Foreword

It has often been said that treatment of indigenous peoples, both within the context of the American legal system and now globally, represents the metaphorical ‘miner’s canary’ – a bird released into mines for which its demise or distress provides an early warning of potentially grave danger to those that follow.

Felix Cohen aptly noted of indigenous peoples within the United States:

[T]he Indian plays much the same role in our American society that the Jews played in Germany. Like the miner’s canary, the Indian marks the shifts from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith.

In this book, a diverse collection of commentators highlight how, in the context of climate change, indigenous communities are, once again, providing a critical warning to the broader global community that cannot be ignored.

On one hand, the book documents how climate change is having a disproportionate impact on specific indigenous communities and lifeways, implicating a range of international human rights concerns and social justice issues for which legal remedies will likely follow via established and emerging causes of actions and theories, domestically and within an evolving international law framework.

In contrast, this collection adequately presents indigenous peoples in their proper role as internationally recognized sovereigns and global partners. Gone are the days in which indigenous peoples are cast merely as victims of colonization, powerless within the domestic legal regimes imposed upon them by colonial governments to which indigenous peoples never consented to be governed.

This collection appropriately demonstrates that currently and into the future, more and more indigenous communities will be recognized as sovereigns that proactively engage in meaningful self-determination. In this model of indigenous sovereignty, the protection of indigenous political and territorial lands and cultural resources will be advanced in external forums, but will also include internal community empowerment.
Important to this discourse, and well-communicated in this text, is the understanding that indigenous peoples across the globe are as diverse as other nation-states and communities depending on their physical locations, biodiversity, power, legal status, political acumen and resources. While some indigenous communities are struggling for physical survival and basic food and water safety issues, other indigenous communities are addressing ways to manage their own carbon footprint as an industrial player with a thriving internal economic infrastructure and their own environmental regulatory system that regulates conduct inside and outside recognized political boundaries.

It is refreshing to see a collection that gives breadth to the discourse on indigenous peoples and incorporates the reality that no two indigenous communities are alike, nor are they impacted uniformly by events within and outside their control.

Stacy Leeds,
Dean, University of Arkansas School of Law