

Kolonitidens juridiske strukturer spøger i klimakrisen

Om podcasten

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Resumé

I dette afsnit af Juristeriet ser vi nærmere på et af de steder i verden, hvor klimaforandringerne i stigende grad præger hverdagen. Grønland. For som en del af forskningsprojektet *Of Islands and Ice* er lektor Miriam Cullen flyttet til Grønland for at undersøge mulige juridiske implikationer af Grønlands koloniale fortid – og om denne koloniale fortid påvirker landets resiliens overfor klimaforandringerne. Afsnittet er på engelsk og er optaget i efteråret forud for Miriams undersøgelser i Grønland. Lyt med!

Gæst: Lektor Miriam Cullen

Vært: Emil Tarp Vang

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Indholdet af podcasten

Intro speak:

In the western world, we hear talk about climate change all the time, but the talk is usually in the future tense. It's usually if we don't act, drastic changes will happen. But in other parts of the world these drastic changes are not just an ominous shadow on the horizon – they're already here. Affecting the everyday lives of entire communities.

In this episode of the climate change series from Juristeriet, we will take a closer look at one of these places. Greenland. And in doing so we will not only be looking at the visible changes in the landscape, we will look at the impact that these have on Greenlandic communities, and why the societal issues arising from these changes are so difficult to deal with.

With me today is Miriam Cullen, who is an associate professor here at the faculty of law. She is currently working on a project about the legal protection of indigenous communities from the consequences of climate change. In this episode, she will be showing us some of the legal complexities and challenges facing these communities, when climate change strikes. And, hopefully, what can be done to address these challenges.

My name is Emil Tarp Vang, welcome.

Interview:

Emil Tarp Vang:

And welcome to you too, Miriam.

Miriam Cullen:

Thank you, good to be here.

Del 1

Emil Tarp Vang:

Now as I mentioned in the intro, your current project is taking you to some of the places where climate change is already presenting itself very clearly. Could you maybe start by telling us just a bit about your project?

Miriam Cullen:

Sure, so we were lucky enough to get research funding from the Independent Research Fund Denmark to spend a couple of years looking into climate change in the overseas colonised territories of the state, because overseas colonised territories struck me as these places that are usually islands, far away from a governing majority, from a mainland population, and many of the things that made them vulnerable to colonisation such as their small population and their lifestyle until then also makes them somewhat vulnerable to climate change in that these are small communities island states dependent on subsistence living and so forth.

Emil:

And you've chosen to work with two specific places can you tell us about that part of the project?

Miriam:

The two case studies are Greenland, which we know is part of the Danish realm but it is self-governing as self-governing territory within the Danish realm and also the Cook Islands which is arguably now a state although I've heard different views on this, but by and large is a state now under international law, but nevertheless a British colony and still subject to a large degree to oversight from New Zealand.

And so our project is interrogating and looking at international law and how that applies in these places but we're also interested to understand how those laws manifest, and what that means is that we need to talk to people.

Emil:

Yes, and I understand there's even a move involved with this project?

Miriam:

That's right yeah so myself and my family I'm moving to Greenland to live there for six months from January so with during the beginning of the work in Greenland and thereafter will also be travelling to the Cook Islands to spend some time and to talk to people and to understand this situation there I've already spent some time in New Zealand where I spoke with the ministry of

foreign affairs and trade and other representatives on the New Zealand relationship with the Cook Islands and will be doing the same here in Denmark too.

Emil:

And why do you feel for this kind of project that it's important to be in the place you're researching? Is it necessary in your view?

Miriam:

I think so in one of the reasons is that we all come from our own positionality. So my positionality is I'm a white person a settler woman with heritage based in Ireland and growing up in New Zealand and that's my positionality and that will exist no matter how long I stay in Greenland or stay in the Cook Islands those will still be the lenses through which I've learned and developed, but in order to gain a real understanding of the way that life is impacted - or not - by climate change, I mean many of these places communities are very resilient, so you know to really understand how regulation and government in the Eurocentric, anthropocentric way that we understand it and that colonialism is imposed, how those things have impacted historical resilience.

One of the things we know particularly about people who have been subject to colonisation is that this can impact their resilience to climate change. So what we want to understand to some degree is that colonial past that colonial history and how has that impacted resilience to things like climate change today. I'm interested to understand that, so that when we're thinking about how international legal obligations like human rights might operate we can think about how that might be uniquely needed to be done in these places.

Del 2

Emil:

I'd like to ask you about the legal relationship between Denmark and Greenland because I personally perhaps naively thought that the Danish authority over Greenland was something that was way behind us at this point but I guess I understand it's not quite so simple. Could you tell us a little bit about this relationship?

Miriam:

Sure. So what we have seen is an end of it of Greenland being a colony in the way that we traditionally view colonies in a strict legal sense, but the practise of colonisation and the legal authority over Greenland continues. And what I mean by that is that although we have it now the 2009 self-government act which provides a very high degree of independence in terms of governance to Greenland that is still a legislative act of the Danish state. Greenland is not a state under international law, and there is a relative scope for Denmark to exercise its authority in respect of Greenland. It retains authority in particular over security and foreign affairs and that can come up in interesting ways.

For instance in relation to mining in the early 2010s there was a mine where Greenland has authority over granting mining licences it had granted a licence to Greenland minerals, which is actually an Australian company with a deceptive name, and Greenland minerals would be extracting among other things uranium is a by-product of its exploration and this was viewed by₃

Denmark as a security issue it has certain obligations under nuclear non-proliferation treaties and -agreements and so ultimately a deal was reached between the two states where Greenland could still control the issuing of licences, but Denmark retained control over the export of the uranium and that sort of seems like a reasonable enough compromise, but it's easy to see that there's what constitutes foreign and security policy is open to interpretation. There's no definition as such that's been agreed.

And so the UN Security Council has come very close to saying that climate change constitutes a threat to international peace and security and it is theoretically possible for Denmark to engage in some fairly expansive interpretations of what constitutes foreign and security policy to exercise its authority over Greenland. It's also theoretically possible that Denmark could repeal the 2009 self-government act - I think that's politically unlikely, but it's theoretically possible.

All of which means that Greenland still sits under Denmark in that way.

Now that's sort of the legal framework but on a much broader sense colonialism is about much more than just this set of strict laws right?

One of the ways in which colonialism continues to manifest in Greenland, this sort of grey area legal arrangement is one of course, but so many other aspects of colonialism continue in Greenland. Think about for example language: Danish remains the dominant language in Greenland. Most public servants in Greenland are Danish and you know inherently that's not to say that any of those public servants start doing wonderful jobs I'm sure they are, but they're trained in Denmark they have a Danish understanding of the world. They are nevertheless not greenlandic and I think that makes a difference.

But you know these are my sort of hypotheses. I haven't lived in Greenland yet and I am not greenlandic Inuit so I can't really and I'm not in a position to speak to the challenges that are faced in this governance arrangement except in respect of literature I've read or people I've spoken to, but really my authority here is very limited, and what I can talk about is legal arrangements. But this exactly that kind of question that I want our conversations and discussions in Greenland to uncover and you know I'm really delighted that I will have an opportunity to teach, when I'm at Ilisimatusarfik because I often learn the most from my students. So having the opportunity to have a class full of students to discuss these kinds of legal arrangements with I'm sure will be really insightful and enlightening.

Del 3

Emil:

One thing I came across researching for this interview was the concept of non-economic loss in connection to indigenous rights and climate change. I thought the term was a little bit puzzling and surprising could you explain that concept?

Miriam:

Well I can tell you what I think about this. Which is non-economic loss one of the shames about that expression is that it is measuring loss in line with a sort of very capitalist understanding of what something is: Economic or non-economic. It's couched so that the central focus of loss is economics, is money and so even though non-economic loss is an attempt to get away from that, I guess, it's still framed in that way. It's still framed in terms of economics, and that's just so unsatisfying and narrow in terms of the bigger picture.

Emil:

How would you rather we addressed it than this sort of loss?

Miriam:

I guess in a more nuanced way. So one of the things that non-economic loss is you know the idea of loss also doesn't give the full picture. What you might experience is diminishment of things like your quality of life and some of these things might be measured economically but I'm not sure how important that is, or how *adequate* that is. That's a better word; it's important but it's not adequate.

And I think maybe another complexity to think about in this space this risk that you might say well that's a non-economic loss so we're not going to offer any reparations to these people cause that's non-economic. We can't measure it in a monetary sense. And I think that's inadequate too, where people have had imposed upon them a system of capitalism a system of colonialism and that's what they now live within - if monetary reparation is going to assist then there's no reason that they shouldn't obtain that either so I think you know that's another way in which framing things in economic / non-economic is problematic.

Emil:

You mentioned this sense of diminishment what could that look like you might experience a diminishment of your knowledge a diminishment of your resilience because your traditional knowledge is so impacted. I remember I had Yessie Mosby who was one of the claimants in the Torres Strait Eight-case against Australia which was a recent case decided in the UN human rights committee and Yessie lives on Masig Island in the Torres Strait which is one of many of the Torres Strait islands which is part of the state of Australia, but these people have a completely different ethnic, linguistic, and cultural identity to mainland Australians.

And when we spoke with him he shared with us a calendar of the seasons, and it's all in images, and he was sharing with us at which point in the season he would normally catch this kind of fish or this kind of bird would be coming through, or this kind of species you could hunt for, or you should start growing this kind of plant. It was really all about living with and as part of nature, and he was saying how this calendar is no longer representative of the way that the world is around them. That as climate change is shifting the temperature of the oceans shifting species it's shifting fish stocks nothing is reliable as it once was and the speed and pace of climate change is reducing usually very strong capacity to adapt in these communities. And so Yessie was describing situations in which the access to food is much more limited because things aren't where they are supposed to be at different points in the season.

In Greenland as I understand it, this means for instance that the sea ice is solid for shorter periods of time as the ocean warms and so you have to travel longer distances for shorter periods of time in order to obtain your food. And most households in Greenland rely to some degree on wild or caught food and so this has a real impact for your day-to-day life, but more than that that loss of traditional knowledge isn't just impacting things like food security and health, but it's also impacting your cultural identities.

So for many of the elders, this is also true from what I've read in the Sami-community, that many of the elders in these communities feel a sense of great grief that the knowledge that they had that have been passed to them through generations they cannot pass to their children because it's

not helping them, it's no longer accurate. This is a direct story that I heard from a particular Sami woman that in her family her own Grandfather was suffering so greatly because he couldn't give advice on what to do when these conditions were so shifted and I think this is loss.

And I think trying to measure it in this economic or non-economic way and create these hardline black and white divisions is really not doing justice to the way in which life for most peoples of the world is intimately connected with nature.

Del 4

Emil:

Another thing I came across researching for this podcast is this idea that the changes in the physical landscape in these places are creating opportunities for development and exploitation. In Greenland we've seen this happen with new opportunities for mining for instance, which we've also already talked about. Don't these new opportunities sometimes pose a risk for long term loss in exchange for a short term financial gain? What are your thoughts on that?

Miriam:

I do think that's something that at least the government in Greenland is quite aware of. This is a tricky one. I remember when I was negotiating for Australia in the UN Human Rights Committee in the General Assembly one of the resolutions that I was part of negotiating at the time, and this is some years ago, was on the right to development.

By and large Global South states will say we have a right to develop just as you have a Global North. And you know that ought to be recognised. And Global North would retort by and large: "Well yes, we hear you but pollution isn't helping anything and maybe you know we can tone that down a bit, and I think a similar sort of conundrum arises here because of course Greenland should be able to advance itself economically, if it wishes to through among other things exploiting what it has, and at the same time with the melting of the polar ice sheet, which we know is has consequences for the entire world, there is obviously a discomfort with the idea that that might open things up to exploitation.

The other thing that's a hot topic at the moment is energy. The opportunities for energy production in Greenland for instance from the great water flows that are coming from the melting of the ice and there is opportunity for green energy in a way, but there are paradoxes there too.

I would be overly bold and perhaps a bit naive to suggest that I have an answer to any of this, but I do think you know it's for the greenlandic government and the greenlandic people to have decision making authority on how they move forward. But it is a paradox. It's a paradox that the melting of the ice that the opening up of shipping corridors gives rise to tourism gives rise to minerals exploitation gives rise to some things that will be damaging to the environment.

Emil:

There are no easy answers with that one, I guess.

Miriam:

No you know I often say I had this favourite professor in law school I should really write to him, because I quote him quite often. He had a sign on his door that said to every complex problem there is a simple solution, and it's wrong. I think I agree with him.

Emil:

So for the final bit of the podcast I'd like to ask you what do you hope this project of yours can bring to light?

Miriam:

I suppose in the long run when this project is done I hope a few things are brought to light. I hope that we can contribute to a way of thinking about responding to climate change through law that opens our eyes to our own position in the world and to re thinking out the Europe's relationship with its territories and with minorities within its borders who we know are more exposed and vulnerable to climate change.

I also suspect that some of the findings may well end up a being useful and insightful for any small community that's facing its own climate impacts. Some of this research is about specificity of response to location, so I suspect that some of the findings can probably help say a local kommune that has rising sea levels to consult with it's people about how we should move forward here, what are our tipping points, how do we need support, and what can we do next? I think one of the things that we have to be really careful about, particularly with our you know decolonial lenses on, is thinking about these places as the frontiers right no one wants to be the canary in the coal mine for us, so it's sort of not about us in a way.

I think some of the reasons that climate change is impacting different places differently comes from vulnerabilities that our part of the world helped to create and so I think we have a responsibility in that sense to think thoughtfully or not authoritatively about how to support those places to respond and I really hope this work does that.

There's lots of fantastic research that's already been done on you know the weight of climate coloniality, so I'm also you know standing on the shoulders of giants in undertaking this work. Which just you know hasn't so far been applied to these particular regions in this specific way, but I hope to add to that body of literature and a really thoughtful way. And hope honestly that this can grow into bigger projects and more research with critical lenses not just on solutions but also on the very way that we think about them.

Emil:

We're coming to the end. I just want to wish you the best of luck with your project I'll be excited to follow your findings as you go along and thanks again for taking the time to stop by the studio here.

Miriam:

Thank you for having me, it was great.