

The Moral Case for Climate Rep...with Maxine Burkett Re-release

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SPEAKERS

Maxine Burkett, Doug Parsons



Doug Parsons 00:00

Hi everyone this is America adapts the climate change podcast Hey adapters Welcome back to an exciting episode, we're taking a dive into the podcast archive and I'm re releasing this previously published episode the moral case for climate reparations with Maxine Burkett. This was an extremely popular episode. I see it being downloaded at universities to this day, but I've gained a lot of new listeners since it came out and I wanted to put it front and center since it covers such an important issue. We'll be back soon with new episodes. So Maxine is a professor of law at the University of Hawaii at Manoa. We talked about the moral and intellectual case for climate reparations, climate migration, differences in climate justice in the Global North and the global south will adaptation ticket peaceful or conflict oriented approach in the years ahead and adaptation Studies at the University of why Maxine makes a compelling case that reparations are a way forward to helping frontline communities adapt to climate change, you're going to enjoy this conversation. But before we get started, let's talk about all of us going to New York City. Multidisciplinary solutions are the cornerstone of creating a better world we need strategies that transcend boundaries, and ones that recognize the interconnectedness of our rapidly changing planet. And speaking of tackling tough issues and bringing people together for solutions. I'm thrilled to tell you about the 2024 waterfront conference. This fantastic event is hosted by the waterfront Alliance, a US based nonprofit organization with over 1100 partners. This conference is all about real change for our waterfront and coastlines. Now in its 17th year the waterfront conference has become the go to forum for discussing and strategizing on the challenges faced by our entire nation. And if you go and I hope you do, you'll be joining over 600 participants including policymakers, community leaders, scientists, engineers, architects, academics, environmental advocates, and professionals from labor real estate insurance in the finance sectors. The event explores everything from climate change solutions to sustaining robust coastal economies, ensuring equitable access to our waterfront and waterways and fostering a healthier open space environment. I'm very excited to be participating in the waterfront conference. I'll be there moderating sessions, participating in breakouts and hopefully meeting all of you who participate. It's happening may 21 2024, from 8am to 6pm. At The Museum of Jewish heritage in New York City, and this is fantastic. They are

offering something special for my listeners a 10% discount on your tickets, just use the code America at checkout. Oh, what a great word. Plus there are special rates for students and nonprofits. So whether you're a policy wonk and environmental advocate or just someone who cares about the future of our planet, this conference is for you. For more information on the waterfront conference in the incredible work of the waterfront Alliance, head over to waterfrontalliance.org. There are also links in my show notes, guys, it's New York City. Hopefully I'll see you there. Okay, let's revisit my conversation with Maxine Burkett from the University of Hawaii. Hey, adapters welcome back to a very exciting episode. Today. I'm hosting Maxine Burkett, a professor of law at the University of Hawaii at Manoa at the William S. Richardson School of Law, and a global Fellow at the Woodrow Wilson International Center for Scholars. Welcome to the podcast, Maxine.

M Maxine Burkett 03:14

Thanks for having me. It's a pleasure to be here.

D Doug Parsons 03:16

All right, we've been trying to set this up forever. So I'm very excited. We're actually having this conversation. And like, I think we're on the cusp of doing this. And then something really big happened a pandemic, and I'm checking in with people what's going on with you teaching your work? How's the the COVID-19 situation affecting you?

M Maxine Burkett 03:34

Yeah, I mean, you know, I think like everyone, it's been quite a roller coaster, we in Honolulu have had relatively low numbers until very recently, you know, I know, most of my friends and colleagues aren't particularly sympathetic, you know, when we are able to sort of visit, you know, our quarantine does involve sort of getting rid of the beach and those sorts of details. But obviously, we are surrounded by 2000 miles of open ocean and have a lot of dependencies, including our economy and tourism. So it's been a bit of a ride to, to see what it would look like for there to be, you know, a sound transition as we grapple with all of the elements of COVID. You know, obviously, it's the disease itself, but also the ramifications for our political economy. So I'm fine our family is doing as well as can be expected. My husband's the chief resilience Officer for the City and County of Honolulu. So he's been incredibly busy both with his existing portfolio and having COVID part of his work now as well, but we're doing okay and climate folks, we tend to prepare for all kinds of disasters. So we probably find ourselves better situated than than the average.

D Doug Parsons 04:45

My goodness, you're, you're like the adaptation power couple.

M Maxine Burkett 04:50

Something like that. It doesn't make for very good Billow Talk. Right like a lot of work, takes a

Something like that. It doesn't make for very sexy pillow talk. Right like a lot of work, takes a runs right through the day right into the night. And our children are probably one of the best versed in issues of adaptation, and sea level rise and all of the all of the ins and outs of climate inequity. So, yeah, it's an unusual family.

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Doug Parsons 05:12

Well, I hopefully they won't rebel from what you guys are doing. Listen, getting ready for this episode was actually quite a challenge. You guys sent me over a bunch of material. And I've been reading and just fascinating work. And I'm like, alright, what are we going to talk about in this episode? But you know, first, I just kind of want to get some background too. So you're at the University of Hawaii, but you're a co founder of the Institute for Climate and peace. And what's that?

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Maxine Burkett 05:35

Yeah, I'm a law professor, that is my day job. I do have a sort of side hustle, if you will, which is that I founded with a dear friend and colleague, the Institute for Climate and peace, and Maya Soetoro, who, who is the CO co founders is a peace advocate, and educator. And we just noted that these two worlds were have been siloed, like so many things with respect to climate, and our desire to both marry the two worlds in a meaningful way, and to have actionable work, right? So my research and the law is deep. And I've been doing this for quite some time. But what does it mean, if it doesn't have sort of an actionable element to it in terms of its real world impact, especially given the climate scenarios that we're seeing play out right in front of our eyes. So we were both meeting a need to have the work be out in the community and to serve the community, as well as understanding that both fields benefit from the perspective of the other, both in framing the problems that we're dealing with as challenges as well as coming up with solutions that are actually just enduring?

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Doug Parsons 06:39

You mentioned this as your side hustle, but as a relationship, I mean, you're working with students at the university. But is the institute something where there's, you know, you trying to bring both of those together?

M

Maxine Burkett 06:50

Absolutely. I mean, what we're trying to do, essentially, is to ensure sort of climate resilient peace, and peaceful futures as we adapt to climate change. And we're our focus is on communities that are on the frontlines are at this point, our geographic focus is the Pacific Asia region. And we're very much rooted in Hawaii, and the values and ethics and sort of approach to work that is unique to the islands. But what makes this sort of a different way of doing the work is that we take information, we take difficult conversations and efforts to collaborate, and we use that to come up with sound transformative policy, right, so that there is sort of a full circle approach to addressing some of the thorny problems. And the reason this is one, one good example I should offer is that my research has been in climate induced migration, at least

a good portion of it. And we see that the you know, it's, it's typically referred to as climate, refugees or climate, the climate refugee crisis. And we see that the marriage of the two concerns about migration and climate tend to take on a security lens, they can devolve into conversations about borders, about xenophobia and exclusion. And what would it mean to actually think about the conditions that sustain human rights that contain a sustained peace and actually have that be the opportunity to approach the issues of migration and human mobility in the face of climate change with a spirit of welcome rather than exclusion? So it's really grounded in that understanding of understanding how how we frame the challenge, then having an appropriate solution for the challenges this friend, is

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Doug Parsons 08:23

you follow these things, and I think at the Woodrow Wilson is probably helps you with the kind of connections you make there. But with climate change and climate migration, there's going to be so much opportunity for conflict, and it's already happening. And so this approach from you know, peace, obviously, it's something we want to support. But do you feel the conflict side of it could begin to kind of dominate we take a national security approach to it. How does that factor in?

M

Maxine Burkett 08:47

Oh, that's, that's right. And that's exactly what I was sensing from the discourse, right. So climate and conflict does relate in some ways to, to the migration of people and the ability to move in and of itself. But what we were finding is that to the extent that people were talking about peace and climate, it wasn't a climate security frame. And the security part of it was really sort of trending towards national security and what it means to, you know, have people at your at your borders, do we firm up those borders? Do we weaponize those borders? Or do we understand that we are sort of all facing the challenges that climate change the compounding challenges, like climate change, present with, you know, major storms, long term drought, heat, waves, etc, that are literally making it difficult for livelihoods to persist in parts of the world. And so when we think about that, as conflict, a conflict avoidance or conflict resolution, we're eliminating a part of this. It's about conflict transformation. And that's the that's the key element of it. Without getting too much into the weeds here. A lot of our understandings of what peace is, is a negative peace, right, the absence of conflict or whether that's at the regional or interpersonal level, or certainly at the state to nation states nation state level, when we're talking about peace and peacebuilding, we're talking about positive peace, right? What are the conditions and the institutions that allow for sustained peace? A lot of that's equitable distribution of resources, free flow of information, strong relationships with your neighbors, how do you cultivate those kinds of conditions so that peace is avoided. And when conflict does occur, it is transformed, versus just resolved. And oftentimes, that resolution doesn't get to some of the core problems, and how we got to that moment of conflict in the first place. So we're looking at it quite differently. We're looking at this as climate positive peacebuilding versus climate security, which I think is where most of the work that deals with conflict and the influence of climate change on conflict really situates itself?

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Doug Parsons 10:42

Well, I'm sure there's learnings on both sides. And I don't know if you cross paths with Judge

Alice Hill. She was in the National Security Council, and she came on and we talked about Syria and where climate played a role in that. And just it seems to me, even as you look at those examples, it's been talked about a lot as like, here's the migration of people has impacting in that conflict there. And what you're doing is almost you could reverse engineer these conflict situations because like, let's we do this differently. I don't know if that's how you do it. But it's just the learnings that can happen from these conflict areas.

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Maxine Burkett 11:13

That's right. That's an that's you're capturing essentially what we're trying to do. I mean, if you think about certainly, you know, there's the example of Syria and other quote, unquote, hotspots, a lot of times when you think about peace and conflict and its relationship to climate change, as one of you know, what does climate forecasting tell us about potential hotspots and AI? And that seems to be the sort of the value add, right? It seems to flow from the climate expert to maybe the peacebuilder. But I also think, frankly, as someone who comes more from the climate world, that the value add is really in the direction of climate change, benefiting from understanding those elements of positive peacebuilding. And seeing how we got to the point where there's differentials and adaptive capacity when there is a, you know, differentials, and exposure to climate and sort of ancillary effects. Knowing how we got to where we are, and again, crafting more just Solutions is a big part of the positive peacebuilding work, and will actually help us come up with better solutions when we're thinking about adaptation to the varying and worsening impacts of climate change.

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Doug Parsons 12:18

Alright, so what do you do at the Woodrow Wilson International Center? You're a global fellow there, what does that mean?

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Maxine Burkett 12:24

Yeah, so at the Wilson Center, I was officially a Public Policy Fellow at the time working on both islands, and island resiliency in the face of climate change and other threats, but also working on migration, and the issues of again, quote, unquote, climate refugees. And that then, you know, I live in Honolulu, and the Wilson Center is in DC, but I was then appointed as a global fellow with the environmental change and security program, which is where I did that initial work as a public policy fellow, and have sort of maintained a strong relationship with the center in order to continue understanding what the relationship is between these concerns around conflict, migration, and equity can look like the Institute for Climate and peace happened some years after becoming a global fellow, but the possibilities for partnership and collaboration, the synergies are completely there. And we've been cultivating that with a team and at ACSP. Within the last summer.

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Doug Parsons 13:20

Here's a question from Jessie Keen. And I asked him if he had a few because I know you're your friends and colleagues with Jesse and he and I didn't realize there was such a big difference. But he said, I should ask you, you know, you look at climate justice economic justice questions on

but he said, I should ask you, you know, you look at climate justice scenario you're working on, but then you look at environmental justice. And he was saying that what are the differences between the two? And you have a you will have a good answer for that? Yeah. Okay.

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Maxine Burkett 13:41

So I've gotten that question a couple of times. And the way I understand it, I mean, the way I approach it is one of sort of the, it's understanding the movement, right, the movements that are the base there, the environmental justice movement, it was a product of the civil rights movement, and was about really highlighting the disproportionate burden, often toxic burden of communities of color, indigenous communities, and specifically black communities in the United States. And over time, as the climate crisis both exacerbated those toxic burdens. And it's presented itself as a unique challenge. The questions around how we address the interface between climate impacts, and its and the disproportionate impact on communities of color, indigenous communities, black communities became what we understand in the US to be climate justice. So if you're looking back to this, the 70s and some of the earliest movements and environmental justice, those were about our, oftentimes our relationship with fossil fuels, and was making clear at that time that the from extraction to combustion, fossil fuels have been an enemy of public health and well being especially again for communities of color, indigenous and black communities. And then we move forward now the sort of broader implications of our The relationship with fossil fuels is impacting us at a global scale. But the individual impacts or the community level impacts, again, are disproportionate. And I think it's important to, to sort of share that if we were to zoom out, for example, climate justice does have meaning beyond us borders and tends to really reference human rights in the sort of international context, but still is trying to understand the ways in which certain communities in the Global North global south within those countries are disproportionately impact impacted and are further saddled by diminished adaptive capacity as a result of socio economics or, you know, planning that was colonial legacies, etc.

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Doug Parsons 15:41

It got me thinking to what, what really is climate justice, and you look at the domestic situation, and let's say, as the impacts of climate change, really start to increase, and you know, low income people are going to be disproportionately hit. But looking International, you also have to factor in these countries that did the least to contribute to climate change are going to be impacted the most. And so that, yeah, what I'm getting at too, is like we have all these people, even low income people in the United States have a much larger impact and have contributed a lot more to those people overseas. And it seems like the sliding scale of which climate justice really is.

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Maxine Burkett 16:15

Yeah, I mean, well, I think I understand what you mean here. And what I what I will say. So the work that I do, and why I identify first and foremost as a climate justice academic is that in conversation, I'm a trustee, the climate Museum in conversation with our director, you know, it became clear that what we're trying to get at what we're trying to convey is that the carbon economy requires sacrifice zones, and sacrifice zones require racism, we see that very clearly in the United States. Now, that is sort of nested within a global context as well. So in the global,

between the global north and global South, most of those sacrifice zones fall in the Global South, within the global South, there are elites that have less exposure, greater adaptive capacity, and then there are those that do not. Similarly in the Global North, there are communities, even if we are better situated than countries in the Global South, there are communities within the global north that may have just as tenuous and striking exposure to the impacts of climate change. And I think if you look at our indigenous communities in the United States, for example, it would be hard pressed to suggest that there's a sort of a similar sort of carbon fingerprint that you might find in wealthier white communities in the United States. For example, we also have data that suggests at least in the context of air pollution, that the impact the imprint, that fingerprint for certain communities differs with white communities have a much greater impact on air pollution. And also, at the same time not bearing the burdens of that. That relative heightened fingerprint, larger fingerprint, and

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Doug Parsons 17:50

I'm gonna keep throwing out names I don't know if you've sure collaborated with or worked with air, ciders, university, Delaware.

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Maxine Burkett 17:57

I have, we haven't had a chance to meet in person. But we've encountered each other in a few contexts.

D

Doug Parsons 18:02

But she came on, she was great, and actually got to meet her in person and went out to dinner with Jesse up in Boston and write her things managed retreat, obviously. And it just when you think about climate justice, it must be so interesting for you as this field of managed retreat is sort of coming into its own and I guess the notion of managed retreat versus like a Pacific Island versus Oh, coastal South Carolina, they're two very different things. But then how does climate justice factor into it? And if you don't kind of get those things embedded now you could easily see a situation where the wealthier people are helped the most as they're sort of gently being moved out of the coastal zone. But it just it seems like an area rife to climate justice issues are not going to be factored in that

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Maxine Burkett 18:42

I mean, that's, that's right. It's very possible that that might that might happen. And we we understand, again, from studies that have been done recently, that our decisions around land use and zoning can absolutely determine your the outcome of your community visa vie the impacts of climate change. And those policy decisions have a very long tail, right? It's multiple decades to a century. And I'm thinking specifically of the data that we've seen around redlining, and how that's impacted exposures of black communities to you know, heat spikes and urban in terms of urban heat islands, you know, that are five to 12 degrees Fahrenheit higher than the larger the sort of the wider experience of that heatwave in this particular city in these cases. And so, you know, the redlining itself was a policy that has obviously racist roots. And

there were other policy efforts at the federal down to local level that reinforced all of those things. But I don't think anybody at the time was factoring in climate change almost a century later. And so we see that land use planning zoning decisions around managed retreat can have similarly long tail. And if we don't integrate the issues of climate equity, the frameworks for climate equity and the concerns around disproportionate impact, we might go ahead and we again, sort of reinstate conditions that are deleterious and disadvantaged communities of color in particular.

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Doug Parsons 20:08

Alright, I'm going to pivot a little bit here. And I want to go back and talk about COVID-19. And what are your thoughts on what's happening in our response? And how does it are you there must be so much learning to like, in response to like climate change? I mean, there, there's been a lot of those kind of discussions, but how does it affect your work? Are you? Are you literally kind of learning on where we're failing? Where we're doing things? Well?

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Maxine Burkett 20:32

Yeah, I think, you know, COVID-19 has been, you know, sort of fascinating example of abrupt phenomenon, right. And we think about abrupt phenomenon, and that, in the context of climate change, I think about whether or not legal systems can integrate, you know, the needs of of people, the, you know, recognition of rights, etc, in circumstances of abrupt change. And so we see, in this context, in the COVID context, that abrupt change can be really jarring. And that countries and communities that are that have various levels of preparedness will have a different outcome. It's not, it's, it's quite true that an ounce of prevention is worth a pound of cure. We, in our work with the Institute for Climate peace have worked with the Institute of Economics and Peace, which is based out of Australia, and they actually have done a run data. And they rank countries by how peaceful they are based on these positive peace metrics, and the countries that are more peaceful. And again, this is a catch all term that's describing essentially, political economies that are more equitable, that have social services that again, have access to information, best leadership that they actually have had better COVID outcomes. Many people look at New Zealand as the beacon. And obviously every country has its own challenges. But but that is a country that is has is instituting some pretty important policy visa vie an abrupt change at that sitting atop pretty well done governance at base. And we can imagine that that's also going to tell us a lot about whether or not we're prepared for climate change, which is so much bigger, so much greater, that is a slow moving slow, but accelerating train that is going in one direction, and will also have these, this element of surprise to it will also have element of abrupt change, we just some cases, we have some sense of what that will be in some way doubt. What I think is really important to consider is that we can imagine a world in which we are adapting to that change, we're responding to those crises, in a way that's not as austere or as lonely as this experience with COVID has been and I think that's where a lot of the work needs to be done in our thinking, which is to say that the fossil fuel economy has not been without its massive costs. And to remind people that, you know, we all wanted power, we didn't necessarily want fossil fuels for that, for that power, right, that we could have gotten to where we are. And we've known for some 40 years that we could have gotten to where we are without the byproducts of mercury in our in our waters, air pollution that's staggering. And again, this is personally impacting certain communities, literally corridors or parts of our country name, cancer alley, and there's certainly more than one, these are the

sacrifice zones I was mentioning. And that's certainly a big part of what we can imagine. And sort of the if we were to take the climate crisis as one is an opportunity to pivot, which, you know, this COVID period has been asking, I think all of us to think about, is this the world that we want. What does it mean to be prepared? And what does it mean to be thriving in this context?

D Doug Parsons 23:38

Yeah, I mean, there's lessons to be learned, obviously, I look at the pandemic, as this ultimate stress test of the society and New Zealand did well, and as you'd mentioned, why and then the US is doing terribly, and is it federalism that failed us? Or I mean, I know leadership is a big part of this. But I just wonder, as we kind of study these things, is, are there self correction opportunities that we're like, now we're going to use these, of course, future pandemics, but also applied to like how we're going to manage climate change? That's a very good question. Was there a question and there's more like, but it's just like, are we going to self correct that we can use this to adapt to climate change?

M Maxine Burkett 24:16

You know, I certainly hope so. I think that there is an opportunity for that look, after the Great Recession. That was the sort of the last time and there just wasn't that long ago, right. But that was the last time we saw this sort of massive infusion of funds to correct for the massive challenge to the economy, which wasn't the result of a pandemic or some other kind of, quote, sort of, quote, act of God. It was sort of a collapse in in governance to some degree and certainly the actions of a quite a few bad actors. But if you and then a bit of inertia in there as well, but the last time we had to respond to something like this, there was an infusion of funding and and the the funds that we had We're disproportionately mean sort of the vast majority of it went to other kinds of, of infusions into the economy, whether it's the auto industry or getting the banks back up and not to clean energy. For example, by the numbers that I've seen, there was only an eighth of that funding that went into clean energy. And we absolutely need an inversion of that. So this goes to the I think the broader conversation about what does the recovery look like? And where do we, where do we budget for the world that we want to see come out of this, versus the one that we had been grown used to? Right, this is, this is that refrain? Which is, you know, do we do we really want to go back to normal normal was was a crisis. And so if we think about the, the way we approach our budgeting, the way we protest, infusion of funding, the COVID recovery allows for us to at least get some of the, the the wheels turning on the transitions that we'd like to see, you know, in all sectors of our society. And again, if it has not sort of a kind of an equity consideration, post hoc, if it's actually infused with an understanding that equity will actually produce better results for everyone, then you have the possibility for a much more climate resilient, and inclusive economy moving forward.

D Doug Parsons 26:11

All right, well, you set me up nicely for my next question. You think about the Green New Deal, or even Joe Biden would if he comes in as president, and he's talking again, like we'll probably have to do another major stimulus. And the green New Deal obviously talked about things

economic equity, climate justice, and it was very interesting in that respect, where do you kind of fit into that? Do you see like a huge, huge opportunity for the kind of work you're doing that if we truly had that sort of society wide investment these things?

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Maxine Burkett 26:37

Yeah, no, I think that's critically important. It's funny, I really can't understand the, you know, the sort of the deep controversy around the green New Deal, because it is it Well, first and foremost, its entire framing, recognizing that recognizes that these two worlds are inextricably intertwined, right? You can't think about the environment or and certainly climate change in a siloed fashion and not think about its impact on where we live, work and play, which by the way, is the environmental justice definition of the environment. It's not some sort of isolated other, it's where we live, work and play, right. And so if we understand that we need to address climate change, and we absolutely have to think about how that impacts where we live, work and play, and vice versa. And so what the green New Deal is doing is essentially saying and first of all, it's really still just in the proposal phase, although I know that there's great policy that's just waiting to be implemented, that's been sidelined at this point. But really, what we're looking at is saying, we need to address climate change, it is urgent and existential. And there are some people for whom it is urgent, existential, even faster clip and a more aggressive timeline. And to do that we will be moving through a transition, and how do we allow for that transition to be just and to be inclusive. And so it's sort of like Part one is addressing climate change. Part two is understanding how we ensure that we all are brought along and this one, right, and so those kinds of considerations about workforce development transitions for coal workers, etc. This is a critical part of actually addressing climate change in a in a holistic fashion, and one that thinks about people and the concerns of workers themselves. And by the way, the upside is that we have a world that's that's a somewhat healthier than it would have been, there are things that are locked in with respect to climate change, but we can always sort of choose a more tolerable pathway. And that's what that work is doing. But in the larger scheme of things, the work that I do, and those who are doing climate justice are trying to sort of convince people that in fact, you cannot disentangle these two spaces, and that we have been siloing it for too long to the detriment of some communities that sacrifice zones and now to the broader global community. Well,

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Doug Parsons 28:51

with the green New Deal, I mean, it could have been a one page with us, you know, a smiley face on it, and the opponents would have called it socialism. So there was nothing that they were going to put out, that was not going to be controversial. That's just the nature.

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Maxine Burkett 29:04

That's just the nature of things right now. And I think we always, we should always treat it as exceptional and deleterious and unacceptable on some level, because it really is the weak underbelly of our ability to move forward and to be addressing climate change with the kind of solidarity that we need. Okay,



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Doug Parsons 29:21

I'm gonna do another major pivot here. And I want to talk about something less controversial. Let's just keep it simple. Let's talk climate reparations. So what I you know, people can kind of sense what that might mean. But walk us through kind of give us your definition, and then we're gonna dig into it.

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Maxine Burkett 29:37

Yeah, so I'll just give a basic a basic definition. Because I think what happens is that a lot of a lot of times we hear reparations, most people hear reparations, certainly in the United States. They think about reparations for slavery, and it's and then it becomes specifically about monetary payouts. And then it becomes a sort of like, zero sum game and there's a lot of sort of politics and preconception Turns around what this what this means. And I just want to sort of again, zoom out and think about what reparations are meant to do. Right, reparations are their efforts to repair relationships, their efforts to repair harms, for harms that have occurred. And they're, it's an effort to sort of foster right relationships after something has been damaged or destroyed in some way. And so the purpose of reparations is really about relationships and right relationships. And there are elements of reparations, that gets you there. And each effort, you know, each each sort of post harm, reparations program will will look a little bit different than may have some elements of an apology, of some kind of compensation, monetary, or in kind. And then we'll include a really key part of it, which is where I like to think a lot of think about a lot, which is this guarantee of non repetition. Well, how did we get here? And how do we guarantee that we don't get back into that same situation that it caused the causal harm to occur? So in the context of climate change, there's a number of ways of thinking about what that how to define the harm, and how to understand and justify the need for reparations. In that context, it depends on what you what scale you're looking at, if you're looking at communities that are bringing reparations claims against a federal entity, for example, or if it's between two nation states, there are different ways that you could imagine this playing out. But I've been doing research, and I'm currently working with Sonya Klinsky, on doing research on thinking about what it means to have a climate reparations effort that is justified based on the fact that there's uneven contributions to the harm, right, again, as we talked about there, the global north, versus the global south wealthier white Americans and communities of color that tend to again, not have as great a carbon footprint that is a documented and significant part of our experiences of climate change and our varied experiences of climate change. So one could argue that there's been an even a contribution to the harm, and that needs to be corrected in order for right relations. And in the context of climate change, thriving communities to actually come about, there's also an even experience of the harms themselves, right? This is, again, not all of us are going to be as threatened, at least not in the near term. And as a result of the changes to the climate, there are differences in ability to adapt. And oftentimes, differences have historical roots, like redlining in the context of the United States or other elements of colonialism and post colonial policy for the Global South. And then there is arguments around unjust enrichment. And this is a bit more of a sort of technical term. But the idea here is that you've benefitted case of the fossil fuel companies, even our government has benefited from the burning of fossil fuels has been unjustly enriched by it. And it's been at the cost of other communities, and how do we correct for that? And so those are some of the ways of thinking about reparations in the context of climate change. And then the specifics will matter, as different communities pursue that as state to state conversations may happen with

respect to correcting the wrongs and setting up right relations and actually allowing for again, countries like those in the Pacific that are particularly at the frontlines to have an ability to exist in some cases, given the climate forecast,

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Doug Parsons 33:22

you shared with me this paper you wrote in 2009. It was a remarkable journal article. And I learned a ton and just the scope of how you were describing climate reparations in first off, what was the response to that when you first read it? Because 2009 is a lifetime ago, and it had you change have any of your positions from that paper change? Or have you only just sort of reinforced what you kind of thought when you were writing that?

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Maxine Burkett 33:47

Yeah, great question. I mean, what are the two? Two things? Two ways to think about this? Right. I mean, on one level, in terms of the response, it was a scholarly article. And I think the response was one of interest. But it has been fairly dormant at the same time, even you know, with the Obama administration at the helm. The conversations in Copenhagen and the sort of the ramp up in the international conversation around, actually aggressive mitigation adaptation, and then this area called loss and damage is that conversation was happening in the international negotiations, there was a clear statement by the administration, that sort of reparations is a non starter, that conversation is not going to take us anywhere. So there, you know, the to the piece, and that conversation weren't links, per se. But it was clear that the politics of this were very different than the conceptual arguments for it, right? And so again, in 2009, you're right, it does seem like eons ago, even without COVID. Now we're seeing I'm seeing a lot more conversation about climate reparations. I've been talking to advocacy groups and climate advocacy groups, about the concepts of climate reparations and how to make them actionable. at a level that's me meaningful. And the you, you'll see is separate. And apart from the research that I was doing, you'll see this reference to reparations climate reference, specifically in the Youth Climate strikes and other advocacy efforts that we've seen on the ground. So there is a sort of emerging consideration of this important element of addressing climate change. And if it if at the very least, it's the bare minimum, it means providing resources for frontline communities to actually be able to mitigate and adapt to climate change, again, for the reasons I mentioned earlier, which were about an uneven harms, and even contribution, unjust enrichment, all of those, you know, sort of justifications for a reparation scheme.

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Doug Parsons 35:45

In reading this, I found this quote, and I want to share it really compelling because you covered a lot of just the moral ground. And so, indeed, the ability of reparations to express moral force is what makes reparations so compelling in the climate change context. And so you talk a bit about the morality of even doing reparations. Yeah,

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Maxine Burkett 36:05

that's right I mean I think that's a massive part of it what your what your bone is when

that's right. I mean, I think that's a massive part of it, what you what your hope is, when moving through reparations, sort of program or project is to, is to build trust, or rebuild trust, which I wouldn't say is the defining characteristics of characteristic of the global negotiation. But it's to rebuild trust. And it's to build solidarity. And that is often lost, which is why, you know, your quipped about, you know, the fact that this is less, this is somewhat controversial, it is because we have sort of stripped the, the reparations, sort of larger goal from our sort of common understanding of it. And the larger goal is to repair relationships, right, and to forge right relations, and getting to the ethical question, especially the time in 2009 was critically important. In the early 2000s. A lot of the conversation, certainly legal academia about whether or not we should even do something about climate change was really driven by the cost benefit analysis. And what that did was obfuscate what was essentially a question of what should we do? It had to go question, a normative question with, how do we do it? And how expensive will it be, and oftentimes, the conversation, again, was inverted. So it was about well, you know, this is gonna cost us a lot. And this is about us, United States and China and what they're not doing their part in the economy of it, and not thinking about the sort of tragic loss of livelihoods that we were already seeing at the time. And that were, you know, sort of the clear byproduct of our way of living and our way of life. And so to me, it seemed at the end, certainly at that time, that this part of the conversation was awfully absent, the critically important to helping steer us in the right direction, both in what we do, and how aggressively we do it, as I

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Doug Parsons 37:50

read that it covered a lot of ground. And I'm wondering in the last 10 years since it's been out, and I'm generalizing here, but to me, creating a very simplistic narrative around climate reparations would be very useful. And if you look at reparations associated with slavery, it's a little bit it's simpler. And not to say that people support it, but it's just it's a little bit you could connect the dots more easily. And I'm just wondering, have you been able to kind of go through that process? Because right now, it seems like you would just cover so much ground, it would be hard to really make a compelling case for it.

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Maxine Burkett 38:21

Yeah, no, that's a that's a really important question. And what I do in the paper is sort of is at that time in 2009, imagine what it would look like for a country, a country to country, a reparations claim, right? And what would it look for one of the Pacific Islands to seek reparations from the United States. And so you know, what, the major emitter both in real time in the 2000s. And then certainly, historically, and so that was an effort to sort of test this out. Similarly, along the lines of some of the loss and damage conversation, I wrote a later article that was looking at what it would mean to have a global pool and fund communities, again, that or excuse me, excuse me, specifically countries and small island states that are either frontlines that are looking at devastating impacts. What would it look like to actually fund and support those communities with there being a disproportionate input by the countries that are most responsible and who have benefited most financially? What I'm working on right now, again, with my colleague, Sonny Klinsky, who's a geographer is trying to see how you might move forward with a reparations effort that is looking at different scales. For example, are there reparations claims that indigenous communities can make in the US and Canada? What would that look like? What is What are the justifications? What are the challenges? And what would some of the reparative programs look like? Right? Is it is it funding plus a robust health care system for example, or relocation, etc. You could also again, look nation state to nation

state, and we oftentimes are thinking about global countries in the Global North versus countries in the Global South. There are opportunities there. Now that's not to say A that there aren't mechanisms within the international negotiations, for example that might do that work if loss and damage is that it has that possibility, then great. Similarly, we see litigation that might have that possibility. The limits of those efforts, though, are the ones that I taught we mentioned earlier, which is the fact that you don't always get to sort of the right relations and the repair the trust, building the solidarity, building the ethical questions that faced and most importantly, don't get to the guarantees of non repetition. Again, how did we get here? And in some cases, if if we think about indigenous communities, black communities in the United States, the how we got here is the sacrifice zones are the policies that that have affected our ability to adapt, that are exacerbated by it differential exposure.

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Doug Parsons 40:47

I'm wondering if we're gonna make progress on climate reparations. I'm wondering, do you see competition between climate reparations and racial reparations associated with slavery? To be honest, you know, what we've seen with Black Lives Matter over the last three to four months, the progress we've actually had, even around the conversation of reparations, I'm actually dazzled by and it seems like some people really taking this seriously, I just thought it was something that would never really get much traction. And it seems like more and more people are talking about it in very serious ways. And so if there is true progress, if there is mechanisms and programs, are people ready, all right, now, we're going to follow that up with climate reparations. You see what I'm saying? It's Do you feel it could be some competition there?

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Maxine Burkett 41:27

That's an important question. I've gotten it before. And I don't see competition, what I see is that the product of both efforts may overlap, right in order to correct both injustices. And to create a circumstance of better relationships, if not right relations, we may see the same things occur. I have an incredible amount of respect and real adoration for those who are working on climate, African American reparations and are specifically looking for example, to close the wealth gap. That's a critically important bit of work. I should mention, I'm in the Lancet Commission for reparations, and redistributive justice. And we are looking at reparations for all sorts of scenarios write everything from South African apartheid and concerns around a cycle of sexual violence throughout the globe, the circumstances of the Delete in India, there's no sort of shortage, if you will, of the ways in which reparations can correct for past harms. And what I see in the work that we're doing is that it is uncovering the systemic nature, not just of climate change and its outcomes, but it's coming to pass. The fact that we are here is oftentimes very much overlapping with the exploitation of peoples and the lands that they were on. And so oftentimes, what we're looking at are the same set of circumstances that have gotten us to where we are in some of the solutions will also necessarily overlap. But because climate change is different in nature, in terms of the way in which the change in climate is one, again, that is not only changing with the rate of change is increasing, and it's introducing circumstances that we've never seen before, we need to be thinking differently, as well about how that might impact people's livelihood. And certainly, issues of migration and mobility are one of those things. So in a reparations scheme, part of that the response is may not just be funding to actually close the gap in terms of capacity. But it also could be thinking differently about our, our border policy, and how we let people move within and across borders, there are different

ways to think about it. There are places where there will be overlap in terms of income, access to health care, all the things that make us more resilient. But then there are new scenarios that will require a different kind of approach.

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Doug Parsons 43:49

You know, it just gets so complicated. So quickly, I think if you could come up with a reparations program, even today to address the things and even get people better prepared for these climate impacts, which is part of that community 25 years from now, or 50 years from now, climate change is with us for a very long time. What would the climate reparations look like 30 years from now? Are there similar populations? Or were they helped enough that they don't need to be part of it anyway? Just walk out loud, like no,

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Maxine Burkett 44:16

no, I mean, yes, listen, none of this will be easy. But but neither is climate change. Right. And so what I mean, I think what we oftentimes do, which is an understanding of default, to say, Well, this sounds really difficult, but we're comparing it to, you know, sort of recent history to present what we're looking at obviously, is a quite different future, unfortunately. And so what I think is the more effective comparison is, what does it look like to actually as hard as it is ensure that we have just inclusive and nimble solutions for our communities, especially our frontline communities, versus the absence of coordination, the absence of planning, we're seeing that with CO Have it right, it would have been difficult to have reparations for African Americans moving to date, but we have our colleagues and the lancet have done research showing that had African Americans had access to this reparations, then there are 13,000 deaths that would have been avoided as of the date of their, the publication of the draft, and relevant from an epidemiological standpoint, all other communities would have benefited from that as well. Right, the actual disease incidence would have been reduced. So so the idea here is not is I think, to understand that we don't we, we have essentially gotten ourselves to a point where we have only tough decisions and tough processes to choose between. And if we understand that to be the case, would be like a coordinated, and just one, or one in which we, you know, we sort of fiddle you know, sort of around and don't grasp at the roots. So, you know, Angela Davis said, radical simply means grasping at the roots, right? Right now we're sort of fiddling with maybe some of the roots where we're pruning some of the leaves, we actually what sounds radical is actually getting to the root of the problem, and actually having us have a at least a better chance at a better outcome, we're sort of fooling ourselves. And we think that all of the choices moving forward are not going to be difficult ones. And this is not meant to complicate that it's meant to actually clarify it and bring out an important moral element to it.

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Doug Parsons 46:17

All right, I think we've just scratched the surface on this climate reparations. It just, you're gonna come on again, and we're gonna approach it in a different way. But I do want to wrap this up somewhat. And I have a few more questions for you. I just wanted to get your thoughts on some things. And you're a professor at University of Hawaii, and you're working in this

adaptation space. And I just want to get your, your thoughts on, I've had this conversation about how universities are approaching adaptation. Do you have coursework? Are there adaptation programs? What are you doing at the University of Hawaii?

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Maxine Burkett 46:45

Yeah, you know, I teach the climate change, seminar and ocean of coastal law. And we have a robust environmental law program that is trying to engage students from day one in both learning about environmental law, and certainly, its relationship to Hawaii specifically, and our unique set of laws and doing work on the ground to action, the legal research and, and learning that's happening in the classroom. My work at the University of Hawaii has also been very much about working with the larger Pacific in terms of island vulnerabilities and issues of, again, migration and, and loss of habitable territory in the region, just

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Doug Parsons 47:23

University of Hawaii. I guess part of my criticism, too, is that the different and I talked to a lot of academics, and you guys individually are just doing some cutting edge work. But is there a master's program in adaptation? And is there a lot of coursework because a lot of the professors are just sort of you're setting up shop and you're doing your work. But it doesn't necessarily mean there's programmatic options available for the students. And it's an option at the University of Hawaii.

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Maxine Burkett 47:48

That is absolutely we haven't Institute for sustainability and resilience and a set of programs that have been stood up and are in the process of standing up, that are undergrad and graduate courses on sustainability. I think we're pretty well sort of ahead of the curve and part of that larger community of universities that recognizes that you can't, you can't work in any field and not be intimately impacted, or impacting in a positive way. Issues around climate, resilience, sustainability, which, you know, the term itself has sustained a lot of criticism, but the notion here is how do we make those those programs actionable for students so that they're prepared once they enter the workforce? I think we had there's a broader recognition that to be an effective leader, certainly we do the Institute for Climate peace as well, to be an effective leader in the 21st century, you have to understand that climate change, and the state of our environment is the context. It's not an issue, right? It is not going to be that sort of adjacent to the work that you're doing. But your work, in fact, will either be a cause or consequence of, of the change in climate. So understanding that and being prepared for that is a big part of the work that ISR and a super sustainability resiliency is trying to do. And I think the larger university for community,

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Doug Parsons 49:02

I have a lot of students who listen and so guys there who University who is on a bad location to go do some adaptation work. So get the night. And just a couple more questions. But I wonder you're an academic and you run in certain circles, but you deal with practitioners, too. Do you

feel like you're part of a broader adaptation universe? Like it's like a cohesive field? Or do you even feel like there's a need for that? Because, you know, there's some associate associations and there's, you know, some groups that are kind of merging, but do you feel like you're plugged into that?

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Maxine Burkett 49:30

I do. I mean, I certainly was more so a few years ago, I'd been on the there was a federal advisory committee on the sustained National Climate Assessment. And that was sort of a perfect example of the ways in which I tried to remain engaged with what it means to support the adaptation initiatives at the sort of local to up to federal level as an academic that, you know, with a new administration, that particular committee was sunset but I mean, I think I you been in close conversation with a number of adaptation practitioners and find that it's really important that we are that our research is actionable, that it is getting to the those on the ground that are doing the work, that it's that it's relevant for a number of reasons. And so I do think that I, especially as a law professor have had an unusual level of engagement with that broader, broader community, I find that sometimes people don't necessarily understand, appreciate the relevance of lawyers and these and legal academics in these conversations. But I think that it's so critically important to understand that oftentimes, our biggest impediment and biggest set of possibilities really come in the policy and, and the law as it stands. And as it might be.

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Doug Parsons 50:43

So my final question I asked this of all my guests, if you could recommend one person to come on the podcast do would it be

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Maxine Burkett 50:48

one person? Goodness gracious, there's so many, right,

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Doug Parsons 50:52

everybody has to get two or three?

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Maxine Burkett 50:55

Yeah, I know. One person, Tony, you know, I was listening to your other podcasts. And I heard the question, and I still refuse to think, to prepare adequately for it. I am a huge fan of a couple of people. But I will say because of the incredible work he's doing as a young climate activist Jerome Foster, I don't know if he's been on the show before, but he does a lot of work with climate change and Youth Activism. And he is really a phenomenal and inspiring advocate. And he is 18 Maybe, but he's already started youth voting and advocacy organization, 1 million of us, he has been in the streets for I'm sure as more years than he has been on Earth, right in terms of really thinking about what the next generation of climate activism looks like. So again,

there are a number of people that I might I might share, but I I think Jerome would be a really fantastic participant and really will provide, I think, an important window into how young people are thinking about climate change, which is so much more nuanced, and, and heart driven than I think prior activists and advocates have been allowed to be. So that's my recommendation.

D Doug Parsons 52:10

All right, cool, recommended. And you know, what, I've actually added a question. I've been doing my last few episodes, and this is different than recommended coming on, but who has been a major influence to you in the adaptation space?

M Maxine Burkett 52:27

Yeah, okay. Again, so many fantastic people,

D Doug Parsons 52:32

you'd be surprised my listeners look these people up. So I mean, it's fine. Just be one person, you know, like the look up and to learn something new.

M Maxine Burkett 52:39

So, I mean, I can't understate how long garima ties, work and her vision and her courage was such an integral part of my sense of possibility in the space, both in terms of unique solutions. And as a, an East African woman that was really powerful and innovative advocate for the earth and for women at the same time. Again, seeing the interconnections, planting trees, she was someone I very, I found a deep inspiration, reading her and knowing of her story.

D Doug Parsons 53:19

Awesome. And I'll follow up and hopefully get a link or something that can share in my show notes and such. Alright, Maxine, this was a fabulous conversation. If I had to sort of predict what my listeners were doing out there. They'd be like, keep talking about climate reparations. We just scratched the surface. And I want to have sort of an open invitation. I hope we can get you back on at some point, because there's so many different topics that you're doing. But thanks for coming on. And thanks for what you're doing.

M Maxine Burkett 53:43

Thank you again, it's been a pleasure.

D Doug Parsons 53:47

Okay, adapters, that is a wrap. I hope you enjoyed that previously released episode of climate reparations with Maxine Burkett. I really enjoyed that conversation. I hope you did, too. It's become a resource in university classes, and it's had an incredible shelf life. As I said before, I've had quite a few new listeners follow the podcast. And for those who haven't dug into the archive, I wanted to bring it front and center. I've read a little bit about climate reparations, but didn't really understand the implications of what was being asked. But Maxine delivered such a compelling case on why they are needed. People like Maxine are they're providing an intellectual case for it. As you can see, we just scratched the surface on the topic, and it's certainly something I need to revisit in the not too distant future. Definitely take a look at the show notes for more resources. And don't forget about the waterfront conference hosted by the waterfront Alliance. It's May 21. In New York City, much more information in my show notes. And speaking of conferences, if you're interested in having me speak at a public or corporate event, please reach out I do keynote presentations. I'll actually be in New Jersey soon to deliver the keynote address for the 2024 New Jersey coastal and climate resilience conference. And I'm looking forward to that. So when I give keynotes, I share stories from my podcasts and my own experiences in adaptation. It's also a pep talk about what we're all doing here. These are sobering times, but also very exciting times in the adaptation field. It's such a new emerging area that you can influence what's going on? Let me help educate your audience on this emerging adaptation sector and how it differs from carbon mitigation and sustainability. Your companies and organizations and especially your leadership need to understand these differences in the years ahead, you can contact me via the website, AmericaDaps.org Okay, adapters Keep up the great work. I'll see you next time.