

PREFACE

The *UCLA Journal of International Law & Foreign Affairs* is pleased to present Volume Twenty-Five, Issue One. The pieces contained in this issue were drawn from our 2020 Symposium—Human Rights and the Climate Crisis: International and Domestic Legal Strategies—which was hosted alongside UCLA’s Promise Institute for Human Rights and UCLA’s Emmett Institute on Climate Change and the Environment. The Symposium brought the international legal community together at UCLA School of Law to discuss one of the most pressing issues faced by our generation. The result is a unique and novel contribution to the international, foreign, and comparative law literature.

Mr. Kumi Naidoo’s keynote speech provides moving insights and anecdotes from the life of a celebrated human rights and environmental justice activist. Mr. Naidoo describes the challenges climate activists have faced in effecting change. However, his message is ultimately one of hope, calling for humility and kindness to one another despite the inherent risks of standing up for human rights and climate justice.

Professor Cinnamon Carlarne addresses the crucial role that the rule of law plays in combating climate change. Professor Carlarne highlights the tension between pressures on the rule of law such as populism, nationalism, and authoritarianism and efforts to harness the rule of law to combat climate change. Despite this tension, Professor Carlarne concludes that international shared understandings of the rule of law are critical to achieving climate justice and to mitigating the effects of climate change on human rights.

Luisa Gómez-Betancur discusses the ways in which nature itself possesses rights, particularly with regards to the Colombian Amazon. She discusses how nature may be seen as a root cause, means, victim, and as a beneficiary of armed conflict and how these concepts apply subsequent to the Colombian armed conflict. She examines the benefits and difficulties of the transitional justice and climate justice processes and provides examples of measures taken and necessary in Colombia to protect environmental rights.

Tamara Morgenthau and Nikki Reisch examine precedent from African community rights cases, arguing that the community involvement and collective rights central to these cases should be considered

as effective and equitable examples of climate litigation. Applying these principles to climate litigation in other jurisdictions, they argue, would bolster existing individual rights-based arguments and strengthen upstream, community-centered legal strategies for defending against extractive and land-use projects that contribute to climate change.

Camilo Ramirez Gutierrez and Alvaro Sebastian Saavedra Eslava assert that the Colombian Special Jurisdiction for Peace should apply international humanitarian law and international criminal law to prosecute harm to the Colombian environment incurred in the fifty years of armed conflict between the Colombian state and the FARC-EP. In doing so, they argue, the Special Jurisdiction for Peace could pioneer a new generation of case law that protects, conserves, and reclaims the natural environment and that serves as precedent for other jurisdictions to apply international law to environmental protection in post-conflict settings.

Erika McDonald's Comment provides a comparative analysis of the judiciary in the United States and India's National Green Tribunal. She juxtaposes U.S. environmental jurisprudence's use of the Commerce Clause, strict standing, and judicial generalism in denying to litigate climate-related suits on the merits with the National Green Tribunal's use of environmental constitutional rights, relaxed standing in public interest litigation, and scientific expertise to effectively resolve environmental litigation. Her contribution to the field is particularly novel, as it incorporates information learned from interviews with Justice Swatanter Kumar, former Chairperson of the National Green Tribunal.

We would like to extend a special thank you to our authors, our faculty advisor, Professor Asli Bâli, and UCLA Law's publications manager, Liz Purvis, for helping us publish this Issue in the midst of the COVID-19 pandemic and an entirely remote environment. Their enthusiasm and willingness to work creatively together with our staff embodies to us the kindness Mr. Naidoo champions. For that, we are especially grateful for this issue. We thank you for your continued support.

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