

Climate Change Law and Indigenous Peoples Seminar

Syllabus - Fall 2014

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This seminar will meet on Mondays from 11:00 a.m.-12:40 p.m. The required texts are Abate & Kronk Warner, *CLIMATE CHANGE AND INDIGENOUS PEOPLES: THE SEARCH FOR LEGAL REMEDIES* (Edward Elgar 2013) and Osofsky & McAllister, *CLIMATE CHANGE LAW AND POLICY* (Wolters Kluwer 2012). The recommended text is Fajans & Falk, *SCHOLARLY WRITING FOR LAW STUDENTS* (4th ed. 2011). Materials posted on TWEN will supplement the readings.

Course Description:

This course examines how indigenous peoples are particularly vulnerable to and disproportionately burdened by global climate change, both physically and legally, and addresses the challenges that these communities face in responding to climate change impacts. Although indigenous communities throughout the world differ, three key commonalities exist in their efforts to adapt to climate change impacts: (1) increased vulnerability to climate change related to the location of indigenous communities; (2) a unique connection to the land for legal, spiritual, and cultural reasons; and (3) recognition under public international law that there are basic rights owed to indigenous communities. Recognizing these commonalities is crucial to understanding the legal mechanisms available to assist indigenous communities in adapting to the threats posed by climate change. This course addresses various legal responses to the plight of indigenous peoples in the face of climate change impacts, with an emphasis on climate justice lawsuits under domestic and international law.

Grading:

Course grades will be determined on the basis of a seminar paper (100%) that must be a **minimum of 30 pages**. Class participation will be considered in determining course grades. Class participation includes attendance, the quality of students' presentations, and the quality of students' contributions to class discussions and exercises. Exceptionally strong participation will raise your grade one "step" (*e.g.*, from a B to a B+) and below average participation will reduce your grade one step (*e.g.*, from a B to a B-).

Class Preparation Policy:

Most of the classes will be conducted in lecture/discussion format and will address: (1) the fundamentals of climate change law and policy, (2) the domestic and international laws governing indigenous peoples, and (3) the growing recognition of the connections between these two areas of law as reflected in several cutting-edge topics in the field. Discussion questions will be e-mailed to students in advance of class to help students focus on extracting the most relevant information from the readings and to form a framework for class discussion. Students are expected to be well prepared and actively engaged in the class discussions. In some classes,

students will be assigned roles to play in class exercises that address topics in climate change and/or indigenous peoples law and policy.

Out of Class Consultation:

All students will meet with me for two individual meetings in my office to discuss their outlines and first drafts of their papers. In addition, I encourage students to consult with me regularly via e-mail or office visits to address questions on their papers. I am available to meet with students by appointment or drop-by visits.

Attendance Policy:

Class attendance is required by ABA accreditation standards. An attendance sheet will be circulated in each class. In accordance with the College of Law's accreditation requirements, students who miss more than 20% of the scheduled class meetings (three classes) will not receive credit for the course. Attendance includes the obligation to appear for class on time and to satisfactorily complete reading assignments prior to class. **Unexcused tardiness will be accumulated to constitute additional absences.**

Reading Assignments:

Week 1
8/11 **Course Overview / Introduction to Climate Change Science, Economics, Politics, and Law.** Assignment: Abate & Kronk Warner, chs. 1 & 2; Osofsky & McAllister, pp. 1-39.

Week 2
8/18 **Introduction to the Legal Status and Rights of Indigenous Peoples under Domestic and International Law.** Assignment: Abate & Kronk Warner, chs. 3, 4, and 5.

Week 3
8/25 **Climate Change Adaptation and Indigenous Peoples.**
Assignment: Abate & Kronk Warner, ch. 6; Osofsky & McAllister, pp. 39-49.

Week 4
9/1 **No Class (Labor Day).**
Assignment: Thesis statements/outlines due Sept. 2.

Week 5
9/8 **Regional Challenges: Climate Change and Arctic Indigenous Peoples.**
Assignment: Abate & Kronk Warner, chs. 14 & 15.

Week 6
9/15 **Regional Challenges: Climate Change and Latin American Indigenous Peoples.** Assignment: Abate & Kronk Warner, ch. 8; Osofsky & McAllister, pp. 242-256.

Week 7
9/22 **Regional Challenges: Climate Change and Pacific Island Indigenous Peoples.**
Assignment: Abate & Kronk Warner, chs. 16, 17, 22.

- Week 8
9/29 **Climate Justice and Climate Refugees.**
Assignment: Abate & Kronk Warner, chs. 18 & 19; Osofsky & McAllister, pp. 378-396.
- Week 9
10/6 **International Human Rights and Indigenous Peoples: Moot Court Exercise**
Assignment: Read materials on TWEN.
- Week 10
10/13 **Bluebooking and Footnoting (Prof. Minarcin).**
Assignment: Review Powerpoint slides after class.
- Week 11
10/20 **Student Presentations.**
- Week 12
10/27 **Student Presentations.**
- Week 13
11/3 **Student Presentations.**
- Week 14
11/10 **Student Presentations.**
- Week 15
11/17 **Course Evaluations / Student Presentations.**

Final Papers Due: *Monday, Nov. 24 at 5:00 p.m.*

Schedule of Important Dates Leading to the Final Draft

I

Aug. 18 – Proposed Paper Topic

Sept. 2 – Thesis Statement and Outline

Sept. 22 – First Draft

Oct.-Nov. – Student Presentations

Nov. 6-7 – Environmental Law and Justice Symposium

Seminar Paper Presentations

- Student presentations will fill the last 5 classes of the semester (3 presentations per class).
- On the Friday before their presentations, students will submit background reading and viewing materials (video clips) to share with the class to prepare for the presentations.
- Students will submit a draft of their Powerpoint slides to me for review at least 24 hours prior to their scheduled presentation.
- Student presentations will run for approximately 20 minutes each with 10 minutes reserved after each presentation for Q & A.

Out-of-Class Activities (Required)

- Prof. Anderson's lecture - Research Strategies and Resources (TBA – first week of class)
- Fifth Annual FAMU Environmental Law and Justice Symposium, Nov. 6-7, 2014
Theme: "Climate Change and Energy: Law, Policy, and Justice" (website forthcoming in August)