

The Climate Show episode 22

[suzanne_lalonde.mp3](#)

Transcript

00:00:04 Linnéa Nordlander

Hi and welcome to the Climate Show, a podcast that explores the law and politics of climate change. This podcast is brought to you by the University of Copenhagen.

00:00:16 Linnéa Nordlander

Hi we are Beatriz Martinez, Linneá Nordlander

00:00:19 Alessandro Monti

And Alessandro Monti.

00:00:20 Beatriz Romera

And we are your hosts at the climate show.

00:00:26 Linnéa Nordlander

Welcome to another episode of the Climate Show. Today we will explore the topic of Arctic shipping from a Canadian perspective.

00:00:32 Alessandro Monti

The regulation of Arctic shipping and climate change is a topic we're actively working on here at Clima, especially to our project InterAct funded by the Carlsberg Foundation.

00:00:42 Alessandro Monti

Today's interview is conducted by Stella Ebbesmeyer, who is writing a PhD on this topic.

00:00:47 Beatriz Romera

If you've been following our podcast, you'll know that we have talked about Arctic shipping before with Doctor Zhen Sun.

00:00:54 Beatriz Romera

Today we are delving into this issue from the perspective of one of the Arctic States, Canada. To discuss this, we have invited Suzanne Lalonde, who is Professor of public international law and law of the Sea at the University of Montreal. Hop on board and enjoy the show.

00:01:09 Stella Ebbesmeyer

Hello everyone so we're here today with Suzanne Lalonde, who is a professor of public international law and international law of the sea at the University of Montreal, her main research interests include public, international law, environmental law, law of the sea and the Arctic.

00:01:25 Stella Ebbesmeyer

Suzanne is actually currently in Copenhagen for the Interact Conference, international law-making actors in shipping and climate change, which has been taking place here at the Faculty of Law during the past two days.

00:01:37 Stella Ebbesmeyer

This conference marks the final milestone of the Carlsberg Foundation InterAct Research Project, which Victor Weber, Beatriz Martinez Romera and myself carry out here at The Faculty of Law.

00:01:50 Stella Ebbesmeyer

Under this project, I myself am researching the regulation of Arctic shipping within a climate change context, so I am very happy to be talking to an expert in the field about this today who will provide us with some insights from a Canadian perspective. Hi Suzanne, welcome to the Climate show and thank you so much for taking the time to record this episode right after the interact conference.

00:02:11 Suzanne Lalonde

It's a pleasure to be here and to be able to chat about the Canadian viewpoint on these questions.

00:02:16 Stella Ebbesmeyer

Great. So, before we begin and for those listeners that are not familiar with this topic, I would recommend that you go back to episode 19 and listen to our episode with Professor Zhen Sun, where we specifically talk about the regulation of Arctic shipping at the international level. But today we're focusing on Canada specifically, which is one of the 8 arctic States and a very relevant actor in Arctic shipping.

00:02:41 Stella Ebbersmeyer

So, to start off with Suzanne, could you briefly explain to the listeners why it is relevant to look at Arctic shipping in the context of climate change specifically? Also, in Canada?

00:02:50 Suzanne Lalonde

Well, Canada is quite proud of this statistic that we're we have the longest coastline. Of course, we measure along all those islands in the North, and then of course, 7% of Canada's coastline is in the Arctic. Add to that, as most listeners will know, and the Arctic region is the one facing the greatest impacts from climate change. So the ice is melting. And so it's easier for ships to access the Arctic archipelago.

00:03:19 Suzanne Lalonde

And so whereas shipping is quite low is significant percentage and increase in ships appearing in the Canadian Arctic. And then the final ingredient is that you're talking about an indigenous homeland, almost all of the Northwest Passage routes are within the territory of the Nunavut.

00:03:39 Suzanne Lalonde

And it's 90% Inuit practically. So it's very sensitive. We want to get it right and these ships that are going to be playing the waters of the Canadian Arctic, we need to make sure it's done responsibly.

00:03:54 Stella Ebbersmeyer

Totally. Yes, totally. So, thanks so much for giving us that overview and moving on from that. What do you see as the most pressing issue in the context of Arctic shipping and climate change in Canada today?

00:04:06 Suzanne Lalonde

I think it's. Reconciling it and it's very difficult. So reconciling the presence of more ships with their impact because it's not just general impact on pollution or you have to think about the fact that ships going through the Canadian Arctic will break the ice. And so our indigenous communities are. Worried that it will disrupt migration paths for Caribou or for other and for marine mammals, the noise that the ships will so the mere presence of shipping then, but at the same time, these Arctic communities need economic development. Things are changing for them as well, and they want to participate. So this balancing exercise.

00:04:49 Suzanne Lalonde

Is very difficult and trying to get it right. Getting the balance right.

00:04:53 Stella Ebbersmeyer

Yeah. Thank you. Thanks for that and if we look at the regulation. So later this year, the HFO ban. So the heavy fuel oil ban that was adopted at the International Maritime Organization will enter into force. Could you discuss a little bit the steps that Canada is taking to implement this ban and any challenges that it is facing in this context?

00:05:15 Suzanne Lalonde

Yes, I mean it was a little discouraging to read, you know, international headlines saying that Canada and Russia were against the ban because there's a strong feeling among the Canadian indigenous population and communities that this is a necessary and I'm glad to say that now the Government of Canada is officially on record as saying of course, and they understand the importance of the ban and I think officially at the IMO their position was we just need more time.

00:05:43 Suzanne Lalonde

The key here, I don't know if all the listeners will know but the eastern part of the Canadian Arctic Archipelago and the central part with a number of communities. There are no roads leading to the South of Canada, so all the goods for constructing, lodgings, transport, but food, everything has to be brought up and there's these massive sealift operations in the summer where many ships will leave. For instance, the Port Of Montreal is very active, loaded with all kinds of orders.

00:06:18 Suzanne Lalonde

If not, then your lettuce is coming up by plane. You can imagine what it does to the price and so for and so two. So I'm thinking of one company that has several ships involved in sea lift and they use HFO. So you're imposing a great shift.

00:06:38 Suzanne Lalonde

At a cost and how to ensure that those costs don't result in higher prices at the grocery store for the indigenous communities finally also some of those ships actually carry HFO because many of the communities their energy is produced using diesel and other fuels, and so everyone's on the same page. But how? How do we ensure that it's not the communities that pay the price?

00:07:04 Suzanne Lalonde

And so I think that's maybe where the quarrel is.

00:07:07 Suzanne Lalonde

Is because, for instance, ICC Canadian chapter feels that the federal government should have a subsidy or a fun.

00:07:14 Suzanne Lalonde

And to offset the costs and I can imagine that perhaps the federal government is trying to figure out how it would fund such a scheme. So I think it's a question of shielding the north from the from the costs of it, but also coming up with that money. Which budget is it going to come from.

00:07:33 Stella Ebbersmeyer

Yeah, totally. That makes a lot of sense. So thanks for. Yeah, doing a little bit into those challenges that are happening in the Canadian.

00:07:40 Stella Ebbersmeyer

Context. Now looking ahead, are there any upcoming policy changes or new regulations on the horizon that aim to address the challenges of Arctic shipping in Canada? I know and we also talked a little bit about that at the conference that Canada is currently establishing an emission control area in the Arctic. Perhaps you could tell us a little bit more about that. Or any other upcoming policy changes.

00:08:03 Suzanne Lalonde

Yeah I think that was a measure that has been discussed for a considerable amount of time. In fact, if you go back in 2010 when the emissions controls areas were established on the East and West coasts and of course stretching down to the United States and farther down but there was a feeling already, but why would you leave out the north?

00:08:25 Suzanne Lalonde

And there was actually, questions of equity like fair treatment for all Canadians, if you were worried about the impact for the populations and the health of the Canadian citizens on the east and West Coast, I have a feeling it was tied perhaps to the notion that there were fewer ships.

00:08:44 Suzanne Lalonde

Fewer emissions, but I think you yourself during the conference explained how particular matter black carbon has such a deep impact in the Arctic. So I think that was a mistake in 2000, but maybe the international community, maybe the IMO wasn't ready to receive the proposal, but I'm very happy if it goes forward now.

00:09:08 Stella Ebbersmeyer

Yeah, yeah, that's great to see that on the horizon for.

00:09:11 Stella Ebbersmeyer

Sure. And within all of this, of course, that's something that you also continually have addressed already. An important question is how indigenous peoples perspectives and their knowledge are being integrated into the development of any Arctic shipping regulation in Canada. So could you shed a little bit more light on that topic please?

00:09:32 Suzanne Lalonde

Of course, another issue that was difficult when you know for Canada was our initial position towards UNDRIP. We were slow, right? We were one of those countries and deeply unhappy about the length of time. But now of course, Canada has adopted implementing legislation of UNDRIP. So although it's a declaration at the international level, it has become law in Canada and the current Canadian government has pledged to review every law that might be impacted by these the recognition, the increased recognition of indigenous rights.

00:10:08 Suzanne Lalonde

Especially when you talk about traditional territories that include marine areas.

00:10:12 Suzanne Lalonde

So this has provoked a review of our Arctic governance regime for shipping and other even pollution and other types of regulations. And in that review, and as we move towards maybe an updated governance regime.

00:10:32 Suzanne Lalonde

The federal government has again recognized that you know, indigenous communities cause there's really a lot of rights holders. There's indigenous public organs as well.

00:10:43 Suzanne Lalonde

Organizations so quite a diverse number of bodies from the indigenous perspective and they have a seat at the table. So the idea is that the new emerging governance regime, which will be tweaked, we're quite proud of our of our regime. It's one of it's quite strict in terms of Environmental Protection, but any changes.

00:11:03 Suzanne Lalonde

Or updating is done as Co-developed.

00:11:07 Suzanne Lalonde

And then there will be Co-management in terms of monitoring etc. So any marine protected areas that are being established are done in direct consultation and with the indigenous representatives at the table.

00:11:19 Stella Ebbersmeyer

That's really great to hear because I know, at least at the international level, that is still a big issue that indigenous peoples don't necessarily have.

00:11:27 Stella Ebbersmeyer

As seat at the table, or at least many have, so yeah, that's great to hear that at least Canada is taking some steps there.

00:11:33 Suzanne Lalonde

Yes. And we heard at the conference a lot about these green shipping corridors and this is one of the, you know, flagship initiatives at the moment that Transport Canada, the Canadian Coast Guard in close connection with the indigenous communities are trying to identify safe shipping corridors through the Canadian Arctic.

00:11:53 Suzanne Lalonde

Knowing that the ships will come, knowing that they bring goods and maybe economic opportunities, they need to come. But we're trying to figure out in close consultation with the local populations where they should go, are there areas they can avoid without so that they don't disrupt some of the marine mammals on which the communities rely? And it's a it's quite a complex mapping kind of exercise, but that that gives me hope a little bit that that it will be respectful regime.

00:12:26 Stella Ebbersmeyer

Yeah, for sure. Thank you for that.

00:12:28 Stella Ebbersmeyer

So to round up my last question relates to a research project that you are a.

00:12:33 Stella Ebbersmeyer

Off, namely, the Qanittaq clean Arctic Shipping initiative, and as you know, as part of the interact project, my PhD also focuses on the regulation of Arctic shipping, specifically on the world's that non state actors play in the regulation thereof. So I'm really interested in this initiatives. And could you tell us a little bit more?

00:12:51 Suzanne Lalonde

About that project? Yes. I've never been involved in such a huge project.

00:12:56 Suzanne Lalonde

And it benefited from funding from one of the elite programs in Canada. It's called the Canada Excellence fund with big money available, and the two main partners are ICC Canada Inuit Circumpolar Council Canada Chapter and Memorial University. That's on the East Coast in the province of Newfoundland. And but then there's a whole host of academic institutions on my own.

00:13:22 Suzanne Lalonde

At the law faculty, but Dalhousie. But there's also lots of, like, public institute, like the Canadian Coast Guard. As a partner. There are also some businesses, some of the, for instance, shipping companies.

00:13:36 Suzanne Lalonde

And there are three main themes under so there is one that's called sustainable shipping operations, coastal and community infrastructure. So what does what do we need in terms of infrastructure in the north to make shipping as efficient, but also as respectful of the environment.

00:13:56 Suzanne Lalonde

The peoples then there's also and this is where a lot of money is necessary. As you will imagine and responsible ship design. So Memorial has expertise in shipbuilding.

00:14:10 Suzanne Lalonde

And this this is very ambitious because we know that Nordic countries, there's a lot of technology already developed, for instance in Norway, about ships for ice conditions and Nordic conditions. But the Inuit have specific priorities. Noise. Is there any way to design ships that minimize noise and we know that I am always on this file, but it's a real concern.

00:14:34 Suzanne Lalonde

Concern and the last theme and it's the one I'm participating with, with colleagues at the law faculty, is the governance of Arctic shipping. So again, trying to feed into this whole because it's a massive process. What should be the Canadian regime, the regulations to promote and the everyone is committed.

00:14:55 Suzanne Lalonde

As an equal partner, ICC is in every theme at the Inuit Circumpolar Council is, you know, a leading a driving actor in this project. So even for myself, I'm looking at the interaction between law of the sea and indigenous human rights. And I've been in touch with my colleagues up north saying what would serve your priorities, what values are you concerned about and would like to see reflected? So it's really it's supposed to be research driven by the north and for the north with benefits going flowing back to northern Canadians.

00:15:33 Stella Ebbesmeyer

That sounds great. Really. Really sounds like a fascinating project. I'm really excited to see the outcomes and any progress. So yeah, really looking forward to that. So before we wrap up, is there anything else that you would like to add or talk about?

00:15:50 Suzanne Lalonde

Well, I think just because it's maybe the subject I hold closest to my heart, it's there seems to be some excitement. You know climate change, yes, catastrophic but it's opening up opportunities and you hear a lot about opening shipping routes, right, and this is also why there's so much focus on Arctic navigation. The Northern Sea route, the Northwest Passage, and the Transpolar route.

00:16:10 Suzanne Lalonde

And I would just. I'd love for the three routes not to be lumped together. I do not think they're all the same. I will be very happy. And of course this will be catastrophic for the planet. The fact that the transpolar route is scheduled to open fairly, you know, maybe in our lifetimes, which is.

00:16:30 Suzanne Lalonde

So I'll be very happy if ships bypass the Northwest Passage. It's not Canada's intent. Of course we welcome ships, but responsible shipping. I don't think it will ever be. You know, we hear all these. It will be a competitor to the Panama Canal in the South. No, that's just not going to happen. It's quite torturous and we don't have maybe adequate mapping yet. And so it just sometimes it saddens me and I think we have to be careful. I don't think the Northern Sea route for instance cuts through an indigenous homeland the way the Northwest Passage routes do. So I would.

00:17:07 Suzanne Lalonde

I always try to, if we could just parcel those out and because I think Northwest Passage comes with a lot of perhaps opportunities, but I see a lot of risks, including cultural risks.

00:17:21 Stella Ebbesmeyer

Yeah, yeah, yeah. That makes a lot of sense. And I think I can also integrate that into my research. So thanks for highlighting that important point. And yeah, I think that was it. Thank you so much for today's conversation. It has been really a tremendous pleasure to have you here. And we are very much looking forward to continuing our conversation on this and to hopefully.

00:17:41 Stella Ebbesmeyer

See you again in Copenhagen. So yeah, we really hope you enjoyed the episode of the Climate Show. And stay tuned for more.

00:17:49 Suzanne Lalonde

Thank you so much.

00:17:54 Linnéa Nordlander

Thank you for listening to this episode of the Climate Show. If you're interested in learning more about Professor Lola's work or the interact project, check out the links in the show notes, stay tuned for our next episode.