



Call for Papers & Participants

Tribes, Land, and the Environment

American University
Washington College of Law
Feb. 25, 2011

Call for Papers

On Feb. 25, 2011 American University Washington College of Law is hosting a conference on “Tribes, Land, and the Environment” in Washington, D.C. Selected papers associated with the conference will be published as chapters in an edited book with the same title to be published by Ashgate Publishing.

Submission Information

Proposals: Please email Sarah.Krakoff@colorado.edu or erosser@wcl.american.edu proposed topics with your tentative title and abstract by Aug. 1, 2010. Selected proposals will be notified on a rolling basis, but by Aug. 15, 2010 at the latest. Topics of interest include everything from federal oversight of tribal environmental decisions to land and environmental institution building by tribal governments. If you have questions, please contact the conference organizers.

Completed Papers: The hoped for length of chapter contributions is approximately 10,000 words including references. Complete author guidelines will be sent to those whose proposals are accepted, but ideally endnotes/footnotes would be kept to a minimum for the sake of readability.

About the Publisher: Ashgate has published similar law related books: HERNANDO DE SOTO AND PROPERTY IN A MARKET ECONOMY (D. Benjamin Barros ed., 2010), <http://www.ashgate.com/isbn/9780754677055>, and AFFORDABLE HOUSING AND PUBLIC-PRIVATE PARTNERSHIPS (Nestor Davidson & Robin Paul Malloy eds., 2009), <http://www.ashgate.com/isbn/9780754677208>.

For additional information as the conference approaches see www.wcl.american.edu/events/tle.

Travel Details

American University Washington College of Law (WCL) is located in Northwest Washington, DC. If you are flying, WCL is convenient to three airports. The most convenient airport is probably National Airport (DCA) which is located on a subway line, but Dulles (IAD) pretty close by cab as well (\$50) and Baltimore-Washington International Airport (BWI), while the farthest and accessible to DC via train, offers a number of direct flights on Southwest Airlines. A list of local hotels can be found at <http://www.wcl.american.edu/admiss/lodging.cfm>, with Embassy Suites Washington being one of the more convenient.

WCL will provide food during the conference and a closing dinner, however participants are asked to cover their own transportation and lodging costs absent exceptional circumstances. Please email ecrosser@wcl.american.edu with *any* travel related concerns.

Theme:

Native American tribes have a far more complex relationship with the environment than is captured by the stereotype of Indians as environmental stewards. Meaningful tribal sovereignty requires non-Indians to recognize the right of Indians to determine their own relationship to the land and the environment. But tribes do not exist in a vacuum, they are deeply affected by off-reservation activities and similarly tribal choices often impact neighboring communities. Characterized in the 1830s by the U.S. Supreme Court as “domestic dependent nations,” Indian governments today have regulatory and governance authority over everything from air quality to the terms of mineral leases.

The number of Indian nations and the particular challenges faced by each tribe makes generalizations regarding either tribal environmental policies or the nature of the relationship between tribes and environmental organizations especially problematic. That being said, the centrality of land to many indigenous peoples offers the possibility that Indian understandings of environmental issues could inform non-Indian society. Reactions of non-Indian governments and environmental organizations to tribes that seek to develop in ways reflective, or *not*

reflective, of off-reservation practices and policies shed light on how non-Indians view tribal sovereignty. Too often the multi-dimensionality of Indians is lost as they are reduced to an easily digestible typecasts of earth-loving conservationists or un-American groups that should fade into history.

Tribes face many challenges in attempting to establish their own developmental and environmental standards within the federal Indian law and environmental law structures. Native Americans living on reservations have among the highest levels of poverty and unemployment in the United States and, given the economic hardships of tribal members, tribal leaders have very difficult choices to make when it comes to environmental protection. Growing awareness of climate change will bring greater attention to the disproportionate impact global warming will have on vulnerable tribal communities – from ice-melt problems the Inuit are now struggling with to increased desertification of Navajo and Hopi reservation land – as well as on the significant impact tribal decisions can have on non-Indians. Universal agreement among scholars does not exist on such

fundamental questions as whether tribes should be subject to federal environmental protection guidelines. Only by both acknowledging the value Indians place in land and simultaneously escaping the limitations inherent in such stereotypes can the complexities and challenges of Indian environmental issues be understood.

Rather than getting lost in theoretical discussions of what is sovereignty and how do tribes think about the environment, new insights can be gleaned from a focus on tribal land and property law. A reservation and tribal land-centric approach involves looking at the practice of tribal sovereignty, as experienced by Indians and non-Indians. Particular uses of tribal land will often be associated with off-reservation externalities and the same can be said for the impact uses of off-reservation land will have on Indian communities. Land issues are inherently local, as are development choices, and by focusing on tribes, *land*, and the environment, hopefully participants will add to the literature in novel and grounded ways.

Primary Contact Information

Sarah Krakoff

University of Colorado Law School

407 Wolf Law Building

Boulder, CO 80309

<http://lawweb.colorado.edu/profiles/profile.jsp?id=31>

Sarah.Krakoff@colorado.edu

(303) 492-2641

Ezra Rosser

American University Washington College of Law

4801 Massachusetts Ave, NW

Washington, DC 20016

www.wcl.american.edu/faculty/rosser

erosser@wcl.american.edu

Note: Ezra will be in El Salvador until Jan. 2011 so if you would like to talk to him, please email him your number and a good time to call, or try 011-503-7023-7303.