

The Climate Show episode 23

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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 and I am Linnéa Nordlander.

And Alessandro Monti.

00:00:20 Beatriz Martinez

And we are your host at the climate show. The Arctic is warming four times faster than the rest of the planet, resulting in drastic consequences for indigenous peoples, local communities and the Arctic environment.

00:00:37 Linnéa Nordlander

If you've been following the climate show recently, you may have noticed that we have quite a lot of Arctic related research going on at CLIMA, and there's even more of that at the University of Copenhagen. More broadly together with members of other faculties, we have joined forces and founded the interdisciplinary climate Arctic Governance Network, where we research governance challenges in the Arctic from an interdisciplinary perspective, Arctic indigenous peoples are especially affected by the effects of climate change. For example, on traditional livelihoods and cultural practices.

00:01:07 Linnéa Nordlander

As well as mental and physical health impacts.

00:01:11 Alessandro Monti

For today's episode, we've invited Doctor Romain Chuffart to discuss the link between climate change and justice, with the focus on indigenous rights.

00:01:19 Alessandro Monti

Romain is the Nansen professor in polar studies at the University of Akureyri, Iceland, and Co-director of the Arctic Institute's Center for Circumpolar Security Studies. For today's episode, we have invited our colleague Johanna Bürkert who is doing a PhD on this topic to interview Romain. Enjoy the show.

00:01:39 Johanna Bürkert

Hello everyone. My name is Johanna Bürkert, and I am a PhD fellow at the Center for Climate Change, Law and Governance at the University of Copenhagen. We're at the Arctic Circle Building Forum today. While we are meeting with Doctor Romain Chuffart, who is the Nansen Professor in polar Studies at the University of Akureyri, Iceland. He is also the chair and managing director of the Arctic Institute Center for Circumpolar Security Studies, a public think tank for policy making in the Arctic, his main expertise and interests lie in the area of public international law, indigenous rights and human rights law in the Arctic.

00:02:13 Johanna Bürkert

Hi Romain and welcome to the Climate Show and thank you so much for taking the time in between the Arctic Circle business to chat with us.

00:02:20 Romain Chuffart

Thank you so much for having me. Its a pleasure.

00:02:22 Johanna Bürkert

In today's episode, we'll be focusing on the intersection of indigenous rights and climate change in an Arctic context. This links to a project that our center is part of the climate Arctic Governance network.

00:02:33 Johanna Bürkert

Also known as cargo. Cargo is an interdisciplinary network of researchers from law, anthropology, security studies and physical sciences aiming to address issues related to climate, Arctic governance as one of the members of cargo. I am happy to have an expert on Arctic matters here with us today.

00:02:50 Johanna Bürkert

Starting off with a more general introduction, could you maybe explain to us how indigenous rights and climate change are related in the Arctic context?

00:02:59 Romain Chuffart

That's a very good question. I think we will look at climate change often.

00:03:04 Romain Chuffart

We see that everything is going down in the Arctic, The metrics are going down, but the people who face.

00:03:11 Romain Chuffart

The brand of climate changes, as it were, are often indigenous communities who are on the forefront of that change. And when we speak of climate change or the future of the future, changes that will happen in the Arctic, indigenous peoples and local communities, and I know that those two need to be separated.

00:03:31 Romain Chuffart

Indigenous.

00:03:33 Romain Chuffart

In living in the. Arctic it's not. It's not a future scenario for them, it's actually their daily life at the moment, so we seek about the have taken. That's the term that we've had for many, many years now. The Arctic warming up at twice three times or four times the rate of global average.

00:03:51 Romain Chuffart

Indigenous peoples have already been living that climate change, so that's that's just the daily life. And that's why we need, I think, serious climate change policy, serious climate change.

00:04:03 Romain Chuffart

Laws also need to take into account a certain element of of indigenous people, rights and the rights of indigenous people.

00:04:11

To just make things.

00:04:13 Romain Chuffart

Potentially a bit better for them, but also just to think about.

00:04:17 Romain Chuffart

Climate change not only the environmental impact.

00:04:19

Which?

00:04:20 Romain Chuffart

Happens and is happening, but also the social.

00:04:23 Romain Chuffart

And cultural impact off those environment changes.

00:04:25 Romain Chuffart

That are happening.

00:04:28 Johanna Bürkert

Thank you for this really nice introductory explanation, so let's maybe go a bit deeper in your work. You focus on the notion of self determination, and indigenous agency. Can you maybe explain to us why our indigenous self determination and agency, is important in relation to climate change in the Arctic?

00:04:46 Romain Chuffart

Thanks again. I I think that's.

00:04:47 Romain Chuffart

A. That's a really good question and.

00:04:48 Romain Chuffart

I I need to.

00:04:49 Romain Chuffart

Start with a potentially a positionality disclaimer that of course I'm not. I'm indigenous here place, but I'm not indigenous in the sense of international law.

00:04:59 Romain Chuffart

And I think that's important because I do not represent or speak on behalf of any of any indigenous communities, especially not any indigenous communities in the Arctic. I think they can do their own job in speaking for themselves as well. So that, that's a disclaimer. I I think that needs to happen.

00:05:14 Romain Chuffart

At the.

00:05:15 Romain Chuffart

Top and and and and I think there's links to self determination.

00:05:19 Romain Chuffart

As well, self-termination if you cut the word, and that's perhaps a very linguistic trick that we need to do, but a step by that we need to have from from legal.

00:05:29 Romain Chuffart

Studies, I guess is to be able to determine the self. What does that mean? Is that you have to have the ability to choose for yourself to be able to charge your own course and charge your own future. And I think again, in relation to climate change and climate law and climate policy, this is really important.

00:05:49 Romain Chuffart

Well, this is the notion.

00:05:51 Romain Chuffart

That.

00:05:52 Romain Chuffart

You know it's circular council and on and on government organization representing the Inuit in in Canada, Alaska, Greenland and Russia has come forward with. Is that the notion of nothing about us without us, this notion that you have to.

00:06:09 Romain Chuffart

Actually, as an indigenous people, and that's the notion of people is very important, especially for us, internationalized is that you have to be able to make your own decisions and not be obligated to and I'm going to say, "the baby table".

00:06:29 Romain Chuffart

The table that doesn't matter in decision making.

00:06:32 Romain Chuffart

They have to have a seat at the table and those discussions and again, that's just to make climate laws and climate policy work. You need to have indigenous agency as well. You, you need to have.

00:06:44 Romain Chuffart

Indigenous.

00:06:45 Romain Chuffart

People, indigenous representatives, and that's a part of self determination as well as being able to choose your own representation.

00:06:54 Romain Chuffart

At the political level, you need to have them have the capacity to make an impact in those fields.

00:07:02 Romain Chuffart

Be it as I said and and the feel of laws and policies, when we come to trying to discuss and have and put in place solutions to face climate change and adaptation, mitigation or something else, but then just the idea of having those indigenous people.

00:07:21 Romain Chuffart

At the table.

00:07:22 Romain Chuffart

Not inviting them, but just saying that they are. They belong there. is an important element, I think of indigenous agencies as well in relation to the Arctic, but to climate policy all around the world as well.

00:07:38 Johanna Bürkert

So I mean, you just said, you know, we're all.

00:07:40 Johanna Bürkert

International lawyers and.

00:07:42 Johanna Bürkert

We we like to make arguments and that's what we are. That's true. But I do think that your work is much more than just international law, and that's very recent. Well, very recently that's also become visible as you works gravitating more and more also to including justice approaches. So could you maybe.

00:07:57 Johanna Bürkert

Reflect a bit on how justice and international law are connected.

00:08:02 Romain Chuffart

That's a very good question. That's the question I've been.

00:08:06 Romain Chuffart

And I'm still trying to, think about it, I think.

00:08:12 Romain Chuffart

Those props and assumption that but international law will lead to justice.

00:08:20 Romain Chuffart

Some form of justice at least.

00:08:21 Romain Chuffart

and I don't want to bore people with too, too much theory or too much history of international law. But at least that's why we conceptualize it's like international law is.

00:08:32 Romain Chuffart

Jus Gentium Law of nations to do what? To bring peace among nations. On the one hand.

00:08:39 Romain Chuffart

And justice among nations, on the other, perhaps peace is a more pragmatic way of seeing international justice as a more utopian way of looking at international law.

00:09:00

But.

00:09:01

I.

00:09:01 Romain Chuffart

Think.

00:09:03 Romain Chuffart

And perhaps that's biased.

00:09:05 Romain Chuffart

Of the discipline as such to think that promotes justice. But I think there's an inherent feeling among people amongst people who have been working on.

00:09:17 Romain Chuffart

Broadly speaking, on decolonization projects, projects related to people's emancipation, decolonization, postcolonial thinking, postcolonial theory as well, especially scholars from the global South.

00:09:37 Romain Chuffart

UM, that have to like if you look.

00:09:41 Romain Chuffart

At it international law.

00:09:43 Romain Chuffart

only promotes certain form of of justice and and I think I think it is so just a certain form of justice that is accessible for some states.

00:09:47 Johanna Bürkert

Yeah, it's a very diplomatic way to phrase it.

00:10:03 Romain Chuffart

And and I'm not. I'm not even talking about justice, as in the way we would view the International Court of Justice. So I'm not even talking about the judiciary side of justice, which is one side of it that also. So most of the.

00:10:16 Romain Chuffart

Time works for certain states as well.

00:10:18 Romain Chuffart

And and and.

00:10:21 Romain Chuffart

But I think if you think of justice as.

00:10:25 Romain Chuffart

Promoting more good in the world, something very like perhaps.

00:10:33 Romain Chuffart

more attached to to morality. Then you can see that International law.

00:10:40 Romain Chuffart

It's it's complicated to make a case international promotes justice, especially when we think of environmental justice. In the case of climate change, for example, does international law promote.

00:10:51 Romain Chuffart

Better environment. I Doubt? I have my doubts. Social justice, does international law promote more social justice.

00:11:02 Romain Chuffart

To some extent it does. Human rights has been a project that was intended to bring a bit more social justice.

00:11:09 Romain Chuffart

Does it work all the?

00:11:10 Romain Chuffart

Time. No. Does it have its limitations? Yes. So it's like thinking about those two ideas in my work and drawing perhaps from.

00:11:21 Romain Chuffart

What I'm going to say extra legal fields, but still very tangential to so geography, especially policy, the work that has been done in political geography.

00:11:33 Romain Chuffart

The way that is done as well from our perspective as well, so people who think of the world in more constructivist fashion rather than the very black and white uh white, you know, because I I think there's there's a there's a there's also a limitation some limit to the argument.

00:11:52 Romain Chuffart

Say International law does not promote justice, it promotes chaos, and so you can, like you, can try to find this very like international relation, realist idea of of international, which I don't really subscribe to because otherwise I think you just start.

00:12:11 Romain Chuffart

Losing. Maybe hope is a strong word, but at least you start.

00:12:17 Romain Chuffart

Losing faith in the discipline and and what it can achieve. And I think it achieves a lot. It just doesn't achieve what we want it to achieve

00:12:28 Romain Chuffart

But it does achieve a lot.

00:12:31 Johanna Bürkert

So that's fair enough you just already brought it up a bit in terms of environmental justice and I would like to connect what you

00:12:38 Johanna Bürkert

Said to climate change.

00:12:40 Johanna Bürkert

A little bit more. So we're here at the Arctic Circle Berlin form and this here is special focus of the Berlin Forum also has to do with the role of Europe in the Arctic and in the last years, there's been quite some concern about the EU and the policies being actually a source of Arctic injustice. And I think the kind of most prominent.

00:13:01 Johanna Bürkert

Term or kind of hashtag is maybe green colonialism, which has come up quite a bit also in relation to Arctic indigenous rights and justice issues. And so I just want to ask you a little bit of a provocative question and please don't think that I fully believe that at all. But you know, for the sake of the argument.

00:13:20 Johanna Bürkert

Could you maybe?

00:13:21 Johanna Bürkert

Reflect on the following topic so so why is justice in the Arctic so important in the climate change context? And isn't climate change really kind of like an all hands on deck situation where we just need to do everything we can to address the impact of climate change?

00:13:36 Johanna Bürkert

And you know if if there's some losses, there's some losses and then just it is what it is. So if you could could reflect on that statement a little bit in relation to your work, I think that would be very interesting.

00:13:50 Romain Chuffart

I think that that is a very good and interesting question.

00:13:56 Romain Chuffart

I think to answer this quite thoroughly again, I think you need to have a disclaimer.

00:14:06 Romain Chuffart

To say that you need.

00:14:09 Romain Chuffart

Emission reduction needs to happen. It needs to happen fast. We're not on track to reach climate targets. Some countries might claim that they do.

00:14:21 Romain Chuffart

But to claim again i have doubts about that.

00:14:29 Romain Chuffart

But that doesn't, or that shouldn't, and that use the word should on purpose, but that shouldn't come at a cost.

00:14:39 Romain Chuffart

For communities that are already facing, as I said at the beginning, the brunt of climate change and I think that's the risk, especially when.

00:14:53 Romain Chuffart

I'm going to call it the fit for 55 package in Europe is it's harder for me to keep track of all the different pieces of legislations that have been passed in the last couple of years.

00:15:13 Romain Chuffart

Even more than that.

00:15:15 Romain Chuffart

Umm, but I think when you look at European.

00:15:19 Romain Chuffart

Policies and European demand for being a carbon neutral economy by 2050.

00:15:26 Romain Chuffart

UM, I I think again.

00:15:31 Romain Chuffart

That depends of raw materials.

00:15:36 Romain Chuffart

That demands of new forms of creating energy should not come at a cost of.

00:15:45 Romain Chuffart

Local.

00:15:47 Romain Chuffart

Indigenous, its local comma indigenous communities in the area, but also elsewhere. Like at all, I think there is a risk of that and we've seen that with a lot of.

00:16:03 Romain Chuffart

Electricity generating projects. So wind power projects, wind power plants, wind farms?

00:16:15 Romain Chuffart

Hydroelectric projects as well that.

00:16:18 Romain Chuffart

Most often than not.

00:16:21 Romain Chuffart

Those are happening.

00:16:24 Romain Chuffart

Those happening in the Arctic, and I began, she should say that those projects happening on the Arctic come at the cost for indigenous peoples living in.

00:16:33 Romain Chuffart

The Arctic especially.

00:16:34 Romain Chuffart

In the European Arctic, when you have the Sami people that are facing actual cultural loss.

00:16:44 Romain Chuffart

Of because of those projects.

00:16:47 Romain Chuffart

I can think not an EU Member State, but I can think EEA state Norway for example, with the frozen case when there were windmills being built on traditional Sami land.

00:17:03 Romain Chuffart

Why is it the case?

00:17:04 Romain Chuffart

Because.

00:17:05 Romain Chuffart

Potentially for the.

00:17:06 Romain Chuffart

State it's easier to build them there potentially. It's also very few people, so why should they care about it?

00:17:18 Romain Chuffart

And I think there is a risk and the risk is not a future risk as a current risk that those projects will and are encroaching upon violating the rights of indigenous peoples and basic human rights of people to.

00:17:37 Romain Chuffart

To have access to their own culture, to their own traditional territory, and of course, the counter argument of that is like these people that just don't want that in their own backyards, in their own backyards, I don't think.

00:17:55 Romain Chuffart

That's the case.

00:17:56 Romain Chuffart

I think if you.

00:18:00 Romain Chuffart

Take a step back in and see what kind of agenda.

00:18:05 Romain Chuffart

Sami organization have, they have very like pro environment agenda. If I mean they're on board with carbon reduction as well. But that carbon reduction should it come at the cost of their own human rights of the enjoyment.

00:18:22 Romain Chuffart

Of their own human rights.

00:18:25 Romain Chuffart

Carbon reduction can happen in Bruxelles carbon reduction. Can. I mean we sit in Berlin. Carbon reduction needs to happen here, like it's easy to.

00:18:34 Romain Chuffart

To relocate that burden on other geographical spaces that you think are on the periphery, where actually those people living there, for those people living there, this is not the periphery. This is the center of their life. So I think I think we need to think about that especially in terms of mineral extraction. So for rare earth minerals.

00:18:55 Romain Chuffart

And also in terms of.

00:19:00 Romain Chuffart

Carbon neutral energy making or energy generating projects and this is a human rights component. That or the the justice component that is lacking is really this

00:19:13 Romain Chuffart

Social, cultural, human rights element, and I use human rights as a nature, as a nature here to just.

00:19:21 Romain Chuffart

Make people think about it.

00:19:23 Romain Chuffart

And with we saw that actually the Norwegian Supreme Court a couple of years ago agreed that those windmills were in violation of the enjoyment of the Sami reindeer herd of the community there, of the enjoyment of their, their cultural, their cultural rights under article.

00:19:43 Romain Chuffart

27 of the International Covenant on Civil and Political Rights, which was incorporated in the Norwegian Constitution as well.

00:19:52 Romain Chuffart

So I think that's where we need to think about it. It in term in terms of justice, I don't really buy into this argument that everything needs to be like all hands on deck argument that everything needs to be done and we can just forget about.

00:20:11 Romain Chuffart

Uh, the rights of other people. Everything needs to be done. That's true.

00:20:16 Johanna Bürkert

So if we if we look at you know the future and the impacts of climate change are only to increase, what do you then think is the future task for Arctic law and governance in?

00:20:27 Johanna Bürkert

Light of what you just mentioned.

00:20:31 Romain Chuffart

That's a. That's a very good question.

00:20:35 Romain Chuffart

I think you need to.

00:20:39 Romain Chuffart

To potentially try to.

00:20:43 Romain Chuffart

Reimagine and again going back.

00:20:46 Romain Chuffart

To decide that.

00:20:49 Romain Chuffart

Law does not always promote justice.

00:20:53 Romain Chuffart

Think you need to reimagine the norms of international law and international environmental law, and in that respect of climate climate change, to see, and to think about them, and and see why they're failing. Why, for all intents and purposes, we have this body of norms and regulations.

00:21:14 Romain Chuffart

That do not drive us in the direction we want.

00:21:17 Romain Chuffart

To go.

00:21:18 Romain Chuffart

And and and to to think about them and.

00:21:22 Romain Chuffart

See how we can.

00:21:25 Romain Chuffart

Work with and against them to see what can be improved. I know that's like that's the task of of policy makers and the task of international lawyers as well. But just thinking of what? What they, why they were there in the first place.

00:21:44 Romain Chuffart

And why they're failing? And I think that's the future of Arctic governance. In browsing a bit more.

00:21:53 Romain Chuffart

Humble as international lawyers to recognize that sometimes.

00:22:00 Romain Chuffart

What we do?

00:22:01 Romain Chuffart

And most of the time what we do.

00:22:03 Romain Chuffart

Is the start of success.

00:22:05 Romain Chuffart

And how can we make sure that?

00:22:08 Romain Chuffart

Actually, the targets that we put in place are realistic, are quick enough and that the law is the the legal framework is promoting.

00:22:17 Romain Chuffart

That.

00:22:18 Romain Chuffart

And and that requires, as I said, to get earlier thing that requires more than just international lawyers sitting in the room trying to negotiate a treaty or negotiate new norms or saying like, this, this norm, customary or not. Actually we should try to make those States.

00:22:40 Romain Chuffart

Follow that, that or this rule. I think this requires a conversation with.

00:22:47 Romain Chuffart

From an academic perspective, I think it requires a discussion between disciplines, so trying to bring more scientists on board and drafting laws, but also trying to bring more social scientists on board to actually have a conversation that is nuanced enough.

00:23:07 Romain Chuffart

Like takes us where we want to go, and I know that's like, that's a bit fluffy to end because it's like it's it that doesn't happen at the concrete level. That happens again one step before that, before it is applied. And those conversation needs to be had.

00:23:27 Romain Chuffart

And.

00:23:29 Romain Chuffart

If those conversations happens.

00:23:31 Romain Chuffart

In academia.

00:23:33 Romain Chuffart

There's a good chance that, that will trickle down to policymakers, or that won't trickle down automatically. We'll have to do the leg work for it. We'll have to actually try to bend the arc in our favor, but I think it that needs to be done. But that needs to start from somewhere.

00:23:55 Romain Chuffart

It won't start from legal circles that need.

00:23:59 Romain Chuffart

To apply the law.

00:24:00 Romain Chuffart

Why would they change it? That's not their role. It won't start from decision making or decision makers from themselves, because they need to rely on data or we hope they do rely on data.

00:24:13 Romain Chuffart

See, I think I think it needs to start within the research within the R&D for decision making. If you if you want to speak in business terms.

00:24:23 Romain Chuffart

But I think.

00:24:24 Romain Chuffart

That's the ethos I think we need to think about or at least the things we need to think about when we think of the future of law and the governance of the Arctic.

00:24:35 Johanna Bürkert

And thank you so much for today's interview. It's been really a tremendous pleasure to have you here with us on the podcast. And we, I and I think we as the center look very much forward to continuing our conversation on this and hopefully seeing you back in Copenhagen soon.

00:24:50 Romain Chuffart

Thank you, So much, for having me. It was a lovely conversation.

00:24:53 Johanna Bürkert

We hope you enjoyed this episode.

00:24:54 Johanna Bürkert

Of the Climate show, stay tuned for more.

00:25:03 Beatriz Martinez

Thank you for listening to this episode of the Climate Show. If you're interested in learning more about indigenous rights in the Arctic, check out the link in the show notes. Stay tuned for our next episode.