

College Student Sues Alaska Over Climate Change

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Nelson Kanuk, who is currently suing the state of Alaska for failing to adequately address climate change.

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In remote northern Alaska, a college freshman has taken [fossil fuel divestment campaigns](#) a step further by suing the state for failing to adequately address climate change. University of Alaska Fairbanks freshman Nelson Kanuk is from Barrow, a small town at the top of the world where melting ice and permafrost are reshaping land and life.

Because of his grave concern for the impacts of climate change on his family's homeland, Kanuk and six other young adults have sued the state of Alaska, [arguing](#) that the state has not adequately addressed carbon emissions and global warming. Kanuk first sued the state last year when he was a senior in high school but the lower court [dismissed the case](#), saying that policy decisions should be left to the legislative and executive branches. Kanuk and the others appealed.

Yesterday the Alaska Supreme Court [took up](#) that appeal. As part of the educational outreach program [Supreme Court LIVE](#), the courtroom was Barrow High School's auditorium and there was a large audience composed mostly of students.

At the hearing the prosecution and defense argued back-and-forth about Alaska's ability and responsibility to manage a global-scale problem such as climate change. There was also a lively Q&A where audience members asked the lawyers, plaintiffs, and judges questions. The entire proceedings can be streamed online [here](#).

Kanuk is being represented in court by the organization Our Children’s Trust, an Oregon-based nonprofit that has filed lawsuits on behalf of young plaintiffs in nine states. The lawsuits ask governments to consider the atmosphere a public trust, and to exercise their duty to protect it.

The Arctic is especially sensitive to temperature fluctuations, and sea and glacial ice are melting at accelerating rates. Just last month the first bulk freighter passed through the Northwest Passage. It was carrying coal. The IPCC estimates that by the end of the 21st century, the area of permafrost near the surface is projected to decrease by between 37 percent and 81 percent.

Kanuk’s immediate concerns arise literally from his backyard and the steadily eroding riverbank that used to be held back by permafrost but is now receding at least several feet per year. Every year the river gets closer to the bright green house he shares with his parents and five siblings.

In an online video, Kanuk says, “warmer temperatures could impact our way of life out here. It would be very hard on all the families in the area. 90 percent of our diet comes from the tundra or the ocean. I want other people to know how much we’re affected by climate change and I’m asking for help with how we’re going to deal with it.”

He also talks about how snow now comes in November for the first time, rather than September or October, as it had in the past.



Barrow, Alaska.

CREDIT: KILEY KROH

The case itself hinges on three questions:

- Does the state have an obligation to protect the atmosphere?
- Does the judicial system even have jurisdiction, or is this exclusively the domain of the legislative and executive branches of government?
- Do Kanuk and fellow plaintiffs have standing? That is, a personal interest and injury that the court can address?

The summary of the case states:

“This is a case about global warming and regulation of greenhouse gases. Several children and their parents sued the State of Alaska ... They allege that if the level of greenhouse gases in the atmosphere is not reduced immediately, there will be unprecedented environmental consequences. They are concerned that global warming has already caused damage to Alaska’s environment and that the damage will increase. They asked the trial court to decide that the atmosphere is a public trust resource that the State has an obligation to protect for the public and for future generations.”

The question of whether the atmosphere is a public trust is a complex one. The idea of a public trust arose out of English common law and was first applied to navigable waters by requiring the government to protect the public’s access to those waters. In general, a trust is a way to hold property for someone else’s benefit.

Robert Campbell, the only private practice lawyer north of the Arctic Circle, told the local newspaper, “generally, the consensus is that the court’s going to find it to be a political question and not answer it, that there’s just not a real easy solution for the court to implement.”

In the same article, Kanuk said, “Well I’m keeping my fingers crossed. And, hopefully that we get moving forward with forming some kind of climate reaction policy both at the state legislative level and also the federal level as well.”

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