE: TAKING STOCK

FOREWORD

MAXINE A. BURKETT*

The next three pieces were presented at a conference held at the University of Colorado Law School March 16–17, 2007, titled *The Climate of Environmental Justice: Taking Stock*. This conference brought together academics and practitioners from around the country to consider the current state of the environmental justice movement and to discuss the consequences of global climate change on low-income and of-color communities, which already bear a disproportionate share of environmental hazards.

The first piece is the transcription of remarks made by Congressman Mark Udall. Congressman Udall, stressing the importance of applying principals of environmental justice, asserts that the pre-eminent challenge for modern society is to distribute the benefits and burdens of industrial development and economic growth equally. To confront this challenge, he advocates a number of policy measures, including the adoption of legislation that would require federal agencies to consider the environmental justice implications of their regulatory decisions. In addition, Congressman Udall encourages increased use of technologies such as renewable energy, recycling, and mass transit, as well as the adoption of smart growth technologies, the reduction of sprawl, and the promotion of sustainability.

Professor Ruth Gordon's paper, *Climate Change and the Poorest Nations: Further Reflections on Global Inequality*, focuses on the vulnerability and powerlessness of developing nations with regard to the effects of global climate change. Specifically, Professor Gordon examines the inability of poor

* Associate Professor of Law, University of Colorado Law School.

nations to deal with sudden changes in weather patterns and habitats due to global warming. Further, she explains that these nations are unlikely to be active participants in the global mechanisms designed to address climate change, including those that specifically attempt to engage the impacts on developing nations directly. Even when poor nations do participate in international deliberations, Professor Gordon contends, they do so from an extremely weak position and must accept the consequences of policies created by wealthier nations.

In *Indigenous People and Environmental Justice: The Impact of Climate Change*, Professor Rebecca Tsosie challenges the current international strategy for adaptation to climate change—a strategy that contemplates the removal of entire indigenous communities from their native lands. Professor Tsosie argues that such a strategy is unacceptable, as removal of indigenous peoples would introduce a unique harm for communities whose identity is intimately connected to the land. According to Tsosie, therefore, “sovereignty claims” by indigenous groups and tort-based theories of compensation for harms caused by climate change are insufficient methods of protecting the cultural identity and other concerns of indigenous peoples. Instead, Tsosie advocates development of new indigenous rights, in the face of climate change, that would be based on human rights norms and that would recognize an indigenous right to environmental self-determination.