

Editors' Note

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EDITORS' NOTE

Environmental justice and environmental equity represent two ideas that, while seemingly straightforward and complementary, tend to foster controversy both in the environmental community and in the public at large. The latter term has been described as a movement to equally distribute environmental risks between and among populations, while the former is seen as a movement to eliminate those risks entirely, but with special attention to those populations most affected. At the heart of both is the idea that people should be treated fairly with respect to the application and impact of environmental policy and practice, regardless of a community's race, gender, class or income. In the United States and abroad, a growing number of states and organizations are striving to achieve environmental justice for affected citizens, but how they define and implement "justice" and "equity" with regard to environmental risks and benefits varies widely. In this latest issue of Sustainable Development Law & Policy we highlight some of the most pressing domestic and international concerns and struggles of the environmental justice movement.

Three of our articles address the domestic implications of environmental justice concerns. Mike Ewall's article, *Legal Tools for Environmental Equity vs. Environmental Justice*, focuses on the quest within the judicial system for remedies of environmental injustices against minorities and disadvantaged communities. He examines various claims brought under Title VI of the Civil Rights Act, suggesting policy changes that could rectify much of the disparate impact of environmental actions. In *On Diversity and Public Policymaking*, Professor Simms examines the internal composition and structure of U.S. environmental agencies and sees an opportunity to advance environmental justice aims by integrating disparate and underrepresented voices into the ranks of decision-makers. Professor Alice Kaswan also focuses on domestic issues in her article, *Seven Principles for Equitable Adaptation*, urging policymakers to incorporate equity considerations and socioeconomic factors in addressing the potential damage from climate change. She posits that long-range land use planning, culturally sensitive communications and services, participatory processes, and reducing underlying environmental stresses top the list of priorities that could prepare the most vulnerable populations for a changing climate.


Moving to an international scope, in her article, *The Growth of Environmental Justice and Environmental Protection in International Law*, E.A. Pheby addresses threats to the indigenous peoples of the Arctic. She criticizes the application of international law, while highlighting the tension between states' rights to natural resources and the rights of indigenous groups to health, safety and self-determination. In *Free Prior*


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Informed Consent, Tendai Zvogbo addresses the concept of free prior informed consent and how it can be used by communities to benefit from foreign direct investment. She posits that by employing this principle, both indigenous communities and multinational corporations can benefit by facilitating economic growth while protecting the environment. In *A Legal Standard for Post-Colonial Land Reform*, Amelia Peterson gives us a comprehensive legal framework for how to equitably and feasibly accomplish land redistribution. She draws upon international human rights law to fill a conceptual gap in the legal justifications for such policies, and demonstrates that human rights can be protected within land redistribution programs. Finally, Hdeel Abdelhady proposes a sustainable and innovative way to enhance food security for vulnerable populations by harnessing a time-tested Islamic financing mechanism in *Islamic Finance as a Mechanism for Bolstering Food Security in the Middle East*.

We would like to offer our sincerest thanks to all of our passionate and talented authors. It is our hope that their articles not only contribute to the academic study of environmental justice and equity, but that the ideas presented herein create a positive impact in communities disproportionately suffering under the environmental burdens of our society.


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