

**RECONCEPTUALIZING SOVEREIGNTY THROUGH INDIGENOUS  
AUTONOMY: A CASE STUDY OF ARCTIC GOVERNANCE AND THE  
INUIT CIRCUMPOLAR CONFERENCE**

by

Jessica Shadian

A dissertation submitted to the Faculty of the University of Delaware in  
partial fulfillment of the requirements for the degree of Doctor of Philosophy in  
Political Science and International Relations

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by

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## **List of Acronyms**

AFN	Alaska Federation of Natives
ANCSA	Alaska Native Claims Settlement Act
ASNA	Arctic Slope Native Association
ASRC	Alaska Arctic Slope Regional Corporation
ASRC-COPE	Alaska Arctic Slope Regional Corporation-Committee for Original Peoples Entitlement agreement
CIDA	Canadian International Development Agency
COPE	Committee for Original Peoples Entitlement
EC	European Community
EU	European Union
ITC	Inuit Tapirisat of Canada (originally called the Eskimo Brotherhood)
ITK	Inuit Tapirisat of Kanatami
JBNQA	James Bay and Northern Quebec Agreement
NPR	A National Petroleum Reserve-Alaska
OAS	Organization of American States
OCS	Outer Continental Shelf
OCSLA	Outer Continental Shelf Lands Act
RAIPON	Russian Association of Indigenous Peoples of the North
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Social and Cultural Organization

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## ABSTRACT

This dissertation examines the role of the Inuit Circumpolar Conference (ICC) as a case study for the ways in which non-state actors are changing previous conceptions of sovereignty in the study of International Relations. This dissertation explores the ways in which sovereignty, as demarcated by a territorially bounded state, is becoming only one dimension of a new locus of sovereignty. Legitimate sovereignty has been transferred from the sole discretion of the state to the domain of existing non-state and emerging institutions. As an institution, the ICC has attained both Arctic domestic and international power and influence. Yet, its legitimacy is derived through an ongoing historical narrative of what it means to be ‘indigenous’ and ‘Inuit’ within international politics. The dissertation focuses on three different yet overlapping levels of analysis. Specifically, these levels are (1) the *domestic*—Inuit political identity construction in Canada, Greenland, and Alaska; (2) the *Arctic regional*—the ICC in relation to the Arctic Council and; (3) the *international*—UN, international legal discourse.

The ICC has attained legitimacy in a changing global system by espousing a certain discourse based on a narrative of the collective history of the Inuit—the myth of the ‘Arctic Inuit.’ This myth, culminating with the Inuit as an Arctic indigenous transnational polity, has attained its authority and legitimacy through direct institutional ties to emerging international human rights discourse. The point is to illustrate how, in traversing all these levels of authority, the ICC has managed to make

Inuit self-determination part of the very definition of sustainable development (Inuit stewardship over the Arctic); establish sustainable development as the dominant discourse of the Arctic; and ensure that sustainable development falls squarely under the broader issue of international human rights. In essence, this case study of the ICC demonstrates that, for ‘the Inuit,’ sovereignty is exercised not through their ability to achieve statehood or as an NGO or intergovernmental institution, but through the legitimacy of their myth—or collective history within the realm of global politics—providing one example of the constitutive relationship between non-state institutions and the making of global agendas.

## Chapter 1

### INTRODUCTION: THE INUIT CIRCUMPOLAR CONFERENCE

In June 2005, on the fourteenth floor of the downtown New York City Hyatt, the Inuit Circumpolar Conference was holding an executive meeting to discuss issues pertaining to the upcoming UN Permanent Forum on Indigenous Issues.<sup>1</sup> Outside in the corridor, the *New York Times* anxiously awaited an interview with this Arctic indigenous group—comprised of Inuit living across the span of the circumpolar Arctic. The *Times* reporter had come to the ICC meeting because of the group’s announced plan to take the United States to the Inter-American Commission on Human Rights over violations of the right to Inuit health. The ICC just prior to the meeting completed submission of a petition calling on the OAS Commission to declare the United States in violation of rights as affirmed in the 1948 American Declaration of the Rights and Duties of Man.

Relatedly, during an intermission of this same meeting, Duane Smith, executive council member and co-chair of the World Conservation Union (IUCN), was asked whether the ICC believes that the United Nations is a way forward for indigenous groups to secure the right to self-determination and, as such, if the UN

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<sup>1</sup> This material is based upon work supported by the National Science Foundation under Grant No. 0403509. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the National Science Foundation.

Permanent Forum is institutionalizing new forms of indigenous sovereignty. He responded by stating that at the outset “a problem that the ICC has is often times we are misunderstood or misrepresented as an NGO. The ICC is not only an NGO. It is also local governments and political representatives.”<sup>2</sup>

The following day, during opening questions at the Second Annual UN Permanent Forum on Indigenous Issues, one committee member asked UNESCO what the organization was doing to change its policies. Unlike initiatives by the World Bank to deal directly with indigenous groups, UNESCO policy remains such that all projects dealing with indigenous peoples must go through their member states. Indigenous peoples and UNESCO do not have any means for direct communication.<sup>3</sup>

These three situations pose a multitude of questions about traditional conceptions of the ways global politics operate and raise significant issues for international relations theory. The past two decades have produced a proliferation of debates regarding the most fruitful way to analyze world politics. The field of international relations is no longer dominated by the Idealist-Realist debates of the past, as states have increasingly become only one of many legitimate actors in global politics. One implication of this shift has been a theoretical turn toward more general investigations of institutions, as the state is no longer conceived as the sole legitimate ‘container’ of authority. The scope of these institutions includes, among others, transnational actors, regional issue-specific regimes, and non-governmental institutions.

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<sup>2</sup> Duane Smith, interview by Jessica Shadian, June 2005, ICC executive meeting.

<sup>3</sup> United Nations Permanent Forum for Indigenous Issues, opening questions (June 2005).

This proliferation of new non-state actors has created an increasing consensus that world politics is to some extent socially constructed. The emergence of new modes of inquiry has grown to command an ever-increasing proportion of theoretical interest for IR scholars. For many, the debate is now centered on questions concerning the extent to which the social world is constructed, how much agency political actors have in its construction, which political actors are worth examining, and what is the best way to go about examining these constructions. As such, increasingly many international relations theorists are turning to constructivism to better understand world politics.<sup>4</sup> However, there remains much uncertainty and ambiguity as to what kind of constructivism offers the most analytical leverage. Which form can best incorporate new issues and actors which transcend traditional state-centered politics? What about these ‘other’ political actors which are neither NGOs nor states and cannot so easily be categorized according to traditional dichotomies?

The Inuit Circumpolar Conference (ICC) is a case in point of a political actor which fails to identify with traditional institutional categorizations. It is an organization which, in and of itself, contains many of the elements of a traditional state (rights to territory, economic means, and a shared history). However, its intentions are not for statehood nor is it bound within the traditional territorial limitations of a state operating in the international system. The ICC has a politics directly attached to states through particular, though interdependent, autonomous governments. Furthermore, as an entity unto itself, the ICC carries a political message with certain authority in international relations that parallels that of many NGOs. Yet

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<sup>4</sup> Green 2002.

the ICC is not only an NGO. It also has its own shared history, political myth, and economic ventures which varyingly exist among the different Arctic states (i.e., Inuit Air and Inuit corporations such as Makivik Corporation). Equally significant, the ICC espouses and speaks on behalf of all the ideas of a traditional liberal democratic state, yet it is not a liberal democratic state nor does it have aspirations to become one. Nevertheless, the historical narrative of this collective transnational identity is exported into the global arena with aspirations of changing political ideology and policy at the domestic, regional, and international levels.<sup>5</sup>

In the Arctic, there has been extensive academic focus on regional politics including Arctic regime-building (i.e., Arctic Council) and economic and environmental studies on resource exploitation and global climate change. Such authors who have focused on the politics of Arctic governance include Monica Tennberg; Oran Young and Arkady Cherkasov; Carina Keskitalo; Iver Neumann; and Mark Nuttall.<sup>6</sup> Fewer, however, have directed their attention explicitly on the ICC.<sup>7</sup> In particular, Lauritzen's work, through a personal account, successfully details the main issues enmeshed within the founding years of the ICC. However, little if any academic attention has focused specifically on the making of the ICC historically from a

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<sup>5</sup> Corntassel and Holder 2002, 142. It should be noted that the case of the Inuit circumpolar and domestic Inuit land claims agreements are not the typical context other indigenous groups throughout the world are experiencing at present. In fact, the majority of the world's indigenous population—90 percent or 270 million by some estimates—live in developing countries and do not share the same type of gains which Inuit in Canada, Alaska, and Greenland have achieved.

<sup>6</sup> Tennberg 1996 and 2000; Young and Cherkasov 1992; Keskitalo 2002; Neumann 1994 and 2002; Nuttall 2000a and 2000b.

<sup>7</sup> The exceptions are Lauritzen 1983; Lyngne 1993; Nuttall 2000a and 2000b.

political perspective as an ongoing and evolving polity (institution). This dissertation adds to the work of these authors by tracing the construction of the ICC in relation to continuing Arctic and international governance. The overarching reason why UNESCO and other institutions do not know how to best engage with many indigenous or other non-state actors is that as a discipline, international relations has up to this point failed to significantly acknowledge and accommodate this new playing field in which global politics operates.

The implications of this study are to contribute to a broader understanding of the authority and influence of the Inuit as a polity (socio-culturally and politically), at both the Arctic regional level and in the realm of global politics. By examining three different yet overlapping levels of analysis, my dissertation formulates a more sophisticated understanding of the role of the Inuit as political ‘actors.’ Specifically, these levels are: (1) the *domestic*—looking at Inuit political identity construction in Canada, Greenland, and Alaska; (2) the *Arctic regional*—examining the ICC in relation to the Arctic Council; and (3) the *international*—dealing with the ongoing United Nations conferences throughout the years in which the ICC played a role (including Rio and the Permanent Forum for Indigenous Issues).

The Inuit, through varying land claims agreements as well as through the ICC, have been able to influence not only the course and direction of Arctic and international development but, more broadly, Inuit politics have helped shape domestic political identities, a regional Arctic identity, as well as the way in which international politics operate. As this research focuses on an under-theorized non-state actor, it delineates and addresses major insufficiencies in mainstream international relations by adding empirical evidence which challenges conventional state-centric

approaches for studying political phenomena and further offering prescriptions for action. Particularly, through an examination of Inuit polity construction, this study questions traditional assumptions concerning the relationship between sovereignty and the state. Sovereignty, bound by definition to the state, not only offers an incomplete picture of its multidimensionality, but it also offers a limited scope by which to examine and understand global politics.

This study has three main objectives, all of which have specific and distinct intellectual merit. The first is to trace the evolution of Inuit political identity construction, by examining first the effects of colonization on the process of Inuit political construction, then tracing the processes by which various political Inuit have redefined themselves and their role in recent decades within the context of the larger global system. The Inuit polity, like all nationalisms, has engaged in the political process, amassing pieces of the past for contemporary political legitimacy.

The second objective is to improve our understanding of Arctic governance. The Inuit Circumpolar Conference has become a powerful force in Arctic politics. This includes its role in shaping the region's definition and course of development as well as playing a constitutive role in the emergence of new international human rights discourse—particularly the idea of *sustainable development*. Through this study it becomes evident that present day Arctic politics, via both the ICC and the Arctic Council, are products of an ongoing constitutive relationship between the Inuit and Arctic development over time.

The 1996 Canadian Report of the Royal Commission on Aboriginal Peoples observes that aboriginal and non-aboriginal relations have existed and have been ongoing since initial European encounters in the Arctic. Thus, heightened

indigenous political claims in the past twenty years, and present politics between indigenous and non-indigenous peoples, are not a codified break from the past and new beginning, but part of a cyclical pattern which has waxed and waned over time. The present is merely an extension of the past.<sup>8</sup> As such, the recent and ongoing modern land claims agreements in Canada (Alaska and Greenland included) are a symbolic renewal of an ongoing relationship between aboriginal and non-aboriginal societies.

Preceding and throughout colonization, Inuit conceptions of a *stewardship* approach toward the Arctic environment functioned as the basic justification for European expansion and to undermine any existing Inuit self-determination. Essentially, when the Europeans arrived no one owned the land and so they appropriated it for themselves. This enduring depiction of the Inuit living off the land in a sustainable fashion according to the same traditions since time immemorial has been part of a strategic process in which Inuit leaders have re-invented and exported the idea of Inuit stewardship into contemporary global politics. This new narrative includes the idea that European expansion and industrial modernization threaten an enduring way of life. Environmental peril, however, does not only potentially implicate the Inuit but the future of human kind. As such, Inuit traditional stewardship practices are the only solution which can halt this march toward global environmental devastation.

In this vein, the very construction and re-construction of the concept of stewardship is one that has central importance in this dissertation. Since colonization,

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<sup>8</sup> Canada Communication Group 1996.

the principles equivalent in many ways to contemporary definitions of stewardship have recently resurfaced within Arctic and international policy discourse. The stewardship approach to the environment has become central to the broader definition of *sustainable development* and further, Inuit leaders have promoted a collective myth of the Inuit as the official stewards over Arctic development. The politics centered on reconstruction and deployment of stewardship as it implicates Inuit, and global environmental politics has become the central means by which the ICC has been able to *enter* the domain of local, regional, and international politics and is a central stand of this narrative of the ICC.

Third, this dissertation is a re-examination of sovereignty in global politics. The Inuit Circumpolar Conference serves as a case study for the ways in which non-state actors are changing previous conceptions of sovereignty in the study of International Relations. From a historical perspective on the making of the nation-state system (Westphalia), territory grew to become an essential and assumed aspect for legitimizing sovereignty. The national narrative was a narrative about the making of a people in a particular bounded area.<sup>9</sup> However, in light of globalization, the global system is transforming, or at least bringing to question, the historical salience of sovereignty and the state (perhaps questioning whether this idea was a fallacy all along).<sup>10</sup>

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<sup>9</sup> Rudolph 2005.

<sup>10</sup> For an in-depth discussion of the effects of globalization on state authority and sovereignty see: Agnew 2005; Archibugi, Held, and Kohler 1999; Habermas 2001; Hewson and Sinclair 2000; Sassen 2002.

Some scholars assert that the nation-state is in decline,<sup>11</sup> that international politics is heading toward a one-world government,<sup>12</sup> or that there is an emerging global civil society.<sup>13</sup> Rather than arguing along these lines, the focus of this dissertation—demonstrated through its empirical case study—concerns the ways the traditional Westphalian notion of sovereignty is undergoing transformation. In regard to the nation-state, I argue that sovereignty as demarcated by a territorially bounded state is becoming only one element in a new locus of sovereignty. Legitimate sovereignty has been transferred from the sole discretion of the state to the domain of all institutions, regardless of their character, given that they are legitimized through the construction of a globally accepted political myth (not in terms of good or bad but rather belief in the essence of its history and ongoing political identity).

In this context, this dissertation illuminates a larger historical narrative about sovereignty. Whereas the first European encounters with aboriginal peoples in the Arctic reconstructed Inuit and Arctic relations, these efforts were part of a larger reconstruction-in-the-making of a particular meaning of territory in global politics. More generally, colonization was also a story of state-building and the reification of an already existing international state system. Emerging Inuit self-determination (stewardship over territory), increasing legitimacy of the ICC and subsequent authority over the discourse of the Arctic, and international development illuminates a decoupling of this traditional meaning of sovereignty over a particular territory into something more multidimensional. Whereas territory at the height of the international

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<sup>11</sup> Rosecrance 1999.

<sup>12</sup> Held 1996; Deudney 2000; M. Shaw 2000.

<sup>13</sup> Kaldor 2003; Keane 2003; Archibugi, Held, and Kohler 1999.

system was central to all global politics, this narrative of the ICC highlights a symbolic and shared ownership over the meaning of the Arctic and global politics and shifts the centrality of sovereignty over territory to a more elusive, symbolic sovereignty centered on the legitimacy and authority over certain sets of discourse embedded within the ongoing construction of state and non-state polities. As such, it is not only the actual territory which the Inuit inhabit but it is also the symbolism of what the *Arctic* represents in global politics and even further what it means to be indigenous in this Arctic milieu that becomes central to an analysis of sovereignty.

The work of Kevin Cox adds substantial analytical leverage for reconceptualizing sovereignty. Cox's analysis posits polity construction within ongoing processes between spaces of dependence and spaces of engagement. This framework creates a possibility for sovereignty to be analyzed as a constitutive process of power construction and as such sovereignty as a process of power is freed from its traditional limitations as both static and attached to its ahistorically conceived physical features. Viewed from this perspective, sovereignty is relocated from bounded state territories to the processes of collective political identity and institution construction. Moreover, through this process, the power or importance of physical territory is not precluded but rather becomes subsumed under ongoing political contestation over the symbolic meanings of physical space.

Cox's spaces of dependence and spaces of engagement most sufficiently characterize the contingent relationship between local Inuit governance, domestic Inuit governance, and the ICC, all of which comprise an Inuit collective polity and further

the role of this polity within global politics.<sup>14</sup> Through this framework, it is possible to focus on the relationship between the Inuit land claims as symbolic of physical space—the Inuit ‘live’ in the Arctic (spaces of dependence) and the Inuit as indigenous, maintaining particular symbolic authority in global politics (spaces of engagement). As Cox affirms,

political authority may be exercised non-territorially or in scattered pockets connected by flows across space-spanning networks. From this viewpoint, sovereignty can be practiced in networks across space with distributed nodes in places that are either hierarchically arranged or reticular (without a central directing node) . . . political authority is not necessarily predicated on and defined by strict and fixed territorial boundaries.<sup>15</sup>

Cox’s spaces of dependence and spaces of engagement offer an effective means for examining the pertinence of separated local (regional) Inuit political events while simultaneously acknowledging and analyzing their constitutive relationship to not only one another but also the interdependence of the overall Inuit polity on the making of Arctic regional and international politics. Such political analyses in this dissertation include: local Inuit politics in Alaska, Canada, and Greenland; the ICC and its respective relationship to the domestic realm; as well the ongoing constitutive relationship between the ICC and the international community. All of these narratives,

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<sup>14</sup> For another perspective on this, Rosenau (1990) defines the difference between state and other political actors based on the notion that states are sovereignty bound institutions and non-state actors are sovereignty free actors. If this was such the case than non-state actors would not have any legitimacy or political agency to act in international politics- which as he argues is quite the contrary. In fact, Rosenau argues that the locus of political agency is embedded in authority and not sovereignty. However, it is argued here that authority is indeed a sense of sovereignty. Sovereignty was never an inherently bounded entity. It has however, in the past, grown to be assumed by several theoretical positions, now subject to question.

<sup>15</sup> Agnew 441.

while taking into account (and often dominated by) state and inter-state politics, do not privilege the state system. As such, the aims and goals of Inuit politics, which eventually includes the ICC, are all in a constant state of re-identification continuously comprised of and dependent on all its various political capacities. Furthermore, in this same manner, the legitimacy of the Inuit political myth is contingent on the narrative of global politics. The two myths are ongoing constructions which reify and legitimize the other. In effect, the narrative of the Inuit political myth that this dissertation constructs is one in which the very embodiment of what it means to be a contemporary Inuit is derived from the making of contemporary politics. Mary Simon, the past ICC president, summarizes these allegations:

Individual rights protections only provide freedom to assimilate; that is, they remove the barriers for individuals who wish to assimilate. Collective rights protections allow freedom *not* to assimilate by providing the means to resist assimilation. Collective rights protections therefore provide freedom at the individual level to choose assimilation or not; to choose to identify only with the dominant culture or to identify both as citizen of the State and as a member of an indigenous people living peacefully as an integral part of the state concerned.<sup>16</sup>

Reconceptualizing sovereignty offers a means for exploring an understanding of the ICC as more than a new phenomenon brought about in the wake of globalization. Rather, the processes of globalization—through the incorporation of new political actors into the global political framework—have brought to question sedimented ideas about the role of the state. Simultaneously, it has also provided a

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<sup>16</sup> ICC January 21, 1993, 5.

space for conceptualizing Inuit polity construction prior to, throughout, and in post-Westphalia.<sup>17</sup>

Whereas the Inuit polity is a national project in its own right, traditional approaches to nationalism can only serve as a point of departure for a post-Westphalian theory of nationalism or polity construction—the *political myth*. Additionally, all political myths need political structures in order to engage in politics. Together, it is the myth and the structures, which affords polities with authority and legitimacy to act. Sovereignty essentially becomes embedded in the process of myth construction and institution construction which gives the polity the possibility to act. In the case of this dissertation, such structures include international law, international policies, Inuit land claims agreements, indigenous science policies, and Inuit corporations. Therefore re-conceptualizing sovereignty as a process of power construction, rather than limited to territorial integrity, a post-NIEO concept of sovereignty and self-determination provides the conditions for comprehending sovereignty based on cultural integrity and realized through institutions which employ notions of Inuit stewardship. As such, aspects such as the state and territory become only components of a much more fluid and complex part of the larger myth.

Combined, the myth and structures expose a shift from sovereignty based on territory to sovereignty based on symbolic meanings. In this case Inuit sovereignty is based on the political implications of what it means to be an *indigenous Inuit*. In

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<sup>17</sup> The meaning of “post-Westphalia” in this dissertation is not anti-Westphalia nor does it assume a break from the past and the onset of a new system. Post-Westphalia implies that the traditional Westphalian system is being transcended and in its place is a new system born directly from Westphalia and, as such, is Westphalian as well as something else.

essence, my case study of the ICC elucidates that for *the Inuit* sovereignty is exercised not through their ability to achieve statehood or by being an NGO, transnational advocacy network or intergovernmental institution, but through the legitimacy of their political myth or the legitimacy of an ongoing historical myth of an Inuit collective identity within the realm of global politics.

### **Plan of Presentation**

This dissertation proceeds by first engaging the larger ongoing debate concerning IR theory and methodology (chapter 2). Contemporary political circumstances have created a new theoretical debate on the enduring importance of states, how much primacy should be given to non-state actors, and even brought into question the entire mission of the IR discipline itself (“prediction versus understanding” debates, for example). Using processual discourse constructivism, this chapter first engages the positivist/post-positivist debate concerning collective political identity construction (the study of institutions). While this chapter is a theoretical examination of the methodological debate taking place in IR, the purpose is to elucidate the larger significance of using processual discourse constructivism not only for this study of the ICC but in the general study of institutions in global politics. By conceiving collective identities as processual, a new political space emerges exposing the possibilities for a new understanding of political actors, their relationship to global politics, and the larger role of sovereignty in global politics.

Chapter 3 is a historical take on Inuit political identity—the construction of the modern Arctic Inuit myth. The cut this dissertation takes into this process is via Arctic colonization between 1497 through the mid-1900s—namely, Inuit colonization in Greenland, Alaska, and Canada. It focuses on a historical narrative of the

colonization of the Arctic Inuit as a process which emerged in relation to the making of the Westphalian system. Over time this narrative created a sedimented belief in a shared history of the international system which assumed an ahistorical essence: a belief that it has always been that way. As such, this chapter also analyzes the relationship between modern state-building and colonization and the emergence of the modern idea of an indigenous *Inuit* collectivity. Through the expansion of the state system, the state became the central means of authority. It was incidentally that sovereignty became an assumed prerogative of the state and territory the official parameters wherein states delineated authority. Through this historical progression the Inuit in the Arctic grew to become regarded as a codified group of indigenous peoples distinctly separate from the state and its accompanying national narrative. Therefore, much of what came to be defined as ‘indigenous’ was a narrative largely written as part of European and American nation- building.

By setting this foundation it then becomes possible to examine the conditions upon which the ICC came to fruition. Chapters 4, 5, 6, and 7 are chronological examinations of twentieth century Inuit politics set alongside shifting international laws and norms from three particular levels of analysis. Chapter 4 focuses on several major Inuit land claims agreements that are critical to the eventual emergence of the ICC in that they represent a significant institutional affirmation of a historical myth of the Inuit as an ongoing legitimate collectivity. Preceding and throughout colonization, Inuit conceptions of a *stewardship* approach to Arctic land and resources served as a justification for European expansion into Inuit inhabited areas and for undermining any existing Inuit self-determination. Since this time, the Inuit principle of stewardship has resurfaced within Arctic policy discourse. Rather

than stewardship serving as the means to disregard or override Inuit autonomy, it has become the means by which Inuit leaders have justified their claims for reinstating self-determination as well as the right to be included in the processes of Arctic development and policymaking. This chapter begins by setting up some of the international framework within which Inuit land claims have been carried out, followed by a descriptive account of Alaskan, Canadian, and Greenland land claims. Its purpose is to highlight the domestic changes in the meaning of territory within notions of state sovereignty.

Chapter 5 critically examines the process and the political opening by which the ICC would transform from a marginalized polity to a legitimate transnational actor. The critical juncture providing the ability to institutionalize this re-identification came through the onset of a larger crisis in the overall Westphalian myth itself, one which brought to question the way in which global politics proceeds. In particular, this chapter focuses on two parallel facets: oil and gas resource exploitation and globalization. Natural resource discoveries led to official settlements of existing Inuit land claims and were the impetus behind the creation of the ICC. The second critical juncture is what is most often referred to as a new myth of *globalization*. The discussion of globalization in this chapter is relevant to this study in that it offers a more practical way to understand and utilize contending perspectives on globalization. Within this context, it becomes possible to address theoretical concerns related to the empirical discussion of the following two chapters.

Chapter 6 focuses on relationships between the ICC, its accompanying discourse and international institutions, and emerging international legal norms concerning human rights. This chapter provides a historical chronology of significant

declarations which came to incorporate indigenous rights directly into international human rights. Through this chronology a particular narrative emerges which evokes not only a story of how indigenous peoples were brought into the international system but also a story of the ways in which the traditional indigenous conception of stewardship (as realized through Inuit land claims settlements) and indigenous *rights* have melded with an emerging discourse of *sustainable development* and become legitimized through a parallel evolution of international human rights law. By combining indigenous rights and sustainable development, this chapter sets some of the groundwork in which a new discourse of international development is transforming the very architecture upon which previously sedimented international politics was built.

Turning to Arctic governance, Chapter 7 provides a critique of post-Cold War Arctic governance building from a non-state-centric perspective. This chapter begins by focusing on the time period at the end of the Cold War and the significant contributions leading to an ideological shift in the role of the Arctic in international affairs. This is followed by an overview of ICC policy construction which is then linked to the larger process of international Arctic regime construction. Concentrating mainly on the making of the Arctic Council and the role of Inuit traditional knowledge, this chapter offers a new narrative of Arctic regime-building. It brings to light a more multifaceted account of the constitutive role of the ICC in Arctic governance more broadly, and to the construction of the Arctic Council in particular, than past accounts have offered. Chapter 8 offers three short case studies (the World Bank, POPs, and the United States seeking the help of the OAS Inter-American Court to protect the Inuit right to health from global warming) where indigenous groups have

participated in the processes of their own development. These case studies also point out indigenous contributions for setting new precedent in international law.

While the previous two chapters focus on both the international and Arctic regional historical analysis of the ICC, equally important is the impacts that Inuit land claims and the ICC have had on changing domestic political identities, both internally and externally, as members of the Arctic international community. Therefore, Chapter 9 is a Canadian case study, focusing on the domestic level of analysis. It provides a narrative illustrating how these overlapping polities are not only mutually constituted at the regional or global level but also the way in which they have played out and cannot be abstracted from their domestic dimensions as well. I argue that ultimately both Inuit policy (through the ITK and the ICC) and Canadian policy have over time grown increasingly interdependent and in some respects have merged in varying circumstances, creating a specific vision of Canada as an ‘Arctic’ or ‘Northern’ State.

The last two chapters, 10 and 11, provide further discussion of the impacts of the ICC for bringing to light new understandings of sovereignty as it relates to the state and international politics. Examining the ICC from this context, a space by which to re-conceptualize sovereignty is exposed. This move is a departure from the realities and/or myth of the Westphalian system and its accompanying assumptions that political identities are static as well as embedded in the state, and points to a processual notion of political identity. This post-Westphalian analytical shift brings to question the ongoing assumptions of Westphalian sovereignty and decouples sovereignty from both the state and from the territory of each particular state. With a new non-state-centric space in which to analyze global politics, sovereignty is once

again re-embedded into the myth of the polity. Sovereignty becomes the domain of the myth and the polity gives it structure.

In an emerging post-Westphalian system physical bounded ownership over territory has become abstracted from the centerpiece of national aspirations, and, consequently, nationalism also becomes abstracted from the state (the state is no longer the sole aspiration) and as such it opens up a new space by which to perceive post-statist nationalism. It is in this regard that nationalism becomes replaced by the polity. Perceiving sovereignty as part of a larger process of polity construction it becomes possible to conceptualize the political construction of the ICC as its own political narrative. As Sassen asserts, traditional international relations

theories and models remain focused on the logic of relations between states and the scale of the state at a time when we see a proliferation of non-state actors, cross-border processes, and associated changes in the scope, exclusivity and competence of state authority over its territory.<sup>18</sup>

As such, aspects such as the state and territory become only components of a much more fluid and complex part of the larger myth—in this case the ICC. The last chapter focuses on three intrinsic aspects of the making of the contemporary Inuit myth. The chapters of this dissertation combined provide one example of the constitutive relationship between non-state institutions and the making of global agendas.

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<sup>18</sup> Sassen 2002, 7.



## Chapter 2

### ENGAGING THE IR THEORY DEBATE: HOW DID WE GET HERE?

Indeed, it is impossible to make sense of the issues that trouble the relationship today without a clear understanding of the past. . . . We simply cannot understand the depth of these issues or make sense of the current debate without a solid grasp of the shared history of Aboriginal and non-Aboriginal people on this continent.<sup>19</sup>

What were the conditions that brought about the transition away from the idea of the Inuit as ‘noble savages’ unable to govern themselves to the belief that indigenous Inuit autonomy constitutes an alternative means of scientific inquiry, a form of human rights, an inherent component of *sustainable development* discourse, and a definitive means by which several Arctic states, particularly Canada, praise themselves as models for global liberal democracy?

The field of international relations offers various means by which to investigate this puzzle. From a realist perspective, the ICC has little or no role in international affairs. Yet, it is possible to examine the ICC through domestic policies concerning the Arctic in relation to international policy and law. From a liberal institutional view, the ICC can be examined through the study of regimes (i.e., as an actor on the Arctic Council<sup>20</sup>). Another possibility is to analyze the ICC as a social

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<sup>19</sup> Canada Communication Group 1991.

<sup>20</sup> Young 1992.

movement in the form of a transnational NGO, and look at the mechanisms and ways it, as a political entity, has attained its goals.<sup>21</sup> Cosmopolitanists such as Martin Shaw and David Held, and the English school in general, would reduce Inuit agency to an organization inherently set out to contribute in the construction of a global liberal state. Yet none of these theories offers an account of the historical and constitutive relationship between the evolution of the ICC and the international system through the underlying processes upon which these changes were able to emerge and take shape. Subsequently, they fail to unearth a narrative concerning the processes of changing perceptions of sovereignty in global politics over time.

While this chapter is a theoretical examination of the methodological debate taking place in IR, its purpose is to elucidate the larger significance of using a post-positivist constructivism for this study of the ICC, as well as the general study of institutions in global politics. If, as some argue (e.g., Hall 1999; Linklater 1998), the world is going through a ‘systemic reconstruction’ or entering a new epoch, then sufficient tools for examining these processes are necessary.

The comfort of a theoretically bipolar discipline (in realism vs. idealism) has become long fragmented, and a ‘third debate’ has emerged into the mainstream of international relations. This space has included not only a debate about the ongoing importance of states or the level of primacy to be given to non-state actors, but it has also brought into question the mission of the IR discipline itself (in prediction vs. understanding). Within this debate there has been a renewed discussion concerning meta-theory. This discussion includes the question of whether any desire remains to

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<sup>21</sup> Keck and Sikkink 1998.

work toward a grand theory of IR. Some authors argue that the very idea of finding finality in resolving this debate is not necessary as “the possibility that, within limits, diversity of viewpoints might be fully compatible with scientific rationality and objectivity.”<sup>22</sup> This chapter engages in this ongoing debate as it is relevant to the study of the ICC; the aim of this chapter is to dissect the relationship between questions of theory and method regarding the empirical investigation of the ICC.

### **The Positivist Agenda**

For much of its history, the discipline of theory building in international relations has been dominated by the pursuit of increased scientific rigor with debates centering on what type of scientific model best explains the ‘real world.’ Political philosophy was abstracted from international relations theories becoming dominated by aims to understand the social world through the same means as those used in investigating the natural world. Sound political science has meant the rigorous application of reductionism through scientific method. Through this process, rather than getting ‘caught up’ in ongoing debates over ideology, social scientists were encouraged “to go on with some ‘useful’ or practical work.”<sup>23</sup> While reductionism became a mainstream means of political inquiry, the inability to deal with ‘real world’ events brought these sedimented ideological notions into question. For example, political, economic, and social transformations brought about by heightened processes of globalization and a post-Cold War world led many IR scholars to re-examine the lens through which global politics is understood. More recently, the ascendance of

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<sup>22</sup> Lapid 1989, 246.

<sup>23</sup> *Ibid.*, 236.

non-state actors accessing new channels through which to assert their authority has brought into question traditional assumptions of authority, sovereignty, and the state.

Positivism in international relations generally views the international system in terms of states existing in a universe lacking central authority. States are fixed, self-interested actors; through rational behavior, they do what is necessary for survival. The state is a symbol, according to Rosenau, “without content, as an actor whose nature, motives, and conduct are so self-evident as to obviate any need for precise conceptualizing.”<sup>24</sup> In this fashion, Wendt asserts that scientific realism more broadly assumes that the world is separated from individual observers, that observations themselves are independent from particular frames of reference, that mature scientific theories are able to model this world, and that it is possible (even if not directly), to observe the social world. With these assumptions, positivist constructivists have carved out a theory for studying international behavior.

Contending positions regarding a positivist-constructivist framework have already been comprehensively pointed out by many authors. Friedrich Kratochwil, for example, methodically addresses the greater part of these issues. In problematizing the assumption of the state as a given entity or even point of departure for investigation, Kratochwil questions the way in which warranted knowledge is produced in general.<sup>25</sup> He asserts that there are two arguments. First there is the scientific method, which requires a specific method and the belief that knowledge is multiple and therefore cannot be reduced to reliance on one particular method.

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<sup>24</sup> Rosenau 1990, 117.

<sup>25</sup> Kratochwil 2000.

Second, Kratochwil questions Wendt's scientific realist approach to social constructivism on two grounds. He questions the entire premise that things are there but unrecognizable until described. Kratochwil's point is to challenge the idea that such descriptions place us closer to the 'truth' and whether 'truth' itself is a matter of the conditions governing the justifiability of assertions rather than a "correct apprehension of reality."<sup>26</sup> As Kratochwil asserts; "how do we know that we have gotten nearer to the truth instead of only substituting one theoretical concept with some other?"<sup>27</sup> Kratochwil is also concerned with the cause and effect relationships which many scientific realists seek to uncover. Social constructivism does not look for independent causes and effects, given that all relationships are co-constituted; therefore, looking for independent variables is a contradiction. As Kratochwil states,

We cannot talk about 'things in themselves' but need descriptions; these descriptions are not neutral and somehow objective but embrace all types of social practices and interests that make things into what they are called or referred to . . . what is at issue is not the existence of the 'thing in itself' but its recognition as 'something' which can only be established by bringing it under a description. . . . It is therefore pretty useless to argue in the abstract . . . which of these descriptions is the 'true' one, as it should be clear that 'truth' is not a function of the 'things', or of the 'world', but of the assertions that are made within certain frames and descriptions.<sup>28</sup>

Kratochwil's contentions are highlighted by the work of Finnemore and Sikkink.<sup>29</sup> These authors propose that positivist constructivists can improve constructivist methodology by incorporating some of the methods of comparativists.

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<sup>26</sup> Ibid., 92.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid., 95.

<sup>29</sup> Finnemore and Sikkink 2001.

By assuming that linguistic concepts such as human rights or bureaucracies are in fact socially constructed, it becomes possible to hypothesize the effects of these institutions in world politics. As such, they claim that “constitution in this sense is causal.”<sup>30</sup> Furthermore, the authors state that while it is possible to identify these concepts, the general notion of identity itself fails to be specified and therefore any study of identity is only able to offer “very pluralistic explanations for state action [assuming that states are the only concern of IR scholars] providing little hope of contingent generalizations about identity and world politics.”<sup>31</sup> Instead, they argue that Wendt appropriately offers an understanding of identity which rectifies this ambiguity by asserting that identities are: a) understood internally and externally; and b) that the two particular identities which are of greatest concern are “type identities” and “role identities,” both of which are centered on the state.<sup>32</sup>

Finnemore, Sikkink, and Wendt all engage in a critique of identity from a level of analysis separate from many others who study identity constructivism. The notion of identity is not a thing or an entity similar to a magnifying glass to carry out investigations of the world. Identities are not used as tools but instead are conceived as ongoing relationships of exploration. Finnemore and Sikkink’s fixation on the need to find generalizations is not an issue directly relevant to improving constructivist scholarship. Even if one does offer hypotheses or generalities, such enterprises must follow after any constructivist investigation, rather than being a part of it. These authors aim to improve the empirical capabilities of constructivism. However, they fail

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<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Wendt in Finnemore and Sikkink 2001.

to offer any insight into the necessary prior steps concerning methodological matters of constructivism. Furthermore, doing social constructivism through cause-and-effect questions fails to acknowledge what is at stake if these underlying processes are ignored.

Rather than believing that science needs a particular foundation in order to examine the world as it stands, Kratochwil argues that scientific inquiry must be redefined. Rather than a path to 'Truth,' science should be regarded as an argument.

According to Kratochwil,

Truth is a function of consensus in a scientific community sharing criteria of what represents 'good science'. Results are considered 'true' as they emerge from particular procedures and practices. Truth is then not only contingent on some theoretical framework and some taken-for-granted or background knowledge (measurement), but is also derived from argumentative procedures. The arguments among the practitioners centre on the importance or meaning of tests, on the justifications for calling something an anomaly (rather than refutation), an error (rather than a 'discovery'), and so forth. In other words, reaching the final decisions is based on some legitimate procedure that allocates burden of proof.<sup>33</sup>

This lack of foundation, according to Kratochwil, nevertheless does not render all knowledge meaningless or suggest that 'anything goes.' He points out Wendt's argument that there is no single logic of anarchy because its logic changes from actor to actor within the international system. Any particular understanding of anarchy depends on a shared system of meanings. Rather, an adequate constructivist analysis would focus on the constitutive relationships which are the foundation of the theory itself. Accordingly, the first step in a constructivist analysis must begin by discerning what was meant when a particular reference was made concerning a 'state

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<sup>33</sup> Kratochwil 2000, 89.

identity’ or a ‘national interest’ before making generalizations concerning these notions as if their meanings remain static. As Skinner comments, “unless we begin by enquiring into the rationality of the belief concerned, we cannot be sure of correctly identifying what it is that needs explaining, nor its consequence of directing our investigation along appropriate lines.”<sup>34</sup>

Furthermore, arbitrary distinctions when made between what are considered natural or inevitable and what is a construction—such as the primacy of the state—abandons the premise upon which constructivism is built. If the world is of our doing then no inherent primacy should be afforded to certain structures over others. Subsequently, creating such boundaries additionally begs the question of who has the authority to speak on behalf of these distinctions. Constructivism comes from the vantage that “our concepts are not forced upon us by the world, but represent what we bring to the world in order to understand it.”<sup>35</sup>

Lastly, the positivist constructivist research agenda remains committed to its scientific aims for finding truths. Whether overtly or subversively, the positivist position remains devoted to the idea that somehow with enough precision and finesse it may one day be possible to produce an objective sense of knowledge. Subsequently, positivist inquiry spends substantial effort debating over how much truth exists and how to judge these claims and consequently ends up asking the wrong questions. Authors such as Adler, while conceding that knowledge is context-specific, aim for a macro theory of the social world.

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<sup>34</sup> Skinner 2002, 34.

<sup>35</sup> *Ibid.*, 46.

Instead of finding *the* theory of social relations for understanding the social world, constructivist logic maintains that a theory should begin with the assumption that “we need to treat our normative concepts less as statements about the world than as tools and weapons of ideological debate.”<sup>36</sup> Ultimately, “we are always caught up in the process of interpretation as soon as we begin to describe any aspect of our evidence in our own words.”<sup>37</sup> According to Skinner, “the concepts we employ to report the facts will always serve at the same time to help determine what are to count as facts.”<sup>38</sup> The evidence obtained through observation is to some degree limited and therefore shaped by our concepts and by the vocabulary used to express them. This, Skinner asserts, does not mean that the historian becomes obsolete. Instead, he makes the case that “we ought to give up the quest for ‘meaning’ in such an atomic sense” altogether.<sup>39</sup> While failing to serve as a potential grand theory of international relations, constructivism nevertheless has significant implications for better understanding political interaction. As Kratochwil succinctly summarizes, the search for a middle ground renders constructivism without “virtues but [instead] many of the disadvantages of the positions it tries to mediate.”<sup>40</sup>

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<sup>36</sup> Ibid., 16, 177.

<sup>37</sup> Skinner 2002, 16, 45.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid., 16, 47.

<sup>40</sup> Kratochwil 2000, 97.

## **From Positivist to Post-Positivist Inquiry: Identity, Discourse, and the Power of Rhetoric**

After delineating the main impasses created by wedding constructivism and positivism, it is possible to turn to a post-positivist approach to identity construction or *polity* construction. Post-positivist constructivism, while post-positivist, is not anti-modernity nor does it do away with modernity. Rather, post-positivist polity constructivism is a product of past modes of thought. Rather than taking a position on modernity (such as critical theory) a post-positivist constructivist aim is to analyze the conditions which helped bring about social norms. These norms include modernity and the way it constrains and affords certain knowledge constructions in general.

A post-positivist approach to polity construction does not assume the state at the outset. Instead, it begins by problematizing identity as bound entities. It conceives all identities (or institutions) as context dependent.<sup>41</sup> All identities are always incomplete as they are dependent on the existence of an ‘other.’ Similarly, Laclau and Mouffe have proposed a constructivist methodology which analyzes identity through examining discourse. Theoretically, discourse theory moves away from ontologically ‘given’ objects of investigation to ‘conditions of possibility.’ These conditions are based on antagonisms, which limit objectivity. Therefore political identities (institutions) are always contingent, they are never closed and, as such, they always contain a lack. Overall the aim of post-positivist constructivism is to problematize the actual processes of identity construction and reconstruction.

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<sup>41</sup> See Emirbayer September 1997; Jackson and Nexon 1999.

## **Institutions Revisited**

Institutions are multifaceted because they are contingent upon ongoing historical and contextual instances. An examination of the ICC, rather than approached as an entity engaging in global politics, necessitates a lens which conceives it as an ongoing and always unfinished process of identity construction. As such, appropriate tools to examine this relationship are necessary and the ideas of Ferguson and Mansbach (1996), concerning *polities* become valuable. For Ferguson and Mansbach, a polity is an entity which has the political capacity to mobilize people and resources for political purposes. A polity also has a distinct identity such as the ICC. However, a polity's identity is associated with other identities (e.g., the ICC identifies with other indigenous organizations in the Arctic, such as the Saami Council and the Russian Federation Association of Indigenous Peoples of the North [RAIPON]). The ICC also identifies with other NGOs at the international level through the United Nations as one indigenous group among others. In addition, the ICC identifies with domestic Inuit identities such as the government of Nunavut and Greenland. The ICC also identifies with other Arctic States, as being one of several Arctic political actors.

In addition, polities have a hierarchy in which certain individuals speak or act on behalf of those persons identifying with the polity.<sup>42</sup> Overall, conceptualizing identities as polities offers much analytical leverage for examining the construction and politics of the ICC in Arctic and international governance. As Ferguson and Mansbach attest, traditional approaches of international relations fail to account for

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<sup>42</sup> These individuals are examined in this study through the speeches of Inuit leaders and Arctic academic experts such as Sheila Watt-Cloutier, Eben Hobson, Jens Dahl, Terry Fenge, Aqqaluk Lynge, and John Kusugak (See References).

those entities in which authority is shared or contested by other polities. Rather than privileging the state system and assuming state sovereignty as the center of analysis, polities represent “an alternative to the Eurocentric, a historical, inside/outside model of a sovereign-state world.”<sup>43</sup>

Patrick Jackson goes further by drawing on Ferguson and Mansbach’s model of *polities* as a means for examining identity in general.<sup>44</sup> This analytical move enables a shift from state-centrism to including all actors or *polities*. A significant aspect of this shift, according to Jackson, is that a polity represents an *action*. “[P]olities’ are *actors*, distinguished from other elements of social life by their appropriate possession of active verbs.”<sup>45</sup> Polities, furthermore, are entities which people are loyal to, identify with, and sometimes even feel passionate about. According to Jackson, “the domain of a polity thus includes those who identify with it, the space they occupy, and the issue(s) over which the polity exercises influence.”<sup>46</sup> Polities, not limited to states or even governments, “may be hierarchically layered, partially overlapping, completely enclosed by one another, or (rarely) isolated.”<sup>47</sup> The basis for a polity’s capacity for action is its *authority*. According to Jackson, all identities are conceived as co-constituted by the structure of knowledge. The history and transformation of a polity is persistent as they most often overlap, layer, endure, or disappear.

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<sup>43</sup> Ferguson and Mansbach 1996.

<sup>44</sup> Ibid.

<sup>45</sup> Jackson 2004.

<sup>46</sup> Ibid.

<sup>47</sup> Ferguson and Mansbach 1996, 263.

It is this process of tracing polity construction which is the focus of this study. Polities' offer a broader means by which to examine and discuss Inuit political construction concurrently at the local, regional, and international levels. The ICC, while acting as an international non-governmental organization, is much more contextual and multifaceted than merely serving to enact Arctic policy and it cannot be abstracted from Inuit political construction at all levels of governance. Examining the ICC as an Inuit polity opens a space for understanding beyond the 'transnational' when referring to the whole of the Inuit community, or 'sub-national' and 'local autonomy' *from* the state when referring to Greenland, Nunavut, or the North Slope Borough of Alaska, or 'international' in reference to its relations with the United Nations or other intergovernmental organizations.<sup>48</sup>

### **Narratives and the Power of Discourse**

What are the mechanisms for analyzing the process and significance of polity construction? One way is to trace narratives through the discourse of interacting polities. More generally, narratives produced through discourse remain "based on a theory or position about the world . . . and they postulate an ideal or method to follow."<sup>49</sup> Discourse theory is a method for analyzing the connections between language and social change. Its argument is that analyzing the meanings of particular ideas and tracing the changes in their meaning over time is necessary in order to comprehend present social conditions. Particularly, discourse theory seeks to address

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<sup>48</sup> Tilly 2002, 154. My italics.

<sup>49</sup> Francis 1999, 390.

those issues which are experiencing transformations in previously sedimented centers of authority and its subsequent modes of power upon which its legitimacy endured.

Molly Cochran (2003) discusses the application of Deweyan pragmatism as a means of analyzing the relationship between concepts and the words applied to describe meaning. Cochran asserts that Deweyan pragmatism allows for an ethical and objective inquiry which does not impose a particular set of cultural values.<sup>50</sup> She believes that pragmatism can be used as one particular tool for “understanding and responding to problematic situations.”<sup>51</sup> Whereas the positivist understanding of power and authority is the identification of law-like regularities and covering laws, Dewey, according to Cochran, regarded power as knowledge which is attained through solving problems. Due to the complexity of society and its continuously changing environment, power is only a “temporary and contingent resting place for inquiry.”<sup>52</sup>

Truth, therefore, is the temporary end of a controversial issue<sup>53</sup> and inquiry is intervention—“we interact with the objects we intend to know rather than passively observing them.”<sup>54</sup> Rather than covering laws, Dewey believed that understanding is a combination of various ideas; it is not derived from a “uniform sequence of events.”<sup>55</sup> If several experiences are perceived differently, this does not make one account ‘more real’ than the others. Instead “we have contrast, not between a Reality and various

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<sup>50</sup> Cochran 2003, 526.

<sup>51</sup> *Ibid.*, 534.

<sup>52</sup> *Ibid.*, 535.

<sup>53</sup> *Ibid.*, 527.

<sup>54</sup> *Ibid.*, 528–529.

<sup>55</sup> *Ibid.*, 529.

approximations to, or phenomenal representations of Reality, but between different realms of experience.”<sup>56</sup> This type of inquiry then leads to an understanding and comprehension rather than ‘explanation for explanation’s sake.’

Cochran further compares Deweyan pragmatism to Weber’s concept of an ‘ideal type’—the idea that an objective method of concept formation is attainable—and concludes that Weber’s commitment to positivism precludes him from exploring relationships through the creation of new phenomena for the purpose of modifying existence toward the desired ends of a community. Like Dewey’s pragmatism, Weber’s ideal type is obtained by always asking practical questions—questions that help us determine what is of significance and therefore what knowledge is worth knowing. The objectivity of this ideal type is not based on unevaluated objective facts but is a matter of “value relevance.”<sup>57</sup> As such, the values of a particular community of social scientists establish the universal validity of a particular ideal-type construction. However, whereas Weber insisted on separating facts from value, Dewey believed that in order to cope with the world, people distinguish and perceive situations and give meaning to these experiences. These meanings then become habits or tacit understandings and are the basis by which new knowledge can be obtained (the object of inquiry finds definition). This knowledge often then becomes sedimented through scientific exploration and consensus within the scientific community.

Deweyan pragmatism is a clear move away from positivist constructivism and offers much more analytical leverage than a positivist quest for *the* facts.

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<sup>56</sup> Dewey quoted in Cochran 2003, 532.

<sup>57</sup> Dewey quoted in Cochran 2003, 532.

However, Cochran's theory relies heavily on "the social science community" to foster and legitimize these contingent truths. By assuming the 'social science' community, Cochran fails to problematize the ongoing power struggles over who constitutes those with the authority to speak as given experts. Political actors with the power and legitimacy to define the boundaries of this 'social science' community are not given and most often, these power struggles are central to politics and to the discussion of the ICC in this dissertation. More generally, Cochran's analysis also does not offer social scientists (whoever they might be) with an operationalized way to actually 'go about doing' social science. While Dewey's pragmatism embraces inclusivity and plurality by arguing that different provinces of reality are not incommensurable and that much can be communicated across cultures,<sup>58</sup> (but how this can be actualized remains vague). Employing Deweyan pragmatism, while adding to an important debate, needs further methodological direction to address some of the most significant of these methodological debates in constructivist IR.

The Essex school engages these questions. The Essex school of discourse theory "investigates the way in which social practices articulate and contest the discourses that constitute social reality."<sup>59</sup> Unlike perhaps mainstream approaches to doing discourse theory, the Essex school has a much broader and open-ended or organic approach. According to the Essex school, discourses in general are always contingent and historical and they entail the analysis of a range of empirical raw materials. These include both linguistic and non-linguistic data including speeches,

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<sup>58</sup> Cochran 2003, 546.

<sup>59</sup> Howarth, Norval, and Stavrakakis 2000, 4.

reports, manifestos, historical events, interviews, policies, ideas, as well as organizations. The data itself is regarded as practices which comprise both discourses and the reality in which these discourses are embedded.<sup>60</sup> Further, discourse is considered more than merely sets of ideas or beliefs which are shared by policy communities, politicians, or social movements. The Essex school questions the ways in which discourse is derived from historical sets of rules. All meaning is contingent on context.<sup>61</sup> As such, Essex discourse theory re-politicizes concepts which have previously been taken out of the political realm.

Skinner argues for the use of discourse as a means to investigate political phenomena in general. He begins his analysis a step deeper than Cochran's use of Dewey pragmatism, arguing that even prior to an empirical investigation of a problem, it is necessary to have an indication of what its particular ideas mean and how they are applied. This includes understanding the range of its context—the circumstances under which the meaning of a concept holds true (in a sense, problematizing the community upon which the argument rests). Only subsequently is it possible to relate the concepts to the wider world or larger social contexts. When the nature or meaning of a concept changes, then its relationship with an entire vocabulary changes as well. Therefore, the critical point of inquiry is not on just the particular ideas themselves but also on the existing structures which maintain their legitimacy and power. From this point it is possible to postulate the changing social attitudes of the community in which concepts are used.<sup>62</sup>

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid., 2.

<sup>62</sup> Skinner 2002, 162, 171.

That which conditions any social belief also conditions the means by which to describe its account. All empirical investigations remain bounded by existing vocabularies and therefore the descriptions upon which those practices are described. As Skinner asserts, “[t]o recognise the role of our evaluative language in helping to legitimate social action is to recognise the point at which our social vocabulary and our social fabric mutually prop each other up.”<sup>63</sup> While we are always inhibited by our vocabulary and the concepts available for communication, if a convention is challenged or a norm is undermined we “cannot simply dispense with the category of the author.”<sup>64</sup>

To the extent that the social world is constituted by available concepts, any alteration in the use of a concept constitutes a change in the social world. It follows that the central focus is thus not individual authors but the larger general discourse of the time.<sup>65</sup> Therefore, when undertaking a post-positivist constructivist analysis of an empirical question, the investigation goes further than posing varying arguments as to what actually took place. While acknowledging the need to begin with problematizing the community in which language, meaning, and vocabularies reside, this type of analysis, nevertheless, remains bound by the very language it aims to problematize. How, therefore, does it become possible to proceed with a post-positivist analysis of investigation? How do we problematize what we assume?

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<sup>63</sup> Ibid., 174.

<sup>64</sup> Skinner 2002, 162, 171.

<sup>65</sup> Ibid., 118.

### **Methodology: From Theory to Practice**

An understanding of the past can help us to appreciate how far the values embodied in our present way of life, and our present ways of thinking about those values, reflect a series of choices made at different times between different possible worlds.<sup>66</sup>

Puzzles are always contingent to the social world and the social world is always in flux. An adequate constructivist analysis ascertains a parallel narrative about the changing context of the social world by cutting into the evolving process of social interaction; investigating the conditions upon which the particular instance under investigation has come about within the context of ongoing social norms and conditions.<sup>67</sup> Consequently, using discourse as a matter of methodology offers an analysis of changing power relations through the construction, reification, and transformation of ideas. As such “[t]he only histories of ideas to be written are histories

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<sup>66</sup> Ibid., 6.

<sup>67</sup> In fact, he questions whether it is necessary to be concerned with the states of mind of individual authors at all. As Skinner asserts, “we are speaking about texts, and the performativity in which I am interested can validly be treated as a property of texts in themselves. We can perfectly rest content with observing that a text constitutes an attack on one position, a defence of another, a revision of a third, and so forth. We can limit ourselves to arguing about the defensibility of such claims, and to pursuing the kinds of historical research that will enable us to enrich and refine them. We can thereby, limit our study entirely to texts, their characteristics and behavior, and forget about the authors altogether” (2002, 118). However, Skinner argues that texts in fact do have authors and that authors have intentions when writing them; therefore, the best hypothesis is that the author was in fact writing with intention and by acknowledging this is to have identified the range of what the author was doing by producing the given utterance. As such, texts are acts and the aim is to discern the intentions embodied in their performance.

of their uses in argument.”<sup>68</sup> An Essex school of discourse analysis therefore is a historical engagement with the present.

### **History According to International Relations: Traditional History Versus Indigeneity**

How is world politics understood through a post-positivist constructivist historical analysis? Traditionally, international relations theory offers a historical account of international politics as a history of the making and interactions of states in a world threatened by war and anarchy or mediated through state-enacted regimes. Empirical questions of this Western notion of the world are then investigated by looking at certain documents and written records, to establish ‘what actually happened.’ The goal is to find the ‘truth’ of the past as life extends in a linear fashion, distinguishing the ‘then’ from the ‘now.’<sup>69</sup> Indigenous accounts of history, however, do not take the same approach to understanding the world.<sup>70</sup> Indigeneity theory is “neither linear nor steeped in the same notions of social progress: evolution. Rather it is cyclical.”<sup>71</sup> Furthermore, unlike the human-centricity of Western history, indigeneity views humans as only one “element of the natural order of the universe.”<sup>72</sup> Indigenous history is also often oral. Their oral accounts are dependent on who is telling the story and why they are telling that particular story. History, therefore, evolves and adapts to ongoing events, not to tell a factual account of the past but to “educate the listener,”

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<sup>68</sup> Skinner 2002, 82, 85–86.

<sup>69</sup> Canada Communication Group 1991.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

oral stories are “facts enmeshed in the stories of a lifetime.”<sup>73</sup> Historical accounts, therefore, while their origins are in the past, “speak to the present.”<sup>74</sup>

From an international relations perspective, indigeneity discourse begins with ‘original occupancy’ as its premise and analyzes indigenous self-determination, including self-determination as understood according to indigenous models. Indigeneity rejects calls for multiculturalism and the need to celebrate diversity<sup>75</sup> as these ideas have often led to policies of assimilation and a rejection of indigenous autonomy and authority. Indigeneity discourse further presupposes that indigenous peoples are autonomous polities. It perceives relations between indigenous communities and the state as nation-to-nation exchanges; it validates territorial and cultural autonomy at the level of governance; it advocates legitimacy through consent rather than authority. Further, indigenous communities are believed to be sovereign in and of themselves, while concurrently sharing the sovereignty of other polities. Indigeneity discourse, therefore, undermines the ability for indigenous rights to be adequately construed theoretically in the context of, or merely as, a Western political phenomenon.<sup>76</sup> In principal, indigeneity is based upon a model of constructive engagement which challenges state-centric forms of sovereignty at three different yet overlapping levels: territorial sovereignty, political-judicial sovereignty, and the legitimization of interdependence both theoretically and empirically through the idea of mutual consent.

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<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Maaka and Fleras 2000.

<sup>76</sup> Ivison, Patton, and Sanders 2000, 1; Maaka and Fleras 2000, 91.

Indigeneity discourse, at its foundations, challenges conventional perceptions of the sovereign state. For example, indigenous sovereignty is often conceived as being autonomous yet not desiring secession.<sup>77</sup> Many indigenous peoples explicitly argue against the possibility of secession, asserting that secession would merely subjugate them to the same colonization that they are resisting.<sup>78</sup> The International Work Group for Indigenous Affairs (IWGIA) claims that self-determination, for indigenous peoples, “does most often NOT imply secession from the state.”<sup>79</sup> For example, the Cordillera peoples believe that secession from the state of the Philippines would be “wrong and regressive” and if they seceded from a state that “remained under the yoke of the same basic social problems, the region would stir up more ethnic strife—within and around the region, between indigenous and non-indigenous peoples, and among indigenous peoples themselves.”<sup>80</sup> Essentially, if a group chooses to secede, secession, rather than autonomy, may instead laterally transfer indigenous problems from domestic colonization by the state to a parallel notion of colonization at level of the international system.

Further, an indigeneity methodology, at the outset, while not rejecting modernity, problematizes all previously sedimented and mainstream conventions of the international system including notions of authority, sovereignty, and the state. Indigeneity illuminates contemporary social interaction as it problematizes the very foundation upon which the history of IR has come to be assumed and acted upon.

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<sup>77</sup> Maaka and Fleras, 93.

<sup>78</sup> *Ibid.*, 96.

<sup>79</sup> IWGIA.

<sup>80</sup> Cordillera Peoples Alliance home page.

Karena Shaw (2002) contends that the modern idea of sovereignty reveals the constitutive nature of ‘our’ identity and the situations with which indigenous communities are faced. Indigenous struggles are our problems, not merely in that it is all ‘our’ fault, but rather because of the implications it has for understanding ‘our’ own identities.<sup>81</sup> Given this, Shaw focuses on examining the political: “the conditions under which, and the practices through which, authority is constituted and legitimised, in what these constitutions and legitimations enable and disable, particularly in relation to the constitution of political possibilities for indigenous peoples.”<sup>82</sup> Therefore, an adequate analysis must assume that the discipline of international relations lacks a legitimate expression of world politics. Given the historical context of its practice, it is likewise not an “inaccurate or inappropriate” expression of world politics.<sup>83</sup> If we want to understand world politics, and so “shift [our] exploration of the diverse special, temporal, and discursive conditions under which forms of authority are being constituted, enabled and authorised today,” then we need to move the center of our analysis from ontologically given assumptions about authority to the ontological conditions of possibility.<sup>84</sup>

One way to operationalize this type of theoretical stance is through the work of Foucault’s genealogy and archaeology. Mitchell Dean, in accordance with Foucault, refers to this type of analysis as “critical history”—a problematizing activity which focuses on contemporary struggles and confrontations, as well as the

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<sup>81</sup> Shaw 2002, 59.

<sup>82</sup> *Ibid.*, 76.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*; Howarth, Norval, and Stavrakakis 2000, xi.

construction of knowledge. The construction of knowledge, however, is not an attempt to write of the past in terms of the present—or *presentism*—but rather it functions only as a means of assurance for contemporary identity formations.<sup>85</sup> A history of the present is concerned first with problematizing assumptions of contemporary social existence and, second, with deconstructing these norms in order to delineate the conditions by which they came to be sedimented and taken for granted. This means that a history of the present, however, is not a normative analysis aiming to speak on behalf of liberation, struggles, or against systems of domination. It does not offer an account of how a present system of discourse should be mobilized and put into practice.<sup>86</sup> Discourse theory is not merely an attempt to “retrieve and reconstruct the meanings of social actors.”<sup>87</sup> There is not a sense of *recovery* derived from the investigation. Nor does it seek to only *reconstitute* common meanings and practices of social actors. It does not seek to provide novel interpretations of events by “elucidating their meaning.” Rather, seeks to understand the ways in which social actors construct meaning within incomplete and “undecidable” structures.<sup>88</sup>

Instead, the critical history of Foucault focuses on two particular intellectual works: archaeology and genealogy. Genealogy is a history of the present while archaeology is the means of analysis. Dean refers to the combination of Foucault’s archaeology and genealogy as doing a “history of the present.”<sup>89</sup>

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<sup>85</sup> Dean 1994, 29.

<sup>86</sup> *Ibid.*, 17.

<sup>87</sup> *Ibid.*

<sup>88</sup> Howarth, Norval, and Stavrakakis 2000.

<sup>89</sup> Dean 1994, 14–17.

Archaeology of knowledge is a methodology interested not in finding deep meanings, but rather focuses solely on speech acts and how they fit into a particular discursive formation.<sup>90</sup> Discursive facts are not things but rather fields or “systems of the dispersed relations that are the conditions of discourses.”<sup>91</sup> Therefore, the aim of archaeology is to establish a method for examining knowledge formation by investigating discursive formations through the analysis of speech acts.

Speech acts, for Foucault, take place within a “rule-governed system.”<sup>92</sup> If meanings are brought together by rule-governed systems, then there must also be conditions upon which the rules acquire coherence. Therefore, as these conditions determine what can count as a possible element, individual elements are not as important as the system itself. Taken from this context, the whole is greater than the sum of its parts.<sup>93</sup> Meanings of particular statements—those which make statements into elements—are only applicable within the specific discursive formation. Further, the very identity of the statement itself is dependent on the particular use made of it. An analysis of these conditions is the crux of an archaeological analysis.

By focusing on discursive formations, archaeology problematizes the conventional assumptions of historiography and its relation to documents. Rather than using documents to construct a historical reality of events, archaeology seeks to highlight the positive reality of discourse and form a description of its systems of

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<sup>90</sup> Dreyfus and Rainbow 1982, 49.

<sup>91</sup> Dean 1994, 16.

<sup>92</sup> Dreyfus and Rainbow 1982, 53.

<sup>93</sup> *Ibid.*, 55.

formation. Its objectives are not to establish foundations or produce ‘the truth.’ Rather it is an inquiry to unfold the conditions upon which things are considered to be true. It is “an approach to all those discourses that seek to rationalise or systematise themselves in relation to particular ways of saying ‘the true.’”<sup>94</sup> Therefore, archaeology is a purely descriptive enterprise. While speech acts themselves cannot be examined in isolation, discursive formations can be bracketed from their background and an archaeological analysis looks at the networks of varying discursive formations.<sup>95</sup>

It is no longer the task of history to memorise monuments of the past and thus to transform them into ‘documents’ of a reality of consciousness of which they are but traces. Rather, history has become . . . that which transforms documents into monuments.<sup>96</sup>

An archaeological analysis, in sum, is not a historical analysis or an interpretation of what was really meant by what was said. Conversely, it problematizes the means of existence and “what it means for them to have appeared when and where they did—they and no others.”<sup>97</sup> The goal of archaeology is to provide a total theory for describing the rules governing discursive practices—by bracketing truth claims and their meanings allowing the interpreter to sit above and objectively look into an inquiry while remaining free from its own theories. Foucault later acknowledges that, in fact, the observer is not only involved in the investigation but is also produced by

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<sup>94</sup> Dreyfus and Rainbow 1982, 53.

<sup>95</sup> *Ibid.*, 58.

<sup>96</sup> Dean 1994, 16.

<sup>97</sup> Michel Foucault quoted in Dreyfus and Rainbow 1982, 51.

the same social practices being studied.<sup>98</sup> This acknowledgement laid the groundwork for producing what has become Foucault's genealogy. The goal of genealogy is acting as a method for "diagnosing and grasping the significance of these social practices from within them."<sup>99</sup>

Foucault's genealogy stems from Nietzsche's genealogical pose. In general, genealogy is an account of history contrary to traditional historical analyses where events are regarded as an ongoing phenomenon with "monotonous finality."<sup>100</sup> Genealogy is the study of the relations between power, knowledge, and the body (human collectivity). Rather than looking for continuity, genealogy looks for discontinuities. Yet, it also avoids any search for depth. Instead it searches for small details and minor events. Like the archaeologist, a genealogical account views things from afar, discovering that those meanings which are held to be the deepest are in fact the most superficial. Their meanings are to be discovered in 'surface practices' rather than in hidden deep meanings as stated by Foucault:

The purpose of genealogy, guided by history, is not to discover the roots of our identity but to commit itself to dissipation. It does not seek to define our unique threshold of emergence, the homeland to which metaphysicians promise a return; it seeks to make visible all of those discontinuities that cross us. . . . If genealogy in its own right gives rise to questions concerning our native land, native language, or the laws that govern us, its intention is to reveal the heterogeneous systems which, masked by the self, inhibit the formation of any form of identity.<sup>101</sup>

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<sup>98</sup> Dreyfus and Rainbow 1982, 102–103.

<sup>99</sup> *Ibid.*, 103.

<sup>100</sup> *Ibid.*, 106.

<sup>101</sup> Michel Foucault quoted in Neumann 2002, 15.

Accordingly, the deepest meaning to discover, rather than discovering hidden meanings, is that there are only more interpretations: it is “a never ending task. . . . There is nothing absolutely primary to interpret because, when all is said and done, underneath it all everything is already interpretation.”<sup>102</sup> According to Foucault, the development of humanity is a series of interpretations. Genealogy records the history of these interpretations and makes evident how universal assumptions are the product of the contingent emergence of imposed interpretations. By documenting these interpretations, the goal of genealogy is to deconstruct the primacy of origins and unchanging truths.

Therefore, truth and power are strategies and the effects are not ‘appropriation’ but rather, “dispositions, manoeuvres, tactics, techniques, [and] functionings” played out in an ongoing network of tensions.<sup>103</sup> The interactions between truth and power operate within a particular historical situation and are made possible by the space which defines them. Domination (or power) as such is not merely a relationship between rulers and the ruled operating along a linear universal progression of reason. Rather, all relationships are relevant only within a particular historical context. The meanings of these relationships are only relevant within the local context which defines them: “Rules are empty in themselves, violent and unfinalized; they are impersonal and can be bent to any purpose.”<sup>104</sup>

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<sup>102</sup> Dreyfus and Rainbow 1982, 107.

<sup>103</sup> *Ibid.*, 109.

<sup>104</sup> *Ibid.*, 110.

Subsequently, genealogy offers the means for examining the processes by which certain groups amass these rules and redefine them for their own particular use. It creates the space for questioning those objects which are assumed to be part of our reality. A genealogy “allows us to establish a historical knowledge of struggles and to make use of this knowledge today. It connects the empirical analysis to particular contemporary struggles as it is concerned with the changing conditions of knowledge formations and places this analysis in relation to ‘contemporary concerns.’”<sup>105</sup>

Engaging in a history of the present begins with a diagnosis of the current situation. The task of the historian is to point out critical moments and analyze where they emerged, took shape, and acquired their importance. Given this, a history of the present does not question along the lines of ‘what does this mean for us’ (i.e., prediction)? Rather, the question is how ‘did we get here’ (i.e., interpretation)? In this case, the first task is to question the conditions which allowed certain power relations to emerge among Inuit and Europeans, become sedimented or taken for granted, and create the present context in which these sedimented beliefs are played out in contemporary politics. Only after engaging in this inquiry is it possible (if desired) to question how the Inuit context compares to similar contexts (such as other indigenous peoples existing within states—e.g., the Kurds in Turkey and Iraq, the Quebecois in Canada, the Basques in Spain, or the Zapatista’s in Mexico) and subsequently make assertions concerning generalities among indigenous or ethnic movements (or polity construction in general).

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<sup>105</sup> Ibid.

The genealogy in this dissertation cannot and does not to provide an entire history of the Inuit, a history of indigenous peoples in general, or a complete history of the Arctic. Rather, using genealogy as a method to understand the ICC provides the means to isolate certain concepts of power and trace them back in time<sup>106</sup> in order to understand the central issues present in Arctic politics. Archaeology enables a problematization of Inuit polity construction through the ICC and genealogy puts this problematization into the contemporary context of global politics. Genealogy asks the questions and archaeology does the work.<sup>107</sup>

While Foucault meticulously ties method to theory, providing the means by which to analyze the relationship between polity construction and ongoing global norms, the methodology of Laclau and Mouffe offers a more concise means by which to go about a genealogical investigation.<sup>108</sup> Parallel to Foucault's genealogy, the premise of the discourse theory of Laclau and Mouffe (Essex school) "assumes that all objects and actions are meaningful, and that their meaning is conferred by historically specific systems of rules."<sup>109</sup> Accordingly, the construction of these meanings is located in the discursive realm. This is where particular conditions of possibility exist,

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<sup>106</sup> Ibid., 119.

<sup>107</sup> Dean 1994, 34–35.

<sup>108</sup> It should also be repeated here that a history of the present is not an outright rejection of modernity either. Archaeology acknowledges scientific knowledge as long as this knowledge is situated within the broader terrain of discourses and is subject to particular rules of its formation. For instance, this study problematizes state-centric approaches for understanding global politics. However, many of its descriptive accounts will be about the role of the ICC in relation to other states in the state system, or Inuit politics in relation to the larger state in which these politics operate.

<sup>109</sup> Howarth 2000, 101.

as all meanings (institutions or polities) are positioned and are the objects of discourse. The discursive realm can also be defined as the meaning of any object, which is entirely constitutive to socially constructed rules and “significant differences.” This, as articulated by Laclau, does not render everything as merely discourse, nor is it a form of skeptical relativism. Rather, discourse theory argues that “we are always internal to a world of signifying practices and objects.”<sup>110</sup>

Integral to any polity is a sense of unity joined together by certain nodal points or concepts, which bind the fabric of the given community together. The discursive realm in which these identities are constructed and deconstructed and its conditions of possibility determine and are bound by its particular political frontier. The political frontier is *the* identity or fabric of the political community (community which is always in the making). The political frontier marks this boundary between the inside and the outside ‘other.’<sup>111</sup>

A signifier is a piece of the overall fabric which comprises the community. A signifier is a word and all signifiers are devoid of meaning until they are filled with particular ideas, all of which are continually undergoing their own process of re-identification. The meanings that fill empty signifiers are continually in a state of rearticulation (though this could be any length of time from a day to several centuries—the point is that meanings are not transcendental). For instance, in order to fill the signifier *Westphalia* varying characteristics are joined together temporarily fixing its meaning through the act of sedimenting juxtaposing meanings. The process

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<sup>110</sup> Laclau in Howarth, Norval, and Stavrakakis 2000, 3.

<sup>111</sup> Norval in Howarth, Norval, and Stavrakakis 2000, 222.

of sedimenting a Westphalian order was constructed through the sedimentation of the ‘indigenous other.’

This ongoing process of signification is what Laclau and Mouffe refer to as constructing “chains of equivalence” through a “logic of difference.” The boundaries then that mark the inside from the outside (Westphalian sovereignty is defined by all other polities—none of which are sovereign) are continuously rearticulated through the ongoing process of constructing new chains of equivalence from the deconstruction of logics of difference.<sup>112</sup> Chains of equivalence are constructed by amassing particular nodal points and positioning them in relation to an antagonistic ‘other.’ The ‘other’ then represents the logic of difference. Through the articulation of discursive strategies, agents continually amass more characteristics, filling the empty signifier with a chain of equivalence, increasing those on the inside and further clarifying a single outside (or the ‘other’). See figures 1 and 2.

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<sup>112</sup> Torfing 1999, 125–126.

Westphalian Sovereignty	
<u>Indigenous Inuit ('Other')</u> Logic of difference	<u>State ('Global Order')</u> Chains of equivalence
* Apolitical	* Democratic
* Nomadic	* Land Ownership
* Stewardship	* Civilized
* Inukshuk	* Modern
* Subsistence	* Industrial
* Pre-Modern	* Scientific
* Primitive Technology	* Capitalist (whaling, fishing)
* Uncivilized	* Liberalism
* Inua	* Territorial Expansion

Figure 1 Westphalian Sovereignty

Post-Westphalian Sovereignty	
<u>Westphalian State ('Other')</u> Logic of difference	<u>Polities/Inuit ('Global Governance')</u> Chains of equivalence
* Colonial	* Global Governance
* Territorially Bound	* Stewardship
* State Rights	* Indigenous Rights
* Territorial Integrity	* Collective Rights
* Paternalist	* Cultural Integrity
* Western Science	* Resource Management
* Industrial Development	* Subsistence Economics
* Modernity	* Traditional Knowledge/Science
* Environmental Degradation	* Post – Modern
* Resource Extinction	* Sustainable Development
* Global Warming	* Environmental
* Ward Ship	* Global Warming
* International Relations	* Inukshuk

Figure 2 Post-Westphalian Sovereignty

The articulation of any new identity construction, however, presupposes agency. Agency, according to Laclau and Mouffe, surfaces during periods of dislocation prompted by the failure of existing institutions to identify with certain social actors. In other words, a dislocation can be defined as an identity crisis, which compels actors to rearticulate the existing structures and better accommodate their social existence. Through this process, new meanings are assigned to conventional understandings of particular ideas and institutions (in this case what it means to be indigenous and the sedimented understanding of Westphalian sovereignty). Derrida refers to this rearticulation as an “iteration.” Because structures are never closed and their meanings are only temporarily arrested, structures maintain residuals of sameness, yet are also transformed and re-appropriated in a new context.<sup>113</sup>

As empty signifiers take on more and more meanings, the signifier eventually fails to represent any precise meaning, subsequently leading to the onset of a new identification crisis. This crisis represents a dislocation and new political subjects emerge to rearticulate new meanings for their existence. This ongoing attempt to fill and redefine empty signifiers creates new conditions of possibility and, subsequently, the continual rearticulation of identity formations. Therefore, the construction of new discursive strategies, according to Howarth, “are designed to modify existing social relations and to institute a new system of domination [which] encounters resistance that has to be overcome. This assumes that any drive to create a new system of power will itself be an unstable configuration, always vulnerable to change and transformation.”<sup>114</sup> Figure 3 illustrates this discursive process of order

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<sup>113</sup> Howarth 2000, 41–43.

<sup>114</sup> *Ibid.*, 81.

construction, temporary sedimentation, and reconstruction of political identification. This figure first represents the constitutive process making and unmaking Westphalian governance and an indigenous Inuit followed by the construction of a post-Westphalia system and an Inuit polity.

During critical junctures, therefore, chains of equivalence and logics of difference are unseated and their accompanying ideas are forced back into the political realm. The second part of figure 3 demonstrates conceptions relating to governance building and Inuit polity construction in flux at the center of the discursive realm. Through sets of discourses these ideas eventually become re-sedimented under new orders (Inuit polity and post-Westphalia) juxtaposing a new outside other (in this case which includes signifiers such as wardship, colonization, paternalism, industrial development, and resource exploitation).

A genealogy of the ICC through the lens of polity construction guided by the framework of Laclau and Mouffe is the way in which this dissertation proceeds. This approach to Inuit, Arctic, and global governance deviates from traditional state-centered theoretical assumptions of IR, thereby bringing into focus questions concerning sovereignty and the state in world politics.

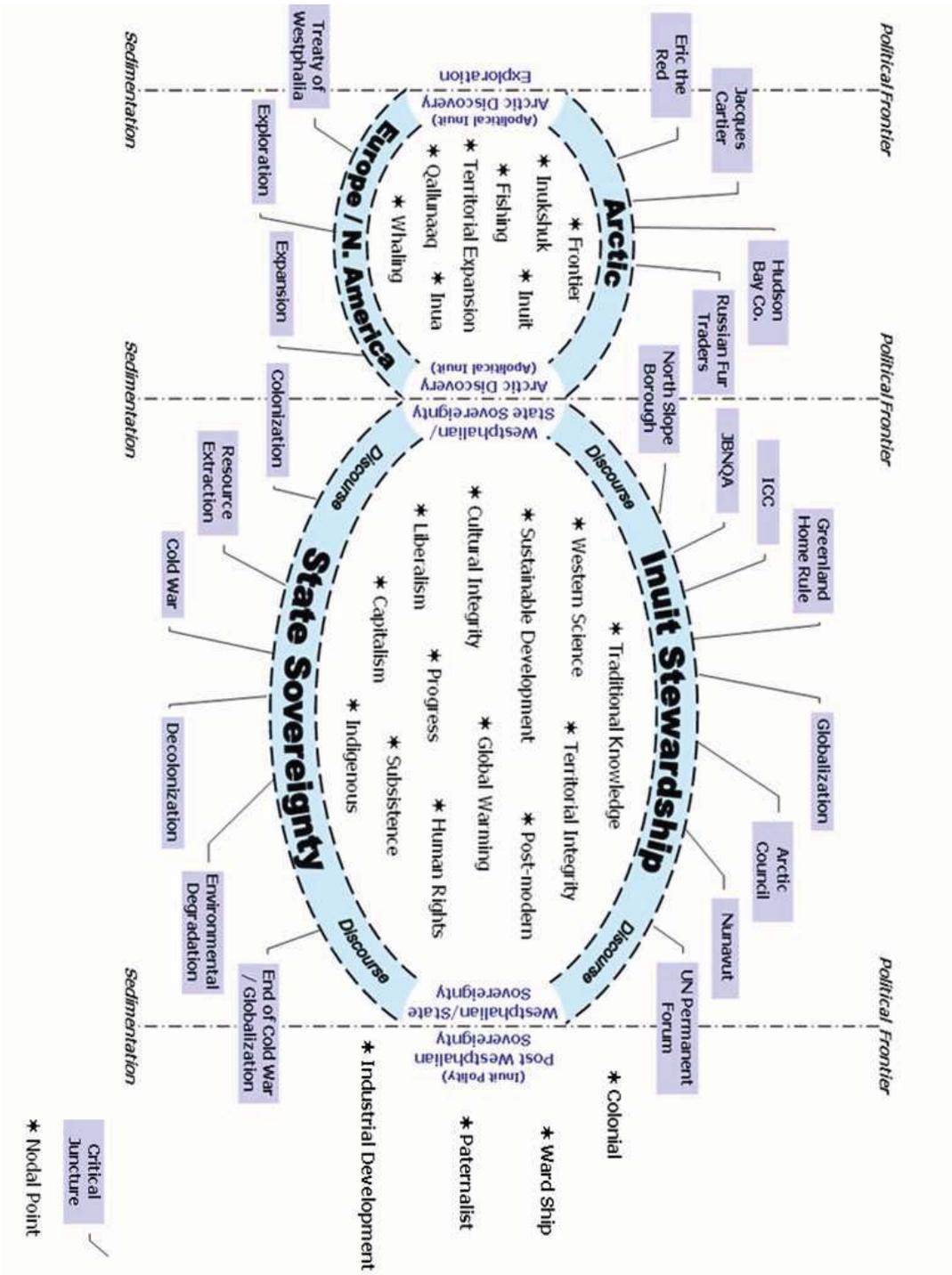


Figure 3 Constructing and Reconstructing Sovereignty

## **Genealogy of Inuit Polity Construction: A Framework by which to Proceed**

This dissertation analyzes the ICC as a polity and undertakes a genealogy of this polity by examining its construction through its co-constitution to larger and ongoing international phenomena. Particularly, the areas under investigation include the international human rights regime, international human rights law, environmental law, and the emergence of sustainable development policies. In an ongoing relationship with the international system, Inuit discourse has changed over time. Of particular focus is the re-construction of Inuit and international conceptions of stewardship approaches to international development. In particular, this study traces the discourse leading up to varying land claims agreements, the first Inuit Community Conference in 1975 and its evolution, over the years, including the creation of the ICC in 1977, the Arctic Council in 1996, and culminating with the ICC's recent involvement in the United Nations Permanent Forum on Indigenous Issues in 2000. By means of a genealogy it examines how the ICC has utilized the notion of stewardship in constructing an Inuit political myth. The point is to show how the myth of the ICC is a constitutive facet of ongoing global politics.

In terms of specific locations, this case study includes Alaska, Canada, and Greenland. This study does not include the Russian Inuit. Aside from the limited role of the Russian Inuit until most recently (formally joining after the end of the Cold War) the majority of their history has yet to be translated from Russian or into written text more generally. The discourses that this dissertation relies on are namely the archives of Eben Hopson (the founder of the ICC) and the collection of ICC Canada's archives. Due to constraints, all ICC archives come from the ICC Canadian office. As

a consequence, there is a heavy bias of information from the Canadian Inuit delegation and it is possible that the role of the Alaskan and Greenlandic Inuit is downplayed.

In addition, this dissertation does not look below the level of an Inuit political collectivity. Its focus is not concerned with how each individual Inuit considers him/herself, and whether or not individual Inuit identify with the ICC. Rather, the focus of analysis is purely on the way the ICC as a collective polity interacts with other political forces at various regions of the international system. The ICC describes its own mandate according to these assertions as well:

How could ICC's input into a particular international forum help our people at the local level?" or "What international forum would best assist with a particular local or regional problem?" and . . . "How can we use the strength of the larger Inuit community that crosses Greenland, Canada, Alaska and Chukotka to address local or regional concerns? . . . And why is this collective voice on international matters important? Because it makes a difference in the lives of Inuit as the local level. ICC does not address or suicide rates, or individual poverty directly. ICC does not develop small businesses, or educate our children in our communities. We have organizations in the Inuit family that do that. ICC, however, does address these challenges by acting globally in areas that impact upon these issues.<sup>115</sup>

The policies and speeches of the ICC have been chosen to draw out the ways in which they construct the Inuit myth within the larger international structures of local, regional, and global politics. The use of these discourses is not an attempt to find hidden meanings inside particular speeches or quotations but rather to help provide a general sense of the ways in which the ICC articulates its role as a set of political actors in various levels of politics. This is accomplished by examining the particular structures within which social actors make decisions. The ICC constructs its identity within the structures (which are historical and social) of the international

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<sup>115</sup> ICC March 1992, 8; Lynge 2002.

system. The very idea of the ICC is derived from within the structure of the international system. Further, social actors construct their identities through discursive formations—or the process of politics. And this process of politics takes place within historical and social dependent structures.

According to the Essex school in order to acquire the least bit of understanding there has to be an element of explanation. Explanation makes understanding a coherent activity. So the use of ‘explanation’ is to provide a new understanding or more understanding to a previously less understood phenomenon.<sup>116</sup> This dissertation provides an explanation of the processes which prioritized a certain conception of sovereignty and through this, a particular conception of the Inuit as indigenous. Furthermore, the processes by which the indigenous Inuit have been rearticulated and how through this process sovereignty is being rearticulated is also the focus of explanation. At one time sovereignty was a story written by Europeans and the Inuit represented the ‘other.’ In contemporary global politics, sovereignty is a story written by ‘the liberal global community’ and the ‘other’ is composed of those actors which refuse to conform.

Traditional IR conceives sovereignty for states and the ICC as an NGO. Through genealogy, sovereignty is brought into question—how it became assumed to be as it is. Problematizing sovereignty provides the conditions for conceiving sovereignty as something different than Westphalian. This dissertation problematizes sovereignty through a narrative centered on the construction and re-construction of the Inuit myth. This latest re-construction is centered on the assumed idea that Inuit are

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<sup>116</sup> Howarth 2000, 131–132.

true stewards of the Arctic and have been since time immemorial. As such, the aim in this dissertation is not to uncover a new truth about sovereignty or the Inuit. Rather, by re-politicizing the meanings of both of these concepts; a new narrative is constructed about indigenous peoples and sovereignty. This narrative is a particular interpretation of international politics (global governance), the political myth of the Inuit, and sovereignty.

What is accomplished by analyzing the ICC and understanding the changes in the attached language? Some would argue that an approach such as this essentially offers nothing beyond a thick description or “meagre platitudes”<sup>117</sup> about the situation under investigation. Yet, at the very least, any given interpretive analysis offers a new perspective on an ongoing debate. As there will always be room for reinterpretation all accounts are new insights into the debate. According to Skinner,

the chief aspiration underlying [this type of analysis] . . . is that of enabling us to recover the historical identity of individual texts in the history of thought. The aim is to see such texts as contributions to particular discourses, and thereby to recognise the ways in which they followed or challenged or subverted the conventional terms of those discourse themselves.<sup>118</sup>

In the specific context of IR, the underlying relevance of this study is that it offers a means to problematize present assumptions concerning the international system and the authority and legitimacy of these belief systems. It uncovers how the present has come to be in order to understand and make inquiries concerning varying political phenomena. In this study in particular, analyzing the ICC through genealogy uncovers and brings to question sedimented beliefs about the role of indigenous actors

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<sup>117</sup> Skinner 2002, 124–125

<sup>118</sup> Skinner 2002, 124–125.

in international relations. A genealogy of the Inuit polity, therefore, offers a means by which to apply shifting empirical phenomena to newly uncovered conceptions of previously sedimented understandings in the way in which sovereignty is understood in global politics. From a meta-theoretical perspective, this constructivist inquiry presents a means to ascertain a certain degree of objectivity about rival systems of thought and help discover a perspective from which to view the present in a more self-critical way, “enlarging our present horizons instead of fortifying local prejudices.”<sup>119</sup> As a result, Skinner argues it may be possible to discover that present thoughts, assumptions, or norms about political or moral arrangements are questionable. In sum, Skinner asserts that this kind of empirical enterprise

offers us an additional means of reflecting on what we believe, and thus of strengthening our present beliefs by way of testing them against alternative possibilities, or else of improving them if we come to recognise that the alternatives are both possible and desirable. A willingness to engage in this kind of reflection seems to me a distinguishing feature of all rational agents. To denounce such studies is not a defence of reason but an assault on the open society itself.<sup>120</sup>

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<sup>119</sup> *Ibid.*, 125.

<sup>120</sup> *Ibid.*, 126–127.



## Chapter 3

### MAKING AN INDIGENOUS INUIT

#### Introduction

When Europeans first landed on our shores they did not have the knowledge or technology to survive in our world. . . . They could not conquer us since they had to rely on us . . . many of the first visitors did not recognize that they had stumbled into a developed social system that was thousands of years old . . . it has been our greatest protector from the forces of colonization that have ravaged so many indigenous civilizations.<sup>121</sup>

The period of Canadian, Alaskan, and Greenlandic colonization established a particular discourse of the Inuit as *indigenous*. This narrative included a dichotomous process of European, Canadian, and American state-building. The relationship which was built juxtaposed the indigenous Inuit and the white liberal European. This included a variety of tropes: the ‘noble savage’ vs. ‘modern man,’ communal unconquered no-mans land vs. territory marked by legal and political rights, close to nature vs. conquering nature, capitalism vs. subsistence economy, civilized vs. uncivilized, primitive knowledge vs. modern science, and wardship and ownership vs. stewardship.

This chapter focuses on the processes which put into place new centers of authority and new boundaries of inclusion and exclusion between European ‘discoverers’ and the Inuit who previously occupied the Arctic. Its narrative is a

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<sup>121</sup> Okalik April 8, 2005.

constitutive one centered on Arctic state-building, creating a particular indigenous understanding of the Inuit as indigenous peoples. In the context of this narrative, this chapter is built around a second theme—the changing boundaries of sovereignty in relation to ongoing overall early state-building and territorial expansion.

Whereas Inuit colonization was a central feature of internal state development, more general state-building was also both a project about territorial expansion (under which indigenous peoples became subsumed) and the transfer of sovereignty to new centers of authority. Therefore, in this chapter I also provide a narrative about the role of sovereignty in relation to the state and Inuit colonization. In particular, it focuses on the point marking the transfer of sovereignty from the monarch to the state and further turning individuals into citizens (or ‘others’). It is within this narrative that existing self-governance of the Arctic Inuit was first extinguished and over time reappropriated through policies of assimilation. As such, through state policy and legislation, a sedimented structure was put into place over time. Throughout the Arctic, the state became the sole legitimate political authority and the Inuit became a homogenous, disenfranchised group reliant upon state assistance for survival in a new Arctic political landscape.

### **Constructing the National Myth: The Emergence of Westphalia and the Making of an Indigenous Inuit**

The unhealthy situations and unhealthy choices that we the Indigenous Peoples, find ourselves making are clearly linked to the impacts of colonialism and oppression. . . . The issues of freedom and powers cannot be separated from the issues of despair and dis-spiritedness that our peoples face. Powerlessness keeps us stuck in making poor choices for ourselves. We must come to understand how we as healthy, highly resourceful, wise and independent peoples—governing ourselves with our own education, health and justice

systems—have come to be highly dependent upon substances, processes, and institutions.<sup>122</sup>

It has generally been accepted that the Treaties of Munster and Osnabruck in 1649 initiated what eventually evolved into the modern international state system.<sup>123</sup> The Westphalian system became a way to divide territory among sovereign states “each capable of defining its own goals and cultural mission.”<sup>124</sup> Moreover, Westphalia became symbolic for constructing a new set of inside-outside boundaries, which, combined, determined the limits and domain of sovereign political space, a space which has continuously been contested and reshaped.

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<sup>122</sup> Watt-Cloutier, July 29, 1996, 1–2.

<sup>123</sup> Osiander 2001; Wendt 1999. Osiander argues that Westphalia was not a contest between universalism and particularism (empire and sovereignty) but a complex event of several dimensions, and that sovereignty was not transferred from the monarch to the state until the Enlightenment and on through the nineteenth and twentieth centuries. Historians, however, have adopted an account of Westphalia based on anti-Habsburg propaganda rather than reality. Instead, Osiander asserts that the Treaty of Westphalia authorized autonomous polities not based on sovereignty but rather on interdependence. This is further illuminated through the assertion that the alternative of sovereignty is not necessarily empire (2001, 277). His argument is predicated on historical circumstances which acknowledge that sovereignty has proven to be sustained when it attains legitimacy, rather than through deterrence and military might. In particular, the European system makes this apparent as it has historically been based on mutual convention rather than power. Osiander concludes that ongoing trends in international relations today resemble the system of the Holy Roman Empire based on *landeshoheit*—“territorial jurisdiction under an external legal regime shared by the actors”—rather than the classical international relations system of the nineteenth and twentieth centuries. Osiander asserts that “the Empire was essentially a more developed regime with more elaborate institutions, providing a system of governance for matters of common interest while leaving internal government to each of the participating actors individually” (2001, 279).

<sup>124</sup> Caporaso 2000, 1.

Historically, the domain of sovereignty shifted from God to the monarch, a practice which remained in the Westphalian system until the eighteenth and nineteenth centuries. The rise of democracy and popular sovereignty born from the French and American revolutions, instigated yet another shift in sovereignty from the monarch to the state. The two revolutions were also accompanied by the construction of a new historical narrative which would become responsible for producing the idea of the nation-state—a collective group bound to a particular territory: “state sovereignty may be understood as the absolute territorial organization of political authority...modern states and political authority are seen as practically bonded together.”<sup>125</sup>

According to Rudolph, the aim of Westphalia was not to create a “rational rethinking of political order” but instead was a means for survival.<sup>126</sup> It created a new way to organize the political community, and its form was the state. The departure of sovereignty based on a physical person was relocated to the state. This move maintained the connection between sovereignty and the physical person or the ‘body politic.’<sup>127</sup> Sovereignty also acquired an interdependent relationship to the state. Sovereignty, at the outset of Westphalia, did not subsist within the domain of the political community but rather it was embedded in the territory of these states. As such, the monarch had the divine right to rule under a specific territory. It was not until a growing belief in popular sovereignty (and two revolutions) that sovereignty shifted from the monarch linked to a particular territory to the idea that people

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<sup>125</sup> Agnew 2005, 439.

<sup>126</sup> Rudolph 2005, 6.

<sup>127</sup> Agnew 2005, 439.

themselves were also sovereign. As stated in the 1795 French Declaration of Rights, “Each people is independent and sovereign, whatever the number of individuals who compose it and the extent of the territory it occupies. This sovereignty is inalienable”<sup>128</sup> The significance in this shift was the move from the sovereign monarch as an inalienable sovereign to the notion of individual (popular) sovereignty composed of a certain collective sovereignty—the people of the state embedded in the myth of the nation-state:

The state is the land, the people, organization of coercion and a majestic idea, each supporting and even defining one another, so they [become] indivisible.<sup>129</sup>

In this new international division of authority, sovereignty became symbolic of the ultimate affirmation of the myth of the nation-state: while the individual was also sovereign, its persistence was dependent on the ongoing sovereignty of the state. Sovereignty prevailed as long as the myth was affirmed. As history wore on, nationalism spread throughout the globe, constructing either sovereign states or colonial territories, which augmented the legitimacy of this new international structure. The defining characteristic enabling a collective group to be sovereign was the possession of a bounded territory by which to build this narrative. Westphalian sovereignty “represent[ed] the authority granted to the state by a defined national group to defend its interests.”<sup>130</sup>

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<sup>128</sup> Eric Hobsbawm quoted in Rudolph 2005, 5.

<sup>129</sup> Nicholas Onuf quoted in Rudolph 2005, 5.

<sup>130</sup> Rudolph 2005, 6.

The eighteenth century, according to Agnew, was marked by a period of “infrastructural” sovereignty intensification where state power “penetrate[ed] and centrally co-ordinate[ed] the activities of civil society through its own infrastructures.”<sup>131</sup> Given that sustained sovereignty resided in maintaining authority, emerging political struggles at the time compelled states to respond to demands of its populous. In response, the state increased its delivery of public goods and through this processes, the territorialization of sovereignty became further entrenched. As Caporaso contends:

Sovereignty has to do with relations among authority structures. . . . Sovereignty, as a claim about the ultimate rule within a territory, came after the state itself, even if today we confusingly define the state as sovereign.<sup>132</sup>

Coupling these domestic transformations, colonial conquest and territorial expansion became a further means for strengthening the nation-state internationally (territory represented power). In colonial territories, indigenous peoples, while physically left outside of the nation-building narrative, were as constitutive of the national narrative as the sovereign state was to the existence of other states. Indigenous peoples became the necessary symbolic ‘other’ under which an internal national narrative could be built creating a new inside-outside border between each modern nation-state and the primitive ‘other.’

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<sup>131</sup> Agnew 2005, 443. Agnew juxtaposes infrastructural power to that of despotic power which he argues is increasingly losing its resolve within the modern state. Recently, states have been relying more on establishing legitimacy, as coercion becomes a lesser means for sustainable rule. More often, Agnew asserts, populations “must be placated and pleased rather than coerced.” (2005, 444).

<sup>132</sup> Caporaso 2000, 10.

Over time this narrative created a sedimented belief in a shared history of this international system which assumed an ahistorical essence—a belief that it had always been that way. Modern international relations theory was founded on this assumption. It assumes sovereignty is embedded in the state and keeps external from a world comprised of similar sovereign states. The state becomes the solution for keeping human aggression at bay, and domestic politics becomes a maintenance process whereby internal cohesion is perpetuated through the persistent threats in external, interstate relations.<sup>133</sup> The state sustains its authority and operates via the ongoing reification of the idea that it comprises a collective nationality or ideology (a historical narrative).<sup>134</sup>

Accordingly, the state is anterior of the move to an international system, and not “the outcome of ‘isolated states’ achieving statehood separately and then engaging with one another as abstract individuals.”<sup>135</sup> Incidentally, sovereignty has come to be an assumed prerogative of the state marked by a particular territory. Through this historical progression, the Inuit became regarded as a codified group of indigenous peoples made to exist distinctly separate from the state and accompanying national narratives.

### **Arctic Exploration and Re-‘Discovery’**

The history of ‘Arctic discovery’ has been characterized as an era first dominated by European discovery and exploitation of the Arctic’s resources, and later

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<sup>133</sup> Agnew 2005, 440.

<sup>134</sup> Agnew 2005.

<sup>135</sup> *Ibid.*

by colonization of peoples previously existing in the Arctic. Long before Europeans set off to explore the Arctic, the Inuit had been occupying the land for several centuries. Archeological records affirm that the Inuit in Alaska, Canada, and Greenland (and parts of Northern Russia)—all of which speak a variation of the same language, Inuktitut—descended from a people known as the Thule people. They are recounted as having migrated to the Arctic around 1000 A.D. and are distinct from the other Arctic aboriginal peoples given their particular origin, language, and physical make-up. Further, this Inuit migration was not a single mass event, but involved dozens of small parties estimated at 20 or 30 people moving east in search of a better life.<sup>136</sup> In the contemporary Arctic the Inuit live in Alaska—predominately in the North Slope Borough where they make up the majority population; in Canada—where they live in nine distinct regions: Labrador, Arctic Quebec, Southern Baffin Island, Northern Baffin Island and Foxe Basin, Southhampton Island, Western Hudson Bay and Barren Grounds, Central Arctic Coast, Mackenzie Delta, and the High Arctic; they comprise the majority population of Greenland; and additional Inuit live in northern Russia—namely Chuchoka.<sup>137</sup>

The era of discovery in the Arctic began with, and became consumed by, whalers from Europe. This was then followed by the growth of fishing and trapping

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<sup>136</sup> However, already occupying Arctic Canada were those known as Dorset people by archaeologists and Tunit by the Inuit who were descendents of an earlier migration—approximately 2500 BC from Alaska and/or Siberia. The Inuit lived for many years with the Tunit until animosity erupted and the Tunit were driven out. The people of Thule culture are known for harvesting seals, whales, and walrus from the sea and caribou and musk-ox from the land supplemented by waterfowl and fish. Canadian Museum of Civilization Corporation September 27, 2001.

<sup>137</sup> Canada Communication Group 1991.

industries. Vilhjalmur Stefansson wrote on the impact of the whalers on the Arctic

Inuit:

The whalers in the area had wrought more changes on the Eskimo in only a few years than the Hudson's Bay Company had on the Indians in a hundred years.<sup>138</sup>

In Canada interaction between the Inuit and Europeans began in 1497, when an Italian named John Cabot sailed west from Bristol, England in search of a new trade route to the Orient. This voyage led to the rediscovery of the eastern shores of Canada. The following year, Jaques Cartier and his fleet reached the Indian village of Stadacona, near the present site of the city of Quebec.<sup>139</sup> By the sixteenth century, European fishing fleets made almost annual visits to the eastern shores of Canada; by the eighteenth century, European contact, by mainly French cod and seal fishers, with the Inuit in southeastern Labrador became more frequent.<sup>140</sup>

Inuit welcomed the first foreign visitors. They were exotic and rich- loaded down with valuable materials like wood and metal, and equipped with highly useful devices like firearms—but in other ways they were unbelievably poor and incompetent, ill-equipped for arctic conditions, and unable to survive without Inuit help. Since their behavior was unpredictable and sometimes uncivilized, they could also be frightening.<sup>141</sup>

Despite initial interactions, the impact on non-Inuit Native Indians and other indigenous groups was vastly more extensive and interdependent. Regular contact between Canadian Inuit and Europeans—aside from Labrador—began with

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<sup>138</sup> Stefansson quoted in Francis 1984, 92; in Mitchell 1996, 65.

<sup>139</sup> Canadian Museum of Civilization Corporation September 27, 2001.

<sup>140</sup> Mitchell 1996, 50.

<sup>141</sup> Innuksuk February 8–10, 1994, 3.

Scottish and American whalers on Baffin Island and along the coast of the Beaufort Sea.<sup>142</sup> By the 1850s, the commercial whaling industry operating out of Britain and New England began large-scale whale hunting forging new partnerships with Canadian Inuit. The Inuit were encouraged to stay on the land to continue their traditional hunting methods in order to produce a surplus that could be traded with the whalers for European goods. Inuit also worked on the ships, acted as guides, and transported whale blubber by dogsled. In return they acquired manufactured goods.<sup>143</sup> This Inuit and European relationship eventually coalesced around the Hudson Bay Company.

The whalers permanently transformed the lives of all Arctic Inuit, including the migration of Inuit to other Arctic communities. For instance, the whalers commonly relocated Inuit for labor. In 1899, more than one hundred Inuit were relocated to Southampton Island to work for the Scottish whaling station. In the Western Arctic, forty-two Inuit men, women, and children were imported to Franklin Bay in order to help the whalers hunt. Also on Herschel Island, Alaskan Inuit were imported in order to hunt caribou. According to Coates, “by the 1920’s almost three quarters of the remaining Inuit in the Western Arctic were American [Alaskan] migrants.”<sup>144</sup> The Hudson Bay Company also established dozens of permanent posts

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<sup>142</sup> Canada Heirloom Series Volume II.

<sup>143</sup> Mitchell 1996, 64. However, alongside these manufactured goods, the whalers also brought infectious diseases. The Inuit had no natural immunities to these diseases and hundreds to thousands of Inuit died. The population of the western Canadian Arctic Inuit (called Inuvialuit) went from an estimated 2,000 to 2,500 people in 1850, to 150 people in 1910.

<sup>144</sup> Coates 1985, 144 quoted in Mitchell 1996, 74.

throughout the Arctic where Inuit often migrated and chose to settle. The whalers further caused the independent migration of many Alaskan Inuit to Canada's Beaufort Sea. Alaskan Inuit migrated in order to trade with the Canadian Inuit, yet they also socialized and often times intermarried and stayed in Canada. It could be said that the whalers, and particularly the Hudson Bay Company, were highly responsible for bringing U.S. and Canadian Inuit together and helping to foster the seeds of a distinct and collective Inuit history:

It appears that contact with the Hudson Bay whalers nurtured a developing Inuit solidarity, "erasing the old tribal boundaries . . . 'the economic opportunities provided by Hudson Bay whalers effectively broke down the barrier separating the Aivilingmuit from the Sinumuit and the Netsilingmuit to the west, and brought about a eastern movement of these tribes to Repulse Bay.'"<sup>145</sup>

European and Canadian Inuit collaboration was based on European dependence on the Inuit for survival in the Arctic's harsh conditions. Moreover, both parties relied on the other for trade. British and French European and Inuit trade was considered a mutually beneficial enterprise, and eventually the Inuit became totally dependent on the food and equipment which they acquired from their European trading partners.<sup>146</sup> Despite British and French European dependence on the Canadian Inuit, general acknowledgment of the pre-existing inhabitation of the Inuit was a marginal concern at best. The letters from King Henry VII to John Cabot included "instructions to seize the lands and population centers of the territories 'newly founde' in order to prevent other, competing European nations from doing the

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<sup>145</sup> Therkel Mathiassen quoted in Ross 1975, 131; Ross 1975,134 quoted in Mitchell 1996, 81.

<sup>146</sup> Mitchell 1996, 55.

same.”<sup>147</sup> Throughout the Arctic, European powers planted flags and claimed sovereignty over the varying Arctic territories.<sup>148</sup>

As the European population increased, the aboriginal population declined (due to illness brought by Europeans).<sup>149</sup> Over the course of roughly 200 years (from 1701 until 1923) the British followed by the Canadians signed various treaties with Canada’s aboriginals and Native Indians. The treaties were perceived by both the Europeans and indigenous peoples as “solemn agreements formalizing and guiding relationships.”<sup>150</sup> Most notorious is the 1763 Royal Proclamation which was signed by King George III of Britain. King George III claimed sovereignty over territory which was previously occupied by the French, yet he reserved various territories and hunting grounds west of the rivers leading to the Atlantic Ocean.<sup>151</sup> He also created legislation for obtaining additional Indian territory. The legislation determined that

Indian Nations could sell their aboriginal interests in the land at a public meeting convened for that purpose; only the Crown could purchase land from Indians, a provision preventing land sales to private individuals, or purchases by other governments.<sup>152</sup>

Such legislation was put into effect according to very specific assumptions about what it meant to be a Native Indian or aboriginal as opposed to an overall emerging Canadian identity. The Inuit, in particular because of the Arctic’s remote

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<sup>147</sup> Canada Communication Group 1991.

<sup>148</sup> Mitchell 1996, 56.

<sup>149</sup> Canada Communication Group 1991.

<sup>150</sup> Fox 2002, 3.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

location and minimal contact, did not sign any treaties with European settlers. By the time the Canadian Inuit became subject to continued interaction with Europeans, European treaty-making with Indians had ended.<sup>153</sup> The exclusion of the Inuit from establishing treaties further reified them as not only distinct from European Canadians but also from Native Indians and other aboriginals, and helped to augment the construction of a distinct Inuit indigenous community.

European visits to the Canadian Arctic increased during the nineteenth century as European explorers set out to find the Northwest Passage. This was followed by the growth of the fishing industry and a less organized fur trade driven largely by the discovery of new methods of processing furs and beaver hats.<sup>154</sup> Additionally, during this time, there were significant discoveries of oil and gold in northern Canada. As a result, the British concluded that it was necessary to extinguish aboriginal title in order to open up the areas for resource extraction.<sup>155</sup> In Inuit-dominated areas of northern Canada, including present day Nunavut, Nunavik (Northern Quebec), and Labrador, treaties were never completed and came to be considered unextinguished aboriginal rights.<sup>156</sup>

In Alaska, outside ‘discovery’ and changes in traditional Inuit life began with the Russian fur traders in the late 1700s. Following this, between 1774 and 1791, Spain made several attempts to colonize Alaska. On August 15, 1775, Spain declared

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<sup>153</sup> Lauritzen 1983, 212.

<sup>154</sup> Fox 2002, 3.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

several ‘acts of sovereignty’ over present-day Sitka which was then recaptured by James Cook three years later. The overall interest in Alaska during this time was commercial—predominately sea otter hunting. The Russians also employed the Inuit. Yet, with the decline of the fur trade and a war with the British in Crimea from 1854 to 1856, Russia made a \$7,200,000 offer to the United States for a bid to sell Alaska. In 1867, disregarding the Alaskan Native population (or population in general), the deal was completed.

The purchase of Alaska from Russia was considered at that time to be a worthless investment (a sentiment which would sharply reverse in the future). It came to be regarded as ‘Seward’s icebox’ due to the solo efforts of Secretary of State William H. Seward to purchase the territory. Under the deal, the rights and land ownership of indigenous peoples in Alaska remained unresolved.<sup>157</sup> The only reference made to Alaska’s Native population at that time was that “[t]he uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes in that country.”<sup>158</sup> It was not until gold was discovered in Juneau that the U.S. Congress passed the Organic Act of 1884, providing Alaska with a governor and small administration. Under this act, all Natives “would not be disturbed in the use or occupancy of their land and that determination of their title would be reserved to Congress.”<sup>159</sup> Essentially, the act was a wait-and-see policy, leaving any future action up to the discretion of Congress.

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<sup>157</sup> *Ibid.*, 7.

<sup>158</sup> Chance 2005.

<sup>159</sup> Chance 1984, 655.

In 1900, Juneau was officially named Alaska's capital and in 1906, Alaska acquired a territorial representative in Congress. By 1905, the whaling industry was in sharp decline and the seal-fur industry was almost entirely decimated, greatly affecting Inuit economic means for subsistence. Yet at that time, Sheldon Jackson greatly impacted the Inuit as he introduced reindeer herding to help offset for the loss of the whale and seal industries. By 1912, Alaska had become a U.S. territory and established a local government. The Inuit, nevertheless, remained largely marginalized from any of these emerging political realities. Furthermore, the whole of these Alaskan events received little if any attention within the wider mainstream United States in relation to the subsequent events, including Alaska statehood, further oil discoveries, and what would become a vocal native Alaskan population.

In Greenland, despite the ongoing incursions by explorers and missionaries, and eventual colonization, the Greenlandic population never became a minority. The majority of Greenlanders during exploration and colonization were predominately Inuit. In 986 A.D., Greenland was discovered and then colonized by a Norseman named Eric the Red (the father of Leif Ericsson). Despite its harsh climate, Eric the Red named the area Greenland in order to make it attractive for potential settlers. By the twelfth century, the population of Greenland numbered some 10,000.<sup>160</sup> Greenland officially became part of Danish-Norwegian territory around 1260 A.D. when the independent Norse medieval communities in Greenland agreed to pay taxes

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<sup>160</sup> Encyclopedia.com, "Greenland,"  
[http://www.encyclopedia.com/html/section/greenlan\\_history.asp](http://www.encyclopedia.com/html/section/greenlan_history.asp).

<sup>160</sup> Lauritzen 1983, iii.

to the Norwegian king.<sup>161</sup> By the fifteenth century the Norwegian colonists had either died out or were assimilated into the Inuit population. Following this, in the sixteenth century, two British explorers, Martin Frobisher and John Davis, traveled to Greenland. In 1731, renewed colonization of Greenland began with the arrival of a Norwegian missionary, Hans Egede. A Danish mission was established which first converted the Greenlandic population and then set up schools in order to provide reading lessons for continued Bible and other religious studies.<sup>162</sup> Following the missionaries, Danish trading posts were established, and analogous to the circumstances of all Arctic Inuit, the Greenlandic Inuit suffered from European diseases including tuberculosis.

In 1814 Norway was surrendered to Sweden and the Treaty of Kiel left Greenland as a Denmark territory.<sup>163</sup> At this time Arctic exploration in Greenland shifted from colonization to scientific and economic discovery. In 1910, Knud Ramussen and Peter Freuchen set up a private trading station in Thule with the Greenlandic Inuit. The purposes of the station were to save Northern Greenland from colonization; create a hub for Arctic scientific inquiry concerning Inuit culture, and migratory history; and to supply Greenland Inuit with goods they had become dependent upon over the years from trade with Scottish whalers.<sup>164</sup> These activities, however, fell alongside an unsuccessful Norwegian attempt to reclaim Greenland and

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<sup>161</sup> Norlund 1934, 25 in Peterson 2001, 3.

<sup>162</sup> Alaska Native Knowledge Network.

<sup>163</sup> Encyclopedia.com, "Greenland,"  
[http://www.encyclopedia.com/html/section/greenlan\\_history.asp](http://www.encyclopedia.com/html/section/greenlan_history.asp).

<sup>164</sup> Lauritzen 1983, iii.

in 1940, after the German occupation of Denmark, the United States attempted to apply the Monroe Doctrine to Greenland. What resulted was an agreement in 1941 with the Danish minister which allowed the United States to establish several military bases and meteorological stations.

Overall, European emphasis on discovery gave way to a growing importance of the Arctic's resources. The direction of Arctic politics were also compounded by ongoing liberal democratic state-building efforts. The three Arctic states of Denmark, Canada, and the United States all began a process of state building which encroached upon and eventually subsumed the lives and land of the Arctic Inuit. After a substantial period of exclusion from political life, policies were initiated which sought to re-insert the Inuit into the domain of political institution building. As regards the Inuit, however, they had little to no control over the course and direction that this process would assume.

### **Colonization**

Aboriginal peoples were always “in the way” of development and progress as defined by industrialized White society. Ours is a history of displacement, disease, dispossession and disappointment. The attitude towards aboriginal cultures has been a patronizing one and our societies were often dismissed as oddities in a modern world.<sup>165</sup>

European and American colonization was part of a larger ongoing process of modern state building—the construction of Westphalia. Through this process, territorial integrity became the ultimate symbol of self-determination for a people. In the cases of Canada, Denmark/Greenland, and the United States, the construction of a

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<sup>165</sup> Simon February 26, 1993, 4.

particular narrative defining each state was articulated through Western liberal ideology and juxtaposed the white European to non-white and non-modern *indigenous* populations which Jean-Jacques Simard has labeled as the “Whiteman’s shadow.”<sup>166</sup> The root of this dichotomous relationship, according to Simard, extends back to the origins of enlightenment thought and is especially pronounced within the philosophical debates over the “state of nature” between Thomas Hobbes and Jean Jacques Rousseau. Both philosophers while in direct opposition about what the true state of nature was and the processes which led beyond this point, articulated similar ideas of the modern European versus the backward native. Whether the native was originally the benevolent ‘noble savage’ and corrupted by individualism or the brutish warrior civilized by the social contract, the natives symbolized the necessary other. Subsequently, in either case, the idea of the native became the basis for defining modern man<sup>167</sup>

if naturally bad[ man] . . . was brutal, promiscuous, cruel uncouth—a wild savage to be mercifully domesticated. . . . However if man was judged as inherently good, . . . he was a museum specimen that had to be protected, preserved, and displayed as living testimonial to what ‘artificial’ civilization destroys. Forever, he would exhibit what civilized man had ravaged; he was expected to serve as an enduring model for natural social conditions before the Fall, an exemplar for those seeking restitution.<sup>168</sup>

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<sup>166</sup> Simard 1990, 333.

<sup>167</sup> *Ibid.*, 355.

<sup>168</sup> *Ibid.*, 356.

This relationship between the construction of the ‘West’<sup>169</sup> and indigenous identity is similarly conceptualized through the idea of *empire*.<sup>170</sup> According to Cairns, the rise of empire created the esteemed position of Europeans in world politics. It was a system of hierarchy based on constructed power imbalances “on a ranking of cultures and civilizations—often equated with race—that gave a surplus of positive recognition to the ruling European peoples, counterbalanced by the non-recognition, or negative recognition of the people they ruled.”<sup>171</sup>

Further construction of this conception of an indigenous ‘other’ was reified through the study of anthropology in the early 1940s and 1950s as anthropologists often would single out a particular tribe as a unit of analysis. Accompanying these anthropological investigations, missionaries sought to address the anthropologists’ conclusions by focusing on the particular tribal health customs and religious ‘otherness’ which were discovered. As Cairns further argues, “empire was engaged in voice appropriation before the phrase had been coined.” People everywhere became “spoken for, written about and judged as backward by European intermediaries . . . [i]mperialism defined hundreds of millions of non-Western people as politically incapable and unworthy of self-rule.”<sup>172</sup> It was in this context that

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<sup>169</sup> Though ‘West’ is a highly arbitrary word choice as is the dichotomy between the idea of the global North and South, these terms become only increasingly illogical in the context of the Inuit. The Inuit reside in the global ‘North.’ Yet as indigenous peoples, the Inuit, and the Arctic as a region, correlate more closely with the global ‘South’—though in physical reality this could not be farther from the truth since the Arctic could not literally be farther north.

<sup>170</sup> Cairns et al. 1999, 25.

<sup>171</sup> Ibid.

<sup>172</sup> Alan Cairns quoted in Cairns, Courtney, MacKinnon, and Smith 1999, 25.

domestic perceptions followed by policy prescription for the ‘indigenous Inuit’ were born and carried out in the three Arctic states.

### **Canada**

The development of nineteenth-century Canada was linked to the development of a modern Canadian identity. Jean Monroe analyzes the processes which brought about the distinction between European Canadians and Inuit, and the ways in which these distinctions were symbolic to this overall state-building process. Monroe looks at how the identity of the Canadian Aboriginal population<sup>173</sup> was transformed from “noble savages to helpless victims, from being denizens of the forest to symbols of environmental advocacy, and from impediments to progress to people needing help assimilating.”<sup>174</sup> It was through this process that aboriginal Canadians became nothing more than part of the Canadian landscape. Prior to World War II, Canadian policies toward Inuit were driven by both Canadian modernization, which posited Canadian Inuit in an ongoing juxtaposition to all that represented this emerging modern Canadian state, and Canada’s aim to legitimize sovereignty over its Arctic waters. Subsequently, the predominant Canadian policy toward the Inuit was, in the beginning, exclusion from mainstream society. The Inuit, from the outset, were considered something ‘other’ than citizens of Canadian society. This designation then helped to justify the treaties and policies which ensued leading up to World War II. It

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<sup>173</sup> Manroe (1999) interchanges, depending on context, the terms aboriginal, First Nations, and Indians. For simplicity, I use “Native Canadian” in reference to this chapter, though it may not be the term used within that particular example. However, it should be noted that the varying terminology does impact who is and is not subject to certain policies.

<sup>174</sup> Manroe 1999, 178.

was not until the post-war era that Canada actively sought to address both its ‘Inuit problem’ and issues of Arctic sovereignty by re-incorporating the Inuit into the political mainstream through policies of assimilation

Pre–World War II, federal Canadian policies which were enacted socially and culturally impacted the Canadian Inuit and excluded them from mainstream society. Developing Canada’s vast frontier included federal policies which turned ‘wild’ Canadian land into farmland and for the Native Canadians who happened to inhabit these wild lands, they likewise became subsumed under the states’ development schemes. As Monroe points out, European Canadians were overtly aware of not being “from” the land but rather “on” it. Development was an integral dimension of building a national Canadian myth. Native Canadians became subject to the same development policies which aimed to modernize Canada.<sup>175</sup> Within this process both Native land and Native rights were relinquished and re-appropriated to federal and provincial levels of government.<sup>176</sup>

For instance, Emberley contends that the family became a prominent means by which “various technologies of surveillance” were employed to expand colonial governance. These technologies included schooling, welfare policies, health and hygiene initiatives, the manner for controlling epidemics, population growth, environmental management, and Inuit relocations.<sup>177</sup> Divisions of political exclusion extended into gender divisions as well. In particular, white Canadian men, aiming to

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<sup>175</sup> Ibid., 178–179.

<sup>176</sup> Ibid.

<sup>177</sup> Ibid., 100.

help further colonial expansion throughout the Canadian north, secured alliances with Inuit men, who served as a means by which to control the female Inuit population.<sup>178</sup>

Other policies, two in particular, impacted the Canadian Inuit. One was the Canadian Indian Act of 1876, which still remains in effect today.<sup>179</sup> The Indian Act granted the federal government total responsibility for Native Canadian social services.<sup>180</sup> The act was designed to give legislative authority to the federal field worker, most notably Indian agents, so they could oversee the Indian's political, social, and economic activities and thus hasten their entry into nonnative society. While the Inuit specifically were exempt from the Indian Act, they were still affected by many of its policies. For example, according to the act it was forbidden for any aboriginal person to bring a claim against Canada without government permission. While the Inuit were not regarded as Indian, they made up one of the three government-designated Canadian aboriginal groups (the latter two being the Denes and the Metis). Furthermore, the Indian Act gave the federal government total responsibility for all Aboriginal Canadians. This legislation in effect relinquished Inuit control over their own affairs to the mandate of the federal government.<sup>181</sup> Later amendments to the Indian Act were added with the intention of regulating indigenous

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<sup>178</sup> Emberely 1999.

<sup>179</sup> It should be noted that the Inuit were not directly subject to the Indian Act. This does not mean, however, that they were not subjected to other assimilation policies such as the post-World War II permanent settlements. Additionally, being singled out for exemption from the Indian Act also helped build a cohesive Inuit identity. See Dahl, Hicks, and Jull 2000.

<sup>180</sup> *Ibid.*, 181.

<sup>181</sup> Manroe 1997, 180; Okalik 2005.

women through reproductive and kinship regulations, thereby further excluding the Inuit from participation in Canadian society.<sup>182</sup>

Alongside the Indian Act was the *British North American Act* of 1867 later renamed the Constitution Act. A feature of this act was the idea was that the federal government would assume responsibility for providing social services to the Native Canadian population. Because the Native Canadians were construed as “inferior,” they became wards of the state and were denied political autonomy. The act also instituted the idea of Native Canadians as landless, both territorially and politically.<sup>183</sup>

The economic implications of Canadian development were synonymous with other Canadian policies reifying a particular myth of the Native Canadians as “stuck in a pre-modern condition.” Rather than having the capacity to adapt to changing societal conditions and develop accordingly, it was believed that the Native Canadians were “doomed to extinction if they were not somehow made to relinquish their religious beliefs, political practices, and economic livelihoods.”<sup>184</sup> These conceptions of the Native versus the modern Canadian were continually reified by ongoing legislation eventually creating sedimented beliefs of the ‘other’ and path-dependent relationships and patterns of development. This is reflected in legislation such as the St. Catherines Milling and Lumber Company Case of 1888, which institutionalized the removal of Inuit sovereignty over their own affairs. This case

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<sup>182</sup> Manroe 1997, 102.

<sup>183</sup> *Ibid.*, 187.

<sup>184</sup> *Ibid.*

involved a dispute between the federal and Ontario governments concerning which level of government was authorized to manage the unsold, surrendered Indian lands of the Northwestern Anishnabek of Treaty #3. The Anishnabek were never consulted, they never participated in the case, and therefore they never received compensation for the money garnered from the land sales.<sup>185</sup> The court ruling determined that, in Canada, all Aboriginal title (including the Inuit) was only a title of occupancy and all Aboriginal rights began with the crown. The denunciation of full title eventually developed into a loss of control over the land in which they inhabited and consequently the denial of political self-government.

The Inuit were also psychologically affected by pre-World War II government policy. Inuit and European interactions through the trade relationships helped found a broader affiliation along ethnic lines: “Inuit who had previously referred to themselves only as ‘the people’ began to perceive themselves as a particular *kind* of people, distinct from the Europeans.”<sup>186</sup> These divisions were eventually reinforced through political legislation. Beginning in 1941, Canadian government police began a policy to keep track of Inuit by assigning each person a four-digit number engraved on a disk to be worn around the neck.<sup>187</sup> This “disk list” also organized Inuit according to nuclear families including assigning a “family” name, something completely nontraditional to Inuit. This list was then later upgraded to include a “district designation” in order to help administer government programs

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<sup>185</sup> *Ibid.*, 185.

<sup>186</sup> Mitchell 1996, 84.

<sup>187</sup> Innuksuk February 8–10, 1994, 3.

designed for the Inuit.<sup>188</sup> Canadian Inuit were also subject to ongoing religious rivalries, as Protestants and Catholics fought among themselves to be the first to convert the Inuit. Both religions sought to rescue the Inuit from both their traditional pagan ways and the detrimental impacts they perceived the whaling industry to have had on the Inuit:

In 1929 . . . two Roman Catholic missionaries arrived in Pond Inlet to establish a mission expecting to find ‘only pagans’ ripe for conversion. Instead they found ‘about 50 Anglican Inuit hastily baptized the previous year in the kitchen of the trading post by Bishop Anderson, visitor on board the MS Nascopie.’<sup>189</sup>

Whether Catholic or Anglican, both missionary groups began their conversions by targeting the Inuit Shamans. To successfully de-legitimize Inuit religious beliefs, they first had to falsify the work of the Shamans. The Christian missionaries in particular measured their progress toward religious conversion through “the absence of Shamanistic paraphernalia.”<sup>190</sup>

Canadian colonial practices also became further entrenched through Canadian culture and education, which depicted the Inuit as ‘noble savages’ and is reflected in numerous literary writings and films. Julia Emberley critiques Robert Flaherty’s 1922 film, *Nanook of the North*, to explore how Euro-North American gender relations in the early-twentieth century were constructed through the narrative of the family.<sup>191</sup> Emberley argues that it was the process of articulating the distinction

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<sup>188</sup> Mitchell 1996, 112.

<sup>189</sup> Choque 1987, 8 quoted in Mitchell 1996, 96.

<sup>190</sup> Mitchell 1996, 99.

<sup>191</sup> Emberely 1999, 96.

between the modern white family and the native Inuit family that helped to justify and sediment nineteenth-century conceptions of liberalism. By determining boundaries of inclusion and exclusion or a logic of difference, the myth of liberalism was constructed through “philosophical anthropology” and came to be defined by characteristics which contrasted the “conventions, habits, customs, and manners” of non-Western (in this case, Inuit and all other existing indigenous people in Canada) culture.<sup>192</sup> The modern, white, liberal identity, articulated against the differences of the non-modern, nomadic and apolitical Inuit, cultivated the boundary dividing the politically included (white Europeans) and those who were excluded (Canada’s Native and aboriginal populations).<sup>193</sup>

The decline of the whaling industry in Canada by the end of the 1800s was immediately replaced by an emerging fishing and trapping industries, as fashion dictated a heightened desire for fox furs by Europeans. The Hudson Bay Company quickly provided the Inuit with an education in steel trapping through introducing a credit system. The Inuit eagerly took full advantage of this education and transformed their hunting priorities to trapping fox. The primary force behind this switch was that by this time the Hudson Bay Company had extinguished the Arctic’s whale population; the Inuit were thus left “hungry for the white man’s trade.”<sup>194</sup> Hit by the depression, when the fur trade began to dissipate, the Hudson Bay Company changed its mission from primary resource extraction to consumer goods. The company changed its name to the Northern Stores Department and the Inuit, once in equal trade

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<sup>192</sup> *Ibid.*, 101.

<sup>193</sup> *Ibid.*, 102.

<sup>194</sup> Mitchell 1996, 86–87.

relations with Europeans, became solely consumers of the company's products. To buy the goods the Inuit had come to rely on cash incomes. This transformation led from dependence on the Hudson Bay Company for trade to dependence on state assistance and administration. The Inuit first needed to attain the money in order to purchase goods from the new Northern Stores Department. This transformation gravely affected Inuit subsistence.

It was not until after World War II—because of the pressure of missionaries who sent reports of widespread Inuit misery and even starvation—that the Canadian government began to re-address its existing Inuit policies, initiating the beginning of what Jette has termed “the paternal phase.”<sup>195</sup> Furthermore, at this time Canada began to actively seek control over its Arctic waters. State police were regularly sent north to ensure that the Inuit understood that they were living within Canada's territorial borders and that the American's further understood that they were, in fact, fishing in Canadian waters. In effect, the Inuit were serving “as squatters to support Canadian claims to sovereignty over the North.”<sup>196</sup> In addition to issues concerning Arctic sovereignty, Canada by this time was a well-established liberal democracy and the government could no longer ignore its Native and aboriginal populations. Subsequently, Canada sought to rearticulate its overall aboriginal and Native political posture and the new approach would be to re-incorporate the Inuit into the Canadian political system as Canadian citizens. The means sought was

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<sup>195</sup> Ashlee 1984.

<sup>196</sup> Mitchell 1996, 82.

assimilation and this began with a policy to persuade the Inuit to give up their nomadic way of life.

The first major program established was the inclusion of the Inuit into the Canadian Family Allowance Act of 1944. The Inuit were paid in kind if their children were enrolled in school (which either entailed settling near the posts or sending their children to residential boarding schools).<sup>197</sup> The government also created permanent settlements (which for many were resettlements) in order to foster the least complex and expensive way of administering social welfare. Government services and facilities were expanded within these new settlements including low-cost housing, schools, medical facilities, airports, and modern stores. By the mid-1960s, all of the Canadian Inuit were concentrated in these new settlements. Because of this new lifestyle, the Inuit only became further entrenched in welfare dependence on the state. Furthermore, past policies could not be readily dissolved.

Over the years, the Canadian state helped construct a myth of the Canadian 'Inuit' as a distinct and codified indigenous group. Their exclusion from mainstream Canadian society fostered both a perceived and institutionalized reality of relinquished land and colonial practice. A historical national myth had already been constructed which included an indigenous Canadian Inuit continually positioned in relation to a larger Canadian state. It was this myth that became the basis for Inuit political mobilization and the land rights battles which were to follow in the years to come.

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<sup>197</sup> *Ibid.*, 113.

## Alaska

Alaskan Inuit colonization was similar to that of pre- and post–World War II Canada. Historically, initial American-Inuit relations centered, first around commercial whaling followed by the growth of a prevalent commercial fishing industry, which was accompanied by the immigration of missionaries, schoolteachers, nurses, doctors, construction workers, as well as American government and military personnel to Alaska. Rather than exclusion, the relationship which was established between the Inuit and Americans from the outset was based on the desire to assimilate the Alaskan Inuit into American society.

Analogous to the colonial sentiments of indigenous peoples throughout the Arctic, missionaries arrived with colonial desires to rescue the Inuit from their pagan ways. The missionaries prohibited the use of indigenous languages and destroyed cultural practices through guilt concerning sexual and other behavior.<sup>198</sup> Politically, in efforts to fix the ‘native problem’ which ensued, the commissioner of Indian Affairs argued that “Indians must be absorbed into our national life, not as Indians but as American citizens. The Indian must be ‘individualized’ and treated as an individual by the Government. The Indian must conform to the White man’s ways, peacefully if they will, forcibly if they must.”<sup>199</sup> And so, in 1887, Congress enacted the Dawes Severalty Act. The aim of the act was to assist the Inuit in farming practices and “thus civilizing him and ridding our nation of the burden and blight of the Indian

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<sup>198</sup> Chance 1984, 648.

<sup>199</sup> U.S. Federal Field Committee for Development and Planning in Alaska 1968, 432 quoted in Chance 1984, 649.

problem.”<sup>200</sup> Given that farming in the Arctic was a near impossibility, all attempts at this ended in failure.<sup>201</sup> Eben Hopson articulated these sentiments years later in his 1976 Testimony to the Berger Commission:

Government, as such, was introduced when the whaling fleet came to the Beaufort Sea, when the trappers came to the Canadian Arctic, and when the Danes came to Greenland. Behind them came the Christian missionaries, and behind them came those who “governed” us.<sup>202</sup>

In 1888, the United States initiated the Organic Act which created a government in Sitka and mandated that the Secretary of the Interior provide a ‘proper’ education for all children in Alaska. The U.S. commissioner of education stated in his 1898 report that “to provide such education as to prepare the natives to take up the industries and modes of life established in the States by our white population, and by all means not try to continue the tribal life after the manner of the Indians in the western states and territories.”<sup>203</sup> This education entailed forced relocations for Inuit children to special boarding schools set up in other parts of the United States. The aim was to properly assimilate Native children into the American mainstream. The residential schools were “‘a strict assimilationist programme’ inflicted at a young age.”<sup>204</sup> Furthermore, the settlement of missionaries caused many traditional beliefs

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<sup>200</sup> Chance 1984, 648.

<sup>201</sup> Ibid.

<sup>202</sup> Hopson 1976 “Testimony before the Berger inquiry.”

<sup>203</sup> U.S. Bureau of Education 1898, xlix in Chance 1984, 648.

<sup>204</sup> Coates 1985, 194 quoted in Mitchell 1996, 106. Learning from this example, the Canadian government soon thereafter set up its own boarding schools for Native Canadian children. In recent years there has been a great deal of focus on these boarding schools particularly on the torture and psychological abuse that occurred in

and practices of the Inuit to either disappear or go underground. According to Norman Chance, Inuit colonialism in Alaska was also further accompanied by a psychological dimension. The Inuit were continually regarded as inferior technologically, socially, and culturally to the “white” man, which was exemplified by their inability to assimilate.<sup>205</sup> Poverty among Native Americans increased due to the fallen price of fur which led to an era of treaty negotiations and policies institutionalizing Inuit and Indian dependence on the state, essentially creating “the first welfare dependents in North America.”<sup>206</sup>

In the early- to mid-1900s, military bases and incursions by military personnel impacted Alaskan Inuit lives even further. In the early 1900s, the U.S. government created a number of naval petroleum reserves in order to ensure fuel for ships. By 1936, while the Inupiat were officially made citizens of the United States, this did little to change Inuit realities or sentiments from ‘white’ Americans. In order to set up new naval reserve stations, the federal government appropriated 23,400 acres of Inuit Arctic land. Consequently, the Alaskan Inuit were subject to forced relocations and the landscape was converted into a staging ground for war preparedness. Once Inuit-dominated land became predominately populated by white Americans, large proportions of allocated Inuit social services were redirected for military expenditures.<sup>207</sup>

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them. In Canada it is expected that 90 percent of children sent to boarding schools were sexually abused.

<sup>205</sup> Chance 1984, 648.

<sup>206</sup> Simard 1990, 344.

<sup>207</sup> Chance 1984, 649–650.

When Alaska acquired statehood in 1959, the Inuit (along with the Indians) were caught up in a shuffle between the Federal Government Office and the Bureau of Indian Affairs.<sup>208</sup> At the time Alaska was granted statehood by Congress, it was allowed to choose approximately 104 million acres of federally owned land over the following 25 years. This included the land inhabited by the Inuit and stood counter to the Organic Act of 1884. In regard to unresolved aboriginal land claims, the government essentially took a wait-and-see approach.<sup>209</sup> The land redistributions directly affected the Inuit of the North Slope—the effects of which would become compounded by the future discovery of a major oil reserve. A prelude to the impact this would bring about for the Inuit is exemplified in the following quote by Eben Hopson, future founder of the North Slope Borough:

Our people, who survived the fur trade, international whaling, and the gold rush, began being threatened by the world's oil shortage. The oil discovery at Prudhoe Bay meant that the European immigrants to America had become rich, highly industrialized people, and had finally begun to covet our Arctic land.<sup>210</sup>

Both the Alaska Statehood Act and subsequent discovery of oil in Alaska's North Slope, however, would transform issues of Inuit land ownership. The fate of Inuit autonomy as US citizens and moreover, in the North Slope Borough in particular was soon to change from a peripheral matter to a predominant issue of Alaskan development and the economics of hydrocarbon discovery.

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<sup>208</sup> Lynge 1993, 43–44.

<sup>209</sup> Thomas 1986, 3.

<sup>210</sup> Hopson September 9, 1975.

## Greenland

The Danish version of colonialism is so to say a very elegantly concealed one. It was a suppression without [the] external public noticing it. It's a sort of mental dependency characterized by a very dominant seminaristically operating "elite", seminarism in that context meaning that you are not aware of how paternalistic the information flow was directed towards you and without this you are not able to judge it.<sup>211</sup>

While colonization in Greenland began over 100 years before Canadian and Alaskan colonization, its effects on Inuit society partly resembled those of North American Inuit.<sup>212</sup> The main differences have been geopolitical conditions. Traditionally Inuit in Greenland were broken up into small settlements. Throughout the summer, separate Inuit communities hunted and fished and often came into contact with other Inuit settlements. These initial contacts created, at best, a limited feeling among the Inuit that they are part of a "single entity."<sup>213</sup> However, it was direct contact with European whalers which fostered and led both the search for a specific Greenlandic identity distinct from European colonial powers, namely Denmark, and a more specific Inuit Greenlandic identity. This identity eventually evolved into a common "Greenlandic self-image."<sup>214</sup> Greenlandic identity materialized through two

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<sup>211</sup> Carl Chr. Olsen, e-mail interview by Jessica Shadian 2005

<sup>212</sup> For more on this, see Ashlee 1984.

<sup>213</sup> Peterson 1984, 321.

<sup>214</sup> Ibid., 323. Greenlandic identity construction took place on two levels. On the one hand, it was a general construction of a single Greenlandic identity. On the other hand, it was the construction of a specific Greenlandic Inuit identity. The construction of an Inuit identity was part of a larger process of creating a Greenlandic identity but it was also separate in terms of the developing of an awareness of being particularly Inuit in relation to all Danes whether from Greenland or Denmark.

Officially, the colonization of Greenland (which was essentially Inuit colonization as the vast majority of Greenlanders were and continue to be Inuit) began in 1721 with the first missionaries and trading companies. At that time Greenland was divided into

particular channels: colonization and more general Danish policies concerning Greenlandic development.

One dominant aspect of colonization was religious colonization. From 1900 to 1953, the Greenland administration in Copenhagen granted permission to the Lutheran and Moravian missions to work in Greenland. Subsequently, the change to Christianity became a defining characteristic of Greenland Inuit.<sup>215</sup> Throughout this time, teacher-training classes were also established and the school system was standardized. Through the school system, the Inuit in Greenland or ‘Greenlanders’ began to learn more about one another as well as a more common idea of ‘Greenland.’

The work of the missionaries was accompanied by the central importance that the Greenlandic language played in Greenlandic identity construction. Beginning in the 1850s, the first printing house was established in Godthab.<sup>216</sup> Soon thereafter, several books and a collection of legends were printed in both Greenlandic and Danish. In 1861, the first newspaper called the *Atuagagdliutit* was established (in Greenlandic). *Atuagagdliutit* was largely responsible for enhancing the intellectual development of the Greenlandic population. The implication was that issues which before had remained local, were now disseminated to all Greenlanders provoking an intensified feeling of Greenland as a single community.<sup>217</sup> The newspaper articles

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individual colonies, each with a ‘trade chief’ reporting directly to Copenhagen. The Greenland economy was a government monopoly. The Royal Greenland Trade Department in Langgard 1998, 280.

<sup>215</sup> Peterson 1984, 323.

<sup>216</sup> Oldendow 1957, 39 quoted in Berthelsen, 1986, 39.

<sup>217</sup> Langgard 1998, 297.

included stories by Greenlandic seal hunters, and also translated stories and legends. The newspaper featured accounts of Arctic expeditions and wars throughout Europe. All of these stories and accounts were pivotal for fostering a sense of Greenlandic identity for the masses. Eventually the newspapers were joined by radio and television stations broadcasting daily news reports from the various districts in Greenland.<sup>218</sup>

By 1911, a national debate over Greenlandic identity was underway. During this period, the idea of a Greenland homeland emerged within popular culture.<sup>219</sup> Patriotism proliferated and many stories entailed accounts of the nature and landscape of Greenland, as well as the importance of traditional society. For example, Jonathan Petersen wrote about why hunters should follow the traditional way of life of their ancestors. At the same time, however, it was openly believed that while Greenland was colonized, the island could not survive independent of Denmark and Petersen acknowledged this in his writing. He wrote about Greenland's colonial status and argued that Greenland could not survive without being firmly attached to another country. His writing expressed devotion and gratitude to Denmark and urged Greenlanders to help build the country in collaboration with the Danes.<sup>220</sup>

For the Danish government, the central political aim of the Danish government toward Greenland at the beginning of the twentieth century was “to keep development at a pace fitting with the so-called ‘Greenlandic’ circumstances’ i.e. at a level where ‘the natives’ themselves could manage the society basically without

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<sup>218</sup> Berthelsen 1986, 346.

<sup>219</sup> *Ibid.*, 60.

<sup>220</sup> Berthelsen 1986, 75–86 quoted in Berthelsen 1990 “Greenlandic in schools,” 346.

imported workers.”<sup>221</sup> Subsequently, the majority of Greenlanders sustained their livelihoods as hunters and later as fishermen. In addition, improvements were made in the education system and local participation in Greenlandic affairs was extended through the creation of district and regional councils. New economic sectors were created, including sheep breeding.<sup>222</sup> By the 1930s, prominent Greenlanders had already begun a move to end Greenland’s colonial status. The few Greenlanders who were given the permission to travel to Denmark argued that the Greenlandic schools were outdated and unable to adequately deal with major economic transitions from a traditional economy to industrial production including its growing fishing industry. These Greenlanders demanded more education in the Danish language and argued that there needed to be overall increased academic performance among Greenlanders in the educational system. Despite these efforts, few changes were made.<sup>223</sup>

Prior to World War II Greenland had been closed off from the rest of the world under the pretext of protecting the Greenlandic hunting culture from outside influences. During World War II, while Denmark was occupied by Germany, Greenland was cut off entirely from Denmark. In response, the United States and Canada assisted Greenland with food and supplies and it was during this time that additional U.S. air bases were set up on the island.<sup>224</sup> U.S. intervention in Greenland during the war had a lasting impact on Greenland’s future development path.<sup>225</sup>

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<sup>221</sup> Langgard 1998, 290.

<sup>222</sup> Berthelsen 1986, 346.

<sup>223</sup> Alaska Native Knowledge Network.

<sup>224</sup> Berthelsen 1986, 350.

<sup>225</sup> Laurantzen 1983, 222.

Sustained U.S. military presence in Greenland led to an official Danish-American agreement for the common defense of Greenland in 1951.<sup>226</sup>

Following World War II, Denmark embarked upon two interrelated and dissimilar events. These included increased Greenlandic sovereignty and at the same time intensified intervention in Greenlandic development. In 1953, the international court ratified Denmark's sovereignty over Greenland and colonial status was exterminated. Until the 1950s, Greenland was listed under Chapter XI of the Charter of the United Nations as a non-self governing territory under Denmark. In 1954, it was appropriated under the Danish Kingdom and removed from the UN list of non-self governing territories. The new Danish constitution formally integrated Greenland. Subsequently, new policies were initiated concerning the phasing out of colonial possessions greatly affecting the political administration of Greenland in Denmark. The overall effects of the War had proliferated Greenlanders demand for political and economic changes. Denmark sought to industrialize Greenland and much like both Canadian and Alaskan policies it pursued policies of Greenlandic assimilation. The new 1953 Constitution shifted existing Danish policy aims from minimal involvement to intervention with the aims of assimilating all Greenlanders into the Danish mainstream. Danish worker programs were established in order to bring educators (teachers and administrators from Denmark were hired to bring the school system up to standard with Denmark.<sup>227</sup>), engineers and other skilled labor, to Greenland. Though

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<sup>226</sup> Encyclopedia.com, "Greenland," [http://www.encyclopedia.com/html/section/greenlan\\_history.asp](http://www.encyclopedia.com/html/section/greenlan_history.asp). Presently, Thule remains the only U.S. military base in Greenland.

<sup>227</sup> Alaska Native Knowledge Network.

the exportation of Danish workers was meant to be temporary the reality became that which “until the mid 1970s the large scaled import of Danes continued, and the Inuit were more and more put in the position of passive spectators to developments the in the country.”<sup>228</sup>

The 1963 constitution change made Greenland a county within Denmark and signified the modernization of Greenland or the era of “Danization.”<sup>229</sup> The effects of the new constitution had a profound impact on the development of Greenland. Municipal councils were replaced by executive municipal boards, including a secretary who represented the governor of Greenland, yet who himself represented the Danish state and political initiatives were paid for by the Danish state. “Greenland was in fact more than ever governed politically, economically, intellectually, and physically by another people.”<sup>230</sup> Furthermore, during this time Greenland did not have its own higher education system as it did not have the necessary institutions and teachers in order to provide one. Subsequently, Greenlanders had to travel to Denmark to pursue their academic studies. Traveling to Denmark for education, however, was coupled by the ongoing civil rights movements throughout Europe and North America. It was in this context that Greenlandic intellectuals began to question their own national identity and initiated a new political debate in Greenland asserting political institutional change.<sup>231</sup> According to Carl Chr. Olsen of ICC Greenland:

The new wave of emancipation showed up in the advance of high school level and university level education. With that a whole new kind of judgment was

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<sup>228</sup> Langgard 1998, 90.

<sup>229</sup> Peterson 1995, 120.

<sup>230</sup> Ibid.

<sup>231</sup> Berthelsen 1986, 219–220, 351; Human Development Report November 2004, 88.

dominant and was at the same time welcomed by “non-educated” public. Those together with the emergence of trade unions in Greenland accelerated the emancipative trend.<sup>232</sup>

By the late 1960s, Greenlandic society changed from a predominantly subsistence community into a modern export-led economy.<sup>233</sup> The Danish-speaking Greenland Inuit elite began to mobilize an Inuit political movement. Eventually the political momentum grew such that it became impossible for the Danish administration not to address growing Inuit demands.<sup>234</sup> What culminated was Greenland Home Rule in 1979.

### **Conclusion**

One paradoxical result of Inuit contact with and subsequent domination by Euro-Canadian society has been the emergence of a group identity among Inuit. Prior to contact, Inuit identities and loyalties were rooted in local groups and the social organization of extended families. The social and economic change wrought by contact served to differentiate Inuit from non-Inuit and to emphasize commonalities among Inuit, resulting in what has been termed ‘*Inuit nationalism*.’<sup>235</sup>

Inuit colonization throughout the Arctic was a consequence of larger aims of territorial expansion and the further strengthening of national state myths. This process included creating (certain) democratic citizens under specific state jurisdictions. This system was further reified as it eventually exported the cultural political organization of Westphalia through the process of colonization: “The western states amassed a duality between expanding its imperial reach, through the

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<sup>232</sup> Carl Chr. Olsen, e-mail interview by Jessica Shadian, July 3, 2005.

<sup>233</sup> Minority Rights Group 1994, 7.

<sup>234</sup> *Ibid.*, 8.

<sup>235</sup> Dahl, Hicks, and Jull 2000, 51.

aggregation of resources for security and taking on the ‘White man’s burden’ by seeking to make every parcel of land comprised of modern states; civilizing the uncivilized world.”<sup>236</sup> For the Inuit who inhabited these Arctic areas prior to this time, any previous sense of sovereignty over their own affairs was relinquished and eventually re-appropriated by Arctic state governments.

While the majority of attempts to assimilate the Inuit eventually failed, they successfully laid the foundations for an emergent pan-Inuit idea of an indigenous political identity and a collective historical myth by which to begin asserting control over their own affairs. According to Jack Hicks and Graham White, the social and economic changes brought about by colonization created a distinction between Inuit and non-Inuit. According to Rudolph, “constructing indigeneity as a political project . . . assumes that ‘under certain conditions, only imaginary communities are real. . . . Every social community reproduced by the functioning of institutions is imaginary, that is to say, it is based on the projection of individual existence into the weft of a collective narrative.”<sup>237</sup> While the colonial experiences of the Inuit varied throughout the Arctic, eventually the majority of Inuit (excluding Russia) became subsumed under specific emerging liberal democratic states.

The global socio-political context of the 1960s, instigated the non-Arctic colonized world to assert its rights for self-determination. The objective of self-determination at that time—statehood—was based on territorial integrity, an already existing political architecture where sovereignty meant the combination of territory

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<sup>236</sup> Rudolph 2005, 7.

<sup>237</sup> *Ibid.*, 78.

and national identity realized in the form of an independent state.<sup>238</sup> In the Arctic, however, the relations of the United States, Canada, and Denmark with their Inuit populations—while differing from the external colonization of other distant territories being unseated elsewhere in the world—were similar in that they formed a type of internal colonization. These colonial similarities (external colonization elsewhere and the internal colonization of the Inuit) eventually attracted the attention of Arctic Inuit. Decolonization initiatives unraveling globally helped to instigate what would become a pan-Arctic or transnational Inuit collective polity. By that time the Arctic Inuit began to effectively assert their political rights as one cohesive entity within the international arena, the need for a state of their own was not of central importance for attaining political legitimacy. The international architecture was already in a process of reconstruction and Westphalian sovereignty was already being reinvented.

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<sup>238</sup> *Ibid.*, 6.



## Chapter 4

# CREATING NEW SOVEREIGNTIES: REDEFINING INUIT AUTONOMY THROUGH MODERN INUIT LAND CLAIMS TREATIES

Our challenge is first and foremost to decolonize ourselves. We suffer from a colonized mind.<sup>239</sup>

Culture and language are human attributes which are dependent upon the existence of a collective . . . only indigenous peoples can maintain and develop indigenous cultures and languages, but to do so we must be permitted sufficient cultural and political space.<sup>240</sup>

### Introduction

When Indians and Inuit maintained that the earth, the air and the water could not be owned by anyone, the new lawyers came with their law books and concluded that nobody owned the land, not even the Indians or the Inuit.<sup>241</sup>

Throughout colonization, the Inuit *stewardship* approach toward Arctic land and resources functioned as the basic justification for European expansion, undermining any existing Inuit self-determination. Since this time, the long trumped Inuit principle of stewardship has resurfaced within Arctic policy discourse. Rather than stewardship serving as the means by which Inuit leaders ignore or override Inuit autonomy, stewardship has become the means by which Inuit leaders have justified their claims for self-determination. This has been accomplished through the ‘right’ to

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<sup>239</sup> Aqqaluk Lynge in Stenback 1985, 59.

<sup>240</sup> Simon January 21, 1993, 5.

<sup>241</sup> Lynge 1993, 88.

participate in the processes of Arctic development rather than ownership over the land. This conception of stewardship according to Hopson derives from the prospect that “[w]e Alaskans are the trustees of our land. We have special responsibilities of stewardship over our nation’s wealth here. We stand to lose our stewardship to others.”<sup>242</sup>

Contemporary understandings of the idea of stewardship as realized through means of Inuit rights, according to Aqqaluk Lynge, is defined by a system of collective ownership to the land. The Inuit/yup’ik notion of stewardship is *inua*. According to Carl Olsen, the word *inua* can be found as far back as 1751 in a Greenlandic dictionary. This dictionary was developed by Paul Egede, the son of the first missionary in Greenland, who grew up as a child in Nuuk and experienced early Inuit culture, religion, and Inuit lifestyle. As an adult, Egede became a church minister and professor in Greenlandic language.<sup>243</sup>

Egede’s dictionary translated *inua* with three particular definitions. The Danish translation is *herre*—meaning “lord of things.” The English translation means *steward* or “owner of a thing.” *Inua* also includes a spiritual relationship with animals. Stewardship, like *inua*, does not distinguish between individual and collective ownership. As such, *Inua* is translated as “the inhabitant, the dweller, the owner, and the spiritual attachment as occupant or user.” In its contemporary form, it has also taken on a relationship to the land. According to the Paimiut Traditional Council, Native Council of Port Hedien in Alaska:

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<sup>242</sup> Hopson 1976, “Political statement.”

<sup>243</sup> Carl Chr. Olsen, e-mail interview by Jessica Shadian, February 2, 2006.

Our worldviews share a common basis, in simple terms, everything has soul—inua. It is from the worldview that the desire arose to protect the land—[which is referred to as] nuna. ...[There is a] close relationship between inua and nuna in our worldviews. We identify ourselves by the villages we are from.<sup>244</sup>

As Carl Olsen further explains that, “this meaning does not limit ownership to a specified lot of land, but also includes the living and non-living resources including the sea attached to the land . . . we live there together; therefore the land belongs to us, all of us.”<sup>245</sup> Certain forms of individual land rights do also exist. However, these are based on active usage and exist alongside collective ownership and land use which Lynge refers to as “rights of disposition.”<sup>246</sup> According to Lynge:

An individual’s right to use a place, for example, was taken for granted. Everyone in the local community knew which individuals used to camp and hunt in certain areas, and hence respected the individual’s disposal of the area. If, however, such areas fell into disuse, anyone else was free to take them over.<sup>247</sup>

Gary Yabsley from the Inuit Tapirisat of Canada (ITC)—the Canadian organization representing Canada’s Inuit—affirms that Inuit rights to stewardship over their land are defined according to the premise that

Inuit have always lived on that land and used it. Inuit have a right to the land because of their heritage. This is the foundation for the legal concept, or meaning of ‘aboriginal rights’. . . . Aboriginal rights, in theory, are property rights, that is the recognition of ownership of land and the people who have lived on and used that land from the beginning of time. Native people are to be guaranteed the right to use that land.<sup>248</sup>

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<sup>244</sup> Unrepresented Nations and Peoples Organization July 28, 1999.

<sup>245</sup> Carl Chr. Olsen, e-mail interview by Jessica Shadian, February 2, 2006

<sup>246</sup> Lynge 1993, 50.

<sup>247</sup> Ibid.

<sup>248</sup> Yabsley, October 1976, 22, 50.

The Inuit land claims agreements beginning in the early 1970s became the institutionalization of this renewed idea of Inuit stewardship in a contemporary context. Inuit ‘rights’ gained through the land claims agreements have become a form of affirmation of stewardship and of the right to maintain cultural self-determination—a self-determination realized in the form of stewardship over particular areas of the Arctic. Furthermore, the self-determination that the Inuit have attained in the form of certain rights—as established through the land claims—is symbolic of an initial move to transcend previous concepts of sovereignty in a formal and restricted sense (reserved only for states). According to a member of ITC:

The self-determination issue involves some very fundamental questions about the claims of the international human rights regime to being universal and relevant to all peoples and cultures . . . the Inuit agenda for the exercise of our right to self-determination is not to secede or separate from Canada, but rather, we wish to share a common citizenship with other Canadians while maintaining our identity as a people, which means maintaining our identity as Inuit.<sup>249</sup>

Inuit domestic rights, attained through Inuit land claims, which will be discussed in depth below, serve as an initial recognition of an emerging political sovereignty based on rights to ‘ideas’ or what I call *intellectual* sovereignty. This new form of sovereignty does not coalesce around the state nor is territory—though a critical factor—the central ingredient for political legitimacy. The Inuit land claims in the Arctic, moreover, have become a symbolic institutional affirmation of a larger historical political myth of the Inuit as an ongoing legitimate collectivity. The realization of Inuit stewardship at the domestic level eventually helped to unite Inuit throughout the Arctic, eventually becoming the underlying foundation of a pan-Inuit

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<sup>249</sup> ITC June 9, 1994, 6.

polity. As such, I argue in proceeding chapters that the sovereignty of the historical myth is embedded in and brought into practice through its constitutive relationship to a larger growing global legal debate centered on the discourses of human rights and international development.

This, and the following three chapters (5, 6, and 7), are chronological examinations of twentieth-century Inuit politics set alongside shifting international laws and norms from three particular levels of analysis. The three chapters, while covering the same time period, focus on varying aspects of this ongoing shift in the locus and boundaries of sovereignty from traditional Westphalian sovereignty into a new post-Westphalian political framework. This chapter and chapter 5 both focus on the underlying conditions which led to the formation of the ICC and its entrance into the global community as contemporary political actor. Through a descriptive analysis of the Alaskan, Canadian, and Greenlandic land claims settlements; this chapter highlights shifting conceptions of territory and state sovereignty at the domestic level. The following chapter looks at two major Arctic events surrounding the making of the ICC—resource development and the role of globalization—prompting much of the agency by which the ICC was able to enter the mainstream political process.

The land claims agreements and subsequent events which follow rely heavily on the efforts of Eben Hopson. Hopson was the founder of the ICC, yet, more significantly, he was primarily responsible for the mission of the ICC as it remains today: ‘to preserve the Arctic environment’ and the creation of a comprehensive Arctic policy. Hopson’s efforts to create an Arctic policy point back to and center on the politics of oil in Alaska’s North Slope, including offshore oil drilling in the region.

Over time, these efforts to create an Arctic policy incorporated the Canadian and Greenlandic Inuit and eventually served as the basis upon which the ICC was founded.

The next two chapters (6 and 7), look at the process by which the Inuit, through the ICC, have transformed the traditional idea of an indigenous *stewardship* approach to land and resource development into a discourse of both Arctic and international sustainable development. Moreover, through evolving international human rights discourse, the ICC and other indigenous organizations have effectively situated indigenous rights as an inherent—and in certain cases—necessary facet for achieving Arctic and global sustainable development.

In particular, Chapter 6 traces a pattern of change in international politics, specifically the changes in international human rights law and development over time. This narrative uncovers the process by which indigenous rights have become a formal aspect of international human rights policy and law. This process has centered on the inception of a new international agenda where sustainable development and international human rights have begun to coalesce, ultimately transforming not only the parameters defining human rights but also the actors which are at the center of its focus.

Chapter 7 takes this narrative and imports it into the context of Arctic region-building, focusing on Arctic regional identity reconstruction and the re-demarcation of the boundaries of inclusion and exclusion in a changing post-Cold War Arctic. In particular, the central focus is the shift in the identity of the Arctic from a military Cold War zone to a region acting as the world's ecological barometer—a centerpiece for indicating the state of the global sustainable development. This narrative of Inuit polity construction—both domestically and its interdependent

relationship to Arctic region-building—further highlights the shift in legitimate sovereigns from solely the territorially-bounded state to new emerging polities which derive sovereignty based on an evolving discourse of international development and human rights law.

### **Self-Determination Revisited: From States Rights to Indigenous Rights**

Individual rights protections only provide freedom to assimilate; that is, they remove the barriers for individuals who wish to assimilate. Collective rights protections allow freedom *not* to assimilate by providing the means to resist assimilation. Collective rights protections therefore provide freedom at the individual level to choose assimilation or not; to choose to identify only with the dominant culture or to identify both as citizen of the State and as a member of an indigenous people living peacefully as an integral part of the state concerned.<sup>250</sup>

Before looking at the domestic narratives of the land claims agreements, this chapter briefly sets up a chronology of the legal evolution of international human rights legislation. The point is to draw out the changing role that indigenous peoples have played within this trajectory. In the context of international law, the boundaries of liberalism have shifted over time, rearticulating who is included and precluded as legitimate international actors. During colonization indigenous peoples—representing the symbolic other—acted as the political frontier between legitimate international actors and the world outside the formal parameters of the system. Over time these boundaries have shifted. Through increasing agency, indigenous peoples have not only come to constitute a formal attribute of the ‘inside,’ but they are also reconceptualizing the political space of international politics. Indigenous peoples—legitimized through land claims agreements as this chapter will discuss—have been

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<sup>250</sup> Simon January 21, 1993, 5.

part of a larger transformation of international human rights law into that in which indigenous rights are a definitive piece of all human rights discourse.

These changes can be traced by examining shifts in the language of the United Nations over time. The most evident example is contrasting the language from the League of Nations to its transformation into the United Nations. For example, nineteenth-century international law was predicated on consensus, will, and recognition that the state was the central means for the enforcement of international conventions. Only those international subjects considered by European states to be legitimate (other recognized states) were able to participate as actors in international law. Furthermore, at the time of the League of Nations the justification behind colonialism was trusteeship—or territories “inhabited by peoples *not yet able to stand by themselves* under the strenuous conditions of the modern world.”<sup>251</sup>

In 1948, the United Nations passed the International Convention on the Prevention and Punishment of the Crime of Genocide. This move brought the collective right to exist into international criminal law whereby it became possible to prosecute those who violated this right. The right to exist has historically been used in the context of the physical destruction of groups of people. Nevertheless, indigenous peoples, while maintaining the right to exist, were not recognized as legitimate collectivities—indigenous rights only extended to the individual of a group. Indigenous peoples as a collectivity fell outside the organized political fray and were thus denied recognition as a collectivity. Moreover, while a national group, by lacking a state they were excluded from participating in the political processes of the

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<sup>251</sup> The Covenant of the League of Nations. Italics mine.

international community. Indigenous rights, particularly the collective right to exist, were limited to the individual as part of a particular state.<sup>252</sup>

In 1960, the United Nations General Assembly passed resolution 1514—the Declaration on the Granting of Independence to Colonial Countries and Peoples. The declaration states, “all peoples have the right to self-determination . . . [and that] inadequacy of political, economic, social and educational preparedness should never serve as a pretext for delaying independence.”<sup>253</sup> The implications of the political and legal principle of self-determination that surfaced during the New International Economic Order (NIEO) once again transformed the international legal order of things. The notion of *uti possidetis juris* established boundaries for newly independent states providing state leaders legitimacy and total sovereignty within their own borders.<sup>254</sup> The NIEO was a new initiative which sought to transform the previous international regime based on colonial domination, resource exploitation, and inequitable production and consumption to a fairer and more just world order. The NIEO countries were to be given complete sovereignty over their natural resources

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<sup>252</sup> Orellana 2002, 5.

<sup>253</sup> Under “Office of the United Nations High Commissioner for Human Rights.”

<sup>254</sup> Under international law, seven models of self-determination exist: full independence (sovereignty), personal union, free association, confederation, expanded self-government, home rule, and integration period. The first three afford under international law full independence as *peoples* and the latter four are various options for peoples inside the state (void of the opportunity for national independence) and are most often pursued by indigenous peoples. Adding to these options, the United Nations General Assembly has determined three possible options with regard to self-determination under decolonization—*independence, free association, and integration.* Olsen 2002.

and the ways in which they would develop these resources.<sup>255</sup> With this new order, the “spheres of sovereignty and jurisdiction” were once again remade as resources which, formally controlled by foreign states, became the sole discretion of the local populations who used and sustained their lifestyles from them.<sup>256</sup> Moreover, the NIEO seemed to expand and codify an already existing political architecture. Now with states of their own, former colonies had the right to self-determination and the right to control and exploit their own economies within their territorial borders. More broadly, the authority of the state was re-affirmed and strengthened through the addendum of new states. The NIEO, in sum, codified a new legal relationship between human rights, economic development, and environmental protection through the realization of self-determination for newly independent states.

Increasingly since the 1960s, coupling decolonization and making of new states, changes in international human rights law have also highlighted the interdependence of the cultural and physical dimensions of existence which cannot be separated from the ongoing stories of indigenous peoples. While the 1948 Genocide Convention did not address matters of cultural genocide at the outset, the right to exist for indigenous peoples, for example, has become increasingly intertwined to the right to subsistence.<sup>257</sup> This growing interdependence between issues of cultural existence,

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<sup>255</sup> Orellana 2002, 6.

<sup>256</sup> Ibid.

<sup>257</sup> Ibid., 7. Taiaiake Alfred Kahnewake, a (Mohawk) scholar, defines indigenous peoples’ views concerning collective power according to six basic principles: the active participation of individuals, balancing many layers of equal power, dispersion of power, situational dynamics of power, non-coercive nature of power, and power that respects diversity. Corntassel and Holder 2002, 144.

subsistence and indigenous collective rights are central to the Inuit land claims agreements. As such the right to cultural preservation—cultural right to existence has had direct implications concerning the legal jurisdiction of the state. The implications of indigenous peoples right to existence as regards traditional international law is summarized by Aqqaluk Lynge:

The experience of indigenous peoples, especially in western democracies, demonstrates that reliance on human rights instruments which protect only individual rights can not secure the fundamental human right of each people to exist and flourish as people . . . to attempt to redefine the right to self-determination for indigenous peoples is to comprise fundamental principles that are the very foundation of the UN system of human rights. These are principles of the equality of peoples and the universality of human rights.<sup>258</sup>

Furthermore, this expanding dialogue regarding the right to individual existence to include the right to cultural existence has taken place within evolving notions of territorial integrity. Territorial integrity under international law avows that nation-states should not promote or support secessionist movements or border changes of other nation-states. States are thus deeply concerned with territorial integrity while indigenous people view territory as part of a larger notion of cultural integrity (that the forced assimilation or demise of a culture is an act of aggression). The United Nations Human Rights Committee, for example, now recognizes under Article 27 of the International Covenant on Civil and Political Rights that in regards to indigenous communities “traditional land tenure is an aspect of the enjoyment of culture.”<sup>259</sup> The

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<sup>258</sup> Lynge November 1, 1996, 4.

<sup>259</sup> Office of the United Nations High Commissioner for Human Rights.

Inter-American Commission on Human Rights goes further by defining property as a *facet of cultural integrity*.<sup>260</sup>

Central to the issue of cultural integrity is the distinction between the rights of ‘peoples’ and the rights of ‘indigenous peoples.’ This has been a dominant point of contention in ongoing debates over indigenous self-determination within the United Nations. ‘Peoples’ are entitled to the right of self-determination and through the right of external self-determination are able to set their own international judicial status. Conversely, ‘indigenous peoples’ are recognized as “groups in a state who are separate due to distinct national or ethnic composition and their original habitation of the land and country—protection within a state.”<sup>261</sup>

These ongoing and interrelated debates taking place at the international level are brought into political reality through varying Arctic land claims under an overarching, evolving concept of stewardship. Inuit land claims agreements have provided institutional precedent to the larger theoretical debates concerning the extent and definition of sovereignty that indigenous peoples have the right to claim within the international legal system. In certain instances, the domestic success for indigenous rights—through land claims agreements—have added authenticity to a broader international shift in the legal definition of *rights*. This transformation includes transferring rights in international law from the individual to certain forms of collective rights. These collective rights in the form of indigenous rights exist within a bounded state, yet acknowledge a collective form of indigenous self-determination to

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<sup>260</sup> The Inter-Commission on Human Rights.

<sup>261</sup> Olsen 2002.

the land and resources which are attached to their historical narrative as a collective group. Rosemarie Kuptana, ITC president, illustrated this in the following statement:

The right of self-determination is a prerequisite and precondition for the implementation and preservation of all other human rights. This fundamental right includes the right to self-government. By exercising self-determination in circumpolar regions, Inuit do not seek to dismember existing states but rather to contribute to and strengthen Arctic countries. For matters affecting Inuit and the Arctic, these states have a duty to involve Inuit and obtain their consent to proposed initiatives.<sup>262</sup>

As this quote affirms, the Inuit land claims settlements are part of an emerging hybrid conception of sovereignty composed of Western liberalism and indigenous history and operationalized through a renewed understanding of stewardship.

### **Making New Domestic Sovereignities: The History of Land Claims Treaties**

Inuit have made great strides in Greenland, Alaska, and Canada in the last 30 years to exert significant control over decisions that affect their lives, cultures and economies. While constitutional and political circumstances differ greatly among Arctic states, self-determination by Inuit is becoming a reality through home-rule, land claim agreements, and local and regional self-government.<sup>263</sup>

The events leading up to several of the major modern Inuit land claims agreements in Canada, Alaska, and Greenland highlight how, through the land claims process, in tandem with changing international rights language, notions of what it means to be *indigenous* and *Inuit* as a collectivity have transformed since colonization. The agreements have created the political and institutional legitimacy for the changes in these meanings. Through the legislation of the land claims agreements, being ‘indigenous Inuit’ has transcended the representation of being helpless or pre-modern.

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<sup>262</sup> Kuptana April 5–7, 1993, 5.

<sup>263</sup> Lynge 2002, 34.

Alternatively, for political leaders, being Inuit has come to represent being liberal democratic political actors as well as a new form of collective sovereignty.

Throughout history, treaty-making with indigenous peoples has evolved through three main phases: pre-confederation treaties, numbered treaties, and modern treaties.<sup>264</sup> The most significant distinction between previous treaties and the modern treaties is that, in addition to federal government involvement, modern treaties actively include provincial and territorial government in the negotiation process. Modern treaties consist of treaties where Native rights were never officially extinguished, as in the case of the Inuit. They are referred to as “comprehensive land claims” rather than specific land claims. They are comprehensive in that they encompass a wide range of issues including financial compensation, land ownership and use, hunting rights, extinguishment of aboriginal rights, as well as political rights.<sup>265</sup> Modern treaties essentially distinguish themselves from historical treaties in that they are “characterized by technocratic administrations, a neo-liberal economic system, and the increased bargaining power of Aboriginal people.”<sup>266</sup> In Canada, comprehensive land claims agreements are protected by the Canadian Constitution under Section 35(1) which recognizes and affirms the existing treaty rights of the Aboriginal peoples in Canada.<sup>267</sup>

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<sup>264</sup> Bone 1992, 220.

<sup>265</sup> Ibid.

<sup>266</sup> Bone, Duhaime, and Saku 1998, 111.

<sup>267</sup> Ibid., 110. Bone and others do note, however, that the Supreme Court of Canada has declared that Aboriginal rights are case-dependent as well as unique to each Aboriginal group.

### **The Domestic Compromise: Instituting Inuit Autonomy**

We are not primitive. We are not inferior. We are not lawless. We are not apolitical. We are not propertyless. Our societies have structures and laws. In the case of the Inuit, our society is fundamentally based on principles of respect and equality of all people and peoples. Now that the world community has discovered “universal human rights”, we are simply asking for quid pro quo. The international community cannot re-affirm the universality of individual human rights without expressing commitment to the universality of the right to self-determination.<sup>268</sup>

### **Alaska**

Institutional momentum for Inuit self-government in Alaska stems back to the 1936 legislation amendment to the Indian Reorganization Act. The amendment presented Alaskan Native villages with authority to “recognize themselves for government and business purposes based on a common bond of occupation, association or residence within a well-defined neighborhood, community or rural district.”<sup>269</sup> Despite the passage of the Indian Registration Act, it was not until oil discoveries in Arctic Alaska during the mid-1950s that Inuit self-determination was actively addressed. Furthermore, resource discoveries on the whole led to a political and economic frenzy that also eventually dominated the discussions over Alaska statehood.

Beginning in 1957, Richfield Oil Corporation discovered oil on the Kenai Peninsula. This was followed by one of the most significant discoveries in Prudhoe Bay on the North Slope in 1967 by Exxon and Atlantic Richfield Oil companies.<sup>270</sup>

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<sup>268</sup> Kuptana April 5–7, 1993, 8.

<sup>269</sup> Human Development Report November 2004, 88.

<sup>270</sup> This latter company had been founded in 1966 from the merger of the Richfield Oil Corporation and the Atlantic Refining Company.

The discovery proved to be the largest petroleum deposit in North America to date.<sup>271</sup> The oil discoveries led to the central debate over rights and royalties, precipitating renewed efforts to settle the unresolved land claims of Alaskan Natives. This connection between oil and the rights over the land holding the oil melded Inuit self-determination (realization of stewardship) and Alaskan oil (right to cultural integrity through resource control) into a single comprehensive issue. As Hopson points out the Inuit “Native Land Claims is an integral part of oil and gas development in Alaska, and this is also true for Canada and Greenland.”<sup>272</sup>

When Alaska was first granted statehood in 1959, there was extensive disagreement over the future structure and powers of the state and local governments. As land began to shift from federal to state ownership through the Statehood Act, the Athabascan Indians from the Minto Lakes region responded by filing a petition with the U.S. Department of the Interior’s Bureau of Land Management in 1961. This initial petition opened the door to a flood of subsequent protests. In 1963, 1,000 Natives from 24 different villages petitioned for a ‘land freeze’ on all Alaska land transfers until Native rights issues were resolved. By 1966, the Alaska Federation of Natives (AFN) was officially formed and the Constitutional Convention’s Local Government Committee member, Victor Fischer, resolved the escalating debate by making it possible for residents to choose among varying options for local self-government. It was determined that any one group would have the right to petition for one of several classes of local government, depending on how much autonomy was

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<sup>271</sup> Chance 1984.

<sup>272</sup> Hopson 1976 “Testimony before the Berger inquiry.”

sought.<sup>273</sup> The Inuit of the North Slope in particular organized the Arctic Slope Native Association (ASNA) and filed a petition for a “first-class borough” which included the land of Prudhoe Bay. Incorporated in the petition was Inuit ownership of all ‘traditional hunting land’ covering over 88,281 square miles.<sup>274</sup>

Following this, in tandem with the ongoing Native Land petitions in 1969, a group of eight petroleum companies proposed an oil pipeline that would stretch from Prudhoe Bay to Valdez which was set alongside the fact that the state of Alaska was receiving money from the federal government for land leases in Prudhoe Bay. As a consequence, the competition between all parties (which ensued) with vested interests in Alaska’s territory and accompanying resources caused the interior secretary, Stewart Udall, to enact a ‘land freeze’ on all federal land transfers until Congress dealt conclusively with Native land claims.

In total, 370 million of Alaska’s 375 million acres were filed for land claims.<sup>275</sup> As state and federal momentum increased, the AFN leaders held a convention in 1970 to discuss the proposal put forth by the U.S. government to resolve the land claims and establish a position which they argued addressed the necessary elements for land claims. This position included demands for: 1) enough land to sustain a subsistence economy for those Native Americans who chose to retain their traditional lifeways; 2) adequate compensation for lands taken in the past; 3) a just monetary settlement for extinguishment of Indian title to remaining land, including a

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<sup>273</sup> Chance 1984.

<sup>274</sup> Hopson September 9, 1975.

<sup>275</sup> Chance 1984, 655.

perpetual royalty interest in the mineral resources of that land and; 4) Native control over the money and land they would receive.<sup>276</sup> While all AFN organizations accepted the U.S. proposal, the Arctic Slope Native Association rejected the offer. ASNA argued that the offer was too great of a compromise for the Inuit of the North Slope; ASNA did not want money or compensation they wanted the land in order to secure economic and cultural development.

Rather than risk undermining all AFN efforts, Charles Edwardson Jr. from the North Slope visited Washington D.C. to confront legislators in person. Edwardson's trip proved successful beyond its intentions. Edwardson was able to persuade President Nixon for a far greater comprehensive plan than either the House or Senate had aimed for and in 1971; the Alaska Native Claims Settlement Act (ANCSA) was passed. Regardless of Edwardson's accomplishments, ASNA was the only organization to vote against the ANSCA legislation. According to Lauritzen, summarizing the arguments of Charles Edwardson:

The Alaska Land Claims Settlement Act only gave the Inuit on the Arctic Slope the right of ownership to 10 percent of their land, in all about 7,200 square miles. But their land covered about 72,000 square miles, and they didn't believe in compromises.<sup>277</sup>

ANCSA, in general, became the predominant (and first of its kind throughout the whole of the Arctic) model whereby Inuit land and compensation was organized into village and regional corporations. Subsequently, ANSCA also served as a blueprint for successive land claims in both Greenland and Canada. At the time of its

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<sup>276</sup> Wolf 1969, 7 quoted in Chance 1984, 655.

<sup>277</sup> Lauritzen 1983, 43.

creation the model was believed to be an adequate means for securing land ownership along with providing a basis for creating economic opportunities. ANSCA channeled indigenous participation through Native-owned and controlled for-profit corporations. State politicians “hailed it as an opportunity for Alaska Natives to trade their ‘aboriginal rights for citizens rights’”—a compromise realized in the spirit of American liberal democracy.<sup>278</sup>

### **The North Slope: A New Inuit Government and its Discourse**

Our Arctic organization will force the American government to make up its mind whether they are for us or against us.<sup>279</sup>

Though ANSCA became official, Inuit claims for a North Slope Borough remained a contested issue. The ambitions of the oil industry, Alaska, and the Inuit were far from congruent and growing antagonisms among the very divergent interests were soon exposed. In the North Slope in particular, oil corporation lawyers appeared before the Local Boundary Commission to oppose the Inuit petition for a land appeal for creating a North Slope Borough. Eben Hopson argued that “we Inupiat, who owned this land, were not consulted by the Federal government or the State

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<sup>278</sup> Fox 2002, 7. For a much more critical look at ANSCA, see Hirsch 1998. In his Ph.D. dissertation, Brian Hirsch asserts that in fact ANSCA is a renewed policy of colonialism. Rather than resolving indigenous land rights issues, ANSCA undermines local self-government, exploits natural resources, appropriates indigenous lands, and through race based native corporations constructed to operate in a free market system, ANSCA corporations more often pit local individuals and groups against one another in an effort to maximize profits and succeed in a market-driven environment. It is only through strong cultural tradition that ANSCA has not totally destroyed the survival of Alaska’s native groups.

<sup>279</sup> Charles Edwardsen, Jr., interview by Philip Lauritzen 1983, 46.

government on any of these real estate transactions.” The lawyers, on the other hand, argued that the Inuit

petition was not fair to the oil industry; . . . it was improper for [a] small, widely-scattered population to organize such a large area into a single municipal government capable of imposing property taxes upon Prudhoe Bay industrial property, especially in light of the fact that none of the community lived within 150 miles of the Prudhoe Bay oil field.<sup>280</sup>

Despite the arguments of the oil industry, the petition was approved and the state was required to hold elections on the referendum for all registered voters within the proposed borough area and to elect borough officials.<sup>281</sup> In 1972, the North Slope Borough was voted into being. The North Slope Borough became a ‘county like unit’ of home-rule municipal government.<sup>282</sup> At that time the majority of all power from the borough villages was transferred to the local government. Most significantly, the North Slope Borough was set to be entirely funded by oil tax revenues. These revenues were designed to be distributed through the Inuit corporations which were created by ANSCA. This move would eventually dominate all future Borough politics, Inuit politics, and Alaska politics in general.

Self-determination through the inception of the North Slope Borough was conceived as more than political autonomy, it also represented a formal contract for maintaining cultural autonomy. This cultural form of sovereignty included, in theory,

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<sup>280</sup> Hopson 1976 “Testimony before the Berger inquiry.”

<sup>281</sup> Ibid.

<sup>282</sup> The majority of the permanent population was and remains Inuit, most of whom reside in Barrow, the northernmost community in the United States. Seven other communities make up the North Slope Borough as well, five of which are coastal communities. It remains the only borough in Alaska with a majority Native population.

the right to maintain a historical relationship to the Arctic land. This included establishing user and ‘policy rights,’ as well as attaining conservation control concerning economic development of Inuit-inhabited Alaskan natural resources. Eben Hopson, beginning with the initial petition to claim the North Slope Borough, insistently used the discourse of American liberal democratic ideology to make the case for Inuit self-determination. This language of American liberalism was used as a basis for ongoing efforts to further secure and maintain rights to the North Slope’s resources in the events following the passage of ANSCA. Hopson’s overall efforts to frame Inuit self-determination as a matter both of liberal democratic ideology and indigenous cultural autonomy successfully came to serve as a symbolic base upon which the modern Arctic Inuit political vision of maintaining stewardship rights over the Arctic would emerge and grow over time.

In an Anchorage press statement, Hopson portrayed the Inuit as unique in that—as indigenous peoples—they were the natural stewards over Alaska’s Arctic resources (both on- and offshore). Simultaneously, Hopson regarded all citizens of the United States as ‘*fellow Americans.*’ While the Inuit, he argued, are indigenous and have the right to self-determination as indigenous stewards, they nonetheless are American citizens and in this sense the North Slope Borough is a natural product of American democratic ideology. As Hopson stated:

I am not against oil and gas development in the Arctic. We Inupiat have gained great financial and political strength because of [it] . . . [though] we in the Arctic are not happy about [it] . . . we understand that this development is necessary, and I, for one, want to cooperate closely to insure that this development is done right. We can all benefit from development as we deliver to America her wealth that lies in our land, and beneath our seas. We are

stewards of this wealth, and it is our responsibility to deliver [sic] it to all of America's people when they need to draw upon it.<sup>283</sup>

Hopson believed that Inuit control over oil development in Alaska would only be possible by creating a discourse that resonated directly within the American political framework. Inuit self-determination, he argued, was nothing more than the type of local control enjoyed in every town throughout the United States. Typical of most U.S. cities, Inuit local government fell squarely on the ability for the North Slope to generate tax revenues. Hopson's persistent promotion of Inuit self-determination through local government in rural Alaska guided his campaign for a U.S. senate seat in 1974.<sup>284</sup> In order to generate local support, his campaign was based on the argument that the incumbent, Senator Ted Egan, was cooperating with oil interests and this cooperation threatened to eliminate the North Slope Borough's power to levy taxes on oil property. The ability to impose local taxes, according to Hopson, was the driving force behind sustained self-government. Without tax revenues the borough would have lost its right to self-rule.<sup>285</sup> Hopson argued that his campaign would focus on the failure thus far of the Alaskan government to adequately address the educational, social, and economic concerns of rural Alaska and that the economic means to maintain a strong local self-determination was the only viable solution.<sup>286</sup> Hopson regarded the

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<sup>283</sup> Hopson 1976 "Political statement."

<sup>284</sup> Ibid.

<sup>285</sup> Hopson 1974 "Candidacy."

<sup>286</sup> Hopson June 7, 1974.

Egan administration's policy toward rural Alaska to be one of ambivalence between benign neglect and outright opposition. Rural Alaska is the future of our state and constitutes an important national birth-right.<sup>287</sup>

Hopson's campaign speeches eventually led Senator Egan and Hopson to reach a consensus and the two politicians agreed upon a nine-point program for self-rule in rural Alaska, at which point Hopson stepped down from the race.<sup>288</sup> Hopson's main point was that Inuit survival depended on local self-determination which included all socio-political aspects and the economic means to make it possible.

According to Hopson:

Local government is not a privilege to be conferred upon us when we are ready for it. . . . Local government is strong because in America it has the power to levy property taxes. My candidacy for Governor is part of our strategy to defend our strength, and to win back our right to levy property taxes on all oil on the slope. . . . The North Slope Borough is a beach-head for democratic self-determination for the Native people of rural Alaska, and we need to help defend it from further attempts by the State government to take away our power to tax oil property.<sup>289</sup>

More specifically, Hopson's claim for Inuit rights in the North Slope was predicated on the existence of a renewed traditional Inuit notion of a stewardship approach to land and resources control. Moreover, the ideas of stewardship were reconceptualized into a contemporary context as *the* means for realizing Inuit democracy. This discourse of stewardship became dominant not only in the case of the

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<sup>287</sup> Ibid.

<sup>288</sup> Included in the program was an inter-departmental program and policy to develop regional boroughs in rural Alaska; increased money and resources to the Department of Community and Regional Affairs to support organized local governments; continuation of state policy for capital improvements; one standard of justice for all people in Alaska; and the elimination of the Alaskan state-operated school system.

<sup>289</sup> Hopson 1976 "Testimony before the Berger inquiry."

North Slope but also served as the foundation for local Inuit rights in Canada and Greenland. The permeation of stewardship into the legal mainstream resulted in paradoxical outcomes. Stewardship expanded and reified the liberal democratic political space through the addition of new actors. Yet, simultaneously, it initiated the decline of this same sedimented order controlled only by bound sovereign states.

### **Northern Quebec/Canada**

There has been of late a new concept introduced—so overwhelmingly logical and rational it is taking the northern peoples as mania. Philosophically speaking, the simple question of who owns northern lands normally occupied and used by Inuit has an obvious answer to the Inuit and other ethnic peoples of the north. The thorn in the skin (or is it spear in the heart?) is that its apparent upholders of technocracy do not believe in obvious answers.<sup>290</sup>

In Canada, aboriginal title is a form of property right under the domain of Canadian common law. The 1973 Supreme Court decision in the case of *Calder vs. Attorney General* began the transition to modern land claims treaties. The court found that when “established by a group, Aboriginal title is a right of exclusive use and occupation of land that allows the Aboriginal group to use the land for a variety of activities not limited to traditional activities such as hunting and fishing.”<sup>291</sup> This court decision was followed by the creation of a new policy and accompanying directives which was then revised in 1987. The land claims policy established two claim categories: a ‘comprehensive’ policy to address continuing aboriginal title to land and

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<sup>290</sup> *Inuit monthly* July 2, 1973.

<sup>291</sup> Bone, Duhaime, and Saku 1998, 111. On the other hand, Indians had aboriginal rights which were never extinguished through legal means (Lauritzen 1983, 213).

resources and a 'specific' land claims policy to deal with issues arising from treaty obligations set up under the Indian Act.<sup>292</sup>

Between 1970 and 2001, there were 30 specific claims in the Yukon, Northwest Territories, and Nunavut, yet the comprehensive claims process has been the main approach used to negotiate land claims in most of northern Canada.<sup>293</sup> The main tenet of the comprehensive land claims policy establishes that Canada is willing to recognize aboriginal rights and indigenous peoples are willing to give up ownership of this land in exchange for specific rights defined in the agreement. In general, once claims are agreed upon, negotiations take place between indigenous peoples, Canada, and the particular territorial or provincial governments. Often within the negotiations there is limited funding and what is supplied is borrowed against future compensation. Funding, administration, and monitoring are carried out through the Department of Indian and Northern Affairs (INAC) which also represents Canada at the negotiating table.<sup>294</sup>

The first modern Inuit land claims agreement was the James Bay and Northern Quebec Agreement (JBNQA) passed in 1975. It extinguished aboriginal ownership and fulfilled the legal obligations assumed by Quebec in 1912.<sup>295</sup> The next

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<sup>292</sup> Fox 2002, 3.

<sup>293</sup> Comprehensive land claims agreements have to resolve issues including land quality and location. According to Duerden, selection entails four aspects: mapping areas of use and occupancy, preparing maps for identifying 'optimum' areas for negotiations, continual re-evaluation of land positions throughout negotiations, and evaluation of non-ownership agreements regarding land order concerning long-term impacts on land-use patterns (Frank Duerden 1990, 35–36 in Bone 1992, 220–221).

<sup>294</sup> Fox 2002, 4.

<sup>295</sup> *Ibid.*

claim negotiated was the 1984 Inuvialuit Final Agreement, Northwest Territories. Oil and gas developments instigated the Inuvialuit's (Inuit of the Northwest Territories) break away from a pan-Inuit claim process in order to pursue an agreement with sufficient participation in the resource developments taking place in the region.<sup>296</sup> The NWT agreement was followed nine years later by the Nunavut Agreement in 1993 which was finally put into effect in 1999. In the 1990s the Labrador Inuit Association and Canada began negotiations and in 2005 an agreement was reached.<sup>297</sup>

The changes in the relationship between the Canadian Inuit and the Canadian state were largely guided by a broader set of ongoing Canadian concerns. These concerns included legislation introducing the welfare state and indigenous issues over resource rights which, similar to Alaska, also precipitated and fueled the need to resolve Canadian Inuit land claims. The Canadian land claims were in fact partly inspired by Alaska's success with ANCSA. The framework for the Canadian land claims—namely the JBNQA, the Inuvialuit Final Agreement, and the Nunavut land Claims Agreement—which eventually took root were also largely predicated on the earlier Alaskan Inuit land claims models.<sup>298</sup>

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<sup>296</sup> Ibid.

<sup>297</sup> Ibid.

<sup>298</sup> One major point of divergence in Canada's Inuit land claims which proceeded concerns political rights. Canadian Inuit through comprehensive land claims received more governance authority or political rights. The land claims agreements establish protocols, which beyond monetary compensation, include user rights to the land and resources (stewardship) and environmental management (political participation rights), among other things. Nunavut, further established a political accord for setting up a Nunavut public government (Arctic Human Development Report 94). While the land claims essentially established public governments in which all residents participate and vote regardless of ethnic make-up, the Inuit corporations

In Northern Quebec, the debate over Inuit self-determination was largely guided by provincial and federal political tensions. Yet, the overall prelude to Canada's Inuit political movement began with the creation of the Inuit co-ops in 1967. The co-ops were significant because they served as a primary institutional framework for organizing Inuit politics in Canada. By the end of the 1960s, two Inuit cooperative federations in Canada had emerged. The cooperatives surfaced from two basic contexts. In Northern Quebec, the cooperatives were a grassroots movement led by the Inuit; in Nunavut, the cooperatives were founded through the efforts of the Canadian government to 'improve the Inuit situation.'<sup>299</sup> In Quebec, the cooperative movement began with a group of artists-carvers who joined together and formed an association with the aim of getting better prices for their art work. What emerged was a local Inuit attempt to foster and control economic development over the region.<sup>300</sup> More significantly, the co-ops aimed to break Inuit dependence on federal and provincial subsidies and the Hudson Bay Company.<sup>301</sup>

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accompanying the political agreements are owned and operated specifically by the Inuit. Subsequently, much of the control over the economic development of the areas established by the Inuit land claims is carried out through the regional corporations. These two facets, the local governments and the regional corporations, have become increasingly fundamental in the future of Inuit governance.

<sup>299</sup> It should be noted that the Nunavut co-ops, while set up to 'improve the Inuit situation' was an ironic attempt in that the 'Inuit situation' from the standpoint of the Inuit was what it was precisely because of the policies of the Canadian government.

<sup>300</sup> Jean-Jacques Simard 1982 in Duhaime et al. 2001.

<sup>301</sup> Duhaime et al. 2001.

Concurrently, there was also growing disaffection between the Inuit and the Quebec and federal governments. In 1970, a proposition emerged from the federal government to transfer all responsibilities for the Inuit living in Northern Quebec from the federal government to Quebec. As a consequence, a mixed committee of federal and provincial employees, known as the Neville-Robitaille Commission, was created to consult with the Inuit villages in Quebec about the proposal. The consultations found that the majority of the Inuit were against transferring responsibility of Inuit welfare from the Ottawa to the Quebec Province. In fact, the Inuit concluded from the commission that they did not wish to be the responsibility of either the federal government or the Quebec government and determined to create their own agenda promoting the adequate direction and political space for the Quebec Inuit. Two political institutions rose to the forefront of these efforts: the cooperatives, which had already been gaining political momentum since the 1960s, and the Northern Quebec Inuit Association, which was founded in 1971. Both of these political organizations remained throughout the duration of the land claims discussions which proceeded.<sup>302</sup>

Shortly after the creation of the Northern Quebec Inuit Association, Premier Robert Bourassa announced the development of a hydroelectric dam on the James Bay in Northern Quebec. The Cree who lived there saw the project as a threat to their economic livelihood and subsequently unleashed a protest against the project. Accompanying the Cree, the Northern Quebec Inuit Association opted to join and conjointly protested through the Indians of Quebec Association (IQA).<sup>303</sup> The

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<sup>302</sup> Ibid.

<sup>303</sup> Bone, Duhaime, and Saku 1998.

negotiations culminated with the James Bay and Northern Quebec Agreement (JBNQA) in 1975, the first indigenous land claims agreement in Canada.<sup>304</sup>

The JBNQA allowed the Quebec provincial government the ability to continue its proposed development projects as well as afforded it greater recognition to assert its rights in the region and exclusive political responsibility. For the Inuit, the JBNQA—while giving up their title to the land—attained immediate administrative power both locally and regionally; monetary compensation; cultural recognition including varying rights over fishing, hunting, trapping, and harvesting rights; resource and land management regimes; control over education and cultural development; improved health and infrastructure services; local and regional governments; and a justice system.<sup>305</sup> The JBNQA set a new precedent for modern indigenous treaty-making in Canada and advanced a new post-modern political structure. In particular, JBNQA reaffirmed a modern conception of a steward approach to international development as indicated by the following authors:

The JBNQA reflects a major change in the political structure of Northern Quebec residents, where modernity, represented by public administration, compensation payments, wage jobs, is combined with the preservation of traditional activities and land use [it] suggest[s] that despite an attempt to maintain a link with their past activities and values, Aboriginal groups are definitely part of the modern society, its means, its institutions, and its symbols.<sup>306</sup>

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<sup>304</sup> Ibid.

<sup>305</sup> Brooke November 30, 1992, 2; Bernard Saladin Anglure in Sturtevant 1984, 687. In exchange for the surrender and extinguishment of aboriginal title to the James Bay and Northern Quebec region, the Cree and the Inuit acquired ‘lands in ownership.’

<sup>306</sup> Bone, Duhaime, and Saku 1998, 119.

## **A New Governance Structure Post ANCSA: Nunavik Northern Quebec**

Community development . . . is a locally induced economic initiative, occurring within the context of a market system.<sup>307</sup>

Both ANCSA and JBNQA afforded compensations transferred from the state to Inuit corporations. The first Inuit corporation created was through ANCSA in 1971. One of the fundamental problems accompanying the ANCSA legislation in regard to the Native corporations, however, has been the distribution of power. The Native corporations were given extensive decision-making powers over Native revenues. Yet, at the same time the Native corporations were not held accountable by the accompanying local governments. This has undermined the ability of the local government to govern effectively, as corporations have used their revenues according to its own discretion rather than according to their demands of the elected local representatives.<sup>308</sup> While the Native corporations have been an integral component of economic autonomy, since the onset of the Alaska Native Land Claims Settlement Act, it has been increasingly argued that self-government equally necessitates political self-rule in order to improve the long-term welfare of rural Alaska Natives.<sup>309</sup>

According to Cornell and Kolt,

the far more effective alternative is for Native peoples to generate governance and service delivery solutions of their own. This is not a matter of consultation, voicing opinions, or perfunctory “participation.” It instead requires that Native peoples be in the driver’s seat, proposing and adopting concrete institutional, organizational, and managerial solutions that reflect their own diverse preferences, cultures, circumstances, and needs.<sup>310</sup>

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<sup>307</sup> Bone 1992, 211.

<sup>308</sup> For an in-depth discussion of this, see Korsmo 1993.

<sup>309</sup> Cornell and Kalt 2003, ii.

<sup>310</sup> *Ibid.*, iii.

In Canada, conversely, the governments have been set up to be elected by the public and maintain the infrastructure of the Native corporations. The government and corporations are connected through local and regional organizations which are responsible for creating a human resource department to facilitate the means for developing local enterprises and development.<sup>311</sup> When the JBNQA was passed it also created the Makivik Corporation. The Inuit region of Nunavik (where Makivik operates), comprises nearly all of the territory of Quebec north of the 55th parallel.<sup>312</sup>

At the time of the JBNQA, all development in Nunavik became the responsibility of the municipal government, therefore transferring all local activities previously controlled by the provincial government to the municipal level.<sup>313</sup>

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<sup>311</sup> Duhaime et al. 2001, 199.

<sup>312</sup> Nunavik differs from the rest of Quebec in several ways and maintains the problems which seem to typify any post-colonial developing setting. It has a rapidly growing population, larger families with exceedingly lower personal incomes, high consumer prices, and an underdeveloped public sector including health services, education, and housing (Duhaime 2004, 2).

<sup>313</sup> Bernard Saladin Anglure in Sturtevant 1984, 687. Specific institutions were created which ensure the maintenance of Inuit cultural integrity such as wildlife management which includes a program that entails transfer payments to support hunting, fishing, and trapping activities. For example, the programs (e.g., the Hunters Support Program [HSP]) entail a subsidy that each community receives annually that can be used for buying country food from hunters or fishermen, or supplying material or equipment such as vessels for search and rescue (Bone, Duhaime, and Saku 1998, 115). Regional autonomy in Canada, nevertheless, is limited. Regional assemblies do not exist and neither does a parliament. Subsequently, the federal government provides heavy subsidies in order to maintain local public institutions. As such, the provincial and federal governments maintain a strong authority over the regional authorities (Bone, Duhaime, and Saku 1998, 116).

The establishment of the Makivik Corporation is closely linked to the accompanying regional government. The corporation's intended purpose at its inception was to retain and invest the monetary compensation determined under the agreement. Makivik was also designed to represent Inuit interests in the implementation of the final agreement and all subsequent political and economic development.<sup>314</sup> Makivik is an ethnic development corporation. Its mandate includes political representation (in the form of an interest group) on behalf of the Inuit. Today the regional government of Nunavik has become Kativik Regional Government. Makivik addresses Inuit issues including all *land category one areas*—in which all mineral extraction necessitates both the corporation's permission as well as compensation, *land category two areas*—where the Inuit have exclusive rights to hunting, fishing, and trapping, and any mineral or other exploitation must respect the aforementioned rights, and *land category three areas*—where the Inuit have the same rights as non-Inuit and large development projects can be carried out. This is specifically important in ensuring the maintenance of Inuit rights to cultural integrity. Overall, the government maintains the infrastructure of the Native corporations as it is responsible for creating a human resource department to facilitate the means for developing local enterprises and development.

Further, Makivik Corporation is a nonprofit institution. According to its charter, Makivik cannot help individuals start their own businesses; its mission is to help the community and therefore it is very involved in helping companies which are community oriented.<sup>315</sup> Yet the corporation also maintains the ability to create for-

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<sup>314</sup> Brooke November 30, 1992, 2.

<sup>315</sup> Kleist in Duhaime and Bernard 2003, 228.

profit subsidiary companies. This ability is unique in that it has contributed to the initiation of Inuit economic initiatives. This includes First Air, the third largest airline in Canada, Air Inuit, and Nunavik Arctic Foods.<sup>316</sup>

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<sup>316</sup> Aatami in Duhaime and Bernard 2003, 208– 209. Makivik employs fewer than 100 employees and has an executive committee made up of five members. These members are elected for three-year terms and the elections are staggered to maintain continuity (Aatami in Duhaime and Bernard 2003, 210). The corporation is also responsible for negotiating with both the private and public sector concerning issues of self-government for Nunavik ((2003, 211). The corporation is owned by the shareholders which are Inuit affected by JBNQA. Nevertheless, the Inuit have a limited influence over the corporations themselves including the ability to elect the executive officers. Primary business decisions are carried out by the executive committee as well as the boards of their subsidiaries. This most often requires technical expertise (and therefore often centralized decision-making) creating a feeling of disjuncture and powerlessness between the shareholders and the executive boards (Duhaime et al. 200, 200). Furthermore, the operations of the Quebec government in Nunavik represent more than 50 percent of the regions domestic product. Consequently, Nunavik is greatly influenced by the Quebec government. The majority of the population in Nunavik derives their income through wage earning work and overall inhabitants of Nunavik earn less than all other persons residing in Quebec. In addition, daily consumer prices and homeowner expenses in Nunavik are considerably higher than the rest of Quebec. The only factor to offset the situation is low house rental prices (Duhaime 2004, 4). Higher costs are also found in the public sector as healthcare and education cost more per capita than elsewhere in Quebec. However, these higher costs are not attributed to better services and have failed to help raise the living standards of Nunavik (2004 5). This is then further offset by decreasing public sector money overall. Gerard Duhaime suggests that one solution to this problem is to revisit the legislation under which the James Bay and Northern Quebec agreement was formulated. Under the agreement, Hydro-Quebec was able to develop 25 percent of its total output in the territory of James Bay. However, these royalties have so far been appropriated by the Quebec government. As such, Duhaime argues that several solutions exist such as bestowing Nunavik constitutional jurisdiction over the royalties or transferring the royalties in some other fashion such as the similar situation in the North Slope Borough in Alaska where petroleum development has gone to fund the community's public infrastructure (2004, 6).

Another example of this relationship between Makivik and the regional government includes the creation of an environmental regime which establishes guidelines concerning environmental and social preservation in relation to economic development. A component of these guidelines includes monitoring committees and procedures for carrying out impact assessment studies.<sup>317</sup> Combined, the political and economic rights carried out through Makivik and the accompanying legislation and guidelines have, over time, become the fundamental means of Inuit participation; Makivik essentially provided the conditions for Inuit agency through the creation of *stewardship rights*. By attaining control over resources through environmental guidelines, the Inuit in Quebec have increasingly been able to define, influence, and determine the course of their own local development.

#### **The Northwest Territories/Canada**

By the time that the JBNQA passed and Nunavik was established, another land claims issue was already burgeoning west of Quebec in the Northwest Territories. Several years prior, in 1969, the indigenous peoples of the Western Canadian Arctic, in conjunction with southern white Canadians, formed the Committee for Original Peoples Entitlement (COPE). Drawing upon the earlier precedents of the JBNQA, COPE became the primary negotiating body for several land claims agreements including negotiations over Inuvialuit land claims and self-government. In October 1978, COPE and Canada signed an Agreement-In-Principle to settle the Inuvialuit Claim and the final agreement was signed in June 1984.<sup>318</sup> This was followed by the

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<sup>317</sup> Bone, Duhaime, and Saku 1998, 115.

<sup>318</sup> Canada Heirloom Series Volume II.

creation of ,the Inuit Tapirisat of Canada (ITC) (which eventually changed its name to ITK) in 1971. The ITC eventually served as the umbrella organization for many Inuit corporations and committees and became the official body joining all of Canada's Inuit together.<sup>319</sup>

The second largest population of Inuit resides in northern Canada in the territory of Nunavut, part of which was formerly called the Northwest Territories. The Nunavut Agreement was signed on May 25, 1993, following twenty years of negotiations. The Nunavut Agreement (the most extensive Inuit land claims agreement in Canada) transferred a portion of political control of one-fifth of the world's second largest country to the Inuit of Canada. The establishment of Nunavut further avowed the political legitimacy of contemporary Inuit stewardship. Included in this agreement is autonomy over all marine areas adjacent to coastlines along the islands in the Arctic Archipelago. The Inuit also obtained principle rights which include: title to lands (including mineral rights to harvest wildlife); the establishment of three national parks; equal memberships with the government concerning these lands; capital transfer payments of \$1.148 dollars; and five percent of royalties from development of the Crown lands. In addition, the Nunavut Agreement created measures that increase Inuit employment in Nunavut's government to a level that reflects the size of the Inuit population. This includes a \$13 million trust fund for training. The Inuit who own land titles have the right to negotiate with industries for impact mitigation as well as for economic and social rights pertaining to non-renewable resource development.<sup>320</sup>

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<sup>319</sup> Frank G. Vallee, Derek G. Smith, and Joseph D. Cooper in Sturtevant, 1984.

<sup>320</sup> Eds. 2000, 12; Kusugak 2000, 20–22.

In both Canadian and Alaskan Arctic, the drive for natural resource exploration initially led to the creation of ANSCA and JBNQA (which put in place an official framework for Inuit self-government in Alaska and Canada). Yet, the effects of natural resource development, while putting in motion a need to resolve Native land claims, equally caused an international restructuring over the meaning and policy aims of the Arctic as a region. In Canada, the Inuit land claims and the soon-to-be-heightened gas and oil exploration efforts in the Northwest Territories instigated a Canada-wide debate over the significance of Arctic development and the role that the Arctic's indigenous peoples would play within this development.

### **Greenland**

Greenland could become a pioneer and show new ways for the small nations of the world.<sup>321</sup>

In Greenland, Inuit self-determination was also driven by resources and duly inspired by the success of their Inuit neighbors. Yet, more distinctly, Inuit self-determination in Greenland was driven by a much more extensive and ongoing symbolic cultural disjuncture from Denmark. Decolonization in Greenland, when it finally occurred, was perceived by both the Danish and Greenlandic communities as a natural process in regard to larger contemporary global politics. According to Ch. Olsen, from the ICC Greenland,

ANCSA and JBNQA were followed from distance and with sympathy. I know that the Northern Quebec Inuit made notes on the Alaska Native Claims to further develop it in some areas like in the hunting and fishing rights, as well as Inuvialuit land claims in the Mackenzie area. Ours is the question of self-government and self-determination. Therefore, the political structure is the main issue more than land ownership (to-day there is no private ownership to

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<sup>321</sup> Olsen 2002.

land, but the right to use it, the right to use could be inherited by families like for the sheep farming areas).<sup>322</sup>

For the Inuit, the idea of stewardship was much deeper than simply an institutional aspect of Greenland Home Rule. More specifically, the process surrounding Greenlandic Home Rule is distinct from both the circumstances which unfolded in Alaska and Canada. Nevertheless, the final legislation of Greenland Home Rule is comparatively similar to Nunavut in its extent and degree of Inuit control both politically and economically.<sup>323</sup>

Greenlandic decolonization on the whole began a century before Alaskan and Canadian Inuit decolonization. The Danish government in the 1860s created a set of ‘quasi-democratic’ governance structures made up of elected Greenlanders. Included in this governance apparatus was the move to re-disperse a portion of the profit from colonial trade back to the hunters. This top-down approach was become known as an era of ‘benign paternalism’ until renewed efforts for decolonization began in the early 1950s.<sup>324</sup>

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<sup>322</sup> Carl Chr. Olsen, e-mail interview by Jessica Shadian, October 2005.

<sup>323</sup> Arctic Human Development Report 94. For instance, both Greenland and Nunavut Inuit are the majority populations governed by public governments. As such, anyone above a certain age is eligible to vote and run for government office. Political parties are not based on ethnicity. In the case of Nunavut, Inuit who reside temporarily outside the region do not maintain particular rights in Nunavut—the same being the case in Greenland. In the case of Nunavut, the federal government maintains substantial control, yet efforts for decentralization are ongoing and eventually Nunavut will have autonomy comparable to other Canadian provinces.

<sup>324</sup> Broderstad and Dahl June 2002, 88.

One of the major turning points which reignited Greenlandic Inuit aims for autonomy concerned Denmark's relationship to the European Union. Moses Olsen was elected to the Danish parliament in 1971. During his term, the unequal power relations between the Greenlandic and Danish members of parliament became overt. This issue became most disruptive when a referendum was introduced in the Danish parliament concerning Danish membership in the European Union (then the European Commission) in October of 1972. The vast majority of Greenlanders were against joining the EC. Despite Greenland's rejections, the referendum passed and Denmark joined the EC. Consequently, the Greenlandic Provincial Government set out to create a committee investigating the possibilities for Home Rule.<sup>325</sup> In 1979, Greenlandic Inuit self-determination was realized with the official establishment of Greenland Home Rule.

The policy that emerged on behalf of Greenland Home Rule in 1979 affirmed the idea that Greenland was not only territorially separate from Denmark, but was separated by cultural differences as well. Unlike previous decolonization efforts forged by the Danish government, it was also the first time that Greenland negotiated with the Danish government on equal grounds—"the Home Rule process had its roots in Greenland."<sup>326</sup> Included in Home Rule legislation was an official Greenlandic language and occupational structures. This institutional framework which was established provided an official means for the Greenlandic government to formally embark on intensified nation building (an already ongoing institutionalized project).

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<sup>325</sup> *Ibid.*, 89.

<sup>326</sup> *Ibid.*

Through the establishment of cultural institutions such as museums and educational institutions i.e., the University of Greenland, “[G]reenland began building up its intellectual autonomy.”<sup>327</sup>

The Greenlandic Home Rule government established an electorate composed of both Danes and Inuit and is divided into 18 municipalities. The vast majority of the revenue generated to maintain and operate the municipalities comes from local income taxes and direct payments from the Home Rule Authorities.<sup>328</sup> Each municipality has a municipal council (kommune) which decentralizes the Home Rule authority and allows local decisions to be made by the particular municipal council.<sup>329</sup> With the passage of the Home Rule Act, Greenland was also provided veto power, preventing the Danish government from enacting any new legislation without the consent of the Home Rule Authorities.<sup>330</sup> West Greenlandic also became the official language (although many varying languages and dialects persist); in Thule and on the east coast, West Greenlandic is taught in schools, used for broadcasting, administration, church services, literature, and newspapers.<sup>331</sup>

A key issue that has emerged in Greenland since the inception of Home Rule has centered on debates over the institutionalization of Greenlandic conceptions of Inuit stewardship. In particular, the controversy has centered on *resident* and *non-resident* title. The Greenlandic policy that emerged on behalf of Greenland Home Rule

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<sup>327</sup> Peterson 1992, 20.

<sup>328</sup> Ibid.

<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

<sup>331</sup> Ibid., 15.

was predicated on the idea that Greenland was both territorially separate from Denmark and culturally distinct pertaining to issues of permanent resident rights and non-renewable resources. According to Home Rule policy, the *resident population* has fundamental rights to Greenland's non-renewable resources. Traditionally, and in accordance with the Inuit notion of stewardship, the ideas of individual rights or privileges is not a concept. As such, Greenland's *resident population* was never made specific. Therefore, the resident population has rights to Greenland's resources and includes *every* resident citizen. ('Fundamental rights' are practices by the Home Rule on behalf of the population living in Greenland at any time).

Given that individual rights are an alien Inuit concept, fundamental rights are perceived as rights for the collective benefit of the Greenlandic people rather than the individual. Fundamental rights, as such, are *collective rights*, separate and distinct from individual private rights. Essentially, Greenlandic resource rights are conceived as *stewardship* rights. This idea—instituted through Home Rule policy—has substantial implications concerning resource rights and private property and therefore who fundamentally controls Greenlandic resource development. According to Motzfeldt, “[t]he collective character of Greenlander’s ‘fundamental rights’ to natural and mineral resources is closely connected with the fact that *private property rights* to land-surface or subsurface values *do not exist in Greenland*, and have never existed.”<sup>332</sup> In addition, when Home Rule was established, Greenlanders were considered, by definition, as Danish citizens and this understanding was reciprocal.

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<sup>332</sup> Josef Motzfeldt quoted in Stenback 1985, 42.

Danes who lived in Greenland maintained Greenlandic citizenship and were afforded the same cultural and political rights as Greenland Inuit.<sup>333</sup>

Since 1979, Greenland has increasingly attained a distinct identity through institutional autonomy. This has expanded the means for Greenlandic leaders to frame their own issues and concerns and to subsequently export these into the international arena as something distinct and separate from Denmark. According to one Greenlandic Inuit:

We have a relationship to Europe with which we are satisfied. We have good co-operation on an equal footing with Scandinavia through our admission to the Nordic Council as we have taken up constructive bilateral co-operation with our closest neighbors.<sup>334</sup>

Further, Greenland's economic structures differ from both the indigenous corporations in Alaska and Canada in that, Greenland, in many ways, operates more along the lines of an independent economy. Because the Home Rule negotiations concluded with legislation which gave the Greenlandic people fundamental rights to the land, management of the raw materials has been set up as a joint Greenlandic-Danish scheme.<sup>335</sup> The wording of this legislation provides Greenland authorities and Danish authorities with equal decision-making capabilities concerning all non-

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<sup>333</sup> Peterson 2001, 325. Greenland in general has a tradition of 'social-help' arrangements which have been managed by the Greenlandic population. Therefore, when Home Rule was introduced few changes to the social sector were necessary. The social sector of the Home Rule government is a separate branch within the administration. It is responsible for Greenland's rules and regulations as well as supervising and guiding the municipal social authorities, among other activities (Lynge in Stenback 1985, 81–82 ).

<sup>334</sup> Motzfeldt in Stenback 1985, 42.

<sup>335</sup> Lynge 1993, 98.

renewable resource rights. A provision in the Home Rule Act states that “*agreement has to be reached* between the Danish and Greenlandic governments on every resource concession. . . . If an agreement is reached, the Danish minister for Greenland will issue the concession. . . . If an agreement *cannot* be reached, *no* concession will be issued.”<sup>336</sup>

Approximately twenty years after Greenland Home Rule was passed, the government established a commission of self-government to re-address the issues of self-determination set up under the original Home Rule Act. In general, four legal models of self-determination exist in Greenland.<sup>337</sup> As a people, Greenlanders have the right to external self-determination. This option includes not only independence but also free association and integration.<sup>338</sup>

According to the original Home Rule legislation, Greenland is a “separate society of people within the Danish Realm.”<sup>339</sup> The established commission does not

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<sup>336</sup> Motzfeldt in Stenbaek 1987, 43.

<sup>337</sup> According to Johan Lund Olsen, member of Greenland’s Commission on Self-Government these are: 1) under the category of a distinct overseas territory; 2) possession of subjective and objective identity and culture, with distinct identity, history, language, and other national characteristics; 3) long-standing colonial control as confirmed with the inclusion of Greenland on the list of non-self governing territories under the UN charter; and 4) the term *et saerligt folkesamfund* in Article 1 in Home Rule legislation reflecting international law terminology with regard to self-determination (The preamble references special, national, cultural, and geographic circumstances; separate treatment in Danish law, administrative practices and foreign affairs for substantial issues [EU membership in sub-regional organizations, exclusion from participation in Danish treaty ratifications, or symbolic instances such as postage stamps, national flag, etc]) (Olsen 2002).

<sup>338</sup> This distinction is determined between Greenlanders as ‘peoples’ (eligibility under models 1–3) or ‘indigenous peoples’ (eligibility under 2–5) (Olsen 2002).

<sup>339</sup> Olsen 2002.

recognize Greenlandic people as the United Nations regards Greenlandic people, but rather as a “separate community of people.”<sup>340</sup> According to this explanation, Greenlandic people are protected as a minority group within a state and therefore external self-determination is unattainable.

The commission, subsequently, has determined that it would identify Greenlandic people as people with the right to external self-determination under international law. Despite pushing to re-establish itself with the option of secession in accordance with international law, the Greenlandic Commission concluded that, rather than desiring full secession or autonomy, Greenland is interested in the idea of “full self-government.”<sup>341</sup> The argument also acknowledges, however, that the option of secession should remain for future negotiations should it be desired at another time.<sup>342</sup> The commission further established the following options which may be pursued at any time: independence, union with another country, free association, confederation, expanded self-government of indigenous peoples, and complete integration. The first three of these provide external self-determination.

Maintaining the idea of external self-determination as an open ended option, the main force of the commission’s discussions have had vast implications as regards the legal guarantees over state sovereignty. The overall aim of creating an extensive set of Greenlandic legal options was to provide Greenlanders with the right to determine their own status in the future. They sought to adopt a model which was

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<sup>340</sup> Ibid.

<sup>341</sup> Olsen 2002.

<sup>342</sup> Ibid.

believed to offer a broad perspective. According to Olsen, “the coming generations in Greenland deserve that the choices we make in our time do not contain obstacles for their later development.”<sup>343</sup> Yet, moreover at its conclusion, the commission determined that rather than seeking full autonomy or national sovereignty that perhaps a new model was necessary—one which did not fall under the traditional jurisdiction of international law but rather entails international law sovereignty in certain areas.<sup>344</sup> The model was expected to address both political and economic Greenlandic concerns both domestically and regarding its foreign policy. According to Olsen, such an alternative would entail international judiciary sovereignty in specific areas, such as fisheries and mining. Olsen further states that “Greenland needs to have full internal self-determination and accordingly have independent access in the sense of international law (foreign policy competence) to make external agreements with other peoples on utilization, preparation, and trade and transport of such products.” Similar stipulations are necessary for issues of Greenlandic identity including culture and education. In other areas such as currency or foreign policy,

Greenland seemingly will have most possible benefit by remaining in an integrated union with Denmark, because union in these areas make Greenland less vulnerable to the surrounding world. And in other areas of *security policy* importance one can choose intermediate form, so fx. membership in NATO, issues on Thule Air Base are under the authority of Home Rule, but regulated in cooperation with Denmark.<sup>345</sup>

To formally accommodate these aims, in 2002 the Self-Government Commission sought to replace the Home Rule Act with the Self-Government Act in

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<sup>343</sup> Ibid.

<sup>344</sup> Ibid.

<sup>345</sup> Ibid.

which “Greenland’s autonomy within the Danish Commonwealth [would be] based on the principle of conformity between rights and responsibilities”<sup>346</sup>

One of the most far reaching components of Greenland Home Rule and the Inuit land claims agreements in general is Greenland’s foreign policy. When Home Rule was established, foreign affairs remained the absolute prerogative of the Danish government and as such Greenland—despite opposition—remained part of the EU. Since this time, the Danish government has imparted increasing autonomy to Greenland. In 1982, a referendum was held solidifying assumptions that many Greenlanders opposed Danish membership in the EU. As a result, Greenland actively sought Danish withdrawal of its membership status. In February 1985, Denmark, rather than withdrawing its own membership, agreed to grant Greenland the status of “Overseas Countries and Territories,” thereby severing Greenland’s ties with the European Union.<sup>347</sup> Furthermore, it was established that Greenland would be entitled free access to the European Union market. This arrangement has been crucial to Greenland’s fishing economy and subsequently the overall economy of Greenland. Additionally, the Greenland Home Rule authorities acquired autonomy over its fisheries, Greenland’s chief natural resource, as well as its other natural resources.

Combined, politically, economically, and culturally, the case of Greenland Home Rule affirms the recognition of the Greenlandic Inuit as a distinct nation

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<sup>346</sup> Commission on Self-Government in Greenland.

<sup>347</sup> Ibid. While Greenland withdrew from the EU in 1985, there remains a special agreement with the EU concerning a ‘terms of sales’ agreement for fishing rights to the EU in return for financial compensation. In southern Greenland, activities include sheep farming supplemented by fishing and new occupational activities including tourism.

(though not a state) of people. While Greenland in many ways parallels the nationalist efforts of the NIEO, the aspirations for Greenlandic nationalism do not necessarily constitute secession and therefore a Greenlandic state. In effect, whereas ANCSA provided the possibility for creating a new relationship between indigenous nationalism, state sovereignty, and the international system, the Greenland Home Rule Commission has begun a process of transferring Inuit notions of sovereignty and stewardship from a possibility to a distinct post-Westphalian reality. Greenland Home Rule has grown to represent a significant point of departure from Westphalian sovereignty foreshadowing a move toward a post Westphalian global political system.

#### **Land Claims in Practice: A New Discourse of Inuit and State Sovereignty**

Aboriginal cultures, practices and rights have existed for centuries. Yet, the actions of individuals and governments often seem to suggest that our presence and its implications are only an emerging reality.<sup>348</sup>

Combined, the Alaskan, Canadian, and Greenlandic land claims have been a process of decentralization. This decentralization, according to the Arctic Human Development Report, includes more than territoriality or *jus solis* rights. The Inuit land claims have been an asymmetrical process whereby certain individuals living in particular regions possess more rights to autonomy than individuals living in other regions based on distinctive identity differences—or *jus sanguinis*.<sup>349</sup> The Alaskan land claims set up the initial foundation and structures by which all proceeding Inuit land claims throughout the Arctic have proceeded (the case being otherwise for

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<sup>348</sup> Simon May 31–June 5, 1986, 8.

<sup>349</sup> Broderstad and Dahl June 2002, 93.

Russia<sup>350</sup>). By the time the Canadian land claims came into effect, they included further political rights—the most extensive culminating with Nunavut and Greenland.<sup>351</sup>

In total, the Inuit land claims are symbolic for creating a new set of relationships between state rights and collective rights, and within these sets of rights, collective rights and individual rights. Traditionally, the privilege of states rights and individual rights as they pertain to particular states has been the dominant nomenclature for international relations. The Inuit land claims are an institutional affirmation of indigenous rights to attain political privilege as a collectivity. This form of self-determination, rather than seeking statehood, is a shared jurisdiction to the land which is affirmed—through stewardship rights. Further, Inuit self-determination signifies a larger shift philosophically from the notion that the Inuit need to be assimilated to the notion that the Inuit are not only afforded the affirmation to maintain their culture, but also, in certain instances, are unequivocally changing the very nature of particular Arctic state identities.

For example, one of the most significant legal contributions concerning the emerging Inuit land claims treaties on traditional legal understandings of sovereignty centers over resource rights. United Nations General Assembly Resolution 626 of December 21, 1952, on the “right to exploit freely natural wealth and

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<sup>350</sup> For more on Russian Inuit autonomy see Broderstad and Dahl June 2002.

<sup>351</sup> In the case of ANCSA, Native peoples attained eleven percent of the lands that they claimed. Further, these claims were based on biological proof—one quarter blood quantum provided eligibility for becoming a shareholder in a Native corporation. The basic premise at the time of ANCSA was the relinquishment of land ownership in lieu of monetary compensation, and political rights were limited.

resources” regards full and permanent sovereignty as a concept with explicit recourse for states and peoples acting within the realm of the state. Resolution 626 states:

The right of peoples freely to use and exploit their natural wealth and resources inherent in their sovereignty and is in accordance with the Purposes and Principles of the Charter of the United Nations. . . . The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and the well-being of the people of the State concerned.<sup>352</sup>

The Inuit land claims settlements in Alaska, Canada, and Greenland did not *re-acquire* ownership over previously owned and controlled land. Instead, as the underlying premise, the modern land claims treaties in the Arctic have been rights-based negotiations, shifting the basis of legitimacy from land ownership alone to include user rights to land and resources. All Inuit land claims agreements contain basic similarities. These include, to varying degrees, indigenous ownership over a small percentage of traditional territories; cash compensation and resource royalty; resource management remains within state control; and the precondition for all agreements is extinguishment or surrender of virtually all aboriginal rights in order to ‘buy back’ the specific rights and compensation contained in the agreement. Instead, indigenous peoples have been afforded the right to participate in and control aspects of development.<sup>353</sup> The idea is to engage in development rather than be excluded from it. Institutionalizing indigenous self-determination has created a basis from which control over indigenous lives and identities are no longer rooted in the state through

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<sup>352</sup> The Center for International Environmental Law.

<sup>353</sup> Fox 2002, 10.

legislation such as the Indian Act, but increasingly rests with indigenous peoples and their governments.

The extent and evolution of the parameters upon which the land claims agreements are organized is exemplified by the limits of the original Alaska Native Claims Settlement Act (ANCSA) legislation, the first land claims settlements in the Arctic, which favored a corporate model for assimilating the Inuit, making them “American citizens” rather than creating Inuit rights through a strong Native government. In this case, rights were embedded in the corporations and not the local governments.<sup>354</sup> Since the inception of ANSCA there have been ongoing attempts to restructure these institutions and the political aims and legitimacy surrounding Inuit land claims have considerably evolved.

The most recent treaties such as Nunavut and Labrador in Canada include political rights through the establishment of local governing bodies<sup>355</sup> as well as economic rights as a means to realize Inuit cultural rights (in the case of the development corporations, the Inuit are not only elected by being a majority but rather they are members of the corporations by definition). These treaties, according to Fox, take into account evolving legal recognition of “indigenous peoples’ rights” and recognize an expected enduring and specific relationship between the Canadian government and indigenous peoples.<sup>356</sup> Essentially, the recent Canadian agreements

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<sup>354</sup> For more on this see Fox 2002, 9.

<sup>355</sup> As long as Inuit maintain the majority vote, public governments are elected by the demographic population and in the case of Nunavut and Labrador, the Inuit are the demographic majority.

<sup>356</sup> Fox 2002, 10.

recognize rights and ownership to land and resources and include guarantees of participation in public land and resource management bodies as well as including negotiations over indigenous control of aspects of services such as education, health, and justice.<sup>357</sup> Greenland Home Rule initiated a similar relationship between Greenland and Denmark, establishing a clear break from the past—a past based on a relationship based on paternalism and a welfare mentality- transforming Greenland into a modern semi-sovereign Inuit polity with full self-governing powers including varying aspects of its foreign policy.

In essence, the Inuit land claims treaties are a form of cultural sovereignty which entails economic, political, and intellectual sovereignty over their political existence within the domestic state framework. Internationally, the land claims agreements have further been critical in the establishment of a new discourse of indigenous rights. These rights are unique in the context of IR theory as they transcend the previous framework of self-determination under the NIEO. The land claims provide a means by which Inuit domestically are able to maintain a certain degree of cultural, economic, and political sovereignty while their rights to territory resemble a reinvented modern version of traditional Inuit stewardship.

Moreover, the emergence of Canadian, Greenlandic, and Alaskan Inuit land claims agreements have expanded the definition regarding who ‘peoples’ entail. Increasingly, international recognition of peoples combined with the emerging legitimacy of the idea of permanent sovereignty within the state has become the central expression representing a transcendence of Westphalian sovereignty. The

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<sup>357</sup> Ibid.

Arctic Inuit land claims all extinguish land ownership claims in exchange for rights to control and benefit from resource development as well as self-government. The land claims have not only provided a form of Inuit rights, but they have also altered the traditional role of sovereignty and the state, bringing into existence new notions of liberal economics and politics. The context in which these local land claims came about, however, were only one aspect of a larger pan-Inuit movement gaining momentum and becoming responsible for forging the notion of 'Inuit stewardship rights' directly into the broader realm of Arctic and international politics.



## Chapter 5

### THE CONSTRUCTION OF A TRANS-ARCTIC INUIT POLITY

We are Inuit. We are the new people in the ‘peoples land.’<sup>358</sup>

#### Introduction

In tandem with Inuit land claims settlements unfolding domestically throughout the Arctic, another level of Inuit governance was also taking root. The Inuit land claims agreements not only established a form of sociopolitical Inuit autonomy, they also provided the basis and institutional means by which the Inuit gained a voice in a more general set of Arctic politics. Through greater local political autonomy, Inuit political leaders grew increasingly engaged in the political developments taking shape not only on the domestic front but throughout the Arctic as well.

This chapter analyzes the making of the ICC during two time periods: the early- to mid-1970s; and the end of the Cold War to the beginning of globalization. Particularly, it focuses on Arctic oil exploration during this time and its overlapping relationship to Inuit politics in Canada, Alaska, and Greenland. As U.S. and Canadian oil interests had already long converged in some respects—including the U.S. infrastructure which was built throughout Canada’s Northwest Territories during World War II—Canadian and U.S. oil politics (particularly in the Beaufort Sea) have

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<sup>358</sup> Lynge 1993, 116.

continuously overlapped over the years. The politics of natural resource development throughout the 1970s significantly contributed to merging Alaskan and Canadian Inuit political agendas in efforts to gain control over and speak with authority about the ways in which Arctic resource development was to be carried out. This concerted effort became the foundation of a pan-Inuit relationship which included the Greenlandic Inuit. Its main concern was to create a comprehensive Inuit Arctic environmental policy to preserve the Arctic environment.

The 1970s in general, according to Mark Nuttall, can be summarized as a resurgence of “Inuit cultural recognition.”<sup>359</sup> Yet, while the ICC materialized into an official organization in 1977, it was not until the end of the Cold War that the Arctic political framework would accommodate this new indigenous polity. The breakdown of the Soviet Union and the start of globalization altered the organization of international politics. It also provided the means for a much broader range of Arctic political actors to engage in a new post-Cold War discourse on the Arctic. This transformation fostered both an international theoretical and an Arctic political reawakening. Combined, the two sets of discourses crafted a new space for the ICC to emerge as a contemporary polity within a newly refashioned Arctic political landscape.

This chapter is structured around these ongoing developments. It begins by focusing on the impact of ‘resource’ developments for uniting the Arctic Inuit. In particular, it looks at the critical role of Canada’s Berger Commission for bringing the Arctic and the Inuit to the forefront of Canadian politics. The Berger Commission was

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<sup>359</sup> Nuttall 2000b.

set up by the Indian and Northern Affairs Department to evaluate the proposed Mackenzie Valley Pipeline in the early 1970s. Second, this section looks at the role of the Outer Continental Shelf (OCS) program in Alaska in and around the Beaufort Sea. Politics surrounding the OCS soon absorbed the attention of Eben Hopson and became the platform for which the Inuit Circumpolar Conference was created. Combined, these two events initiated Inuit efforts leading up to the inception of the ICC and are the focus of the second section of this chapter. Yet, it was the onset of globalization in the early 1990s which served as the critical juncture by which the ICC entered the political mainstream and is the focus of this last section. Through a brief literature review, this section first draws out a more practical way to understand and utilize contending perspectives on globalization.

Globalization as understood here is conceived as a process and as an analytical concept; it is construed as a contingent moment where previously sedimented discourses of global politics began a process of redefinition. Globalization as such, has led to another emerging literature of *indigeneity*. Globalization has helped create a space for indigenous agency; and agency nonetheless co-constituted to the larger process of global politics. By incorporating indigeneity literature into this narrative of the Arctic, it becomes evident that Inuit politics have been an ongoing facet of overall Arctic development all along. What has changed under contemporary conditions is the power structure in which Inuit and traditional international politics have previously co-existed (setting up the methodological framework for the following chapters).

### **A New International Arctic Agenda**

And with new development going on these days, drawing attention to the question of sovereignty in our homelands it seems that we are going to be in the

midst of a new kind of invasion . . . this more than ever calls for a new kind of Arctic policy. We do-with all respect for our national governments-regard ourselves as the owners of the Arctic. We were here when nobody else wanted to be here and we are still here when everybody wants to have a foot inside our territories.<sup>360</sup>

When you think how long it took for various ideas to develop in European society, you can see that things don't happen overnight. Inuit have a long way to go in recovering control of our lives. The ICC is one of the ways that we are doing that.<sup>361</sup>

The story of Inuit politics is also a story about Arctic resource development. The emergence of the ICC, while largely driven by and framed according to issues of resource development during the 1970s, was already part of an enduring story concerning a more general relationship between Inuit and the Arctic environment. Historically, adaptation to physical and colonial experiences altered Inuit relationships to the Arctic. The political events surrounding oil exploration and hydroelectric development of the 1970s—beyond being perceived as responsible for forging a new set of Inuit political institutions—is also considered another Inuit transformation and adaptation of their relationship to the natural resources which have occupied the Arctic throughout history. In the past, Inuit used oil as sealants for local construction, including canoe building, as well as for trade among other Inuit and indigenous peoples years prior to European settlement. Hopson and other Inuit are clear in pointing out that it was only through recent colonial occurrences that the Inuit relinquished control over resource development. According to one Inuit:

They did not discover us until way later, funny that we should have to be discovered, its only since you know 1800s, that this happened. 1867 they say all of Alaska [was bought]. I am sure its folly, I didn't sign no piece of paper

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<sup>360</sup> Peter Frederick Rosing in Stenback 1985, 18.

<sup>361</sup> Simon October 30, 1986, 7.

that gave away our rights to my land. . . . I didn't as a Native person. . . . They resolve to get the oil, how do we settle this land thing to get that oil?<sup>362</sup>

Zebedee Nungak, the secretary treasurer of the Northern Quebec Inuit Association, had similar sentiments:

We the Inuit are experiencing a time in which our land is being exploited and explored by various mining, oil, and 'progress' development companies. We are aware that development of various kinds is inevitable in our land at some time or other. We want to make it clear that we are not against any and all development. But this is our land and we will not be by-passed in planning, participation, and benefit of such development activities.<sup>363</sup>

More broadly, the discovery of oil and gas and ambitions for other natural resource development brought into question sedimented beliefs and assumed ideologies concerning Arctic economic development (the Arctic as 'the last frontier') and the relationship between indigenous populations and the government (paternalistic sentiments toward Inuit rights). New technological advancements in oil, shipping, and mining were the prelude, according to Franklin Griffiths, for the "Circumpolar North to come alive."<sup>364</sup> Bloomfield cites the indicators set forth by Griffiths for this transformation. These included "increasing national activity by the bordering 'ice-states;' resource scarcity matched by galloping technological innovations to overcome that scarcity; and growing conflict among foreign offices, perhaps eventually among the nations themselves, as to who has the right to do what where."<sup>365</sup>

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<sup>362</sup> Ahlenius, Johnsen, and Nellemann 2005.

<sup>363</sup> Nungak October 1972.

<sup>364</sup> Bloomfield 1981, 95.

<sup>365</sup> Ibid.

For Inuit politics in particular, the issues which dominated this era were Canada's Berger Commission on Northern oil and gas development and the Outer Continental Shelf (OCS) program. At the trans-Arctic level, the Berger Commission and the OCS program became critical for providing a concrete context upon which to carve out a trans-Inuit Arctic polity. Realizing that the United States and Canada wanted access to Arctic oil in a political climate which did not permit them to simply ignore the question of Native rights,<sup>366</sup> Inuit leaders throughout the Arctic sought to pursue a new relationship with their respective states and among each other as well. Much more tangible than joining environmental movements or merely responding to the de-colonization discourse at the global level, the Berger Commission and the OCS program offered local and distinct instances for the Inuit to use in moving beyond reactionary politics to creating their own proactive political agenda for an international Arctic policy.

The resource discoveries and development plans which ensued in the Arctic became critical to a new indigenous discourse centering on the Inuit as legitimate political stewards over the Arctic. Hopson, in his role as mayor of the North Slope and a strong trans-Arctic Inuit political voice, sought to expunge the image of the Inuit as a pre-modern indigenous society interested only in maintaining a traditional lifestyle. Instead, he utilized sedimented stereotypes of indigenous peoples as nomadic and living by subsistence off the land to build a platform for a modern Arctic Inuit politics. Hopson's politics portrayed the Arctic as a resource-rich yet

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<sup>366</sup> as an ideological debate was taking place at the international level, civil and environmental rights movements in the United States and decolonization, principally the British handovers in Africa in the 1970s.

environmentally-delicate region which not only needed sound Arctic environmental policy but also—through thousands of years of successful stewardship—an Inuit framework for creating this legislation.

Central to this discourse was Inuit *stewardship*. Stewardship became central rhetoric for the political efforts directed toward realizing Inuit rights over Arctic development (resource rights) including oil exploration, hunting, fishing, and ensuring control over the land and seas which accompany these activities. Couched as part of Western liberal discourse<sup>367</sup> an ideology to which the United States, Canada, and Denmark are intrinsically attached, and accompanied by the formalization of Inuit land claims settlements at that time provided Inuit elite an opportunity at the domestic level to transcend the notion of Inuit rights to self-determination as a local concern and forward the broader idea that Inuit rights more generally are a necessary aspect of overall Arctic economic development and environmental protection. This construction of Inuit rights to Arctic resources as a matter of modern liberal ideology is evident in the following remarks by Eben Hopson:

The Native Land Claims Movement is an international movement toward justice for all the world's aboriginal people, people who owned and used the land that the European refugees took, and did not pay for. This movement is alive wherever Native people still survive. . . . I feel that contemporary standards of justice mandate that Canada deals forthrightly with our Inupiat Land Claims as the first order of business in the development of Canadian Arctic oil and gas.<sup>368</sup>

Inuit rights to resources were strategically framed as bringing justice to the injustices brought about by colonization through political exclusion and the

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<sup>367</sup> whether positive or negative (See Fox 2002).

<sup>368</sup> Hopson 1976 “Testimony before the Berger inquiry.”

relinquishment of control over traditional Inuit resources. By turning Inuit survival and access to all traditional resource rights into a matter of liberal discourse—international human rights—the Inuit became central in reconstructing a new indigenous politics. This indigenous Inuit politics, rather than acting as a counter-hegemonic discourse, entered the mainstream through redefining the parameters in which rights discourse had traditionally ensued. Human rights included *indigenous rights* and indigenous rights were defined as resources rights (stewardship rights).

### **Discovering Oil in Canada: The Berger Commission**

The first oil discovered in Canada was drilled in Norman Wells, the Northwest Territories in 1922. Oil exploration continued through World War II, during which time the United States built oil infrastructure throughout the Canadian Northwest. The first Arctic island well, on Melville Island, began production in 1961 and oil was discovered shortly following this in the Mackenzie Valley in 1969, two years after the discovery of oil in Prudhoe Bay.<sup>369</sup>

The Canadian Polar Gas Project was formed in 1972 to investigate the feasibility of a natural gas pipeline that would extend from the Arctic Islands to southern Canada. However, it was not until the 1973 OPEC oil crisis that the drive to create large-scale oil infrastructure projects accelerated. It was in this context that a new Mackenzie Valley project was put into motion. This pipeline project included two different proposed schemes. The first was put together by Canadian Arctic Pipeline ( a conglomeration of Shell, Exxon, and TransCanada Pipelines) with a proposed route from Alaska's Prudhoe Bay in the North Slope across the Yukon into the Mackenzie

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<sup>369</sup> Berger 1977, 13.

Delta and on to Alberta. The second proposal, by Foothills Pipeline, pushed for a route beginning in the Mackenzie Delta and moving on to Alberta.<sup>370</sup>

The land covered by both proposed pipelines was controlled by the Ministry of Indian Affairs and Northern Development. In March 1974 the ministry requested that a commission be created to investigate the possible effects that the proposed Mackenzie Delta project might have on the northern environment. Justice Thomas Berger was appointed and his mandate was “to investigate the ‘social, environmental, and economic impact regionally’ and propose terms and conditions appropriate to the construction, operation, and abandonment of a pipeline in the Yukon and Northwest Territories.”<sup>371</sup>

Over the following several years—between 1972 and 1977—the work of Justice Berger’s commission included hearings which were held throughout Canada, accompanied by the support of a neutral commission council composed of government experts in various fields.<sup>372</sup> Testimonies were heard from a wide range of interests and, due to limited resources, Berger also established a fund so that any group involved could be eligible to participate in the inquiry. In total, fourteen groups participated. They attended all meetings where all the gathered information concerning the pipeline proposals were shared. Berger’s commission held hearings in all 35 communities in the Mackenzie Valley in addition to other cities throughout Canada.<sup>373</sup> There were both

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<sup>370</sup> Ibid.

<sup>371</sup> Ibid.

<sup>372</sup> Ibid.

<sup>373</sup> Ibid.

formal meetings which contained expert testimonies and informal meetings where anyone was eligible to participate. The hearings were all translated and reported to the indigenous groups in the Mackenzie Valley region.<sup>374</sup> The views put forth varied extensively as they represented all respective Arctic interests.

According to Arctic Gas' legal counsel, Michael Goldie, the Inuit concerns over land and resource rights were of little legitimacy. "[T]he land claims question was not included in the 'order in council' which set up the inquiry, and therefore was not relevant to the problems set before the commission."<sup>375</sup> Goldie further argued that "[t]he pipeline company will deal fairly and openly with whatever peoples or groups that have the power or authority or the right to deal with the land."<sup>376</sup> The argument made by Arctic Gas stood directly counter to the position of the native organizations. According to Connie Hunt, the legal consultant for the ITC, "the land claims question is fundamentally (basically) tied to the whole issue of the pipeline in the question of social, economic, and environmental aspects of the pipeline. So we feel that the work of the Commission must include references to the entire question of Inuit land rights."<sup>377</sup> The Federation of Natives North of 60 proposed that there should be no right-of-way granted until there is a land settlement acceptable to the native people. They further argued that a right-of-way should not be granted if the documents filed and research conducted by Arctic Gas were not sufficient and should only be issued if the inquiry concluded that the proposed pipeline would be in the interest of Canadians

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<sup>374</sup> Ibid.

<sup>375</sup> *Inuit Today* June 1974.

<sup>376</sup> Ibid.

<sup>377</sup> Ibid.

in general and native people in particular.<sup>378</sup> John Bayly, lawyer for the ITC and COPE, stated that initiatives such as the pipeline have too often been

proposed together with promises that it will shepherd native people into the 20<sup>th</sup> century . . . [instead] too often it serves only to dislocate and disorient native peoples and leaves them unequipped for the 20<sup>th</sup> century, stripped of their lands and waters and the ability to follow their traditional pursuits once it has passed them by.<sup>379</sup>

Eben Hopson also testified at the Berger Commission on behalf of the North Slope Borough's own petroleum development concerning the challenges of resource development throughout the Arctic:

In early 1975, I began hearing rumors about the conduct of the oil corporations in Canada as they explored the near-shore of the Beaufort Sea. . . . Our Inupiat people of the Northwest territories complained of not being adequately consulted about these projects, and they began asking those of us in Barrow about our experiences with the oil industry. . . . Our Inupiat people of Canada organized the Inuit Tapirisat, the Eskimo Brotherhood of Canada, and over the past two years, they have organized in regional Inuit associations similar to our regional Native associations organized in the late 1960s.<sup>380</sup>

In his testimony, Hopson explained the similar distress faced by the Inuit in the North Slope. He asserted that, in the North Slope, there were ongoing problems between local government and the oil industry and he wanted to avoid the same problems not only for the Northwest Territories but also for the whole of the Arctic. Instead of contestation with oil companies, Hopson reiterated the ongoing importance of oil for the Inuit and promoted collaborative relationships between oil companies and local Arctic governments.

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<sup>378</sup> Ibid.

<sup>379</sup> Ibid.

<sup>380</sup> Hopson 1976 "Testimony before the Berger inquiry."

With the hearings complete, the commission released its first of two reports in June 1977, followed by a second one several months later. To summarize, the Berger Commission concluded that the Yukon pipeline proposal should not be built and that the proposed Mackenzie Valley pipeline needed to be postponed for ten years in order to deal with environmental and social impacts, including the settlement of indigenous land claims. According to Berger:

I discovered that people in the North have strong feelings about the pipeline and large-scale frontier development. I listened to a brief by northern businessmen in Yellowknife who favour a pipeline through the North. Later, in a Native village far away, I heard virtually the whole community express vehement opposition to such a pipeline. Both were talking about the same pipeline; both were talking about the same region-but for one group it is a frontier, for the other a homeland.<sup>381</sup>

Berger went so far as to conclude that the pipeline would undermine all local traditional economies and could in fact increase economic hardships in the region. Furthermore, if the indigenous land claims were not settled prior to project construction, large-scale business interests could undermine the assumed economic benefits the construction would have for local indigenous populations.<sup>382</sup> Berger's conclusions delayed pipeline construction, notably on the basis of indigenous objections, and thrust Native land rights claims to the front of Canada's political agenda. The Berger Commission received substantial media attention and fueled a major national environmental movement in Canada. Through the Berger Commission, the Inuit, Dene, and Cree dispelled the vision of the North as an empty wasteland and the myth of 'white industrial society' as the representation of progress. Rather, they

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<sup>381</sup> Berger 1977, vii.

<sup>382</sup> Ibid.

illustrated ways in which such industrial exploration meant the destruction of people's lives, communities, their natural environment, and the species which inhabit these areas. According to ICC member Mary Simon and Peter Jull:

Inuit, Indian, and Metis pursuit of environmental, social, and cultural values presented in the face of monolithic government-industry alliances promoting resource development projects, [caused] Canadians in and out of government [to recognize] that the Arctic was now no longer their own private backyard or family secret; rather, it was open to the world's media, notably including major American press.<sup>383</sup>

This new public consciousness concerning Canada's Arctic region further fostered a proliferation of indigenous issues in Canadian literature and arts. What differed in this renewed interest in indigenous culture was that this time indigenous peoples themselves were part of the proliferation of artists, authors, singers, writers, and scholars; they were also part of emerging Native studies programs. According to Simon and Jull, "indigenous peoples, especially those in the North such as the Inuit who have had to work the hardest to engage national society in their causes, have precipitated social, cultural, economic, environmental, political and intellectual trends affecting all Canadians."<sup>384</sup>

Overall, the Berger Commission set a new foundation for which all future oil resource exploration and development would proceed in Canada. As a direct consequence, the Berger Commission helped spawn a newly perceived need by the Canadian government to resolve existing Inuit land claims. Indirectly, through the land claims a new approach toward Arctic development would soon emerge including new

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<sup>383</sup> Simon and Jull September 1994, 19.

<sup>384</sup> *Ibid.*, 8.

understandings of who has the right to benefit from these developments. Furthermore, the issues surrounding the Berger Commission and the attention it generated for Canada's Inuit became a complementary discourse to the increasing momentum to create an Arctic-wide Inuit organization. Hopson not only used the Berger Commission to highlight a growing allegiance between all of the Arctic's Inuit, but he also used it as a further demonstration of the need to create an international environmental policy to protect the Arctic environment.

### **The Outer Continental Shelf (OCS) Program**

While the Berger Commission seemed to win the hearts and minds of many Canadians, debate over the Outer Continental Shelf program also affected the course and direction of Arctic governance. The issues surrounding the OCS program and Alaska policy were similar to the Berger Commission in Canada in that they both formally brought Inuit into the politics of oil extraction and development.

In Alaska, management of the oil and gas resources of the Outer Continental Shelf (OCS) is governed by the OCS Lands Act (OCSLA). The OCSLA administrates the procedures for leasing, exploration, and development and production of oil resources.<sup>385</sup> The state of Alaska historically has little economic incentive to focus on offshore oil drilling as the state is unable to tax offshore leasing. Furthermore, a significant proportion of Alaskan revenues are invested in the Trans-Alaska pipeline as well as drilling in the North Slope. The state of Alaska has also historically construed federal offshore drilling as a more general threat to state revenues in that oil companies may wish to redirect their investment away from state

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<sup>385</sup> U.S. Department of the Interior February 2006.

taxable initiatives such as drilling in the North Slope and toward new offshore oil drilling projects. Subsequently, the OCS program united the North Slope Borough and the state of Alaska. Both levels of government had a great deal to lose financially and environmentally. Ironically, however, the potentially devastating effects of the OCS program became the foundation upon which Eben Hopson articulated the need for not only an Arctic environmental policy but also a policy in which the North Slope and eventually the Arctic Inuit in general should play a leading role.

Discussions over U.S. Arctic policy in general can be traced back to the Federal Field Committee for Development Planning in Alaska following the 1964 earthquake. The field committee produced the first comprehensive Arctic resource inventory. Its focus was on indigenous peoples and subsistence issues. In its final report the committee advocated settling the Alaska Native land claims and highlighted the need to create an Arctic research policy. The established jurisdiction at the time of Alaskan statehood in between federal and state control was significant in determining royalty rights. Essentially, the legislation left Alaska with no taxing power on the growing OCS sales.<sup>386</sup> The major issue at stake was that Alaska's Outer Continental Shelf is a federal jurisdiction, which accounts for 74 percent of all U.S. offshore lands. The underwater plateau, which extends from the eastern Gulf of Alaska to the

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<sup>386</sup> In Alaska, management of the oil and gas resources of the Outer Continental Shelf (OCS) is governed by the OCS Lands Act (OCSLA), which directs procedures for leasing, exploration, and development and production of those resources (U.S. Department of the Interior February 2006). The inability for the state to tax offshore leasing, therefore, created little economic incentive for the state to focus its energy on such development. The already existing resources invested in the Trans-Alaska pipeline and drilling in the North Slope left an absence of Alaskan interest in new projects which was further construed as a possible threat to redirect the oil industry's capital and cash from the state to OCS activities.

Canadian border on the Beaufort Sea (though this is being contested) is estimated to have an abundant supply of mineral resources, including oil and gas, which has been the primary focus of the federal government's Outer Continental Shelf (OCS) petroleum leasing program.<sup>387</sup>

When the North Slope Borough was established in Alaska, oil development in Prudhoe Bay had already begun. The Alaska Native Claims Settlement created a Joint Federal State Land Use Planning Commission and, from this, the United States Coastal Management Act was created and passed in 1972. The act included an amendment requiring that federal activities be consistent with state and local government coastal programs. In this period, the state of Alaska and the North Slope Borough began to work together in efforts to secure oil rights under Alaskan rather than federal jurisdiction. Over time, through the United States Coastal Management Act, the North Slope Borough was able to help set federal coastal management standards according to its own local government standards.<sup>388</sup> Several instances are significant to this development.

In 1973, under state law, the North Slope Borough government was allowed to select 10 percent of Prudhoe Bay state-owned land within their jurisdiction for controlling the use of gravel.<sup>389</sup> In 1974, the U.S. federal government approved a

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<sup>387</sup> Morehouse 1984, 2.

<sup>388</sup> Brower and Stotts 1984.

<sup>389</sup> Norton and Weller 1984, 3–5. The federal government accounts for the majority of this land area between Colville River and the Chukchi Sea, as well as the National Petroleum Reserve Alaska (formally the Naval Petroleum Reserve No. 4), and the Arctic National Wildlife Range located between the Canning River and the Canadian border. The remaining non-Inuit land was placed under the jurisdiction of the state of Alaska.

\$138 million OCS Environmental Assessment Program.<sup>390</sup> The role of the OCS program was to compile information for the Bureau of Land Management (BLM) to use for producing environmental impact statements on offshore lease areas being considered for sale and petroleum development.<sup>391</sup> This included the exploration and development of Naval Petroleum Service No. 4 (NPR-4).<sup>392</sup> At the local level, the borough itself began to document traditional use areas and critical game habitat and to develop a comprehensive plan. This included a coastal zone management program requiring ordinances and permits for future development in the Arctic to help minimize environmental damage.<sup>393</sup> The North Slope also helped to create Alaska's own OCS program which was submitted in 1975 and became official legislation in 1977.<sup>394</sup> In regard to this, Hopson stated that “[m]y hope for the future is that the constitutional development of local government in rural Alaska will include strong participation in the management of all local resource development.”<sup>395</sup>

In light of this legislation, Democrat Congressman John Melcher of Montana, Chairman of the House Subcommittee on Public Lands, visited Barrow in 1975 to ask Hopson to send a team to Washington, D.C. to work with the conference committee on HR-49 to ensure the protection of the North Slope Borough interests. Following this, the North Slope Borough, as an independent plaintiff, was again asked

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<sup>390</sup> Morehouse 1984, 153.

<sup>391</sup> Norton and Weller 1984, 15.

<sup>392</sup> Hopson April 21, 1977.

<sup>393</sup> Brower and Stotts 1984, 324.

<sup>394</sup> Ibid.

<sup>395</sup> Hopson October 16, 1976.

to testify in a court case between the federal government and the state of Alaska. According to Jimmy Stotts, then chairman of the North Slope Borough assembly, oil in Prudhoe Bay up to that point had helped finance necessary development through oil taxes, including the pipeline which ran through the borough. However, new offshore exploration was becoming a catalyst for a new debate over the ownership of the continental shelf.

The participation of the North Slope Borough in the Outer Continental Shelf discussions led to federal legislation<sup>396</sup> which transferred naval military land to civilian control of the Department of the Interior. Included in the legislation was an authorization to set up a National Petroleum Reserve-Alaska (NPR-A) taskforce providing equal participation of the borough and the new Arctic Slope Regional Corporation in all comprehensive NPR-A land-use investigations.

The language in the legislation provided a critical opening for future Inuit input in borough land development.<sup>397</sup> The legislation further included the creation of an interim zoning ordinance which provided the North Slope Borough the means to exercise control over petroleum activities along the mid-Beaufort coast until an official Coastal Management Program was approved and adopted by the North Slope assembly.<sup>398</sup> Consequently, through these measures the North Slope Borough became capable of influencing federal policy concerning Arctic coastal zone management.

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<sup>396</sup> Sec. 105(c) of PL 94-258, under Hopson, Eben. August 19, 1976, "Energy policy for Barrow."

<sup>397</sup> Hopson April 21, 1977.

<sup>398</sup> Brower and Stotts 1984.

The North Slope's involvement in Outer Continental Shelf policy soon expanded beyond Alaska and the U.S. federal government. The legitimacy for an *international* Arctic policy was predicated on the more broadly growing importance of oil exploration throughout the whole of the North American Arctic. Particularly important was the discovery of oil in Canada's Beaufort Sea and plans to transport this oil to southern Canada and the United States. Through all three levels of government combined, the role of the Inuit through the North Slope Borough became an active collective voice in Alaska's Arctic resource discussions. According to Hopson:

Our regional governments must be strong, home-rule municipalities with unrestricted revenue authority common to home-rule municipal governments in North America. We must have full planning and zoning powers, and the power to develop and enforce regional coastal zone management regulations in cooperation with Federal, State, political and territorial governmental agencies, and the oil and gas industry. . . . I see the Coastal Zone Management Program as a good opportunity to develop our doctrine of local government to the point that home rule means home rule over resource development management and regulation . . . the land claims movement is tightly connected to our responsibility to guard and protect our land.<sup>399</sup>

In 1976, Hopson attended a joint U.S./Canadian Beaufort Sea Conference in Seattle. At the conference, Hopson learned that Canadian scientists, employed in a five-year Beaufort Sea Project, concluded that, with the limited offshore technology at that time, any Beaufort Sea OCS operations would be unsafe. They subsequently argued against issuing final approval for exploration in the Mackenzie Bay. Despite this advice, the Canadian cabinet opted to proceed with the DOME/CANMAR (a small Canadian company—Dome Petroleum and its subsidiary Canadian Marine—CANMAR) project.<sup>400</sup> The project centered on Outer Continental Shelf drilling in and

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<sup>399</sup> Hopson 1977, "Arctic coastal zone"; October 22, 1976; October 16, 1976.

<sup>400</sup> Hopson February 1977; Brower and Stotts 1984, 328.

around the Beaufort Sea.<sup>401</sup> During this meeting Hopson recognized the necessity for international Arctic cooperation in order to safeguard the environment. Believing that Arctic shelf cooperation must be “international in scope” he began to pursue an agenda for a formal international Arctic policy.

Following this, in 1977 under the Nixon-Ford administration, the Department of Interior announced several Alaskan OCS lease sales. One of these sales included areas of the Beaufort Sea. However, in Alaska, the entire coastline of the Beaufort Sea is under the jurisdiction of the North Slope Borough. The submerged lands are claimed by the state of Alaska from the coast to three miles offshore and the federal government controls the water beyond that. The North Slope Borough joined with the state of Alaska in objecting to the sale on the grounds that “the oil industry lacked proven technology able to operate off-shore in the ice environment of the Beaufort outer-continental shelf three miles off-shore where Federal jurisdiction begins.”<sup>402</sup> In light of the OCS lease sales, and under the Naval Petroleum Reserves Act of 1976, a taskforce was created “to determine the values of, and best uses for, the lands contained in the reserve” and placed under the direction of the assistant secretary of the Interior. The president’s Office of Management and Budget (OMB) approved of an \$8 million, two-year budget for the taskforce. The Interior’s Bureau of Land Management was appointed as the lead agency on the taskforce which also included representatives of the state of Alaska, the North Slope Borough, and the Arctic Slope Regional Corporation.

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<sup>401</sup> Hopson 1977, “Arctic coastal zone.”

<sup>402</sup> Ibid.

Eben Hopson, as mayor of the North Slope, was directly involved. In particular, he initiated a North Slope Arctic Coastal Zone Management Program. The program was designed to work with the Outer Continental Shelf (OCS) program in the U.S. Department of Interior, the Beaufort Sea Near-Shore/Off-Shore program within the state of Alaska, and the Naval Petroleum Reserve No. 4 (NPR-4). With the initial successes of the NPR-4 taskforce, Hopson believed that future inter-governmental cooperative coastal zone management elsewhere along the Arctic coast, including other regions of Alaska, was possible.<sup>403</sup>

We Inupiat feel that safe and responsible Arctic shelf resource development must be governed by a single set of rules established by international agreements. We feel that the special problems of the Arctic necessitate the development of an international set of Arctic policies if we Inupiat are to be able to develop trust and confidence in the oil industry's ability to conduct Arctic shelf operations safely and responsibly.<sup>404</sup>

Discussions over the Outer Continental Shelf program foreshadowed what would soon serve as a symbolic centerpiece of transnational Inuit politics. The primary goal of the emergent ICC was to produce an effective Arctic environmental policy to safeguard the future of the environment. Both the Berger Commission and the OCS program formally linked local Inuit autonomy and resource rights to a larger politics of international Arctic economic development. The Inuit, through these events, had accumulated a legitimate stake in and authority over the course of this development. As the natural stewards, maintaining Inuit autonomy and resource rights were central

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<sup>403</sup> Hopson 1977, "Arctic coastal zone."

<sup>404</sup> Hopson 1976, "Testimony before the Berger inquiry."

to creating a successful Arctic environmental management policy. According to

Hopson:

I foresee the land claims movement as tracing the developing doctrine of aboriginal and rights, rights that extend to the heart of our relationship with the land. We enjoy the aboriginal rights of stewardship over our land. But this stewardship can be exercised only through strong community organization. . . . I see the Coastal Zone Management Program as a good opportunity to develop our doctrine of local government to the point that home rule means home rule over resource development management and regulation . . . the land claims movement is tightly connected to our responsibility to guard and protect our land, and that our land and our people are threatened by the Outer Continental Shelf program, both in Canada and Alaska.<sup>405</sup>

This link between Inuit stewardship and Arctic development would manifest institutionally through the creation of a transnational Inuit polity. The future ICC was put into motion. To effectively attain the political rights as the Arctic stewards, an Inuit political organization became an apparent necessity. According to

Hopson:

There is only one Beaufort Sea. It is a single ecological system shared by the North Slope Borough, and the Northwest Territories. We Inupiat are a single Beaufort community living under two national flags. We must contend with two different political systems, and two sets of rules governing oil and gas development, to protect our environmental values within our larger Beaufort coastal community. For this reason, we have undertaken to create a circumpolar Inupiat Assembly with which to work with the multi-national oil industry to develop a single set of rules for the industry to follow for safe and responsible circumpolar Arctic gas and oil development.<sup>406</sup>

The Arctic as a last frontier for resource exploration needed to be replaced by a vision of the Arctic as a homeland and complex ecosystem in need of protection and

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<sup>405</sup> Hoson October 22, 1976; October 16, 1976.

<sup>406</sup> Hopson 1976, "Testimony before the Berger inquiry."

conservation; where the Inuit were the natural safeguards over the region. As Hopson affirmed:

Homerule in Yakutat, Kodiak, and the North Slope borough has meant that we can do something about the OCS program, for the land claims movement has given us the political and economic strength to determine for ourselves the terms under which we will allow OCS exploration and development in Alaska.<sup>407</sup>

These parallel events concerning the OCS program and the Berger Commission created the initial momentum for increased relations among Alaskan, Canadian, and Greenlandic Inuit, including supporting one another in various domestic affairs. Shortly thereafter, the Alaska Arctic Slope Regional Corporation (ASRC) became involved with COPE of Inuvik, Northwest Territories in Canada. The ASRC assisted the Canadian Western Arctic Inupiat with their land claims settlement. COPE president, Sam Raddi, met with the ASRC board of directors in Barrow in January 1976 to seek monetary aid as well as advice for his land claims effort. The meeting correlated with Hobson's preparations for a future Inuit Circumpolar Conference. While in Barrow to attend the hosted Inuit circumpolar conference, COPE and ASRC finalized another agreement—the ASRC-COPE agreement. It has been argued that the ASRC-COPE agreement was the first time that an Alaskan Native regional corporation, established under the terms of the historic Alaska Native Claims Settlement Act, extended financial aid to the Native Land Claims Movement in Canada. According to Hopson:

The ASRC-COPE aid agreement symbolizes the international character of the Native Land Claims Movement, and underscores the importance of this movement to successful international coastal zone resource development in the

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<sup>407</sup> Hopson October 22, 1976.

Arctic, and wherever else in the world that indigenous coastal communities transcend national political boundaries.<sup>408</sup>

Similarly, Greenland at this time was well into preparations for establishing their own home rule government, and Inuit throughout the Arctic came to their support. Greenland Home Rule added to an already emerging pan-Inuit effort to attain a voice and control over Arctic resource development. In October 1977, the Association of Workers in Greenland launched, for the first time, a strike against the Canadian subsidiary, Greenex, of the multinational company Cominco. According to Carl Chr. Olsen, ICC Greenland executive member:

At the same time that the political emancipation was organized cultural revival of the traditional cultural elements was reintroduced and reasserted and the wish for collaborative efforts with the fellow Inuit in Canada, Alaska and Inuit the former Soviet Union took root.<sup>409</sup>

The growing transnational nature of Inuit politics is exemplified by Eben Hopson's invitation to participate in Greenland's Home Rule inauguration. A local newspaper, picking up on this link, covered the story exclaiming that "Greenland's home rule agreement breaks new ground in accommodation of Native American coastal fishing rights."<sup>410</sup> In his speech at the inaugural meeting of the Greenland Landstring Meeting, Hopson declared that

Greenland has become a symbol of new world democratic unity with the old world, and Denmark has become an important part of our North American community. . . . Home rule is new to the North American Arctic. . . . I believe nothing less than home rule can be trusted to protect our entire Inuit

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<sup>408</sup> Hopson 1977, "Arctic coastal zone."

<sup>409</sup> Carl Chr. Olsen, e-mail interview by Jessica Shadian 2005.

<sup>410</sup> Hopson April 6, 1979.

circumpolar homeland from environmental harm both on shore and offshore.”<sup>411</sup>

Not only was the emergence of a trans-national Arctic Inuit polity in the making, but Greenland itself was symbolic of a renewed unification between Europe and North America—the convergence of transatlantic liberal democratic politics. By bringing the Inuit ‘in,’ Europe was joining North America in the quest to strengthen liberal democracy. Even further, Home Rule, Hopson posited, was both symbolic of liberal democratic governance and protecting the Arctic environment. Home Rule in and of itself was an indicator of democratic practice.

Subsequently, Hopson sought to create an Arctic environmental policy with two particular sets of actors in mind to take charge; the United States and a future transnational Inuit political organization. Though it never materialized and was eventually surpassed by a Canadian initiative, Hopson argued at the domestic level that the United States should take the lead in creating an Arctic policy as exemplified through the introduction of state initiatives such as the following:

The Canadian Arctic receives special treatment from the Canadian government. This is true also for the Siberian Arctic. But the United States has no special Arctic policies, and we need these policies if our government is to be able to deal fairly and effectively with Arctic resource development.

NOW, THEREFORE, BE IT RESOLVED that full membership of the Alaska delegation to the 39<sup>th</sup> Democratic National Convention in caucus this date call upon the Democratic Party and the Democratic Presidential nominee to pursue and develop solutions to the present danger eth Beaufort Sea from premature international agreements assuring that all circumpolar Arctic offshore oil and gas environmentally safe and responsible operations.<sup>412</sup>

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<sup>411</sup> Hopson May 1, 1978.

<sup>412</sup> Hopson July 14, 1976.

Simultaneously, at the Arctic regional level he set out to build an alliance of Canadian, Alaskan, and Greenland Arctic Inuit with the hope of creating a transnational Inuit organization. It was this political alliance that Hopson believed would be able to create a meaningful international Arctic policy of which Inuit stewardship was an inherent necessity. The seeds of Hopson's international efforts for an Inuit Arctic environmental policy are summarized in his 1976 prepared testimony before the PL 94-258 Gas Rate Hearings in Barrow:

The Beaufort Sea will be the first test of our resolve to protect the world environment. We call for the development of clear national domestic and foreign Arctic policy to assure safe and responsible circumpolar Arctic resource and development. . . . We feel that the gas was our gas taken from us in the name of national security through processes that would not pass muster in the light of contemporary standards of justice and equity.<sup>413</sup>

### **The Emergence of a Transnational Inuit Polity: The Inuit Circumpolar Conference**

People know nothing about the North but every third year we can make something out of the Inuit. People are inquisitive, and most think its curious when all the Eskimos hold a meeting.

Philip Lauritzen interview with Mark Gordon, first vice president for Makivik Corporation

Inuit society has been highly organized and self-governing for centuries. As a result of colonization Inuit are adapting their tradition of self-determination to systems of government new to them. This is occurring not only on the local, regional, and national levels, but also, through the Inuit circumpolar conference, on the international level.<sup>414</sup>

Pan-Inuit institution-building leading to the ICC can be found as far back as the 1950s. Predating any formal discussion of a future Inuit Circumpolar organization, the Greenlandic Provincial Council concluded that it wanted to establish

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<sup>413</sup> Hopson August 19, 1976.

<sup>414</sup> Innuksuk February 8–10, 1994, 1.

some formal connections between the Inuit in Greenland and the Canadian Inuit. In August of 1956, a Greenlandic delegation made a trip to Pagnirtung and Frobisher Bay. Two years later a Canadian delegation made its own trip to Greenland.<sup>415</sup> One project that grew out of these and other contacts was to create an orthography for the Inuit language. By the 1970s, orthographies were completed in Alaska, Greenland, and Canada. Together these helped in the widespread facilitation of written materials throughout the Arctic.<sup>416</sup>

Adding to these activities, in 1973 an international congress met in Rouen, France to discuss issues pertaining to oil and gas exploration. The conference brought together indigenous peoples from throughout the Arctic, including Inuit representatives from both Canada and Greenland. James Wah-Shee, president of Canada's Federation of Natives North of 60, and Jo Jacquot from Greenland began a dialogue to discuss the possibilities of an Arctic Peoples Conference.<sup>417</sup> That same year, the ITC (then called the Eskimo Brotherhood) organized an Arctic Peoples Conference in Copenhagen based on the "principle idea of 'circumpolar community relations.'"<sup>418</sup>

The Arctic Peoples Conference was held in Denmark in November of 1973. The participants of the conference included the Saami from Lapland, Sweden, and Finland; Greenlandic organizations; and both Inuit and Indian organizations from

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<sup>415</sup> Peterson 1984, 724.

<sup>416</sup> Ibid.

<sup>417</sup> Ibid., 725.

<sup>418</sup> Simon and Jull September 1994, 9.

the Northwest Territories and Yukon Territory.<sup>419</sup> From the conference, two resolutions emerged—a demand that Arctic populations be recognized as peoples and that Arctic peoples have more influence over development in the Arctic.<sup>420</sup> Despite the absence of Alaska and Russia, the conference was a significant moment for the Canadian and Greenlandic Inuit and heightened interest in creating a single overarching Inuit body. According to Mary Simon and Peter Jull, the Arctic Peoples Conference was the “the specific event of greatest significance in launching Inuit internationalism in Canada”<sup>421</sup>

Following this, Eben Hopson, in his capacity as mayor of the North Slope Borough, and through already ongoing efforts to establish ties with other Inuit groups, started a foundation to help finance the possibilities for formalizing transborder Inuit cooperation among those areas which have established political autonomy.<sup>422</sup> In October 1975, the Greenlandic groups and Vice Mayor Billy Neakok from Barrow Alaska met in British Columbia and agreed to attend an Inuit Circumpolar Conference. Together, in cooperation with the Inuit Tapirisat of Canada, the Northern Quebec Inuit Association, the Committee for Original Peoples Entitlement, the Greenlanders Association, and other Greenlandic community organizations, the ICC began plans to hold its first meeting on June 13, 1977. The theme of the conference was the issue of

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<sup>419</sup> Peterson 1984, 724.

<sup>420</sup> Boye 1974, 68–70 in Peterson 1984, 724.

<sup>421</sup> Simon and Jull September 1994, 9.

<sup>422</sup> Peterson 1984, 725.

outer continental shelf oil exploration. As Hopson contested “[o]ur big concern, of course, is off-shore development and its threat to our food chain.”<sup>423</sup>

Over the following two years, Hopson generated the necessary financial resources and in March of 1976 delegates from Alaska, Greenland, and Canada met for the first preparatory meeting. It was determined at this time that the official representatives would come from the regional Native corporations in Alaska, the Native associations in Canada and in Greenland they would be made up of the island-wide voluntary associations.<sup>424</sup> From June 13 to 16, 1977, the first meeting of the ICC convened in Barrow Alaska. The meeting was made up of 18 delegates from each region and more than 300 other Inuit and non-Inuit observers attended. The primary goal was to create the ICC and establish its objectives and a charter, essentially “create[ing] the first bodies for Eskimo cooperation in cultural, community, and environmental matters.”<sup>425</sup> At this time, Mayor Eben Hopson was elected as president and the interdependence between Inuit autonomy, Arctic economic development, and environmental protection officially came to fruition; the ICC mandate was set: to “preserve the arctic environment.” According to one Inuit leader:

[W]e have different views and different ideas of history. . . . The Arctic policy is meant to be the code of conduct for the Arctic region, the Inuit people and the visitors. The time when the Arctic was handled by the colonial powers, as if people were of no consequence, is over. The ultimate purpose of what we are doing at this very conference is to change history. We are changing history from a time when the Arctic was seen as a place open to whichever of the world powers got there first, and the people of the Arctic were seen as mere objects of this process. With our Arctic policy in place, we, the Inuit, want to

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<sup>423</sup> Hopson 1976, “Testimony before the Berger inquiry.”

<sup>424</sup> Peterson 1984, 725.

<sup>425</sup> *Ibid.*, 726.

carve in rock that we are no longer just the objects of history- we are to be the subjects of the future history of the Arctic.<sup>426</sup>

Michael Amarook, president of ITC affirmed these sentiments, “[f]or the first time in history we have become one people.”<sup>427</sup> The emergence of the ICC “startled Canadians” in particular. The ICC meetings—which meet every three years—were televised in Canada. Inuit leaders were often on the defensive explaining that they did not seek secession from Canada but rather “they were trying to *join* Canada as citizens with all the rights and benefits that other Canadians took for granted.”<sup>428</sup> The influence of this new transnational Inuit organization, with a stake in and legitimacy to act upon future Arctic governance had begun to unfold.

With a policy platform in place and the institutional basis by which to operate, the ICC was ready to embark on a mission to rewrite the political narrative of the Arctic. The only element missing for the new organization was a critical moment in which it could enter the Arctic and international scene. Dominated at the time by a discourse of Cold War military contestation, this opportunity would not arise until the existing Cold War narrative would no longer identify with the changing international political architecture. When the Cold War came to an end, a new space opened up for a new Arctic political narrative to emerge.

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<sup>426</sup> Rosing in Stenback 1985, 19.

<sup>427</sup> Lauritzen 1983, 26.

<sup>428</sup> Simon and Jull September 1994, 7.

## **Globalization Revisited: A New Global Context and New Transnational Authority**

Everything is global these days.<sup>429</sup>

We can not stop and we can not ignore the phenomenon of globalisation. But, as distinct and equal peoples, we have a role to play in the international community and a right to influence the international forces that now affect our development. As indigenous peoples, we must, and we will take our rightful place as equals in the international community, determine our own development priorities and exercise control over our lands and resources.<sup>430</sup>

The ICC had been founded, but it would take another decade before it would find a conduit into the international forum. This medium was globalization. At its symbolic beginning, the breakdown of the Soviet Union initiated a global shift—or the beginning of globalization. The changes that globalization has brought about can most simply be understood in three particular aspects: the political, the economic, and the intellectual. At its height, globalization grew to be identified by the rise in prominence of transnational corporations, the telecommunications revolution, the inability of states to adequately control transnational migration flows, the appearance of decreased state power, changes in international law, and the onset of new discourses through the global spread of ideas. Subsequently, political actors at the local, regional, national, transnational, and international level, since this time, have sought to find a legitimate role within this new global context.

There has been a surplus of intellectual debate focusing on the effects of these globalizing forces, asserting either its benefits or detriments. These images, while vivid, often do little in the way of theoretical investigation. On the one hand

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<sup>429</sup> Spich 1995, 7.

<sup>430</sup> Kuptana October 5, 1996, 1.

globalization has been represented as the end of history, the triumph of liberal democracy, and the onset of global capitalism.<sup>431</sup> Furthermore, through the evaporation of time and space, globalization has also been argued to be the symbolic harbinger of an emerging global civil society, the rise of ‘new’ NGOs, transnational advocacy groups,<sup>432</sup> and the ability for people the world over to enjoy a Platinum Visa with low interest rates or a Mocha Frappachino while drifting down the Nile.

On the other hand, other scholars regard globalization as an enterprise encompassing homogenization by TNCs and the decimation of democracy, as characterized best in the Seattle protests. For these authors, globalization signifies a reordering of the way in which the ‘new’ global elite and the world economy exploit the newly produced nomadic and downtrodden masses<sup>433</sup> Globalization destroys communities and cultures leaving global environmental disaster in its wake.

Whether doomsayers or hyper-globalists, globalization theorists often fail to try and understand the process which globalization represents. Rather, these authors focus on globalization as the *cause* of this either-or duality. For these authors, globalization is a moment frozen in time and used as a variable to help expose or prove ongoing global political interaction. Rather than globalization signifying an imaginary force traversing the landscape, globalization here is characterized as a euphemism for agency.<sup>434</sup> It represents a symbolic moment for which change was

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<sup>431</sup> See Fukuyama 1992; Friedman 1999, 2005; Zakaria 2003.

<sup>432</sup> See Keck and Sikkink 1998; Sassen 2006; Hardt and Negri 2001; Roseneau 2003.

<sup>433</sup> Castels and Miller 1993; Cox 1987.

<sup>434</sup> I am not trying to disregard globalization. Rather my point is to emphasize that it is a process with many facets. Sassen offers a more processual definition of globalization: “one of the key features of the current phase of globalization . . . entails

momentarily possible and it is this definition which is critical in terms of the ICC. In this sense, globalization is nothing ‘new’ in the narcissistic sense that many globalization theorists suggest.

Instead, agency in a historical context, according to Laclau and Mouffe, is an ongoing occurrence which surfaces during periods of dislocation, prompted by the failure of existing institutions to identify with certain social actors. In other words, a dislocation can be defined as an identity crisis, which compels actors to rearticulate the existing structures and better accommodate their social existence. Through this process, new meanings are assigned to conventional understandings of particular ideas and institutions. Derrida refers to this rearticulation as an iteration.<sup>435</sup> What is most significant and lacking in much of the globalization literature is that all structures are never fully closed and their meanings are only temporarily sedimented. Structures, while always changing, retain residuals of their identity, yet are also continuously transformed and re-appropriated in a new context. Agency, according to Saskia Sassen, entails:

A focus on such sub-nationally based processes and dynamics of globalization [which] requires methodologies and theorizations that engage not only global scalings but also sub-national scalings *as* components of *global* processes, thereby destabilizing older hierarchies of scale and conceptions of nested scalings.<sup>436</sup>

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the necessary participation of national states in the formation of global systems” (Sassen 2003, 3).

<sup>435</sup> Derrida 1980.

<sup>436</sup> Sassen 2002, 3.

Spich looks at globalization as a form of discourse, or a socially constructed problem. He argues that globalization is in fact an ideology or a myth, defining the latter as a “central necessity to a cultures formation and persistence. Myths use fantastic imagery and symbolic narrative to give meaning to things in life which are obscure, contradictory and ambiguous.”<sup>437</sup> Further, a myth only sustains itself as long as its ideology remains legitimate. According to Spich, “since ideology is based on ideals, holding on to ideals at all costs can lead to crisis in beliefs. As the gap between the ideal and the real approaches some breaking-point, the ideology can collapse.”<sup>438</sup>

This could be said of the breakdown of the Soviet Union. The end of the Cold War has become symbolic of the breakdown of the existing order of politics and the subsequent rise of a new myth about the structures of international politics—the myth of globalization. According to Spich, the very idea of globalization has become the “‘official’ problem of the discourse, without an official sponsor. In this role it defines the domain and informal norms which guide the questions, methods, content and form of writing and thinking about globalization issues.”<sup>439</sup>

Foucault more generally looks at the symbolic power of discourse. However, rather than regarding the breakdown of the Soviet Union as representing the boundary between an old and new system, the underlying structures transform rather than dissipate and subsequently frame the discourse of the emergent system.

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<sup>437</sup> Spich 1995, 11.

<sup>438</sup> Spich 1995, 22.

<sup>439</sup> *Ibid.*, 8.

According to Foucault, speech acts take place within a “rule-governed system.”<sup>440</sup> If meanings are brought together by rule-governed systems then there must also be conditions upon which rules acquire coherence. Therefore, as these conditions determine what can count as a possible element, individual elements are not as important as the system itself. Meanings of particular statements—that which make statements into elements, therefore, are only applicable within the specific discursive formation. Furthermore, the very identity of the statement itself is dependent on the particular use made of it.

While the ICC came into being in the late 1970s, the discourse surrounding globalization provided the agency for the ICC to emerge into the international forum. Subsequently, in a state of transition, the immediate post-Cold War world can be regarded as a critical juncture for which ICC discourse officially merged with shifting international discourse. As such, the ICC as an institution became an amalgamation of contemporary Inuit politics within an ongoing historical myth of Inuit collective identity and broader international politics, particularly the ongoing history of Arctic politics . Through the processes of globalization, the ICC became a legitimate institution with the means for this collectivity to act with political agency.

### **Indigeneity Meets Globalization**

Many authors write about the rise of indigenous actors and more broadly transnational networks as a new set of political forces with agency to interact and influence state behavior unlike that in previous periods of international politics (as a

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<sup>440</sup> Dreyfus and Rainbow 1984, 53.

product of globalization). The focus for these authors is the way in which *new* actors affect *state* behavior. Despite the influence that they have, (i.e., changing state behavior, causing states to act in unconventional ways) these authors assume as the premise of analysis that the state system is a permanent structure—what has changed is the added agency of new actors.

For indigenous groups in particular, much of the theoretical and empirical evidence has centered on the authority that indigenous peoples have attained to help *international state* behavior change. States now increasingly listen to indigenous peoples. Indigenous groups have been allowed to join the *international structure*—a structure which again is perceived as static. Furthermore, most often the focus, regarding indigenous groups, has concentrated on traditional indigenous issues such as protecting the environment, traditional knowledge and subsistence resource use.

Even further, this amalgamation of renewed indigenous ideas such as traditional knowledge, subsistence hunting, wildlife resources, however, is argued by some, specifically Jean Jacques Simard, as mere reification of the White/Native dichotomy. Modern Canadian and U.S. policy, such as the Alaska Land Claims Agreement and the James Bay and Northern Quebec Agreement are, according to Simard, flooded with this stereotype of the Native as being close to nature and is further reinforced by outdated prescriptions of comparative advantage concerning exploitation and exportation of mineral and oil resources.<sup>441</sup> Simard goes further to argue that the entire dichotomous apparatus of the invented Indian/Whiteman is “held together by an ideological linchpin . . . the dominating summit of native reduction

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<sup>441</sup> Simard 1990, 356.

consists of a body of powerful symbols, images and fictions . . . any type of social transformation can be interpreted as a catastrophic threat the Native's natural destiny and authentic soul."<sup>442</sup>

In this context, while Inuit use history to legitimate the present—in effect, by reifying old dichotomies—it only serves to renew colonial relationships in a contemporary context. However, the inability for systems, in this case the Inuit, to entirely transcend their origins, fails to acknowledge a larger shift. Rather, these invented stereotypes, both the 'modern man' and the 'Native,' are processes which are in a continuous state of reinvention as well as transcendence. Through this process neither one idea (whether real or imagined) is lost entirely nor does either subsist. The focus concerns the power embedded in the discourse of these systems. The meanings of ideas change over time and the changes in meaning is what shifts the locus of power. In this case, whether or not the Inuit can transcend their identity as *indigenous* is not significant and perhaps not even desired. Rather, what is significant is that what it means to be *indigenous* has changed over time and this has changed the power structures that determine who has the political ability and legitimacy to speak.

The dichotomous stereotypes, which Simard focuses upon—as testament to the inability of indigenous peoples to uncover their 'true' identity—fail to acknowledge the relevance of ongoing processes of othering. Collective identity construction is not structured so that its survival is based only on a preservation of this dichotomy. While its stasis is continually reinforced everyday through 'othering' and displayed in museums and other facets of living artifacts, collective identities are a

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<sup>442</sup> Ibid., 352.

process continually in a state of reinvention. Through these processes new identities are born through an amalgamation of existing identities and in relation to newly created others. It is this process which is most interesting and lost when only the dichotomy itself becomes the focus. As Kempel states “cultural practices allow actors to proceed into an inchoate future, not hold them captive to the past.”<sup>443</sup>

Understanding how meanings change over time necessitates the historical narrative within which identities are built. For example, it has been argued that historically Inuit survival over the centuries has been through success in mastering this knowledge-power relationship and therefore the ability to continually adapt to new changing socio-environmental conditions. Rogers reifies this sentiment with the following statement.

During the colonial period the native was treated as part of the environment in which the exploitation was undertaken. If they could be turned to a use in serving the purpose of getting the resource out as easily and cheaply as possible, they might be enslaved (as with the Aleut) or recruited . . . as a local force in the harvest and processing of marine resources. If not they were ruthlessly pushed aside while their traditional resources were exploited to the point of extinction by seasonally imported work forces (as with the coastal Eskimo). The impact was on the whole destructive to traditional ways and to the native people themselves, and their economic participation was marginal at best. Whether they participated or not, their very survival required adaptation of their traditional ways to the new conditions imposed by the altered environment.<sup>444</sup>

Moreover, it is the processes by which ongoing myths interact. What remains and what is transformed through these interactions is what becomes significant. In this context it is subsequently fallacious to see indigenous ‘struggles,’ for instance, as they are often posited as merely protest struggles either against change or a return to a

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<sup>443</sup> Kemper 1991, 17.

<sup>444</sup> Rogers 1969, 22 quoted in Chance 1984, 649.

romantic past embodied by a vision constructed largely by the very process of othering at the outset. As Mark Nuttall notes, “people on the receiving end of social change and modernity are not always passive victims of impersonal global processes, and it is notable that indigenous peoples such as the Inuit have been extremely successful in incorporating new technology and other social and cultural influences into traditional modes of life, ever since they first came into contact with whalers and traders.”<sup>445</sup>

Nuttall paraphrases the way in which knowledge-power relationships maneuver in reference to Arctic indigenous issues:

[K]nowledge [is] a crucial resource which ‘best reflects both the promise and the problems of globalization of environmental issues and the groups that champion them’. In the Arctic indigenous peoples’ organisations use knowledge to define their interests and to pursue various claims. They also use it as a political lever to influence policymakers and to empower themselves so that communities can take decisive action on the future of natural resource use and environmental protection, as well as claiming the right to determine the course of economic development.<sup>446</sup>

However, while Nuttall points to this resiliency of the Inuit, his comments fall short of realizing the full extent of these processes. Social interactions are not teleological but multidimensional. Inuit and all indigenous groups in general are not the only recipients of social change. The agency which globalization represents exposes the conditions by which *all* social collectivities are producers as well as recipients of change. Cairns most aptly summarizes this point:

The globalization of empire was a culturally stigmatizing phenomenon based on the assumption that subject peoples were unfit for self-rule. What generates the perception that the current globalization of developed capitalist democracies is somehow novel is that the West is no longer simply the agent of globalization, but is also now the recipient.

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<sup>445</sup> Breyman in Nuttall 2000b, 633.

<sup>446</sup> *Ibid.*, 635.

## **Conclusion**

The discourse of the ICC remains grounded in its collective myth. Globalization, therefore, was the critical juncture (the agency) whereby the Arctic Inuit were able to reconstruct aspects of their collective history and transform this history through engagement with a larger process of global discourse in the making of a contemporary and legitimate polity. Through these interactions—Inuit discourse and global discourse—this Inuit polity will proceed in helping to construct a new idea and definition of the Arctic as well as the meaning of indigenous actors in global politics. Inuit involvement with Arctic politics of resource discoveries throughout the 1970s domestically helped reunite Inuit throughout the Arctic and provided a new framework by which a transnational Inuit myth acquired its role as a legitimate stake holder in Arctic development. The underlying structure of this collective myth, the idea of the Inuit as indigenous with particular rights; the natural stewards of the Arctic, would remain a dominant aspect of this new polity.

Two significant processes—Arctic resource development and globalization—provided the conditions upon which a new contemporary Inuit organization emerged and was able to engage in Arctic and international politics as a legitimate political actor. Through the ongoing discussions and new legislation concerning Outer Continental Shelf exploration and resource extraction around the Beaufort Sea in Alaska and Canada, Inuit allegiances grew and culminated in the inauguration of a new Inuit organization. The emergence of the ICC became the basis for not only a new discourse of the Inuit as a collectivity, but also the agency to develop within and as part of a changing international framework.

Furthermore, resource development provided the structures in which this new discourse of an Inuit collectivity has been intrinsically interconnected. Resource development throughout the Arctic was central to the process by which the Inuit were able to reframe their historical myth in a contemporary setting—Arctic indigenous stewards through a codified organization—the Inuit Circumpolar Conference. This discourse limited the parameters by which the Inuit were able to attain legitimacy, as the ICC was bound to a narrative of which the Inuit were a particular type of political authority—indigenous stewards over the Arctic. Nevertheless, through this framework and the political agency brought about through the discourse of globalization, the ICC was able to embark upon the process of redefining the Arctic. While globalization itself did not *create* a new world, it provided a means for new actors to engage in an ongoing process of global restructuring. The following two chapters analyze how, through globalization, the narrative of the Inuit as legitimate stewards over the Arctic provided a discourse by which the ICC would increasingly come to act with authority over Arctic and international indigenous politics. In particular, chapters 6 and 7 trace the ways in which the Inuit employ varying language to transform previously held stereotypes (e.g., what it means to be indigenous, to be Inuit, the broader notion of stewardship) into a contemporary mainstream discourse of global politics.



## Chapter 6

### THE ICC: AN INTERNATIONAL HUMAN RIGHTS OF INDIGENITY AND ENVIRONMENTAL STEWARDSHIP

We must elevate our Inupiat Arctic claims to the status of an international effort to secure equal justice all across the North American Arctic.<sup>447</sup>

Inuit are committed to working towards [ICC] goals in partnership with Arctic States in particular and the international community in general. Inuit continue to work towards the realization of a new relationship between indigenous peoples and other peoples and States, and in this regard Inuit have particular contributions to make to the development of international human rights theory, to the development of new standards and to the promotion of existing human rights standards.<sup>448</sup>

#### **Introduction: Sustainable Development and Indigenous Rights**

The far north was not the only region of the world experiencing increased resource exploitation and political structural change fueled by the end of the Cold War. The events taking shape in the Arctic were set against the larger backdrop of international legal and institutional change regarding the environment, development, and within this, a strengthening discourse of liberal democracy. As regards these changes, R.S. Pathak asserts that, of late, international law has transcended traditional environmental law through the globalization of environmental protection. Traditionally, international law was a practice by for the benefit of states. More recently—due to the transboundary nature of environmental degradation as well as through emerging international treaties such as the Vienna Convention for the

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<sup>447</sup> Hopson November 11, 1977.

<sup>448</sup> ICC February 16–17, 1993, 2.

Protection of the Ozone Layer, the Montreal Protocol, or the UN Conventional on the Law of the Sea—international law has shifted and is now centered on benefiting ‘humankind.’<sup>449</sup> The latter, Pathak argues, goes further in that rather than only the “common heritage” of mankind policies such as those found in UNESCO Conventions, the UN Law of the Sea declaration has become a precedent for protection centered on the “concern of mankind.”<sup>450</sup> Under the pretext of the “common concern for mankind,” human rights and environmental law have merged. Subsequently, environmental protection has become not only a concern for the planet but also a common concern for the “future of mankind.”

Stemming back to the first ICC meeting, Inuit leaders have made an ongoing and deliberate effort to reaffirm that indigenous rights and environmental protection are broader human rights issues: “environmental and human rights are interrelated and Inuit have the right to a clean environment.”<sup>451</sup> Through the United Nations system, the ICC in tandem with other indigenous communities throughout the world, have actively assisted in the re-articulation of *traditional* indigenous ideas such as subsistence hunting, whaling, farming, ties to the environment, and the effects of colonial experiences. This re-articulation has evolved from an image of indigenous peoples as ungovernable, pre-modern, and backward, to the idea of indigenous as forward thinking, progressive, and possessing the authority to act as official stewards

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<sup>449</sup> Pathak, 1992.

<sup>450</sup> Ibid.

<sup>451</sup> Lynge 1993, 110.

over their lands.<sup>452</sup> In particular, *indigenous stewardship* practices have been reconceptualized as *sustainable development*—a combination of emerging environmental law and indigenous rights subsequently shifting the boundaries of conventional international human rights law.

Customarily, notions of ownership over land and resources in environmental law have focused on national and international wildlife conservation regimes, fisheries management regimes, and customary international law dealing with transboundary arbitration. Over the past 20 years, however, the traditional model of ‘wildlife conservation’ guiding these three areas of environmental law has come under question. Research has pointed to a growing inability to conserve the environment sustainably without taking into account the “concerns, aspirations, and rights of the local, natural resource dependent populations.”<sup>453</sup> This discovery in international law has been the cause of a shift toward the human aspects concerning the conservation of biological resources including the recognition of the link between indigenous rights and stewardship approaches to the environment. This turn in the discourse toward the human environment has become subsumed further under an emerging notion of

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<sup>452</sup> This is not to imply that all indigenous groups or all indigenous history is uniform. Aqqaluk Lyngé summarized this sentiment most eloquently when he write that “indigenous peoples are diversified a lot both in the context of geographical space, and also in the context of the history of ‘European’ contacts (colonization) and the differences of these historical experiences which in many cases lead directly to the reduplication of the system of political and administrative practices; their views are sometimes as different as those of the agrarian cultures and hunting and gathering cultures; nomadic and settled cultures; the role of some of the important concepts in the cultural heritages, like religion, the role of the gender, and which the authorities might have been then and now” (Aqqaluk Lyngé, interview by Jessica Shadian 2006).

<sup>453</sup> CIEL November 15, 1997.

sustainable development. The 1987 Brundtland Report can be regarded as the symbolic inauguration for this institutional affirmation of indigenous stewardship approaches to land and development. According to Chester L. Cooper, “[t]he ethic and practice of stewardship is the essence of the Brundtland approach to sustainable development.”<sup>454</sup> Over time this discourse has attained increasing legitimacy, including serving as a major focus of the Rio Earth Summit and the post Rio discourse on the environment and development.

It is under this pretext that indigenous rights, as ‘collective’ rights, become a matter of environmental legislation. Through environmental law, the human rights regime has transformed from reciprocity to *ordre public*. The notion of protecting the ‘common good’ rather than the state has been the basis for the recognition of collective rights within the human rights regime. The United Nations Permanent Forum for Indigenous Issues is a testament to this idea. It was founded to protect and assert the rights of indigenous peoples against all groups, whether they are states, corporations, or other institutions. For example, the “human right to live” requires an environmental “right to a healthy environment.”<sup>455</sup> Furthermore, according to Pathak, in terms of implementing the idea of the common good, once the object of protection becomes that of the common good or *bien commun*, such as the human environment, then such rights pertain to each member as well as all the members of a given human collectivity. As Pathak asserts:

The multifaceted nature of the right to a healthy environment becomes thus clearer; the right to a healthy environment has both individual and collective dimensions-being at a time an ‘individual’ and a ‘collective’ right- insofar as its

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<sup>454</sup> Cooper 1995.

<sup>455</sup> Pathak 1992.

*subjects* or beneficiaries are *concerned*. Its ‘social’ dimension becomes manifest insofar as its *implementation* is concerned (given the complexity of the legal relations involved). And clearly appears in its ‘collective’ dimension insofar as the *object* of protection is concerned (a *bien commun*, the human environment).<sup>456</sup>

The ICC has equally acknowledged this turn in human rights law toward the *bien commun* and the potential benefits for increased legitimacy of indigenous peoples. According to the ICC’s Mary Simon:

As Inuit we have a responsibility to our people and communities to secure greater international recognition and protection of Inuit rights. At the same time, Inuit from all circumpolar countries must contribute to the integrity of the world environment and world peace by advocating coherent life-sustaining, cooperative policies and initiatives.<sup>457</sup>

Inuit stewardship has been articulated as fundamental to articulating the connection between the Inuit and international human rights discourse. Simon asserts that as stewards over the Arctic, the Inuit should not only be included in the practice of sustainable development for the *bien commun*, but also it is the responsibility of the Inuit to ensure its success. The very future of the global environment is *dependent* on Inuit practices of stewardship—or otherwise stated; the right to self-determination. Reaching as far back as the 1970s, Eben Hopson, and later the ICC, argued that Inuit self-determination was a human right—the right of the Arctic Inuit as a people to subsist. The progression of the broader international framework of human rights over time provided the conditions for the ICC to enter the domain of international politics. This was accomplished by a concerted effort to re-appropriate the Inuit past as an

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<sup>456</sup> Ibid.

<sup>457</sup> Simon 1985, 76.

inherent part of an evolving human rights regime. As Aqqaluk Lyngé, vice chair of ICC International and president of ICC Greenland, noted at the initial opening meeting of the ICC; “[w]e must elevate our Inupiat Arctic claims to the status of an international effort to secure equal justice all across the North American Arctic.”<sup>458</sup>

Through the political discourse of the ICC, Inuit notions of stewardship and self-determination have expanded into the international human rights realm, including questions of how rights are defined, who human rights discourse speaks to, and who determines the way in which they are discussed and used for making international policy. In the years since its inception, the ICC has participated in numerous international forums, including the Global Consultation concerning the “right to development,” the working group on the Draft Declaration on Indigenous Rights, ILO 169, the Rio Declaration, and the UN Permanent Forum for Indigenous Issues.<sup>459</sup> Their participation as a recognized NGO within UN-ECOSOC has contributed to a post-national relationship between Inuit governance and state relations.

This chapter focuses on both ICC and international institutional shifts and the accompanying theoretical discussions concerning the discourse of international human rights. Through a chronological examination of the significant international human rights declarations which have directly incorporated indigenous rights, a particular narrative emerges. This account illustrates not only a story of how indigenous peoples were brought into the international system, but also a story of how

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<sup>458</sup> Hopson June 13, 1977.

<sup>459</sup> Simon September 17–20, 1990.

indigenous rights and the strategic employment of stewardship have merged with the discourse of sustainable development. This new discourse of sustainable development has become part of a larger transformation of the architecture upon which international development was built. Traditionally, international development centered on the efforts of the international community to help develop the lesser developed countries (the Global South). Increasingly, international institutions are working directly with indigenous peoples toward these aims. Much like international development of the past aimed to increase independence, the goal is to provide the means to increase indigenous autonomy so they may develop on their own. Notably, there is growing acceptance that increasing indigenous autonomy is not a potential threat to state sovereignty but rather has become the necessary prescription for global sustainability.

This chapter begins with a general discussion of emerging norms in human rights and environmental law. From this point, the following section traces the international institutional evolution of these changes. Specifically, this section examines the ILO, the Brundtland Report, the International Union for Conservation, the Rio Declaration, and the UN Permanent Forum for Indigenous Issues. The point here is not to provide an exhaustive history of each of these organizations and declarations but to focus on significant aspects as they relate to indigenous rights in general and the ICC in particular.

Chapter 8 is an extension of the discussions put forth below. It provides three brief empirical case studies: the World Bank, the Persistently Organic Pollutants (POPs) Stockholm Convention, and the most recent ICC decision to seek the assistance of the Inter-American Commission on Human Rights in order to seek relief from violations by the United States of the Inuit right to health. The point of these case

studies, which highlight the practical implications of international institutional and theoretical change, is to unearth the ways in which the ICC as a non-state polity is finding a formal niche in the institutional structures of the international system and contributing to a larger recomposition of the very structures of the international system itself. Through the institutionalization of mythical pieces of *the* Inuit past, the Inuit national myth as a contemporary polity is attaining the authority to speak and act as a legitimate political actor in global politics.

### **Redefining International Structures: A New Era of ‘Rights’**

An international role for indigenous peoples is consistent with the growing international personality of indigenous peoples. Access to international fora, both to develop appropriate standards and to resolve existing disputes, is in keeping with our increasingly recognized status as subjects of international law.<sup>460</sup>

The ICC recognized from the outset that Inuit self-determination necessitated many changes concurrently locally and nationally, as well as at the international level as noted by one ICC member: “ICC’s international work is its concern with Inuit rights at the community, regional, and nation-state levels. If Inuit cannot practice their rights, including the right to self-determination, at these levels, they will disappear: there will be nothing left to discuss on the international level.”<sup>461</sup> The ICC document entitled “Principles and Elements on the Affirmation of Inuit rights at the International Level” contains a policy, “Inuit Rights Transcend National Boundaries,” which states that in order to protect Inuit rights and interests in the Arctic, the ICC must focus on international forums where significant regulatory

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<sup>460</sup> Simon October 22, 1993, 3.

<sup>461</sup> Innuuksuk February 1994, 9.

policies are created.<sup>462</sup> In order to pursue this most effectively, the document goes on to state:

In order to achieve greater recognition and protection of Inuit rights by states, it is beneficial to also seek endorsement and support for Inuit rights at the international level. For these and other purposes, it is important that Inuit be recognized as subjects of international law. Efforts should be made towards both the formulation of international standards concerning the relations of states with indigenous peoples, and a comprehensive international convention on the rights of indigenous peoples.<sup>463</sup>

One key opportunity for the ICC to participate in the international forum came about in September 1991. The Home Rule Government of Greenland invited the UN to hold a meeting of experts on self-government of indigenous peoples. This meeting adopted several conclusions and recommendations predicated upon the recognition that indigenous peoples are historically self-governing, that indigenous peoples constitute distinct peoples and societies with the right to self-determination (including the right to autonomy, self-government, and self-identification), and that the problems faced by indigenous peoples are country-specific and cannot be solved with one standard solution.<sup>464</sup> While this meeting pointed to the distinctiveness of indigenous rights as a particular aspect or subset of the human rights regime, it has been the larger significance of what it means to be *indigenous* which has provided much of the institutional legitimacy for indigenous peoples to be considered political authorities in their own right.

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<sup>462</sup> *Ibid.*, 7.

<sup>463</sup> *Ibid.*, 8.

<sup>464</sup> Simon March 31–April 2, 1993, 37.

Beginning with the ILO, indigenous peoples have contributed to the processes reframing the jurisdiction of ‘rights.’ R.S. Pathak notes two particular transformations of the human rights regime over time: the way in which ‘human rights’ are approached and the domain of whom this law protects. The right to development first emerged in the 1969 report entitled “The International Discussion of the Right to Development as a Human Right.”<sup>465</sup> The right to development as a human right was later adopted by the IUCN as a draft legal instrument and eventually became part of the African Charter on Human and Peoples’ Rights, the preamble of the 1994 Draft United Nations Declaration on the Rights of Indigenous Peoples, as well as in Article XXI of the Draft of the Inter-American Declaration of the Rights of Indigenous Peoples.<sup>466</sup> While the overall idea of the right to development was minimally contested at the international level, what remains uncertain is whether this right is demarcated for the individual or can similarly apply to collective groups. Furthermore, who has the ability to exercise its enforcement—states, individuals, or collective groups—remains to be determined. The growing recognition of indigenous collective rights through international human rights law—(particularly sustainable) development—however, is extremely significant in regard to these discussions. The following section provides a chronology of these developments in relation to ongoing involvement of the ICC.

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<sup>465</sup> CIEL November 15, 1997.

<sup>466</sup> *Ibid.*

## The ILO

In 1957, the ILO adopted Convention No. 107 on Indigenous and Tribal Populations. It was the first international instrument concerning the rights of indigenous peoples. Convention 107 was considered unacceptable by the majority of indigenous peoples given its clear mandate to assimilate indigenous peoples into non-indigenous societies.<sup>467</sup> Despite this contempt, the ILO has more generally been the most active UN body working to promote indigenous rights and is at the forefront of elaborating international standards, monitoring, and implementation. Over 30 years after the adoption of ILO 107, the ILO Indigenous and Tribal Peoples Convention 169 was passed in 1989 (replacing Convention 107). It presently stands as the only international treaty directed at the social, economic, cultural, and political rights of indigenous peoples.<sup>468</sup> In place of the former convention's focus on assimilation, ILO 169 focuses on integration and the protection of indigenous peoples' lands, culture, and distinctiveness including land rights, legal status, development, and the state's obligation to consult with indigenous peoples.<sup>469</sup>

While formal indigenous participation was extremely limited, including in the drafting of Convention 169, the ICC helped with the revision process through the coordination of hundreds of indigenous organizations. The ICC argued that:

any comprehensive and effective indigenous rights instrument, and any comprehensive and human rights regime, must recognize that certain collective rights of indigenous peoples are human rights rather than 'special' rights or rights 'over and above basic human rights' . . . indigenous peoples rights must

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<sup>467</sup> Simon October 22, 1993, 5.

<sup>468</sup> Simon March 31–April 2, 1993, 37; Orellana 2002, 13.

<sup>469</sup> Orellana 2002, 13; Simon October 22, 1993, 5.

recognize the right of self-determination of indigenous peoples and other collective rights such as land rights and cultural and language rights.<sup>470</sup>

The ICC did not seek for indigenous peoples to be treated as ‘special.’ Rather, they argued that indigenous peoples deserve to be protected by already established international human rights legislations. However, in order for Inuit to realize their human rights, the recognition of indigenous collective rights was an accompanying necessity. As Simon notes:

‘Inuit rights’ must also refer to those fundamental economic, social, cultural and political rights which the world community has enshrined in international conventions. These include such rights as the rights to self-determination (which we believe includes the right to self-government); the right of a people not to be deprived of its own means of subsistence; the right to an adequate standard of living; and the right of persons to enjoy their own culture. In our view, these international rights in effect confirm our aboriginal rights.<sup>471</sup>

In the final convention a provision was included stating that governments will consult in good faith with indigenous and tribal peoples about matters by which they are directly affected.<sup>472</sup> It also appointed certain responsibilities to governments relating to issues such as environmental protection of indigenous territories; employment, training, education, and health; customs and traditions; respect for indigenous values, practices, and institutions; economic, social, and cultural development including subsistence economies, aboriginal languages, and cross-border contacts and cooperation between indigenous peoples.<sup>473</sup> Of particular importance, the

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<sup>470</sup> Simon, January 21, 1993, 3.

<sup>471</sup> Simon 1985, 70.

<sup>472</sup> ICC July 1989, 7.

<sup>473</sup> Ibid.

convention also established binding international standards regarding the relationship between states and indigenous peoples.<sup>474</sup> As Article 15 states:

In cases in which the State retains the ownership of mineral or subsurface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view of ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programs for the exploration or exploitation of such resources pertaining to their lands.<sup>475</sup>

The language of ILO 169 initiated both a critical link between indigenous peoples and international development, and opened a forum where indigenous peoples were afforded a limited degree of agency. The overall idea of indigenous participation and consultation established in 169 would become central to all indigenous rights discourse. The right to *participate* would become the primary avenue through which indigenous peoples acquired the sovereignty to speak on their own behalf concerning the ways in which indigenous development would proceed. This course would eventually merge international development, indigenous rights, and the environment; its amalgamation would be the emergence of sustainable development.

### **History of ‘Sustainable Development’**

Though the ICC was absent for the earliest institutional discussions on sustainable development, a brief overview of early treatments of the notion is important to illuminate the later changes which took place through the inclusion of indigenous involvement. Internationally, sustainable development gained momentum in the 1970s, when governments began to acknowledge human impacts and their

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<sup>474</sup> Simon October 22, 1993, 5.

<sup>475</sup> Orellana 2002, 13–14.

potential consequences on the degradation of the environment. Rather than separating humans from the environment, human development, economic development, and the protection and conservation of the environment became construed as interdependent facets.

In 1972, the United Nations Conference on the Human Environment met in Stockholm to discuss the creation of a document containing common principles for the “preservation and enhancement of the human environment.”<sup>476</sup> Indira Ghandi’s participation is believed to be responsible for shifting the environmental debate from preserving nature to centering on human and social concerns, by declaring that “poverty is the worst form of pollution.”<sup>477</sup> The Stockholm Convention which emerged from this meeting put forth an agenda that is regarded as “the foundation for modern environmentalism.”<sup>478</sup> Its framework, “the Stockholm spirit of compromise,” included addressing issues such as the condemnation of apartheid and colonization, development as a means for improving the environment, planning to resolve the gap between development and the environment, the need for science and technology, and the need to incorporate international organizations in the process.<sup>479</sup> The preamble of the convention states that a human is both “creature and moulder of his environment . . . [natural and manmade aspects of the environment are] essential to his well-being and to the enjoyment of basic human rights—even the right to life itself.”<sup>480</sup> Following

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<sup>476</sup> UNEP 2001a.

<sup>477</sup> *Ibid.*

<sup>478</sup> *Ibid.*

<sup>479</sup> *Ibid.*

<sup>480</sup> Pathak 1992.

this meeting, the United Nations Environment Program (UNEP) was created in order to help meet these challenges and to act as “the world’s environmental conscience.”<sup>481</sup>

In 1980, the World Conservation Strategy (WCS) was adopted. It was developed by the International Union for Conservation of Nature and Natural Resources (IUCN) along with UNEP and the World Wildlife Fund (WWF).<sup>482</sup> The WCS became the seminal program which formally redefined environmentalism post-Stockholm.<sup>483</sup> In the decade following Stockholm, a number of global-level environmental events further impacted the future course of international legislation: the British discovery of ozone depletion, threats to biodiversity by species extinction, the Bhopal leak in India (killing 3,000 people), famine in Ethiopia, the Chernobyl disaster in 1986, and the Exxon Valdez spill in 1989.<sup>484</sup> The World Commission on Environment and Development was created in 1983 as an initial step toward acknowledging these international challenges. From this commission one of the most significant documents concerning sustainable development was published in 1987—the Brundtland Report entitled “Our Common Future.”

### **The Brundtland Report: Reconceptualizing the ‘Right to Development’**

The report, “Our Common Future,” is symbolic for introducing *sustainable development* as a formalized concept into international policy.<sup>485</sup> In the report, sustainable development is defined as “[d]evelopment that meets the needs of

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35 UNEP 2001.

<sup>482</sup> Simon November 6, 1986, 3.

<sup>483</sup> UNEP GEO 1974, 6.

<sup>484</sup> *Ibid.*, 8–9.

<sup>485</sup> UNEP 2001.

the present without compromising the ability of future generations to meet their own needs” and this definition has since become the most widely accepted definition of the term.<sup>486</sup> The aim of the report was to serve as the future foundation for a set of legal principles concerning a global convention on environmental protection and sustainable development under the provision of the United Nations. The legislation begins with the assumption that “[a]ll human beings have the fundamental right to an environment adequate for their health and well-being.”<sup>487</sup>

Equally significant, the Brundtland report focused not on the state—upon which international politics traditionally focused—but on the individual, the *right to individual means to development*. The report stated that a necessary condition for sustainable development was “the right of individuals to know and have access to current information on the state of the environment and natural resources, and the right to be consulted and to participate in decision-making on activities likely to have a significant effect on the environment.”<sup>488</sup>

This new discourse marked a significant shift in the way in which development and human rights could be discussed. Moreover, its language provided a significant opening for indigenous collective rights to enter mainstream international development discussions. In particular, the Brundtland Report was the first international document which made explicit mention of the contributions that indigenous peoples *could bring to international development*.<sup>489</sup> The Brundtland

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<sup>486</sup> Ibid.

<sup>487</sup> Pathak 1992.

<sup>488</sup> UN Development for Economic and Social Affairs December 15, 2004.

<sup>489</sup> This is not to be confused with the ILO 107 on Indigenous and Tribal peoples.

Report subsequently altered the parameters of international development. As stated in the report,

Indigenous people, who represent a significant part of the world's population, depend on renewable resources and ecosystems to maintain their well-being. Over many generations they have evolved a holistic, traditional scientific knowledge of their land, natural resources and environment. . . . The ability of indigenous people to practice sustainable development on their lands has been limited by economic, social and historical factors. Indigenous people should be allowed to actively participate in shaping national laws and policies on the management of resources or other development processes that affect them.<sup>490</sup>

The Brundtland Report not only formally recognized the legitimacy of indigenous peoples in contributing to global development, but this recognition was also the affirmation of an ongoing historical myth. Indigenous peoples continue to practice their traditional ways as they always have since time immemorial as noted by the following quote: “These communities are the repositories of vast accumulations of traditional knowledge and experience that links humanity with its ancient origins.”<sup>491</sup> The indigenous myth (indigenous peoples as the earth's official stewards in harmony with nature through the maintenance of subsistence economics and living communally off of the land) was legitimized by the international community and recognized with the *potential* to contribute to global policymaking. This, of course, was the same international community which constructed these stereotypes of indigenous peoples several centuries earlier as justification for political exclusion of indigenous peoples and the relinquishment of their rights to the land and resources which they occupied.

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<sup>490</sup> UN Development for Economic and Social Affairs December 15, 2004.

<sup>491</sup> Weiss 1992.

While the Brundtland Report was construed as a step forward for indigenous peoples, the parameters of indigenous agency remained limited. Though the notion of the individual right to participate was introduced in the Brundtland Report as a concept, it was not instituted as an actual legal term until the 1993 Vienna Declaration. As recently as the mid 1980s—at the time of the Declaration on the Right to Development—there was no specific mention of the legal rights of people; international law remained a prerogative of the state. Furthermore, the Brundtland Report regards “indigenous rights” solely in regard to protecting their relationship to the land and seas—essentially the right to environmental protection.

In terms of sheer numbers, these isolated, vulnerable groups are small. But their marginalization is a symptom of a style of development that tends to neglect both human and environmental considerations. Hence a more careful and sensitive consideration of their interests is a touchstone of a sustainable development policy.<sup>492</sup>

Ultimately, the report maintained the notion of indigenous peoples as helpless, devoid of any agency. The contributions of indigenous peoples toward establishing sustainable development at that time were akin to international discourse about saving the rainforests. The rainforests are the key to solving ‘our’ (industrialized nations) global health maladies; indigenous traditions were similarly considered (while traditions) the key to ‘our’ successful sustainable development. Indigenous peoples themselves were not yet considered in need of their own agency as independent political actors. Rather, indigenous groups, according to the Brundtland Report, were perceived as ‘other’ passive victims of environmental neglect in need of international attention:

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<sup>492</sup> Weiss 1992.

“indigenous or tribal peoples,” e.g., remained isolated, preserving their traditional way of life’ in close harmony with the natural environment,’ but becoming increasingly vulnerable in their contacts with the larger world, as they were left out of the processes of economic development. Marginalization and dispossession, social discrimination and cultural barriers, have rendered those groups “victims of what could be described as cultural extinction.”<sup>493</sup>

In a paternalistic manner, the report recognizes the need for the international community to help indigenous people from cultural extinction by recognizing their right to sustainable development. Despite the limits of the Brundtland Report, the legitimacy that the report acceded to indigenous groups opened up a space for further dialogue in pursuit of more control over their own development, with extensive implications for defining indigenous rights to self-determination in the years to come. According to Aqqaluk Lynge, “we have to continue our work of defining Inuit rights or in a broader sense, indigenous rights. It is important not to see our problems only as an Inuit problem.”<sup>494</sup>

“Our Common Future” remade indigenous rights into a fundamental environmental concern, creating an interdependent relationship between indigenous peoples, the environment, and the definition of sustainable development. The adoption of the UN Declaration on the Right to Development in 1986 officially merged ‘rights’ and ‘sustainable development’ in the context of formal policy. Moreover, the right to development was predicated on fostering a means by which indigenous people could have direct input and access to the policy-making structures of the international community. Moreover, it exceeded the Brundtland Report in that it created a formal

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<sup>493</sup> Weiss 1992.

<sup>494</sup> Lynge 1993, 102.

recognition of the right for non-state actors to participate in processes of development, contributing to a larger shift of the ‘inside-outside’ boundaries as to who is able to exercise rights as legitimate participants in international policy making.<sup>495</sup>

**International Union for Conservation of Nature and Natural Resources (IUCN):  
The Emergence of Indigenous Agency**

Through the IUCN, the ICC acquired its own direct means by which to engage in the debate over the meaning and content of sustainable development. Through participation in the IUCN, the ICC eventually acted as a major contributor not only in bringing about IUCN legislation changes but also as a formal IUCN institutional member. The efforts of the ICC reach back to a June 1986 conference in Ottawa on conservation and development. The theme of the conference was “Implementing the World Conservation Strategy.” At the conference, Harold J. Coolie, Honorary President of IUCN, argued that “conservation and development are not only compatible, but they are also expressions of the same need— to keep the earth as a sustaining home.”<sup>496</sup> ICC President Mary Simon added that the Inuit and other native peoples are testaments to the success of this practice. In a speech made during the conference Simon argued that the ICC alongside all indigenous peoples was primarily concerned with the “lack of a clear reference to aboriginal subsistence in the World Conservation Strategy.”<sup>497</sup> Simon added that beyond the need for implicit reference to indigenous peoples, the existing definition of sustainable development as written was insufficient if the earth was to remain a sustaining home. Development

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<sup>495</sup> CIEL November 15, 1997.

<sup>496</sup> Coolie May 31–June 5, 1986, 4.

<sup>497</sup> Simon May 31–June 5 1986, 4.

needs to be “equitable” and “sustainable,” Simon avowed, and it is equally important to promote development that is “culturally-appropriate” to northern regions.<sup>498</sup> The World Conservation Strategy, according to Simon, failed to recognize “an important element of the global ecosystem, like aboriginal subsistence, [which] unfailingly . . . [is] . . . a subtle but definite devaluation of the activity itself.”<sup>499</sup>

As a follow up to the Ottawa conference, the ICC, Inuit Tapirisat of Canada (ITC), and Indigenous Survival International (ISI) set out to create their own world conservation strategy which included specific wording relating to indigenous peoples and development. In particular, the ICC and ISI proposed a cooperative strategy which included incorporating a new section on subsistence in the WCS, changing U.S. import/export laws which aimed at restricting the marketing of sealskins, the monitoring and possible push to revise the Convention of International Trade in Endangered Species (CITES) and regulations, and changing ILO Convention 107 to support international recognition of aboriginal subsistence in the GATT.<sup>500</sup> Indigenous groups lobbying efforts on behalf of their own world conservation document led to a turning point concerning ICC involvement in the IUCN in February 1988. During this time, the Commission on Environmental Law was making separate efforts to highlight the importance of the rights of indigenous peoples. The commission proposed that the IUCN should promote indigenous peoples to full participants in IUCN activities, ensure that traditional knowledge of indigenous peoples is fully integrated into IUCN environmental initiatives and policies, and that

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<sup>498</sup> Ibid., 3–4.

<sup>499</sup> Ibid., 5.

<sup>500</sup> Simon November 6, 1986, 4.

the IUCN should create projects pertaining to the environmental rights of indigenous peoples. That same year, UNEP honored the ICC with the Global 500 award for its “successes on the front lines of the global cause of protecting and improving the environment.”<sup>501</sup> Accepting the award, Mary Simon stated that “we hope that our receiving the Global 500 Award will serve to encourage Arctic governments to involve us meaningfully in Arctic-related matters, both at the national and international levels.”<sup>502</sup>

Consequently, these events combined eventually transformed IUCN policy and the role of the ICC as an institution from a vocal advocate of indigenous rights into an official voting member of the IUCN structures.<sup>503</sup> In 1991, the IUCN openly acknowledged its support of indigenous rights through the creation of an indigenous councilor position to provide indigenous organizations with the ability to serve as permanent official board members.<sup>504</sup> By the time the World Conservation Strategy II (WCS) entitled “Caring for the Earth” was published, it addressed indigenous peoples’ right to subsistence wildlife harvesting, including direct references to Inuit sealing and whaling.<sup>505</sup>

Contemporaneously, the ICC was also working on producing their own environmental policy, the Inuit Regional Conservation Strategy (IRCS), which became the first environmental policy project of its kind linking geographically and

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<sup>501</sup> ICC October 21, 1988, 2.

<sup>502</sup> Simon June 6, 1989, 7.

<sup>503</sup> ICC October 21, 1988, 2.

<sup>504</sup> Sambo July 29, 1991, 2.

<sup>505</sup> Simon November 6, 1986, 3.

ecologically similar areas in three different nation-states into one policy region. The impact of the IRCS on larger sustainable development policy, according to Aqqaluk Lynge, was that the “ICC has set its fingerprint and made a noticeable contribution to the growing environmental consciousness of the world.”<sup>506</sup> The underlying theme of the IRCS was that sustainable development aims could only be effectively dealt with “if emerging realities concerning indigenous peoples are fully taken into account. These issues which involve the rights, status, customs and concerns of aboriginal peoples cannot remain on the periphery. Nor can they be put aside.”<sup>507</sup> As IUCN members and through the IRCS and the indigenous world conservation strategy documents, the ICC contributed to the processes bringing indigenous peoples into the realm of IUCN policy. The ICC also contributed to growing efforts by Arctic states themselves—namely Canada—to bring the Arctic into international focus. According to the ICC:

IUCN should work with operational goals as these are expressed in the concepts of conservation, ecology, sustainability, and equity. These words are new, but cover ancient knowledge still living among indigenous peoples.<sup>508</sup>

Through the IUCN, the ICC expressed to the international community that, while ideas such as conservation, ecology, and sustainability are new concepts, they are also traditional Inuit practices facing extinction without the active participation of the Inuit. Rather than needing help from the international community to develop and therefore avoid cultural extinction, as the earlier Brundtland Report

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<sup>506</sup> Lynge 2002.

<sup>507</sup> Simon Novemeber 6, 1986, 2.

<sup>508</sup> Egede 1994, 1–2.

alleged, the ICC argued that, in fact, the Inuit needed to “help” the international community. If the depleting source of ancient wisdom disappeared, so would the international community. It was within this context that indigenous internationalism would soon forge a cohesive platform concerning international development legislation.

The following year—by the time of the Rio Earth Summit—the international participation of indigenous peoples had grown substantially in proportion and organization. Indigenous organizations became extensively involved in the events leading up to and in connection with the upcoming UNEP conference to take place in Rio de Janeiro. The ICC in particular played a central role in both—organizing indigenous groups in order to create an indigenous strategy at Rio and as a vocal advocate for indigenous rights at the inter-governmental level. The participation of the ICC directly focused on increasing the role of indigenous peoples in international policymaking. ICC efforts also indirectly helped move the ‘Arctic’ into international focus.

In the months leading up to Rio, the ICC participated alongside other indigenous organizations in various international and regional meetings calling for direct involvement of indigenous peoples in policymaking. In a speech to ECOSOC Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities—a meeting organized by the eight Arctic states concerning a “sustainable development strategy” for the circumpolar Arctic—Simon argued that despite varying interests in Arctic state issues, the indigenous peoples of the North “must be assured a meaningful, direct and formal role in Arctic policy and decision

making at the international level.”<sup>509</sup> Highlighting the necessity of the ICC’s participation in the upcoming UN Rio Conference, Simon also asserted that it “would be unthinkable that indigenous peoples, who have most respected and best preserved the Earth’s environment, would be denied access by the United Nations to a world conference that is seeking to advance environmental solutions.”<sup>510</sup>

This particular meeting fostered collaboration among indigenous organizations and led to an independently organized international indigenous commission in which the ICC played a significant role. The commission was a coalition of indigenous organizations aimed at increasing indigenous access to the UNCED process.<sup>511</sup> The ICC passed its own resolution (ICC Resolution 44/228) regarding the need for indigenous participation at the Rio conference to reaffirm that:

The UN Conference on Environment and Development should elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of increased national and international efforts to promote sustainable and environmentally sound development in all countries . . . the protection and enhancement of the environment are major issues that affect the well-being of peoples and economic development throughout the world.<sup>512</sup>

### **The Rio Declaration: Indigenous Rights and Sustainable Development Converge**

In June 1992, over one hundred heads of state representing 179 national governments gathered in Rio de Janeiro, Brazil, for the United Nations Conference on Environment and Development (UNCED)—Rio Earth Summit. In addition to the participation of heads of state, a number of other groups attended the Rio conference

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<sup>509</sup> Simon March 18–April 5, 1991, 2.

<sup>510</sup> Ibid.

<sup>511</sup> Ibid., 7.

<sup>512</sup> Ibid., 2.

including officials from United Nations organizations, municipal governments, business groups, and scientific and non-governmental organizations. Through the persistence and vocal efforts of the established indigenous commission, by the time the UNCED conference began in Rio, the secretary general specifically requested input from indigenous peoples. In response, the ICC created a program to examine the ways indigenous knowledge could be accessed and applied.<sup>513</sup> The ICC also took advantage of the informal opportunities available throughout the conference. These informal sessions brought together people from all over the world and was the first time such an extensive and diverse set of actors came together to engage in an international dialogue concerning the environment.<sup>514</sup> Then ICC President, Mary Simon, gave a presentation which focused on the connections between human rights and the right to development. Accompanying the presentation was a display of an Inuit Environmental Knowledge prototype which was co-sponsored with Makivik Corporation (the Inuit-owned corporation in northern Quebec).<sup>515</sup>

Together, the UNCED Rio conference produced several documents, including the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity. Moreover, the conference culminated with the signing of the Rio Declaration on Environment and Development and the creation of Agenda 21: “Programme of Action for Sustainable Development.” The focus of the Rio Declaration was the issue of sustainable development. Agenda 21 in particular was constructed to be a comprehensive and international “plan of action to

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<sup>513</sup> Simon November 19, 1991, 2–3.

<sup>514</sup> UNEP 2001b.

<sup>515</sup> Lynge 1993, 106–107.

achieve a more sustainable pattern of development in the 21st century”—a new “international law of sustainable development.”<sup>516</sup>

Through references to indigenous peoples, Agenda 21 re-affirmed the myth that indigenous peoples have a historical tie to the land yet subsist through the modern application of these traditions. Indigenous peoples were recognized as continuing to live by their traditions and possess the ‘scientific knowledge’ for maintaining a sustainable relationship between development and the environment. In this vein, indigenous human rights can be realized through adequate sustainable development policies. In particular, Agenda 21 states that indigenous peoples need to be constituted and act as participants in the creation of these policies. However, much like earlier policy, indigenous ‘participation’ was left to the domestic realm. After ‘consultation’ at home, states would speak on behalf of indigenous peoples’ concerns. In particular, chapter 26 of Agenda 21 entitled “Recognizing And Strengthening The Role of Indigenous People and Their Communities” affirms that:

Indigenous people and their communities have an historical relationship with their lands and are generally descendants of the original inhabitants of such lands . . . they have developed over many generations a holistic traditional scientific knowledge of their lands, natural resources and environment. Indigenous people and their communities shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination.<sup>517</sup>

Chapter 26 also calls for

the establishment of a process to empower indigenous people and their communities through measures that include. . . . Recognition of their values, traditional knowledge and resource management practices with a view to promoting environmentally sound and sustainable development and indigenous people and their communities should be informed and consulted and allowed to

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<sup>516</sup> UNEP 2001b.

<sup>517</sup> *Ibid.*

participate in national decision-making...to Develop or strengthen national arrangements to consult with indigenous people and their communities with a view to reflecting their needs and incorporating their values and traditional and other knowledge and practices in national policies and programmes in the field of natural resource management and conservation and other development programmes affecting them.<sup>518</sup>

While indigenous participation in sustainable development policy—like the Brundtland Report—remained limited and bound to a larger discourse of ‘national’ development, Agenda 21 formally reaffirmed indigenous rights to participation. Furthermore, informally it contributed to strengthening the idea of an ‘international indigenous’ community. In addition, many leaders signed two legally binding global conventions on biological diversity and climate change. These two particular conventions further opened up the space for the Inuit to draw attention to the Arctic. More broadly, such issues of biological diversity and climate change would come to assist the elevation of the general status of the Arctic as an important region. However, unlike some regions of the world, at the time of the Rio Earth Summit, the Arctic was not perceived as an environmentally critical region much less as the world’s “ecological barometer.” No specific reference was made to the Arctic in Agenda 21.<sup>519</sup>

Nevertheless, the warm reception which the ICC received at UNCED, while not making a footprint in the international policy arena, did not go unnoticed by the Canadian delegation. Following Rio, the Canadian government began to consider the possibility that there was a mutually advantageous relationship to pursue between

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<sup>518</sup> Ibid.

<sup>519</sup> Indian and Northern Affairs April 23, 2004.

the federal government and its Arctic Inuit. The UNCED meeting provided the essential conditions for the ICC and Canada 8-9 UNEP/UNCTAD 1974 to transform the Arctic into a globally recognized critical region, particularly in terms of climate change, ozone depletion, and long-range transboundary contaminants, all of which were issues gaining international momentum.<sup>520</sup>

Canada and the ICC actively embarked, at this time, on a process to redefine the Arctic as a region of environmental sustainability and to determine that this sustainability was a harbinger of global sustainable development. By 1995, the World Conservation Strategy formally recognized the Arctic as a single geographic and economic region.<sup>521</sup> In 2001, the ICC completed their own detailed analysis of Agenda 21 (UNCED's "blueprint for action") in all areas where human activities have had an impact on the environment. Each of the forty Agenda 21 chapters was analyzed within the context of circumpolar sustainable development, from an Inuit perspective in particular. The analysis pointed to gaps in the agenda and identified areas where more Inuit work is required.<sup>522</sup> From this document, for the World Summit on Sustainable Development, the ICC prepared a background paper reviewing the development in the last 10 years since UNCED. The focus concerned indigenous peoples and sustainable development. As an official member on the World Summit Task Force, the ICC contributed to the development of the Draft Guide on Indigenous Peoples and Sustainability.<sup>523</sup> The draft guide provided a systematic outline of the

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<sup>520</sup> Ibid.

<sup>521</sup> Pungowiyi July 4–8, 1993, 5.

<sup>522</sup> Canadian Arctic Resources Committee 1991.

<sup>523</sup> Pungowiyi January 18, 1994, 6.

legal and moral basis for the involvement of indigenous peoples in sustainable development and described and analyzed the major elements that constitute sustainability according to indigenous peoples.<sup>524</sup> According to the ICC:

The World Summit on Sustainable Development is an important opportunity for us all. Inuit and all indigenous peoples have much to give the global community and also much to learn from experiences elsewhere. Let us ensure the face of Johannesburg; the face of sustainable development for the next decade is an indigenous face.<sup>525</sup>

If the ICC was to have any control over the matter, the face of indigenous peoples would be an Inuit face and these efforts were overtly under way. In a letter to then prime minister of Canada, Jean Chrétien, Sheila Watt-Cloutier on behalf of the ICC noted:

The forthcoming event in Johannesburg will not see the signing of new agreements and conventions. Instead it will evaluate whether and how nations have lived up to their obligations and estimate whether we are on the right track. And what will the nations of the world say?...While Agenda 21 did address Indigenous peoples, the Arctic as a region was hardly mentioned. At the time, the world was focused on 'saving' tropical rain forests and the plight of the oceans and deserts. The circumpolar Arctic was not on the political horizon. . . . In light of the growing international importance of the circumpolar Arctic, and in acknowledgement of your long standing interest in Arctic concerns and your governments' achievements there, we invite you to tell the world about the Arctic and Inuit at the World Summit on Sustainable Development. Of course, we would be pleased to help you do this.<sup>526</sup>

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<sup>524</sup> Ibid.

<sup>525</sup> UNEP/GRID 2005.

<sup>526</sup> Watt-Cloutier February 6, 2002, UNEP/GRID 2005.

The ICC, while able to use its ECOSOC status and act at the international level along with its new Canadian partner, as an indigenous organization another form of political agency was in the making.<sup>527</sup>

### **The UN Permanent Forum for Indigenous Issues**

The United Nations Permanent Forum is an illustration of the larger ongoing shift in the boundaries marking ‘international’ politics from ‘other’ politics. Rio clearly relegated indigenous participation in international politics to indirect representation at the domestic level. Indigenous voices in international policymaking were disaggregated and deployed through states. The inception of the UN Permanent Forum for Indigenous Issues shifted these parameters. More generally, indigenous groups acquired their own voice and podium from which to speak. Through the UN forum, indigenous rights have created a new legitimate political institution within the international system. Unlike many non-state international organs, the UN forum is an issue-based NGO. More significantly, it establishes a new group of people with a direct, formalized, and independent voice in the United Nations. While a formally sanctioned and in some ways largely independent organ, the agency of the forum remains interdependently tied to respective local governments of particular nation-states. Nevertheless, the very existence of the Permanent Forum and affirmation by the international community marks a change in the overall structures and boundaries which sovereignty has traditionally afforded only to states.

Formal discussion on indigenous peoples within the UN first came about through the lobbying efforts of indigenous groups including the World Council of

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<sup>527</sup> The merging Canadian and Canadian Inuit relationship is the focus of chapter 9.

Indigenous Peoples. Their arguments at that time, in the early 1970s, were framed in the context of eliminating discrimination and racism (the international community was charged with the responsibility to protect indigenous peoples).<sup>528</sup> In 1982, this was followed by a mandate put together by ECOSOC to establish a working group to create a declaration on the rights of indigenous populations.<sup>529</sup> By 1985, the UN Working Group on Indigenous Peoples initiated the process of drafting a Universal Declaration on Indigenous Rights. A major part of the drafted legislation concerned recognition of indigenous peoples as peoples' (not only as people), and indigenous rights to self-determination.<sup>530</sup> The draft declaration was put forth by over 400 indigenous delegations entirely devoid of state interference.<sup>531</sup> Through this forum indigenous groups came together to construct a unified narrative of the indigenous myth—the myth that indigenous peoples have sustained the same lifestyle since time immemorial and the discontinuation of this traditional past will mean the extinction of indigenous peoples. Moreover, the discontinuation of this traditional past will bring about the further extinction of the contemporary global environment; sustainable development is the affirmation that the past is the key to the future. It is in this context that indigenous peoples have a legitimate right to be participants in the making of international sustainable development policies. Inherently, the indigenous community is a direct contribution to making a more just and healthy global community.

According to the ICC:

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<sup>528</sup> Orellana 2002, 11.

<sup>529</sup> Ibid.

<sup>530</sup> ITC March 31, 1993, 2.

<sup>531</sup> Corntassel and Holder 2002, 140.

The Permanent Forum symbolizes a new kind of partnership between indigenous peoples and governments and constitutes a landmark event in the struggle for recognition of the rights of indigenous peoples. . . . With the creation of this Forum we have managed to establish a high-level body within the UN system. . . . We are taking a new step in the process of recognition of indigenous peoples as peoples equal to other peoples in the world. . . . UN Secretary General Mr. Kofi Annan in his speech to the Forum [stated that] indigenous peoples have joined the United Nations Family.<sup>532</sup>

During the process putting together the draft declaration, Sharon Venne, a Cree scholar, noted that “‘indigenous peoples’ participation over the past eight years was direct and substantial ‘in every step of the process.’”<sup>533</sup> And another member of the permanent forum stated:

We never knew that indigenous people were so global, but we find that we have the same common problems and the same kind of world-view in most cases. That’s why, in the drafting of the UN Draft Declaration on the Rights of Indigenous Peoples, it was easy for indigenous people to come to agreement on what our rights are. It’s easy for us to agree.<sup>534</sup>

Once the draft declaration was complete, indigenous organizations were concerned that the termination of the working group would close the formalized avenue for an indigenous peoples’ voice at the international level. Consequently, the idea to create a permanent forum emerged. The ICC brought to the table its own Arctic Policy Principles to help draft the Resolution for a permanent indigenous forum. In addition, the ICC worked domestically in Canada to bring the permanent forum into the realm of interstate politics. According to one ITK member,

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<sup>532</sup> Magga April 23, 2004.

<sup>533</sup> Corntassel and Holder 2002, 140.

<sup>534</sup> Atsenhaienton Kanien’kehaka (Mohawk) in Corntassel and Holder 2002, 140.

this past spring we were able to persuade Canada to co-sponsor a Danish Resolution establishing a process for studying options for establishing a permanent UN forum on indigenous issues.<sup>535</sup>

The resolution also recommended that the Commission on Human Rights include indigenous rights as a permanent agenda item.<sup>536</sup> In 1985, 1987, and 1988, the ICC also co-sponsored meetings with indigenous groups and other NGOs to help formulate draft principles which would best reflect indigenous concerns and priorities. ICC's own policies states:

the Inuit Circumpolar Conference asks that UN agencies and States to support the recommendation of Inuit and many other indigenous peoples around the world to establish a permanent advisory body to the U.N (such as a UN Commission on Indigenous Peoples) . . . [its creation] would be a practical and meaningful way to commemorate the International Year of the World's Indigenous Peoples and would demonstrate in the most unequivocal way, the U.N's commitment to the theme of new partnership while ensuring an in-house source of expertise and advice on indigenous issues.<sup>537</sup>

ICC Resolution 89-22 created in 1989 states that "the Inuit Circumpolar Conference urge the United Nations Working Group to recommend that this draft Universal Declaration on Indigenous Rights eventually become a binding Convention, rather than simply a resolution of the United Nations General Assembly."<sup>538</sup>

Furthermore, according to the ITC:

What Inuit are hoping to achieve by creating a permanent forum is the establishment of an entity devoted to indigenous peoples concerns that has

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<sup>535</sup> ITC June 9, 1994, 9.

<sup>536</sup> ITC March 31, 1993, 3.

<sup>537</sup> ICC July 1989, 4.

<sup>538</sup> *Ibid.*

more authority and security than the UNWGIP and having a mechanism to ensure indigenous representation.<sup>539</sup>

The mandate of the proposed permanent Indigenous forum was to promote an awareness of indigenous issues, and to serve as an expert body on the status of indigenous peoples, including indigenous perspectives on issues such as human rights, development, and the environment. Other matters of the commission would consist of conducting seminars issuing reports, studies, and recommendations regarding indigenous issues.<sup>540</sup>

Greenland/Denmark and the ICC—in an effort to maintain international momentum and increase support for a permanent indigenous forum at the UN level—jointly proposed resolution (45-164) at the Human Rights Conference in Vienna which would make 1993 the “International Year for the World’s Indigenous Peoples,”<sup>541</sup> and the decade for the Indigenous Peoples.<sup>542</sup> The resolution authors chose the year 1993 as a retort to the 500th year celebration of Columbus’ conquest of the “new world.” Indigenous peoples considered the celebrations for Columbus inappropriate if the public failed to acknowledge the dispossession and damage to indigenous societies.<sup>543</sup> In a letter to the United Nations, indigenous leaders stated:

We, the Indigenous Peoples present at the General Assembly’s Inauguration of the International Decade of the World’s Indigenous Peoples . . . strongly urge that the Decade not be a symbolic gesture, but rather that the Decade translate into concrete actions and the at the member states of the United Nations and

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<sup>539</sup> ITC June 9, 1994, 8.

<sup>540</sup> ICC February 16–17, 1993, 3.

<sup>541</sup> Simon February 26, 1993, 37.

<sup>542</sup> Aqqaluk Lynge, interview by Jessica Shadian 2005.

<sup>543</sup> Simon October 22, 1993, 6.

UN agencies demonstrate political and economic commitment to guarantee that the “New Partnership” becomes a reality for Indigenous peoples throughout the world.<sup>544</sup>

That same year the sub-commission completed its draft declaration on the rights of indigenous peoples. The main concern of the declaration was the right for indigenous peoples to maintain and develop their own culture and the right to fully participate in the affairs of their respective states. Accordingly, that same year the ICC called on the international community at the regional meeting of the Organization of American States (OAS) to “ensure an opportunity for indigenous NGOs with or without UN consultative status to participate directly in the upcoming World Conference on Human Rights (WCHR).” The ICC wanted to “ensure discussion (at the WCHR) of human rights issues as a concern to the world’s indigenous peoples,” and, moreover, “to secure a recommendation to the WCHR supporting the creation of a permanent advisory body of indigenous peoples to act as an expert source of information on the status of indigenous peoples and that their perspectives on human rights, economic and social development, the environment and other international matters.”<sup>545</sup>

The Final Declaration of the General Assembly determined that an international decade of the world’s indigenous peoples, including “action-oriented programmes” to be decided upon in “partnership” with indigenous peoples, would be created.<sup>546</sup> The recognition of indigenous rights in the international community was

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<sup>544</sup> Simon December 8, 1994, 1.

<sup>545</sup> ICC January 19, 1993, 2.

<sup>546</sup> Grey January 20, 1993, 3.

derived not through the actual draft legislation, but through the entire process of creating the draft legislation. Through ongoing participation in the international processes of policymaking, the indigenous myth acquired coherence and a platform for its promotion. The idea of indigenous “participation” - by the time of the final declaration - was conceived as a natural extension of liberal democratic politics. As Mary Simon stated:

I believe that it is not only the Draft Declaration, but also the process leading to the formulation of this instrument that has advanced the international recognition of our status and rights. Along the way, a substantial transformation is taking place. As indigenous peoples, we are no longer isolated within the States we live. We have become an international community of indigenous peoples, with our own cooperative network. Our concerns are beginning to be widely heard.<sup>547</sup>

The United Nations Permanent Forum on Indigenous Issues was officially established in 2002. The forum is an advisory body to ECOSOC which “discuss[es] indigenous issues within the mandate of ECOSOC, relating to economic and social development, culture, the environment, education, health, and human rights.”<sup>548</sup> Further, the forum “should provide expert advice and recommendations on indigenous issues to ECOSOC and other UN bodies. It shall further raise awareness and promote the integration and coordination of activities relating to indigenous issues within the UN system, as well as, prepare and disseminate information on indigenous issues.”<sup>549</sup> The forum is made up of eight indigenous-nominated experts and eight government-nominated experts from seven regions all serving three year appointments. The forum

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<sup>547</sup> Simon October 22, 1993, 6.

<sup>548</sup> Magga 2002.

<sup>549</sup> Ibid.

is open to all indigenous groups regardless of their affiliation with UNESCO as observers.

The first meeting of the forum concluded with the decision to issue an annual State of the World Report on Indigenous Issues and push for the World Health Organization to establish an Indigenous Health Advisory Group. There was also a positive response from the World Bank, the World Intellectual Property Organization, and other UN agencies—all of which offered proposals for future cooperation with the forum.<sup>550</sup> Through this process, the UN Permanent Forum represents the legitimacy of indigenous peoples to assert their rights within the international community as a collective group, and as a means of direct communication with intergovernmental and transnational organizations. As a collective political myth, indigenous peoples have become legitimate and inherent components of sustainable development discourse and, moreover, a legitimate independent political actor in the international system.

There was and remains one major deficiency with the UN Permanent Forum, however. Indigenous peoples were, at the time of the forum's creation, limited to being acknowledged as indigenous NGOs.<sup>551</sup> The Alaska Federation of Natives proposed to revise UN procedural rules for the representation in UN bodies of indigenous peoples as “peoples” rather than indigenous NGOs. This notion has become a major sticking point for the ICC in particular, because the ICC works directly with international development agencies. For the Inuit, the ICC is not merely an NGO. Many of its executive members include regional government officials and

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<sup>550</sup> Ibid.

<sup>551</sup> ITC March 31, 1993, 5.

their mission is not interest-area-focused as many NGOs most often are. The ICC also represents governments and comprises a much deeper national myth of an Inuit polity (Some of the implications are indirectly addressed in chapter 9 and are central facets of the last chapter of this dissertation).

### **Conclusion**

We are working through the means available in our liberal democracies to resolve our problems.<sup>552</sup>

In addition to aboriginal rights, 'Inuit rights' must also refer to those fundamental economic, social, cultural and political rights which the world community has enshrined in international conventions. These include such rights as the right to self-determination (which we believe includes the right to self-government); the right of a people not to be deprived of its own means of subsistence; the right to an adequate standard of living; and the right of persons to enjoy their own culture . . . these international rights in effect confirm our aboriginal rights.<sup>553</sup>

The narrative put forth in this chapter uncovers the process by which indigenous rights have become a formal aspect of international human rights policy and law. This process has centered on the inception of a new international agenda where sustainable development and international human rights have begun to coalesce, ultimately transforming not only the parameters defining human rights but also those at the center of its focus.

The growing authority of indigenous peoples at the international level has become central to a larger shift in the international boundaries around which politics operates. The ICC as an indigenous polity and the UN Indigenous Forum as an international organ of the United Nations have garnered formal international

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<sup>552</sup> Simon January 28, 1987, 2.

<sup>553</sup> Mary Simon quoted in Stenback 1985, 70.

legitimacy not in the context of citizens of particular states, but as a very distinct type of political actor within the international system. While working alongside respective state governments, the agendas put forth by indigenous organizations and the international policies forged in relation to these concerns exemplify an emerging relationship in which the conception of sovereignty in international politics is not necessarily state-based but on a larger basis of general institutional political legitimacy. In other words, sovereignty encompasses a broader affirmation of the continued persistence of certain historical myths—and these myths increasingly do not necessitate a state. This sentiment is adequately conveyed by the ICC in the following two quotes:

I think that I can say today that the creation of ICC was a major step forward for the Inuit people. Not only did it give us all feeling of a completely new and larger Inuit world of which we are proud to be a part, but it certainly also did bring us from political dispersion and isolation right into the international world.<sup>554</sup>

Our expertise . . . is based on and driven by an approach to development which reflects the values and traditions of traditional culture, knowledge and skills, and respects other bodies of indigenous knowledge by incorporating them into the development process.<sup>555</sup>

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<sup>554</sup> Rosing quoted in Stenback 1985, 17.

<sup>555</sup> Kuptana January 17, 1996, 7.



## Chapter 7

### ARCTIC GOVERNANCE REMADE

If we are to prepare ourselves for greater self-government . . . we must be more directly involved. When necessary, we must also be ready to initiate. Consistent with basic principles of self-reliance, it is our duty to collectively shape Arctic policies within our homeland, and in a manner that clearly responds to our present and future needs and contributes to world peace.<sup>556</sup>

During my two years term as the Chair of the Arctic Council I have grown to know the Inuit Circumpolar Conference as a professional, convincing and alert international actor, as Permanent Participant of the Arctic Council, and as an effective NGO at the United Nations. The Arctic Council is a unique partnership between government representatives and indigenous peoples . . . sitting at the same table. . . . We all contribute to the work on a de facto equal footing.<sup>557</sup>

#### Introduction

Without environmental security, Inuit culture and self-determination are at risk.<sup>558</sup>

These ongoing shifts in the global architecture resonated back to the Arctic regional level as well. The international legal discourse over global development, the environment, and human rights had direct implications for the re-birth of the Arctic. The political events in the Arctic following the end of the Cold War were constitutive of these global transformations and helped to eventually remake

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<sup>556</sup> Simon July 28–August 3, 1986, 6.

<sup>557</sup> Stenlund 2002.

<sup>558</sup> Innuuksuk February 8–10, 1994, 8.

the Arctic from a nuclear hub into a global center-piece for sustainable development policy and practice.

The Cold War left a temporary international political vacuum. Yet, from an Arctic regional perspective, it provided the conditions for re-defining Arctic governance. The breakdown of the Soviet Union was followed by a period of Arctic international realignment, yet, the ICC was in a fortunate and ready position to forge an already much-solidified agenda for Arctic regional politics into this space. The ideational effects from the breakdown of the Soviet Union affected Inuit leaders much less severely than Arctic state leaders. Though the Inuit were left with the military and nuclear build-up of the Cold War, they were already equipped with a post-war agenda of international Arctic cooperation which had begun with Eben Hopson in the early 1970s. The post-Cold War sentiment of these shifting politics is illustrated by the ICC:

Today, the greatest and certainly the most direct threat to the security of Arctic residents stems from damage to the environment. The Arctic, in effect, has been treated as a dumping ground by governments, military establishments and industries concerned only with the needs of southern societies. . . . The ICC believes that . . . the Arctic [should] evolve into a zone of peace, based on the concept of common security. This concept must be defined not only in military terms, but in environmental, social, cultural and economic terms as well. And it must take into account the rights, values and perspectives of the Arctic's indigenous peoples.<sup>559</sup>

In following years, the Arctic states slowly began to redefine themselves and their relationship as part of an Arctic community. Carina Keskitalo, for instance, contends that the waning of the Cold War activated an international transformation of the Arctic from being either entirely ignored or considered uninhabited into an “international region conceived primarily on the basis of environmental and

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<sup>559</sup> ICC October 1994, 6.

indigenous concerns.”<sup>560</sup> According to Keskitalo, the ‘Arctic’ has come to be perceived as a *frontier* by those who seldom inhabit the region themselves but consider it a potential for their society’s economic growth; as a *wildland* in the eyes of environmentalists; and as a *homeland* according to the North’s indigenous people. Moreover, Keskitalo argues that this new definition has been “overshadowed by a North American perception the Arctic” and is “emerging as ‘the new descriptive frame of the Arctic.’”<sup>561</sup>

The focus of this chapter is an analysis of the post-Cold War Arctic and the processes which have contributed to its redefinition as an environmental, traditional, and indigenous region.<sup>562</sup> In particular, its focus concerns the role of the ICC within this process. Some observers, namely Oran Young and Monica Tennberg, have offered thorough explorations of Arctic regime-building beginning with the end of the Cold War. Young, conceptualizing Arctic institution building through the lens of regime theory, defines Arctic governance as

an institutional complex in the sense of an array of institutional arrangements created by a variety of actors and intended to address a range of distinct issues in contrast to a coherent and integrated system . . . this situation has facilitated innovative experiments involving such matters as the participation of indigenous peoples organizations on the Arctic Council.<sup>563</sup>

Young focuses his attention on the Arctic r state cooperation and in this context Arctic indigenous an ongoing arena of state cooperation. In this context

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<sup>560</sup> Keskitalo March 25–27, 2002, 2.

<sup>561</sup> *Ibid.*, 6.

<sup>562</sup> *Ibid.*, 7.

<sup>563</sup> Young June 2002, 2.

peoples more recently have been afforded a space to join the dialogue of inter-state regime building. For example, Young Arctic regimes are sites which offer “non-state actors, like the Permanent Participants in the Arctic Council, unusual opportunities to wield influence in intergovernmental settings.”<sup>564</sup> As such, the role of the ICC, according to Young, is best understood in the context of Arctic states’ willingness to allot particular indigenous actors a voice within an already existing governance arrangement—which materialized through state cooperation.

Tennberg adds to Young’s work on the Arctic, exploring the ways in which states provide formal and informal order in global policymaking, specifically Arctic policy.<sup>565</sup> Through an examination of Arctic environmental cooperation, Tennberg delineates the failures of mainstream regime theory and instead opts for a Foucauldian interpretive discourse approach to regime theory.<sup>566</sup> Her critique is based on Foucault’s idea of governmentality and her theoretical framework is built upon James Keeley’s 1990 article “Toward a Foucauldian analysis of international regimes.”<sup>567</sup> Tennberg argues that understanding Arctic cooperation entails understanding the ongoing process by which sustainable development is defined and practiced. In this light, Tennberg traces the processes of power, knowledge, and regime construction through the deliberations of the Arctic Council.<sup>568</sup>

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<sup>564</sup> *Ibid.*, 6.

<sup>565</sup> Tennberg 2000, 4–5.

<sup>566</sup> See Tennberg 2000, 9.

<sup>567</sup> Tennberg 2000, 5.

<sup>568</sup> *Ibid.*, 1–5.

This chapter builds on these existing theories of Arctic governance. Deviating from Young's state centered approach to regime building in the Arctic, and adding to Tennberg's analysis of the constitutive relationship between Arctic institution building and its indigenous actors this chapter brings the history of the ICC into the larger narrative of Arctic regime building. This expanded analysis makes evident that Arctic governance has neither been solely state led or even Canadian-led project as Keskitalo points out.<sup>569</sup> Bringing the ICC into the analysis as one polity among others rather than as an epistemic community or as limited to the category of an NGO, this chapter provides a critique of post-Cold War Arctic governance building outside the conventional Westphalian limitations.

As this chapter centers on the time period in and around the end of the Cold War, it examines the significant contributions which added to an ideological shift in the perception and intended role of the Arctic in international affairs. Specifically, these contributions are a) the institutionalization of international Arctic policy and b) the recognition and incorporation of indigenous knowledge into the overall framework of Arctic science. The first section establishes the overall context of a waning Arctic Cold War politics. The next section provides an overview of ICC policy construction. This discussion is then linked to the larger process of international Arctic regime construction and is the focus of the following section. Concentrating mainly on the Arctic Council, these sections combined offer a new narrative of Arctic regime building. Following this, the next chapter provides a brief chronology highlighting the shift in the perceptions, role, and significance of Inuit traditional knowledge. The

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<sup>569</sup> See Huebert 1995; Keskitalo 2002.

understanding of Inuit science over the years has shifted from being construed as irrelevant—as it was during the creation of the first Arctic science policy, the International Arctic Science Committee (IASC)—into a science with particular authority. The current consensus in Arctic science policy circles mandates that traditional indigenous knowledge must be incorporated into almost all Arctic science projects, and in certain cases when conducting science in Inuit autonomous areas (i.e., Nunavut), approval by Inuit institutions (i.e., Nunavut Research Institute) must be sought. Moreover, Inuit leaders have strategically framed traditional Inuit science as a necessary component of broader international policies concerning sustainable development (ancient wisdom as the key to global sustainability). Combined, these two facets—international Arctic policy and indigenous traditional knowledge as legitimate science—bring to light a more multifaceted constitutive role of the ICC in Arctic governance in broad terms, and to the construction of the Arctic Council in particular, than past accounts have offered.

### **A Post-Cold War Arctic: From Military Security to Environmental Security**

The notion of ‘security’ should be described in broad terms of collective security for all nations and not just national, continental, or Western security in military terms.<sup>570</sup>

The security of our future . . . we are convinced . . . can best be achieved if our circumpolar region gains worldwide recognition as a zone of peace that promotes sustainable and equitable development.<sup>571</sup>

### **Bound to a Cold War Discourse**

Initial attempts in the mid-1970s for an international Arctic policy fell on deaf ears. Beyond the efforts of the ICC, it would be twenty years before an official

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<sup>570</sup> Simon October 26–28, 1988, 15.

<sup>571</sup> Simon June 6, 1989, 11.

inter-state Arctic cooperative regime would actually come into being. Nevertheless, the inauguration of the ICC in 1977 provided a formal political means by which the Inuit political elite could pursue the creation of their own international Arctic environmental policy. Since that time, the ICC vision for Arctic policy has evolved into a very particular conception of the Arctic. This Inuit representation has grown to encapsulate the Arctic as a precious ecological system which acts as a symbolic representation of the world's state of the environment. The ecological system is a combination of resource extraction, subsistence fishing, and hunting, as well as human and economic development. As a whole, this ongoing process of Arctic reconstruction embodies what has since become defined as *Arctic sustainable development*.

The redefinition of the Arctic from a military zone into a region where human and environmental matters predominate began initially through Hopson's discourse concerning the relationship between Inuit survival (cultural integrity) and oil development (stewardship). This political rhetoric evolved and became the basis for the ICC's re-articulation of Inuit self-determination as inherently linked to the Arctic environment and development. Eben Hopson, lobbying to the United States and even Canada, argued that in order to adequately address development and Inuit survival in the northern regions, it was critical to create a comprehensive foreign and domestic Arctic policy.<sup>572</sup> This is exemplified in the following two excerpts by Eben Hopson in the summer of 1976:

It is my hope that this [The first Inuit Circumpolar] conference will lead to formal international Circumpolar community organization through which both the oil industry and governments can work together to agree on a single set of

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<sup>572</sup> Simon May 31–June 5, 1986, 8.

rules for all Arctic resource development ...Survival of the Arctic depends upon cooperation.<sup>573</sup>

The Beaufort Sea will be the first test of our resolve to protect the world environment. We call for the development of clear national domestic and foreign Arctic policy to assure safe and responsible circumpolar Arctic resource and development<sup>574</sup>

Despite Hopson's efforts, regionally and internationally, there was little if any such state-led cohesion to engage in Arctic regime building. In a 1981 *Foreign Affairs* article entitled "The Arctic: Last unmanaged frontier," Lincoln Bloomfield noted:

It is a mark of the times what the only continuing Arctic Forum to date is a Circumpolar Conference of Alaskan, Canadian, and Greenlander Inuit, initiated at Barrow, Alaska in June 1977. Transarctic diplomacy was thus pioneered not by the six governments of the adjacent states, but by a non-governmental "transnational" association of native peoples.<sup>575</sup>

Moreover, attention to the world's environment at this time was minimal as global politics were primarily focused on the persistent Cold War. The Inuit, similarly, were not immune to these effects of the Cold War. Given the strategic positioning of the Arctic, the ICC found itself at the center of nuclear hostilities (yet with little if any legitimacy or authority at this early juncture to act in reaction to

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<sup>573</sup> Hopson 1976, "Political statement."

<sup>574</sup> Hopson August 19, 1976.

<sup>575</sup> Bloomfield 1981, 90. The only treaties to date at this time according to Bloomfield were either bilateral or very issue-specific, such as Finland's proposal for a Nordic Nuclear Free Zone, Gorbachev's speech in Murmansk calling for an international zone of peace, NORAD dealing with weapons and defense, an international forum to incorporate the Arctic such as the UN Law of the Sea, and the UN's World Meteorological Organization, located in Monaco.

them). Broadly speaking, the Arctic was officially divided between the east and west. Yet, the Arctic Inuit uniformly shared the effects of development and expansion of military forces in the region.<sup>576</sup> The military build-up and weapons testing were overt sources of environmental pollution throughout the Arctic. In Alaska, in particular, a proposal to conduct a series of nuclear explosions to make way for mineral exploitation was responsible for the founding of an organization called “Inupiat Paitot,” the precursor to Alaskan Inuit political awareness.<sup>577</sup>

In the former years of the ICC, environmental issues clearly remained a central concern. However, its political agenda remained bound to a discourse of a world threatened by world war. Given that nuclear proliferation in itself was considered a highly catastrophic form of environmental disasters, the ICC framed nuclear proliferation and the threat of a nuclear war as one of many threats to the

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<sup>576</sup> This included the warning sites established for defense from attacks over the North Pole, including three overlapping ballistic missile early warning system fans. These ballistic missile systems extended 3,000 miles northward from radar sites in Clear, Alaska; Thule, Greenland, to Fylingdales Moor, England, eighty-one Distant Early Warning (DEW) Stations and were set up along 4,000 miles of the 70th Parallel from the Aleutian Islands to the Atlantic Ocean. In mid-Canada, a group of gap-filler radars were designed to provide back-up farther south until B-47 bombers were placed at Goose Bay, Labrador and Thule. This was followed by interceptor aircraft and nuclear-capable Nike Hercules surface-to-air missiles that were assigned to North American Air Defense Command (NORAD) and subsequently took over Thule. Sondrestrom, on Greenland’s west coast, and Keflavik, Iceland, served as air traffic control centers and ‘stepping stones’ for pilots who transported fighter planes across the North Atlantic. Patrol aircraft based at Keflavik Naval Air Station were aided by Underwater Sound Surveillance (SOSUS) systems that were designed to patrol for enemy surface ships and submarines (National Defense University home page).

<sup>577</sup> Lynge 1993, 563–564.

Arctic environment and therefore a threat to the ‘environmental security’ of the Arctic Inuit.<sup>578</sup>

The ICC was theoretically against an Arctic military buildup. Yet, as a newly formed organization with existing domestic concerns, they remained hesitant to publicly state opposition to nuclear proliferation, in fear that this might create antagonism with their respective member states. According to Hopson:

Our governments are responsible for defending our country, the whole country and therefore also our country. In my opinion, saying that there should not be any military defence capable of defending us makes no sense: naturally, the environment must be defended as far as possible, but without a defence system we cannot even be sure of possessing any environment.<sup>579</sup>

Despite existing contentions, the ICC voted on a resolution calling for the Arctic to be a nuclear-free zone. The overall logic was presented in the context that the Arctic needed to be nuclear free if it was to be environmentally sound.

### **Redefining the Arctic: From ‘Hard’ Security to ‘Soft’ Security**

Internationally, the ICC was not the only organization beginning to call for a nuclear-free Arctic. Discussion of this topic had already begun in 1971, when the

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<sup>578</sup> In 1990, Mary Simon, on behalf of the ICC, was invited to Moscow by the Soviet government to attend a meeting of the Soviet Arctic peoples to discuss the creation of a Soviet indigenous pan-Arctic organization. At the meeting, Simon asserted that “within the ICC, we firmly believe that not only must we work together as Arctic people. We must work with governments to foster international understanding and cooperation” (1990). In her opening speech, Mary Simon stated that “this is the very first time that the ICC is participating in this forum” (1990). It should be noted that despite the emergence of Russian Inuit involvement in the ICC beginning in 1990, their participation on the overall structure of the ICC has been minimal. In regard to this study, the Russian ICC is left out because the vast majority of the materials are written in Russian and inaccessible for the author to translate.

<sup>579</sup> Lauritzen 1983, 27–28.

United Nations General Assembly adopted a resolution designating the Indian Ocean as a zone of peace. By the middle of the 1980s, the idea of ‘environmental security’ had become an institutionalized term, transcending its earlier definition of security which had been solely in terms of a military threat. Environmental degradation issues were redefined as ‘soft power’ security threats, and security included making the Arctic environment secure. A significant factor contributing to this change was that nuclear war had become only one of several burgeoning environmental hazards. Events such as the onset of acid rain, Chernobyl, the chemical leak in Bhopal India, and the Exxon Valdez spill, all factored into the recasting of existing discourse on the Arctic. Increasingly, Cold War stratification was being replaced by a growing need for international Arctic environmental cooperation.

Broadly speaking, throughout the 1970s, international Arctic institutional cooperation was essentially nonexistent. The 1973 Agreement on the Conservation of Polar Bears, which represented only five of the present day Arctic states, was the only exception.<sup>580</sup> By the 1980s, several factors directed attention toward the Arctic. The international community became increasingly interested in safeguarding strategic concerns in the Arctic, had an increasing desire to access Arctic resources, and a growing interest in advancing the scientific understanding of the Arctic region, including Arctic environmental protection. Subsequently, in 1982, UNESCO established the Man and the Biosphere (MAB) and the Northern Sciences Network (NSN) to help coordinate these efforts.<sup>581</sup> While the actual concept of sustainable

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<sup>580</sup> Archer and Scrivener 2002, 602.

<sup>581</sup> Archer and Scrivener 2002, 602.

development did not emerge as a key political agenda for the Arctic until 1988,<sup>582</sup> Inuit efforts through the ICC leading up to this point were largely responsible for the discourse that did emerge. Alan Bloomfield alludes to this as far back as 1981 where traces of an Arctic redefinition are already evident:

Above all, it is oil which is changing the Arctic from an exotic cryogenic laboratory for explorers and marine biologists into a major weight in the global energy scales. . . . The strongest support for conservationist-minded rules for the Arctic comes, understandably enough, from the scientific community, backed by the newly vocal native peoples who inhabit this forbidding region.<sup>583</sup>

In 1989, Mikhail Gorbachev addressed the international community in the Arctic Russian city of Murmansk. Gorbachev's speech during perestroika in the Soviet Union—in tandem with varying environmental calamities—has been viewed by many Arctic scholars as perhaps the most significant harbinger of a shift in Arctic politics. This particularly concerned the re-casted perception of the Arctic from an economically-peripheral yet militarily-vital region into a region centered on environmental protection and cooperation. In his speech, Gorbachev asserted that:

A new, democratic philosophy of international relations, of world politics is breaking through. The new mode of thinking with its humane, universal criteria and values is penetrating diverse strata . . . our policy is an invitation to dialogue, to a search, to a better world, to normalization of international politics...the potential of contemporary civilization could permit us to make the Arctic habitable for the benefit of national economies and other human interests of the near-Arctic states, for Europe and the entire international community. . . . Let the North of the globe, the Arctic, become a zone of peace. Let the North Pole be a pole of peace.<sup>584</sup>

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<sup>582</sup> Ibid.

<sup>583</sup> Bloomfield 1981, 95. This goes without noticing the romantic under (or over) tones of his comment about the 'Arctic' being a mysterious and 'forbiddenly' cold place.

<sup>584</sup> Gorbachev October 1, 1987.

Gorbachev also argued for multilateral scientific cooperation, beginning by providing Western scientists' access to the Soviet Union for research.<sup>585</sup> Highlighting the Arctic as a potential core for creating an international peace, Gorbachev's speech set the foundation for new international Arctic politics where resources, indigenous peoples, the environment, and development would all come to intersect in the following decade in a political discourse guided by the idea of *sustainable development*. This pivotal speech, according to Canadian political scientist Franklin Griffiths, "effectively altered the calculation of what was and is possible in Arctic international relations."<sup>586</sup> What became possible was the idea that conserving the Arctic environment was the key to conserving the world environment—the Arctic as the "world's ecological barometer."<sup>587</sup> For the ICC, this possibility was the opening that they had been waiting for to enter the mainstream and assert their authority:

However isolated our communities may be, today our problems are attracting world attention. Today the environment is big news everywhere in the world. Today the far Northern lands and the South Pole have become the test for the world environment. Today scientists know that if our polar lands and seas are suffering harm, then the whole world is in danger.<sup>588</sup>

By 1990, the pieces of a new Arctic narrative were beginning to fall into place. The Arctic states began the slow process of regime construction and the ICC, through strong political entrepreneurship, lobbied for an Arctic regime which paralleled the ICC platform for Arctic protection.

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<sup>585</sup> Archer and Scrivener 2002, 603.

<sup>586</sup> Griffiths 1992, ix quoted in Keskitalo March 25–27, 2002, 4.

<sup>587</sup> Myers et al. October 20, 2005.

<sup>588</sup> ICC March 30, 1990, 2.

## **The Arctic Narrative: The ICC Creates an Arctic Policy Agenda**

From its origins in 1977, . . . 15 years later the ICC is a respected International Organization acting as a model for cooperation and a catalyst for change. . . . The ICC has promoted a definition of sustainable development in its broadest sense, meaning the development of our resources, culture, and societies . . . our work plan over the past three years we have strived to create a balance between the need to protect our environment and societies while at the same time promoting sustainable economic development in the circumpolar region.<sup>589</sup>

Predating and eventually acting alongside Gorbachev's efforts, the ICC became engaged in creating Arctic policies of their own. Arctic issues such as environmental protection, indigenous rights, and sustainable development needed to be reconstituted from a moral or ethical ideology into a necessary socio-political and economic reality. The aim of the ICC was to transform its own environmental concerns from a grassroots social movement into a pragmatic policy prescription where sustainable development was the essential means by which to promote and safeguard the Arctic, and was also a matter of Arctic economic development and international human rights. The ICC would become an amalgamation of 'traditional' Inuit concepts (subsistence economics, traditional knowledge, communal land ownership) and modern larger international political institutions. These efforts can be traced back to the founding of the ICC. For example, Resolution 77-05, concerning environmental policy, states:

Each nation in which the Inuit lives is vigorously urged to adopt by convention a common set of rules with respect to offshore and onshore Arctic resource development, and that the Inuit community has a right to participate in this rule-making . . . and . . . that the rules of Arctic resource development will specifically provide . . . an Arctic population policy; locally controlled wildlife management and Arctic military-use policy; conservation of traditional use values; access to government information concerning the Inuit homeland; the development of an international Arctic coastal zone management program and

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<sup>589</sup> Simon 1992 "Environment," 33.

a cooperative environmental impact assessment protocol detailing participation for the Inuit.<sup>590</sup>

In the concluding remarks of the first ICC conference in Barrow, Hopson summarized the heart of the ICC mission. According to Hopson, “the major and compelling theme reflected by the Conference is the imperative need for international recognition of Inupiat in terms of implementing viable arctic environmental protection policies.”<sup>591</sup>

The first of several ICC initiatives to create an Arctic policy began with the Arctic Policy Project. At the Third general assembly of the ICC in Frobisher Bay in 1983, it was decided that developing a comprehensive Arctic policy would become an ICC priority.<sup>592</sup> The ICC resolution on an Inuit Arctic policy passed by the General Assembly was predicated on the United States first proposal concerning Arctic regional policy—the National Arctic Science Policy Act. The ICC determined that its executive council should go to Washington D.C. to testify on behalf of Inuit concerns and that, to do so effectively, they needed a principle program for an Inuit Arctic policy.<sup>593</sup> The development of an Arctic policy, the ICC argued, was expected to be more than a means to react to ongoing phenomena. Rather, an Arctic policy was intended to promote northern research of Inuit priorities as well as a code of conduct for doing this research. Moreover, the intended Arctic policy would complement existing international policy on sustainable development. According to Simon:

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<sup>590</sup> Hopson 1977, “ICC booklet.” For entire resolution see Appendix A.

<sup>591</sup> Ibid.

<sup>592</sup> Simon February 18, 1987, 2.

<sup>593</sup> Lauritzen 1983, 259.

We Inuit . . . are working through the ICC on an arctic regional conservation strategy for sustainable development. This strategy will be consistent with the World Conservation Strategy and is a first of its kind as an attempt by people in three different national jurisdictions in our case—to attempt such an approach to economic matters.<sup>594</sup>

In the following two years, the ICC created an environmental commission (ICCEC) to develop an Inuit Regional Conservation Strategy (IRCS) which, when completed, was adopted by the United Nations General Assembly in 1985. The IRCS paralleled the International Union for the Protection of Nature (IUCN) world conservation strategy. The aim of the IRCS principles involved “dealing with each topic [of the WCS] objectively on its merits and avoid partisanship towards any one Arctic-rim nation-state and to articulate Arctic principles in such a way that they may be used to help shape policies of nation-state governments and others.”<sup>595</sup> Its focus equally centered on Arctic science. According to Mary Simon, an Inuit Arctic policy

is about our future and our present. . . . Even in the absence of a fully elaborated Arctic policy, the basic Arctic principles can help to shape Nation-State government policies . . . the basic principles and the Arctic policy itself must always be seen as a “living” statement—a flexible blueprint capable of change. We seek to create and maintain a dynamic, northern policy that will equitably reflect the changing economic, social and political circumstances and priorities within our regions.<sup>596</sup>

In particular, the IRCS was focused on three main objectives of the World Conservation Strategy (WCS): the maintenance of “essential ecological processes and life-support systems, on which human survival and development depend”; preserving

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<sup>594</sup> Simon October 30, 1986, 5.

<sup>595</sup> Simon February 18, 1987, 5.

<sup>596</sup> Simon July 28–August 3, 1986, 98; Simon September 24–26, 1985, 4.

genetic diversity; and ensuring sustainable use of species and ecosystems.<sup>597</sup> The IRCS also concentrated on the following themes: Inuit harvesting at sustainable levels and conducted in a responsible manner; both ‘scientific’ opinion and Inuit knowledge should be appropriately integrated within a framework of cooperative research, including the creation of a comprehensive northern research strategy; that certain areas are protected as Inuit harvesting areas; training; research into possibilities for increasing the effectiveness of Inuit resource management which are consistent with Inuit self-reliance; and self-government.<sup>598</sup> In effect, the IRCS merged sustainable development and traditional Inuit science—a cornerstone by which to realize Inuit cultural integrity.

In 1989, with an official environmental policy in place, the ICC addressed the international community. They called on the Arctic States to design an international Arctic body for creating Arctic inter-state policy. Resolution 98-02 on a Circumpolar Conservation Strategy stated:

WHEREAS, the Inuit Regional Conservation Strategy is designed to promote cooperative international work . . . NOW THEREFORE BE IT RESOLVED THAT all polar governments and agencies nationally concerned with the Arctic environment, be invited to cooperate with the Inuit Circumpolar Conference to develop a general circumpolar conservation strategy, including an action program for implementation, using the Inuit Regional Conservation Strategy as a base.<sup>599</sup>

The ICC also strongly encouraged Arctic countries to create ‘legal regimes’ at the international level:

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<sup>597</sup> Simon January 30, 1987, 4.

<sup>598</sup> *Ibid.*, 4–5, 8.

<sup>599</sup> ICC July 1989.

The next step will be to formulate appropriate legal regimes, including suitable legal instruments, enforceable regulations and emissions standards to ensure compliance. Such legal regimes would be established within the respective nation-states but close coordinating among nations would be required to ensure an effective environmental regime.<sup>600</sup>

Despite the endeavors of the ICC, any serious international efforts at that time remained dormant. The ICC, nevertheless, pushed forward and in 1992 the “Principles and elements for a comprehensive Arctic policy” was passed by the ICC General Assembly. The document was intended to act as a ‘living document’ to meet changing Arctic concerns and economic, social, and political circumstances. The central theme of the document focused on what had by this time become the internationally accepted notion of sustainable development which, according to then president Mary Simon “provide[s] an excellent foundation upon which Inuit culture can be sustained, Inuit society can thrive and a sustainable approach to economic planning and environmental protection can be devised.”<sup>601</sup> Central to this sustainable practice was an Inuit policy for science and technology. Traditional Inuit science, the ICC asserted, was an essential component of sustainable development. The document again encouraged the creation of an international Arctic regime as it was also meant to serve as a guide for the Arctic countries and other organizations to utilize in creating their own Arctic environmental policies.<sup>602</sup> As stated in the policy document:

It is recognised that the physical biological and health sciences as well as social and behavioural sciences, can all potentially contribute in significant ways to information and knowledge about the Arctic. However, both ‘scientific’ opinion and Inuit knowledge and experience have validity and therefore should be utilised. If the objectives of northern research are to be achieved, both types

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<sup>600</sup> Simon August 14–16, 1990, 9.

<sup>601</sup> Simon September 2, 1991, 1.

<sup>602</sup> Reimer 1993–1994.

of knowledge must be appropriately integrated within a framework of cooperative research. Effective systems to collect and classify Inuit knowledge, particularly in regard to northern resources, the Arctic environment, and Inuit culture must be further developed.<sup>603</sup>

Through the comprehensive Arctic policy – an Inuit centered policy directly reflecting international policies - the ICC garnered authority to enter emerging inter-state Arctic discourse as a legitimate polity. As Mary Simon further noted:

Arctic indigenous peoples desire not only to survive but to thrive as indigenous peoples in the 21st century. Arctic governments must take affirmative initiatives immediately to work with Arctic Indigenous Peoples to bridge the rapid global change which impacts our peoples. Adequate resources must be made available to meet the real social, health, economic and educational needs of indigenous peoples.<sup>604</sup>

By framing indigenous science as a necessary and valid science, Inuit authority and participation in broader Arctic policy was essential to Arctic development. By the time that the ICC “Principles and elements for a comprehensive Arctic policy” was passed—unlike the sentiments of previous eras—the international Arctic community was ready to respond to the ICC’s pledges for an international Arctic policy.

### **Emergence of International Arctic Policy**

Recognition of a new concept of common security that goes beyond military terms to include environmental, social and cultural aspects and in this context , respect for the rights, values, and perspectives of Inuit and other northern indigenous peoples is vital...Arctic policy should recognize that there is a profound relationship between human rights, peace and development of northern regions which will strengthen each of the Arctic states.<sup>605</sup>

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<sup>603</sup> ICC 1992.

<sup>604</sup> Simon September 2, 1991, 1.

<sup>605</sup> ITC June 9, 1994, 3.

With over ten years dedicated to creating an Arctic policy, when the relevance of the North began to transcend its meaning as a security region into a central force for environmental, economic, and human development policy, the ICC had a solid blueprint for managing the North to export to the international community.

As Mark Nuttall has pointed out:

the main IPOs, namely the Inuit Circumpolar Conference (ICC) . . . have set themselves in the vanguard of environmental protection. They are now major players on the stage of international diplomacy and policy-making concerning the future of the Arctic. The Inuit Circumpolar conference, in particular, has been the driving force behind many recent initiatives in Arctic environmental protection and sustainable development.<sup>606</sup>

Beginning in 1986, the Canadian External Affairs Report of the Special Joint Committee of the Senate and House of Commons entitled *Independence and Internationalism* concluded that “Canada’s huge stake in the [Arctic] region requires the development of a coherent Arctic policy, an essential element of which must be a northern dimension for Canadian foreign policy.”<sup>607</sup> ICC Canada, using its existing policies, began a process to engage the ICC in the discussions which followed. Simon argued that the ICC, having completed their own Arctic policy, should be given the initiative to become more engaged in Canadian federal international affairs. This initiative was argued to include cooperation with national governments to encourage the signing and ratifying of international conventions consistent with recognizing and protecting Inuit rights; collaboration with international organizations involved in Arctic issues (i.e., the World Conservation Strategy, the UN working group on

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<sup>606</sup> Nuttall 2000b, 622.

<sup>607</sup> Simon March 27, 1990, 9.

indigenous populations, and the Commission on Human Rights); and regional lobbying among varying Arctic countries.<sup>608</sup> According to Mary Simon:

We subscribe fully to the notion put forward in the Special Joint Committee report 'constructive internationalism', and indeed, our ICC charter stresses the pursuit of peace and cooperation in our arctic region.<sup>609</sup>

At a following 1987 meeting of Canada's Department of External Affairs, Simon argued:

Canada must actively promote standards within our own country, as mentioned by the Special Joint Committee on International Relations, . . . ICC is particularly conscious of environmental rights. We try to ensure that the international ecology and oceans of the arctic are managed so that our people can always rely on their bounty for food and a living. These, along with economic rights and land rights of aboriginal peoples, should be promoted as well as the more conventional human rights.<sup>610</sup>

In 1990, Mary Simon attended another meeting with the Canadian House of Commons Standing Committee on External Affairs and International Trade. At the meeting, Simon argued that the ICC hoped to contribute to the final report of Canada's ongoing study of Canadian-Soviet relations which was due to be published. Simon argued that "the ICC, as a non-governmental organization, encourages bilateral and multilateral cooperation in the circumpolar North."<sup>611</sup> Moreover, she argued that concepts of Arctic security, like global security, must be redefined to include vital environmental, social, economic, and cultural dimensions.<sup>612</sup> According to the ICC,

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<sup>608</sup> Simon 1985, 75–76.

<sup>609</sup> Simon October 30, 1986, 6.

<sup>610</sup> Simon January 28, 1987, 3–4.

<sup>611</sup> Simon March 27, 1990.

<sup>612</sup> *Ibid.*, 3–6.

less and less today can domestic affairs be separated from international affairs. . . . In the defence area, the Cold War has largely been fought in the Arctic. . . . The arctic is changing rapidly, both at home and in the circumpolar context. At home, the political map is changing internationally. . . . Over the past half decade, the terms “East” and “West”, which for over forty years reflected the divisions of the Cold War international system, have come once again to possess only geographic meaning, and no longer political meaning.<sup>613</sup>

Led internationally by Canada in the following several years, the ICC’s vision of Arctic environmental policy began to take shape through an emerging process of Arctic regime building. The Arctic states were becoming increasingly committed to redefining themselves as a distinct region as well as fostering a new relationship with the larger international community. The ongoing efforts of ICC executive member Mary Simon at the Canadian federal political level, acted as a crucial facet in constructing the future role that both the Canadian government and the ICC would play in Arctic governance which proceeded. In the following years, Canada and the ICC grew into an increasingly intertwined and powerful force for guiding a new Arctic agenda. Carina Keskitalo points to this:

[T]he comparatively major Canadian view of the Arctic drew upon considerable domestic Arctic-related organization and discourse. Arctic discourse is interpreted in the work as a knowledge approach with a particular historical link to Canadian history and national identity related to the Arctic which is unsurpassed in any other state as a national focus.<sup>614</sup>

Several major initiatives have come to define this process of international Arctic regime-building. These include the Finnish Initiative, followed by the AEPS (which

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<sup>613</sup> ICC October 1994, 3.

<sup>614</sup> Keskitalo and Tennberg, 226.

eventually transformed into the Arctic Council) and are the focus of the discussion below.

### **The Finnish Initiative**

In developing a meaningful Arctic policy, we must strive to do more than integrate Inuit values, concerns and priorities. We must address matters involving basic human rights from a circumpolar perspective. This is in fact being done, by the ICC, in the drafting of fundamental Arctic policy principles.<sup>615</sup>

Formal efforts toward an international Arctic policy began with the Finnish Initiative. The initiative was an “ad hoc multilateral cooperation towards a joint environmental strategy among Arctic countries” and emerged from a Consultative Meeting on the Protection of the Arctic Environment in Rovaniemi, Finland in September of 1989.<sup>616</sup> Two groups were created at this time—one focused on the state of the environment in the Arctic and the other examined the existing legal instruments for protecting the Arctic environment and the organization for future cooperation.<sup>617</sup> The Finnish Initiative, according to Mary Simon, “provides a crucial opportunity for Arctic states and indigenous peoples to devise a sustainable and equitable development strategy for the circumpolar North...the direct involvement of indigenous peoples in the Finnish Initiative should serve to enrich this vital, new multilateral process”<sup>618</sup> As such Simon asserted that,

The ICC welcomes the recent indicators that state governments are leaning towards positive conceptual changes that promote environmental safeguards.

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<sup>615</sup> Simon July 28–August 3, 1986, 4.

<sup>616</sup> Simon April 1990, 5.

<sup>617</sup> *Ibid.*, 1.

<sup>618</sup> *Ibid.*, 17.

However, it is important they emphasize that revised or new notions will remain incomplete, if they exclude indigenous perspectives and values or fail to respect fully indigenous rights.<sup>619</sup>

The ICC, persistent in its intentions to be legitimate partners in Arctic regime-building, participated from the outset in the initial Finnish Initiative meetings dealing with creating an Arctic monitoring and assessment task force on the conservation of the Arctic flora and fauna.<sup>620</sup> In these early meetings for Arctic cooperation, the ICC used the language of ILO 169 to argue for indigenous participation in policymaking. As stated in ILO 169:

To the protection of rights, state governments have the obligation to develop, with the participation of the peoples concerned, coordinated and systemic action to guarantee respect for the integrity of indigenous peoples. . . . State governments are required to safeguard the cultures and environment of indigenous peoples, by means of special measures. . . . These measures cannot be contrary to the freely-expressed wishes of the peoples concerned...Generally in order to protect and preserve the environment of indigenous territories, state governments must take measures in cooperation with the peoples concerned.<sup>621</sup>

According to this language, the ICC argued that:

The scope of this cooperation would include planning, coordination, execution and evaluation stages of any such measures proposed...In taking measures to protect the environment of indigenous peoples in the Arctic, state governments must, in cooperation with the peoples concerned, respect their values and practices...and also protect their rights...It has been concluded that a development strategy that disregards or interferes with human rights is the very negation of development.<sup>622</sup>

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<sup>619</sup> Ibid., 17

<sup>620</sup> Simon October 22, 1993, 35.

<sup>621</sup> Simon April 1990, 7.

<sup>622</sup> Simon April 1990, 8. and ILO Convention No 169, article 33, paragraph 2 (a); ILO Convention No 169, article 5(a) and (b) and articles. 2 and 3; Global Consultation, Conclusions and Recommendations, paragraph 11.

The ICC put together its own specific proposal for an “effective cooperative process” to ensure direct indigenous participation in the Finnish Initiative.<sup>623</sup> The proposal was a compilation of ICC policy and ongoing international norms of development. The ICC argued that “[r]elations of state governments with indigenous peoples are required to be based on principles of cooperation and respect, rather than on unilateral state action.”<sup>624</sup> The ICC used other international regimes acting in accordance with this principle—namely the ILO, the Brundtland Report, and the UN human rights regime as supporting evidence.<sup>625</sup> They argued that the Finnish Initiative must include: guaranteed respect for the integrity of indigenous peoples, protection of indigenous cultures and environment, a level of cooperation between indigenous peoples and state governments, respect for indigenous values and rights, and indigenous right to participation, and mere consultations with indigenous peoples would be inadequate. According to Mary Simon; “Involvement solely as members of state government delegations or as ‘observers’ would not suffice and would not meet even minimal international standards concerning indigenous participation and cooperation.”<sup>626</sup>

The success of the Finnish Initiative, the ICC argued, was contingent on constructing an Arctic regime within a broader framework of international liberal democratic policy. The ICC proposal for the Finnish Initiative made the following

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<sup>623</sup> Ibid.

<sup>624</sup> Ibid.

<sup>625</sup> Ibid., 5–7.

<sup>626</sup> Simon April 1990, 7–8, 13.

recommendations: a) the Arctic's indigenous peoples must have the opportunity to formulate their respective positions, concerns, and proposals in relation to the specific issues being considered under the Finnish Initiative; b) indigenous peoples must be able to review and analyze all government and other documents tabled under the Finnish Initiative; c) the establishment of preparatory meetings; and d) indigenous peoples must be able to raise their concerns and contribute to discussions within the multilateral process which could be accomplished through formally designated seats.<sup>627</sup> Simon concluded the proposal recommendations by asserting that:

If an appropriate and equitable process for indigenous involvement is created . . . it should prove to be both beneficial and cost-effective to Arctic states . . . indigenous peoples would be able to contribute substantially to the objectives of the Finnish Initiative through their own perspectives, experiences and knowledge. . . . Self-reliance of indigenous peoples would be enhanced within the multilateral policy-making process.<sup>628</sup>

The Finnish Initiative was passed in 1989. A central feature of the Initiative was discussions relating to the role of indigenous peoples. In effect, the Finnish Initiative served as a testament to the legitimacy of more than a decade of ICC Arctic policy-construction and the beginning of an official era of Arctic regime-building. As such, the Arctic policies, which would emerge from this point, rather than be perceived as an international state-led project, would become an arrangement in which both state and non-state actors increasingly contributed in the redefinition and development of the region. Simon argued that “the Arctic's indigenous peoples have a proven record of responsible stewardship of the circumpolar environment that spans thousands of years. . . . Consequently, the direct involvement of indigenous peoples in

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<sup>627</sup> Simon April 18, 1990, 5–6.

<sup>628</sup> *Ibid.*, 13.

the Finnish Initiative should serve to enrich this vital, new multilateral process.”<sup>629</sup>As

Simon affirms:

The Finnish Initiative provides a crucial opportunity for Arctic State governments and indigenous peoples to devise a sustainable and equitable development strategy for the circumpolar North. . . . It is in a spirit of sharing knowledge, experiences, and innovative approaches that Arctic countries . . . ensure that indigenous peoples have a direct role.<sup>630</sup>

### **Arctic Environmental Protection Strategy (AEPS)**

the world is only beginning to analyze sustainable development and implement it. In many senses we must invent sustainable development in the circumpolar region starting from the values and traditions of the indigenous peoples of the region.<sup>631</sup>

The inception of the Finnish Initiative began a process of institutional Arctic policy construction. In 1991, the comprehensive document, “To Establish an International Arctic Council: A Framework Report” was published in the Canadian Journal *Northern Perspectives*. The article, focusing on the need to promote Arctic cooperation, included recommendations for aboriginal peoples and the government, and concluded by supporting the idea of an “Arctic Council” made up of ten delegations representing the Arctic states, aboriginal peoples, and territorial governments. The same year, the ministers of the environment of the eight Arctic states came together and signed the Rovaniemi Declaration, which was an official mandate to cooperate on the creation of an Arctic environmental policy. The Rovaniemi Declaration became the first official declaration for a formal international Arctic policy. Furthermore, the Declaration recognized “the special relationship of the

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<sup>629</sup> Ibid., 7.

<sup>630</sup> Ibid., 16–18.

<sup>631</sup> Carpenter (n.d.)

indigenous peoples and local populations to the Arctic and their unique contribution to the protection of the arctic environment.”<sup>632</sup>

That same year (June of 1991), the Arctic Environmental Protection Strategy (AEPS) was created to put into action the Rovaniemi Declaration. The AEPS—a culmination of previous discussions—was signed by the eight Arctic ministers. At that time, the Arctic states *began* the process to formally recognize “the special relationship of the indigenous peoples and local populations to the Arctic and their unique contribution to the protection of the arctic environment.”<sup>633</sup> The states committed themselves to “continue to promote cooperation with the arctic indigenous peoples and to invite their organizations to future meetings as observers.”<sup>634</sup> While indigenous organizations on the whole were allocated to “observer status,” the AEPS further officially recognized the ICC and several other Arctic indigenous groups as fundamental components of Arctic sustainable development policy. At the signing of the declaration, Mary Simon asserted:

It is generally recognized that the Arctic’s Indigenous peoples have direct and extensive interests in environment-related matters. . . . Indigenous peoples in the Arctic (and elsewhere) view themselves as an integral part of the ecosystem. Their inseparable relationship with their territories has special importance for their cultures and spiritual values.<sup>635</sup>

The executive level of the AEPS, the Senior Arctic Affairs Officials (SAAO), established to meet approximately twice a year. Their work consisted of

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<sup>632</sup> Tennberg December 1996.

<sup>633</sup> Ibid.

<sup>634</sup> Ibid.

<sup>635</sup> Simon April 1990, 2–3.

increasing the scope of interest in the initiative to include coordination with NGOs, governmental scientists, indigenous peoples, and other actors with expertise in Arctic concerns. Over time, the role of the ICC augmented and eventually alongside two other indigenous peoples' organizations (IPOs), the ICC became permanent participants of the AEPS. The three IPOs were mandated with helping in “articulating the consensus” at the SAOO and ministerial meetings.<sup>636</sup>

By this time, the ICC, in collaboration with the Saami Council and the Association of Northern Peoples in Russia, were not only *afforded* roles as observers within the AEPS, but further their intrinsic role in the very mission and policies of the Arctic governance were affirmed. This newly instated authority of indigenous leaders was initiated with a prepared report for the AEPS discussions calling on the Arctic states to reaffirm their commitment to the sustainable use of natural resources by indigenous peoples. They further recommended the creation of a special program area within the AEPS designated entirely to indigenous issues. The program would include a means for indigenous knowledge and participation in Arctic development. The purpose of the program was to

create a forum where indigenous peoples could set common directions and standards for research on indigenous knowledge; develop appropriate information management systems; establish methods for communication with local communities on all matters related to the AEPS, develop educational materials and training opportunities and permit indigenous and non-indigenous scientists and experts to meet, discuss and exchange ideas and information and established a basis for communication.<sup>637</sup>

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<sup>636</sup> Archer and Scrivener 2000, 608.

<sup>637</sup> Simon September 20–23, 1994, 2.

In particular, the ICC Inuit Regional Conservation Strategy was, in many aspects, incorporated into the emerging AEPS mandate further solidifying the constitution between Inuit authority and Arctic governance.<sup>638</sup> According to the ICC:

From our point of view the creation of the AEPS was a major breakthrough in circumpolar diplomacy, as it promises to bring tangible benefits to Arctic peoples. We see it, in fact, as an instrument for environmental security in the North.<sup>639</sup>

The ICC also successfully lobbied the AEPS working group to move from an approach of pollution management to that of not only conservation but also prevention. Most notably they convinced several Arctic States, including the United States and Norway, to create a task force on sustainable development and utilization. The task force was put into practice in 1993.<sup>640</sup> At the second Ministerial Conference of the AEPS, the ministry signed a declaration reaffirming their commitment to the protection and sustainable development of the Arctic, including the “sustainable use of renewable resources by indigenous peoples.”<sup>641</sup> Consequently, indigenous concerns by this time became intrinsically part of the institutional framework defining Arctic sustainable development. In an ICC report, in regard to the overall process of the AEPS, Rosemarie Kuptana highlighted this relationship between Inuit culture and successful Arctic development:

As a people, Inuit have been completely dependent on the land and the environment: the future of our traditional society, culture and economy will require a regime of environmental protection that reflects both our knowledge

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<sup>638</sup> Pungowiyi October 4–8, 1993, 2.

<sup>639</sup> ICC October 1994, 3.

<sup>640</sup> Pungowiyi January 18, 1994, 3.

<sup>641</sup> *Ibid.*

and our needs. To help promote such a regime, we have been active participants in the creation of the *Arctic Environmental Strategy*.<sup>642</sup>

Overall, the AEPS served as a new level of governance within the larger aims to fortify a formal international Arctic regime. In Canada, in particular, the Canadian ICC was also active in an emerging discourse over the national importance of Canada's North for Canadian foreign policy. As such, with the Rovaniemi Declaration signed and the AEPS under way, the Canadian Inuit, through the ICC, persistently pressured the Canadian government to take a lead in the newly developing circumpolar affairs.

In 1991, the same year the AEPS was created, the ICC, accompanied by representatives of other Canadian indigenous peoples and "arms control organizations," prepared a report for the Canadian government entitled "To Establish an International Arctic Council."<sup>643</sup> A few months following, the three circumpolar indigenous organizations, the ICC, the Saami Council, and the Russian Association of Indigenous Peoples of the North (RAIPON) came together for the first time in an Aboriginal Leaders' Summit in order to instigate an ongoing forum for pan-Arctic aboriginal cooperation at the non-governmental level.<sup>644</sup> From this meeting the ICC then participated on an independent panel set up to consult Arctic leaders on the preparation of the "Framework Report to Establish an International Arctic Council."

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<sup>642</sup> Kuptana January 17, 1996, 3–4.

<sup>643</sup> Sambo July 29, 1991, 3.

<sup>644</sup> Grey January 20, 1993, 4.

The completed report made specific recommendations for structures and functions to provide for the full and meaningful participation of the Arctic indigenous peoples.<sup>645</sup>

The next year at an ICC roundtable meeting in 1992, Canadian aboriginal leaders gave conditional support for an Arctic Council dependent upon its ability to meet the needs and requirements of aboriginal peoples including “direct and meaningful representation and participation” and the establishment of an open agenda reached by consensus.<sup>646</sup> In a related meeting Simon similarly asserted:

I have long felt the need for a northern circumpolar political forum...to help solve the many critical issues affecting the Arctic and its peoples. . . . We also see in the circumpolar north a region whose physical and social realities are highly interdependent in many areas.<sup>647</sup>

Following this consensus, the ICC not only began a cogent process of lobbying for the creation of an Arctic Council but moreover they consistently put forward a very particular conception that this Arctic regime would assume. In Canada in particular, ICC lobbying efforts at the federal level heightened at a most crucial time regarding Canada’s reinvigorated attention to its North. Combined, the accelerating process of Arctic regime building in general and the strengthening political authority of the Inuit became crucial in the ongoing transformation of Canadian political identity and the role of Canada in international affairs. Canadian ICC speeches during this time serve as evidence of these efforts:

The ICC is firmly convinced of the need for an Arctic Council. Canadians and others would have a forum to make collective decisions that would help to resolve crucial matters facing all of us in Northern regions. . . . Governments

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<sup>645</sup> Ibid., 34.

<sup>646</sup> Simon April 1, 1992, 7.

<sup>647</sup> Simon May 1992, 2.

and peoples together could formally identify and act on priority problems of common concern...we could increase southern awareness and interest in Arctic Affairs in ways that would raise Arctic issues on the national and international agendas of the Arctic countries.<sup>648</sup>

### **The Arctic Council: Arctic Sustainable Development Policy**

ICC has worked hard for the establishment of the Arctic Council. We take our place at the Arctic Council as a distinct people, with our own language, culture, values, traditions, homelands and the right of self-determination.<sup>649</sup>

The ICC's final influence leading up to the signing of the Arctic Council stemmed from a report prepared in Ottawa by a Canadian Arctic Council panel including the ICC and two additional NGOs calling for "an overall political 'umbrella' body for the Arctic that could energise the nascent AEPS as well as promote and coordinate other co-operative activities in the region while reducing their transaction costs."<sup>650</sup> It called for the creation of an intergovernmental organization with equal status for two non-governmental delegations, one representing Arctic indigenous peoples organizations and the other representing the Arctic territorial states. The ICC passed its own resolution, 95-12, in support of bringing to fruition the Arctic Council:

THEREFORE BE IT RESOLVED THAT the ICC Executive Council is hereby directed by the General Assembly to: support the creation of an Arctic Council by early 1996; . . . insist that the definition of permanent participant proposed within the Arctic Council provide a status equal to that of an Arctic government...insist that permanent participants have a status that is superior to that of observers.<sup>651</sup>

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<sup>648</sup> Simon April 29–30, 1994, 8.

<sup>649</sup> Kuptana September 19, 1996, 58, 60.

<sup>650</sup> Simon April 29–30, 1994, 8.

<sup>651</sup> ICC July 24–28, 1995.

The Ottawa meeting concluded with an agreement to create a Canadian ambassador for circumpolar affairs and the mission of the ambassador was designed to develop and help promote an Arctic Council. Appointed as its first ambassador was the ICC's Mary Simon. Simon had already served as president of the ICC and as a member of the panel responsible for the creation of the position itself. However, overall support to establish the Arctic Council had largely been accomplished. Final ratification of the Arctic Council hinged on the affirmation of the United States. Eventually U.S. President Bill Clinton gave support to ratify the Declaration for the Arctic Council.

Following more than twenty years of Inuit determination to create an Arctic policy, in December 1996, the representatives of the eight Arctic member states and the three original aboriginal permanent participants (The Inuit Circumpolar Council, the Saami Council, and the Association of the Indigenous Minorities of the North, Siberia, and the Far East of the Russian Federation) signed the Declaration of the Establishment of the Arctic Council in Ottawa, Canada. The inauguration of the Arctic Council put into practice the ongoing Inuit political discourse stemming back to Eben Hopson's efforts for an international Arctic environmental policy in the early 1970s. This discourse consistently held to its convictions that in order to manage the Arctic, the Inuit were the necessary and natural guarantees for safeguarding its future. When the Arctic Council was inaugurated the historical narrative of Arctic development as an ongoing relationship between the Arctic's Inuit and its environment had become sedimented into mainstream Arctic policy. Central to this narrative had become the overriding way in which sustainable development had come to be defined and perceived by all of the eight Arctic states.

Once inaugurated, the Arctic Council became a consensus-based body, instituted through political declaration rather than a legally binding charter. The central mandate of the Arctic Council was to help facilitate sustainable economic and social development in the Arctic and remains to date the only fully circumpolar intergovernmental institution. With the creation of the Arctic Council, the AEPS became subsumed under the Arctic Council as an initiative. The mission of the Arctic Council was designated at this time “to enhance Arctic environmental protection while promoting sustainable economic development, to further empower Arctic aboriginal peoples at the domestic and international levels, and promote regional security.”<sup>652</sup>

The overarching objective of the Arctic Council is “to unite all the circumpolar nations in a partnership with Arctic aboriginal people’s organizations around a common vision.”<sup>653</sup> This vision entails the ability to accommodate sustainable development in the North and simultaneously protect the environment. The mission of the Arctic Council was the very mission put forward by several indigenous Inuit leaders twenty years earlier when the discovery of oil indefinitely altered the perception of the northernmost tip of Alaska. As indicated by Rosemarie Kuptana, then president of the ITK, the Arctic Council will provide an “opportunity for the circumpolar nations to establish a model of partnership and cooperation with indigenous peoples on the most vital northern policy issues.”<sup>654</sup> The contributions of the ICC in the mandate of the Arctic Council are best noted by Canada’s 7th Report of the Standing Committee on Foreign Affairs and International Trade. According to the

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<sup>652</sup> Archer and Scrivener 2000, 613–614.

<sup>653</sup> Arctic Council Home page.

<sup>654</sup> Grey January 20, 1993, 14.

report, the ICC and other “indigenous groups...led the way in putting forward a substantive agenda for Arctic cooperation.”<sup>655</sup>

Institutionally, the foreign affairs ministers of the eight Arctic states meet every two years to establish policy and create joint activities concerning Arctic issues. The ICC, Saami Council, Aleut International Association, and RAIPON serve as permanent participants. This status allows them to sit at the table as ministers, debate the issues with the other ministers and be recognized by the Chair in all matters. During the two-year period between meetings, permanent participants are full partners in all working groups including the ability to submit projects and activities.<sup>656</sup>

For the ICC, the establishment of the Arctic Council served as a critical juncture for what would become a renewed interdependent relationship between the Arctic’s indigenous Inuit and the eight Arctic states. This intertwined relationship between the Arctic states and its indigenous peoples in general is conveyed most eminently through the affirmation of a new Arctic identity premised on the need for stewardship over the land and sustainable development policy as the means for attaining this stewardship. This sentiment is illustrated by Peter Stenlund, Finnish Chair of the Arctic Council, who, in his address to the 9<sup>th</sup> ICC General Assembly stated:

During my two years term as the Chair of the Arctic Council I have learnt to know the Inuit Circumpolar Conference as a professional, convincing and alert international actor, as Permanent Participant of the Arctic Council, and as an effective NGO at the United Nations. The Arctic Council is a unique partnership between government representatives and indigenous peoples . . .

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<sup>655</sup> Ibid.

<sup>656</sup> Lynge October 16, 1998, 2–3.

sitting at the same table. . . . We all contribute to the work on a de facto equal footing.<sup>657</sup>

### **International Arctic Science Committee (IASC)**

We were, and still are, scientists in our own right. If you have trouble believing this, try in minus -40C, not only to build a house of snow but a house of snow warm enough for your naked children to sleep comfortably. Then tell me scientific knowledge was not at work here.<sup>658</sup>

Over time, Arctic governance became predicated on making and carrying out Arctic environmental policy. However, if the state of the Arctic environment was going to be assessed, how would this scientific inquiry take place and, moreover, by whom? While these questions have been central to ongoing discussions at the Arctic level dating back to the mid-1970s regarding the ICC, Inuit traditional knowledge has been an inherent component of Inuit culture and politics from the outset. Subsequently, indigenous traditional knowledge has become a central means which the ICC has utilized for legitimizing and ensuring Inuit rights to participate in Arctic governance. Inuit traditional knowledge has grown to become intertwined with and a fundamental component of Arctic sustainable development.

The year following the commencement of the Finnish Initiative, the eight Arctic states created the International Arctic Science Committee (IASC). The aim of the IASC was to address the “growing national and international interest in the Arctic, stimulated largely by the recognition of the scientific and political importance as well as its economical potential.”<sup>659</sup> The IASC became a non-governmental organization

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<sup>657</sup> Stenlund August 10–17, 2002.

<sup>658</sup> Watt-Cloutier November 16, 1996, 1.

<sup>659</sup> IASC 1990 quoted in Archer and Scrivener 2000, 603.

interested in coordinating efforts on natural and human science research relating to the Arctic land, sea, and space, with an aim to increase the available knowledge of the Arctic environment.<sup>660</sup> The IASC's official mission was to contribute "to an understanding of both the arctic region and the global system...[given that] the results of basic and applied research underlie the policies on the development and management of regional and natural resources, the protection of the Arctic environment, and the support of arctic residents."<sup>661</sup> Its themes grew to include: the impact of global changes on the Arctic region and its people; the arctic processes of relevance to global systems; the natural processes within the arctic; and the sustainable development in the Arctic.<sup>662</sup>

It was concluded at that time that the Arctic region is environmentally sensitive...has a major influence on global systems of climate, weather, ocean circulation and other important environmental issues...[and t]here is an increasing need for scientific knowledge of the Arctic region...[including] wise development and management of that region and to ensure that Arctic research contributes fully to world science for the benefit of all mankind." But, at the time of its creation, no mention or consultation was given to the Arctic's indigenous populations.<sup>663</sup> Even prior to the inception of IASC, the ICC was already subject to exclusion from participation in Arctic science. Eben Hopson affirms this in 1984:

Arctic knowledge has become a regional industry in which the demand for competent scientists is becoming greater than the supply. However, this

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<sup>660</sup> Ibid., 603.

<sup>661</sup> Ibid., 604.

<sup>662</sup> Ibid., 605–606.

<sup>663</sup> Simon March 27, 1990, 8.

regional industry is not community based...the industry of Arctic knowledge is controlled by essentially national and industrial interests. The industry is not organized to meet our communities needs...Sharing is important social behaviour in the Arctic. . . . We want to share our wealth in oil, gas, and coal but we feel we must have a say in the means by which our fuels are extracted from our land. Sharing means that we must be allowed to measure environmental risks in our own Inupiaq language. For in our language is a whole natural science of the Arctic.<sup>664</sup>

Despite the perceived unimportance of the ICC at this time and other indigenous organizations concerning Arctic scientific research, the ICC eventually became an influential body of scientific knowledge in the following years. This transformation took place through the intensification of the relationship between the IASC and evolving international Arctic policy cooperation. While officially excluded during the initial years of the IASC, the ICC persistently argued for the importance of indigenous knowledge and moreover, that “effective change in the role that Inuit can play in the scientific process is a long term commitment and involves changes both from within Inuit culture and ‘southern’ culture...It is a process that requires a shift in the commonly held, ethnocentric attitude that western science is somehow ‘superior’ in scope and depth to other ways of knowing.”<sup>665</sup>

To counter the absence of Inuit consultation over Arctic science policy, the ICC opted to create their own “Principles and Elements on Northern Scientific Research” which established criteria for “what Inuit consider to be appropriate conduct of research in the Arctic.”<sup>666</sup> The document also contained the basis for a code of ethics which the ICC argued was “an important first step towards shifting the

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<sup>664</sup> Eben Hopson quoted in Brower and Stotts 1984, 323.

<sup>665</sup> Brooke November 30, 1992, 5.

<sup>666</sup> Jakobsen April 15, 1997, 3.

‘control’ of research and its use and creating a balance between the needs of the north and where science can assist to help meet those needs.”<sup>667</sup> According to an ICC executive member:

We, the Inuit are true examples of what Charles Darwin came close to, namely “the survival of the fittest.” Through out history we have developed technologies, techniques, and know how adapted to the needs that makes us survive as the fittest within the Arctic environment...Our aim is to preserve the best of the old and adopt the best of the new.<sup>668</sup>

As such, in the final documents of the Principles and Elements for a Comprehensive Arctic Policy, the ICC affirmed that in regard to science:

It is recognised that the physical biological and health sciences as well as social and behavioural sciences, can all potentially contribute in significant ways to information and knowledge about the Arctic. However, both ‘scientific’ opinion and Inuit knowledge and experience have validity and therefore should be utilised. If the objectives of northern research are to be achieved, both types of knowledge must be appropriately integrated within a framework of cooperative research. Effective systems to collect and classify Inuit knowledge, particularly in regard to northern resources, the Arctic environment, and Inuit culture must be further developed.

The ICC argued that the Inuit possess a special knowledge about the Arctic and this traditional knowledge is essential for any Arctic sustainable development policies to be effective. Accompanying the discourse that Inuit tradition is the key to sustainable development has been the associated conception of traditional knowledge. Again, Inuit leaders reframed Inuit ‘traditions’ such as subsistence and Inuit relationships to the land and animals as a particular science inherent to sustainable development practice. These sentiments reflect back to the earliest years of Inuit politics as evident in an ICC keynote speech by Hopson in which he asserted:

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<sup>667</sup> Ibid., 4.

<sup>668</sup> Ibid.

Our language contains the memory of four thousand years of human survival through the conservation and good managing of our Arctic wealth. . . . Our language contains the intricate knowledge of the ice that we have seen no others demonstrate. Without our central involvement, there can be no safe and responsible Arctic resource development...We have the right and duty to negotiate with our governments the terms under which we can safely share our sub-surface wealth with others more in need of it. . . . Arctic resource development has placed special pressures upon us to organize now to meet our responsibilities to the land.<sup>669</sup>

The role and perceived importance by the international Arctic community that indigenous knowledge is in fact a science slowly materialized over time. During the following decades, the connotation of indigenous knowledge transformed from its depiction as primitive knowledge to a powerful political medium assigning authority to indigenous actors as experts in environmental conservation. This transformation has created a space for traditional knowledge to serve as a legitimate form of science incorporated into research agendas and science policies. Examples have included privileging and even requiring the inclusion of traditional indigenous knowledge in research agendas in order to attain research money and awards. Most extensively, by the time the Arctic Council was established, the ICC had successfully incorporated traditional knowledge into all Arctic policy. The Arctic Council's working group on Flora and Fauna (CAFF) relied on indigenous knowledge in several projects including the Beluga Whale Mapping Project, the Indigenous Knowledge Data Directory, the Indigenous Peoples and Co-Management Project, and work concerning Ethical Principles for Research.<sup>670</sup>

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<sup>669</sup> Hopson June 13, 1997.

<sup>670</sup> Nuttall 2000b, 623.

While traditional Inuit knowledge was becoming an integrated part of Arctic policy, indigenous knowledge was also gaining momentum from the political activities of indigenous groups elsewhere and of which came together in international policy circles. At the 1991 U.N. Conference on Environment and Development in Geneva, Mary Simon urged the plenary participants to recognize the various levels of support needed from governments in order to ensure that the traditional knowledge of indigenous peoples survives, is accepted as a vital knowledge system, and the solution to global environmental problems. According to Simon:

Governments and agencies must re-shape their thinking, and accept the traditional knowledge of indigenous peoples as “science” and all that it implies. . . . The mentality that underlies any initiative, however, must not be driven by a simple desire to “salvage” a disappearing knowledge base. Rather it must be driven by an understanding why traditional knowledge is important in a modern context<sup>671</sup>. . . Efforts to date have led to a general acceptance that the traditional knowledge of indigenous peoples is a valuable resource, and has an important role to play in environmental problem-solving. Having accepted that it has value, however, is not the last task of UNCED—it is the first!<sup>672</sup>

Following this, in May 1992, the United Nations sponsored a technical conference on indigenous peoples and the environment held in Santiago, Chile. The ICC was involved with the conference and the principles which emerged.<sup>673</sup> Again, the ICC emphasized that ‘traditional’ science is a ‘modern’ science and, as such, the key to solving the world’s modern environmental problems. At the meeting Mary Simon noted:

Thousands of years of survival from the resources of the North have taught us many skills and has provided us with a vast amount of information about the

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<sup>671</sup> Simon September 2, 1991, 3.

<sup>672</sup> Ibid., 1.

<sup>673</sup> Simon 1992, 36.

resources and environment. We have a responsibility to protect this knowledge base, allow it to evolve in the modern context and under strict programs of control, share it with those who share the planet with us.<sup>674</sup>

The international shift in perceptions concerning the relative importance of indigenous science in general and traditional Inuit knowledge in particular is illustrated by the remark of Dr. Noel Brown, the United Nations Representative who attended the Seventh General Assembly of the ICC:

If Inuit are to remain faithful stewards of Arctic sustainability, you must look beyond rights to your responsibilities . . . it is your duty to remain vigilant and assess, and reassess your situation. . . . Planetary health, not only Inuit health, is much in danger. . . . I am not sure we can have one without the other.<sup>675</sup>

Brown's remarks in 1995 point to a move by the international community to correlate Inuit science with global sustainability. This momentum sustained and in 1999, the World Conference on Science in Budapest convened. The members of the meeting asserted the need to combine scientific knowledge and traditional knowledge in interdisciplinary projects, which address the necessary relationship between culture, the environment, and development for conserving biological diversity, managing natural resources, and other concerns.<sup>676</sup> In a speech at the conference Simon affirmed the growing relationship between indigenous science and sustainable development:

Issues of sustainable development and sustainable use in the Arctic are by definition cross-cultural. . . . It is precisely in the area of sustainable development and sustainable utilization that so-called "hard science" and the facts and figures related to pollution and habitat degradation, for example,

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<sup>674</sup> Simon March 31–April 2, 1993, 2.

<sup>675</sup> Brown July 24–28, 1995, 21.

<sup>676</sup> Nuffic November 2001.

come face to face with the cultural, social and economic realities of the Arctic's indigenous peoples.<sup>677</sup>

By 1999, indigenous knowledge—much like emerging international legal law regarding indigenous peoples—had grown to become an equal facet of sustainable development policy. Emanating from the World Conference on Science, the Centre for International Research and Advisory Networks, in affiliation with UNESCO, began to collect indigenous scientific information and compile them into published works.<sup>678</sup> According to Nuttall, this growing legitimacy of traditional knowledge has increased the authority of the Inuit as experts in the area of Arctic environmental science. He notes that “[i]n setting out to counteract threats to the Arctic environment, the ICC has claimed the right for international recognition of the Inuit as resource conservationists and has begun to use indigenous knowledge as political action.”<sup>679</sup>

Further, the Arctic Climate Impact Assessment (ACIA) Report released in 2004 became the most comprehensive regional climate change assessment ever undertaken. It was a joint project led by the IASC and the Arctic Council. One of the major findings of the report included the impacts of the changes in the Arctic on indigenous peoples who inhabit the region.<sup>680</sup> Canadian Inuit—through the ITK—specifically added scientific findings to the report through their own publications, a project called ArcticNet. The project sought to foster Inuit participation in federal research and discussions on climate change and the participation of Inuit in all relevant

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<sup>677</sup> Simon September 20–23, 1994, 14.

<sup>678</sup> Specifically, see UNESCO “Best practices on indigenous knowledge.”

<sup>679</sup> Nuttall 2000b, 625.

<sup>680</sup> Arctic Council November 24, 2002.

meetings and conferences. The project also aimed to help reduce greenhouse gas emissions by creating an Aboriginal and Northern Community Action Program.

Overall, a most exemplary summary of the transformation in international recognition of indigenous knowledge concerns the discussions and research leading up to the Stockholm Declaration. Peter Stenlund, Finnish Chair of the Arctic Council in his address to the Ninth ICC General Assembly not only states the important role that indigenous science attributes to international development, but moreover, that traditional science itself is a cornerstone piece defining a liberal democratic state:

Scientifically based decision-making that is informed by the traditional knowledge of indigenous peoples is a deeply rooted principle in the Arctic Council. The usefulness of this principle has been proved by our joint efforts at the international level. The findings of the Arctic Monitoring Assessment Programme in the 1998 report on the state of the Arctic environment provided a convincing scientific base for actions to develop a global regulation on POPs. Traditional knowledge, particularly among Inuit's, made our Arctic message urgent and convincing... a question is whether or not traditional knowledge has become an effective tool for policy- its not so much the knowledge produced itself but more the symbolism of what is produced by its action- it has become symbolic of being in accordance with being a good liberal democratic state.

Since the emergence of a new post-Cold War framework of the Arctic sustainable development policy, the ICC, through the idea of traditional knowledge, has reaffirmed its legitimacy as a fundamental constituent of Arctic governance. Fundamentally, the language of the ICC—(later reinforced by Arctic Council policies)—utilized traditional indigenous discourse (stewardship, subsistence, traditional knowledge, and indigenous governance) and transformed these into an overarching contemporary Arctic political agenda. Stewardship became a pseudonym for local government and land use control, subsistence became sustainable economics, and traditional knowledge grew to become a necessary part of Arctic science. Together, these concepts were discussed as part of an expanding international

discourse of indigenous rights and over time this language became further reincorporated into another emerging discourse of Arctic sustainable development.

**Conclusion: Sustainable Development—The Way Forward for Arctic Development**

The main ingredient for successful Canadian policies is a simple one: understanding that the Arctic is peopled<sup>681</sup>

Beginning with the mission of the Arctic Council, the representatives of the eight governments declared that:

The Arctic Council is established as a high level forum to provide a means for promoting cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic indigenous communities and other Arctic inhabitants on common arctic issues, in particular issues of sustainable development and environmental protection in the Arctic . . . [and] adopt terms of reference for and oversee and coordinate a sustainable development program.

This vision of the Arctic centers on the importance of Arctic sustainable development. Intertwined in this image is the role of indigenous peoples which cannot be abstracted from this framework. According to the 7th report of the Standing Committee on Foreign Affairs and International Trade, “[t]he frayed stratagems of sovereign states—e.g. regarding the Arctic as a strategic ‘theatre’ of military operations or as a reserve asset of national wealth—are gradually having to give way to non-state actors with different concerns and expectations from circumpolar cooperation.”<sup>682</sup> These include not only environmental and economic concerns, but also overarching questions of indigenous self-determination and cultural survival as well.

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<sup>681</sup> Jull July/August, 1988, 2.

<sup>682</sup> Parliament of Canada home page.

Included in the definition of sustainable development, according to the Arctic Council’s declaration, is the affirmation of the council’s commitment to sustainable development in the Arctic region, including economic and social development, improved health conditions, and cultural well-being.<sup>683</sup> As a consequence, all Arctic residents—most notably Arctic indigenous peoples—officially became recognized as a part of the official definition for Arctic sustainable development. Further, the founding declaration officially recognized “the traditional knowledge of the indigenous people of the Arctic...[and]...its importance [to] Arctic science and research to the collective understanding of the circumpolar Arctic.”<sup>684</sup> This included aims “to provide a means for promoting cooperative activities to address Arctic issues requiring circumpolar cooperation and to ensure full consultation with and the involvement of indigenous people and their communities and other inhabitants of the Arctic in such activities.”<sup>685</sup>

At the first Ministerial Meeting of the Arctic Council, ICC Aqqaluk Lynge asserted:

In the midst of change we are confident in a fundamental principle- that through the council, nation-states and indigenous peoples will work together to protect the environment and to promote sustainable development. This is ICC’s vision for the Council.<sup>686</sup>

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<sup>683</sup> Arctic Council home page.

<sup>684</sup> Ibid.

<sup>685</sup> Ibid.

<sup>686</sup> Lynge September 17, 1998, 1.

While the role of permanent participant was not entirely satisfactory to the indigenous representatives present at the negotiations, the role of permanent representative has nonetheless been a historic shift in the role of indigenous peoples in terms of shaping Arctic policy.<sup>687</sup> The established political agency of the Inuit is exemplified in the various commitments made in the declaration to establish the Arctic Council. One member-state official of the Arctic Council contended regarding the ICC that “it was this group and not any Arctic government that was responsible for introducing the principles of sustainable development into the circumpolar forum.”<sup>688</sup>

In essence, the establishment of the Arctic Council formalized political relations between its member states and various non-state actors, institutionalizing the role, importance, and representation of the Inuit as a legitimate polity at the Arctic level. As Sheila Watt-Cloutier asserts “[t]he stage is set for us to use the Arctic Council to promote our vision and perspective of sustainable development.”<sup>689</sup> This was reaffirmed in a speech at the 2002 ICC General Assembly by a Nunavut parliament member who stated:

The Inuit Circumpolar Conference has succeeded in bringing northern issues and concerns to the attention of citizens and governments in the south. You were instrumental in developing initiatives, such as the Arctic Environmental Protection Strategy. And your determination to contribute to the Arctic Council as a permanent participant set a new standard for indigenous participation in an international forum.<sup>690</sup>

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<sup>687</sup> Grey January 20, 1993, 17.

<sup>688</sup> *The Economist* 2002.

<sup>689</sup> Watt-Cloutier 2002.

<sup>690</sup> Karetak-Lindell August 11–16, 2002.

The Arctic Council certified a new vision of the Arctic. Suddenly the 'North' was no longer regarded as a remote and desolate region somewhere 'up there' best suited to be a militarized zone. Instead, shifting Arctic discourse transformed the Arctic into a region comprised of a fragile ecosystem occupied by indigenous communities which know how to best carry out sustainable development of the region. Keskitalo makes evident this process of redefining the Arctic:

The description of the 'Arctic' region as an area defined by these characteristics is, however, a characterization that works to systematically select- deselect and mythify, as it excludes all other characteristics outside the environmental-indigenous-traditional spectra from view. 'The Arctic', in this understanding, works not only to select the 'traditional' problems and actors (such as whaling and indigenous) into the 'Arctic', but requires these to stay inside non-modern (and non-postmodern) spectra.<sup>691</sup>

While Keskitalo argues that the Arctic Council in fact reifies these boundaries, restricting the ways we can talk about the Arctic (indigenous, environmental, etc.), it does not preclude indigenous peoples from being modern or post-modern. On the contrary, the Arctic Council has created a new narrative in which Arctic science, economic development, and governance can *only* be modern or post-modern when science includes traditional knowledge, when economic development is 'sustainable,' and when Arctic governance includes indigenous participation. The ICC has been successful in transcending the environmental, traditional, and indigenous as ideas wedded only to the past. Instead, these terms themselves are being redefined and are redefining those which it encompasses in the process (economics, development, science, etc.).

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<sup>691</sup> Keskitalo March 25–27, 2002, 14.

The first ICC meeting in 1976 was based on the need to “deal with Arctic oil.”<sup>692</sup> At that time it was recommended that it be treated as a problem rather than a solution. Hopson argued, however, that there was one positive aspect of oil exploration: gas development could bring heat to Inuit homes. Yet these advantages have proven far more extensive than was known at the time. While not as overtly tangible, the constitutive historical relationship between the Inuit, the Arctic, and its resources over time were crucial to the construction of a new Arctic narrative which the ICC not only helped to compose but also of which the ICC became a significant component. Through the amassed legitimacy built over time, the ICC has acquired the authority for determining the shape and direction in which Arctic development is defined and proceeds. As Simon and Jull note, “the Inuit through the ICC implicitly and explicitly redefined the North as a region.”<sup>693</sup>

In this context, the ICC is not a ‘new transnational actor’ in global affairs or merely one of many NGOs influencing international politics, as Young and Tennberg allude. Rather, the ICC serves as the culmination of a more complex and multidimensional narrative of Arctic international relations. The autonomy that the Inuit have attained domestically (through land claims) as well as internationally and at the Arctic level (through the ICC), serves as the latest formation in the process of ongoing shifts in Arctic Inuit politics and development. The most recent construct of this reality, an amalgamation of indigenous traditions and Western liberal democracy, is summarized in the following statement by ICC executive member Mary Simon:

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<sup>692</sup> Hopson April 25–7, 1978.

<sup>693</sup> Simon and Jull September 1994, 10.

Self-sufficiency in the modern context does not, however, simply mean the right to subsistence harvesting in its narrowest sense. New ideas about the role of resources in a mixed economy are being considered and acted upon. Inuit want to continue to hunt and eat what they hunt, but they also see the importance of commercial enterprise based on sustainable exploitation of their local resources.<sup>694</sup>

While the original intentions of the ICC persist, what has shifted is the importance of the Arctic environment. Embedded in this discourse is the idea that the Inuit are integral to the definition, meaning, and policy which comprise the region. Given many of the issues facing the Arctic, emerging Arctic policy has further fallen in accordance with another growing phenomenon taking place at the international level. Beyond the Arctic, discourse to protect the environment and the attached social implications has also augmented internationally. Subsequently, the Arctic as a region has become increasingly more significant over time through its interdependence with a growing international discourse of sustainable development and international human rights.

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<sup>694</sup> Simon March 31–April 2, 1993, 2.



## Chapter 8

### MERGING ARCTIC INDIGENOUS DISCOURSE AND INTERNATIONAL LAW: TURNING THEORY INTO PRACTICE

In addition to aboriginal rights, “Inuit rights” must also refer to those fundamental economic, social, cultural and political rights which the world community has enshrined in international conventions.<sup>695</sup>

#### Introduction

The contemporary narrative encompassing Inuit self-determination is a narrative constitutive of the contemporary discourse of international human rights and development. Together these narratives have contributed to regional and global ideas of sustainable development. The International Law Association (ILA) has accepted the right to development as applying to both individuals and collective groups.<sup>696</sup> The right to development, the ILA asserts, addresses issues concerning the protection of civil, cultural, political, and social rights, as well as the right to a healthy environment in a framework of sustainable development. They further emphasize the link between development as a “collective human right and the values of a civil society, namely good governance, whereby people have the ability . . . ‘to limit government authority and to influence policy on the basis of universally recognized human rights.’”<sup>697</sup> In the particular context of indigenous rights, the ILA contends that the right to development

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<sup>695</sup> Simon September 17–20, 1990, 70.

<sup>696</sup> CIEL November 15, 1997.

<sup>697</sup> Ibid.

implies an obligation for states to “recognize the right of indigenous peoples to decide democratically what values, objectives, priorities, and strategies will govern and steer their development course.”<sup>698</sup>

The Universal Declaration of Human Rights, which passed through the General Assembly in 1948, is now international customary law. Yet in 1966, the International Covenant on Economic, Social, and Cultural Rights was introduced and many argued that only civil and political rights were part of the human rights regime. Social and cultural rights remained “social aspirations.” The 1993 Vienna World Conference on Human Rights countered this argument insofar as it affirmed the interdependence of all human rights. The idea was that development and economic growth could not serve to justify violations of human rights. Since the Vienna conference, linking economic development and human rights has emerged into what has become known as *third generation rights*. These new third generation rights, often referred to as “solidarity rights,” have led to the emergence of what the ILA refers to as a “New Tri-Partite Approach” to international law under the larger conception of sustainable development. Whereas first generation rights concerning civil and political liberties operated under the premise of government non-interference toward individuals, second generation rights were then regarded as rights which require “affirmative” government action for their realization. Furthermore, second generation rights and often refer to “group” or “collective” rights in that they concern the “well

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<sup>698</sup> Ibid.

being of whole societies” and are codified in the International Covenant on Economic, Social, and Cultural Rights.<sup>699</sup>

Third generation rights are distinct from the two previous generations of rights in that they are not only founded upon both the affirmative and negative duties of the state, but also on the behavior of each individual. Third generation rights require obligation not only by the state, but the individual as well as public and private bodies and the international community. Third generation rights include the right to development, the right to peace, and the right to a healthy environment.<sup>700</sup>

The legitimacy of third generation rights is covered under the International Covenant of Economic, Social, and Cultural Rights. Ultimately, these rights coalesce around and are realized under the larger right to cultural integrity as stated in various conventions including the Inter-American Commission Declaration on the Rights of Indigenous Peoples. According to Article VII:

Indigenous peoples have the right to their cultural integrity, and their historical and archeological heritage, which are important both for their survival as well as for the identity of their members.<sup>701</sup>

The Human Rights Committee—the body which oversees the International Covenant on Economic, Social, and Cultural Rights—Article 27 further states:

Culture manifests itself in many forms including a particular way of life associated with the use of land rights resources, especially in the case of indigenous peoples. The enjoyment of these rights may require positive

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<sup>699</sup> Ibid.

<sup>700</sup> Ibid.

<sup>701</sup> Inter-American Commission on Human Rights February 26, 1997.

measures of protection and measures to ensure the effective participation of members of minority communities in decisions which affect them.<sup>702</sup>

Accordingly, the act of indigenous peoples maintaining the legitimacy to represent themselves as political actors in the course of their own development serves as both a realization of cultural integrity and testament to the presence of international liberal democratic order—‘good governance’ in practice. Three instances—World Bank activities, legislation on persistently organic pollutants (POPs), and ICC action to take the United States to the OAS Inter-American Court—reflect the affirmation of indigenous rights as part of general international human rights. These three instances, all contributing to setting new precedent in international law, are discussed below.

### **Institutions Transformed: The Impact of Norms in the Case of the World Bank**

Generally speaking, international law lacks a fundamental issue—enforcement capability. However, while legal enforcement is not always attainable, indigenous rights issues seem to be most successful through international pressure in accordance with democratic principles. The World Bank is one such institution that has accommodated changing international norms.

In 1982, the World Bank became the first multilateral financial institution to issue a policy on tribal people. The language ‘tribal people’ was then replaced in 1991 with ‘Indigenous Peoples.’ Following this change, World Bank Executive Directors determined that they would endorse “free, prior and informed consultation,” a move which led to “broad community support.”<sup>703</sup> During the discussion for

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<sup>702</sup> Orellana 2002, 9.

<sup>703</sup> World Bank Legal Department April 8, 2005.

proposed revisions to the bank’s operational policy on indigenous peoples at the Committee on Development Effectiveness (CODE), the general counsel was asked to provide a legal note concerning the use of the term ‘indigenous peoples,’ an overview of the emerging principles of international law on indigenous peoples, and the extent to which the proposed bank policy is consistent with such principles. In a 2002 legal note, each general counsel of the bank advised that:

concerning free prior and informed consent (FPIC): Where a country is not one of the few that have incorporated FPIC into their domestic legal framework, requiring FPIC would be inconsistent with the Bank Group’s role as a global institution whose members are sovereign governments, possessed of their own rights to determine whether to follow the terms of any international convention. Indeed, this would create a conflict with the Articles of Agreement, as the Bank Group would, in effect, be giving the equivalent of a veto right to parties other than those specified in the country’s legal framework. This would be inconsistent with the Bank Group’s governance structure, which establishes the critical role of member governments in Bank Group financing.<sup>704</sup>

During the proceeding discussions addressing these requests, the senior vice president and general counsel noted that, regarding “free prior and informed consent,” bank policy is consistent with the emerging international principles and practices relating to indigenous peoples. The bank’s concluding report included a response affirming that:

The survey [Extractive Industries Review] . . . reveals that there is no universally accepted convention or treaty which comprehensively addresses the rights of indigenous peoples. However, there are emerging international principles and practices relating to Indigenous Peoples. Those principles and practices are not universally binding in nature, but nevertheless, the proposed Policy is consistent with them.<sup>705</sup>

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<sup>704</sup> Ibid.

<sup>705</sup> Ibid.

The response went even further to assert that the World Bank, as a financial institution, has contributed to these changing norms in international human rights as well:

OIS 2.34, issued in 1982, represented the first international legal instrument exclusively to deal with protection of tribal and indigenous peoples and their rights, thus contributing to the emergence of international principles and practices with regard to the rights of indigenous peoples. In 1991, OIS 4.20 on Indigenous Peoples strengthened and expanded the protection of the rights under the OIS, and has had influence on the policies of some other multilateral development banks.

In its conclusions, the Proposed World Bank OP 4.10 on Indigenous Peoples included detailed provisions on the rights of indigenous peoples:

(i) free, prior and informed consultation leading to broad community support for any project affecting indigenous peoples, and that the Bank will not proceed further with project processing if it is unable to ascertain that such support exists.<sup>706</sup>

Since the changes in bank policy, the global fund initiative within the World Bank has launched a program entitled “The Grants Facility for Indigenous Peoples.” The program provides small grants directly to indigenous peoples’ organizations to support the implementation of sustainable development projects and programs based on their cultural preferences. In conjunction with this initiative, the World Bank has begun to work directly with indigenous organizations including acting as a participant in the Permanent Forum for Indigenous Issues. As stated by the bank,

The World Bank is committed to supporting the UN Permanent Forum on Indigenous Issues as an essential mechanism to facilitate constructive dialogue

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<sup>706</sup> Ibid.

among Indigenous Peoples, states, NGOs, UN Agencies and UN Specialized Agencies.<sup>707</sup>

By its second year of implementation, the Grants Facility program funded a total of 55 projects. As an international financial institution, direct involvement with indigenous organizations which bypasses the state is a dramatic shift in what political entities are considered legitimate. Furthermore, the actions of the World Bank have set a precedent which is used increasingly by indigenous organizations (namely through the United Nations Permanent Forum) to pressure other multilateral agencies to act in the same manner.

#### **Persistently Organic Pollutants (POPs): The Stockholm Declaration**

Climate change in the Arctic does not mean exciting new opportunities for Inuit—to start farming, for example, instead of hunting for our food. . . . At best, a new Arctic climate would require the development of a whole new set of skills to earn a livelihood from. . . . At worst, it would be impossible.<sup>708</sup>

As communities, we are indeed taking ownership of our own self-induced contaminants and their effects on our lives. However, the issues of pollution and contaminants are not ours to own. They are coming from distant places and are making their way into our food chain.<sup>709</sup>

With regard to the Arctic, the process leading up to the Stockholm Declaration offers a specific example of the application of Inuit discourse concerning Arctic development. In particular, it offers an illustration of the emerging significance of the ICC, as an indigenous polity, in making international policy. Recent studies have concluded that in the Arctic the global average temperature rise on the planet's

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<sup>707</sup> The World Bank September 2005.

<sup>708</sup> Kuptana July 16–19, 1996, 6.

<sup>709</sup> Watt-Cloutier November 16, 1996, 2.

surface is twice the expected rate.<sup>710</sup> Research has also found that Inuit, by living in the Arctic, have five to ten times more PCB, DDT, and other Persistent Organic Pollutants (POPs) in their blood and lipid tissues than the national average. POPs in general are transported from tropical and temperate areas to the Arctic “sink” and bio-accumulate and bio-concentrate within the marine food chain.<sup>711</sup>

When the Inuit in Canada first discovered that their country food<sup>712</sup> was contaminated, they created a database of knowledge based on Western science and traditional knowledge through the Centre of Environment and Indigenous Nutrition at McGill University. In collaboration with the government of Canada, Inuit and several other governance institutions created Canada’s *Arctic Environmental Strategy*. It was through this initiative that Canada entered the UN negotiations for a treaty on POPs.<sup>713</sup>

The ICC further used their institutional political leverage to join the debate:

ICC will use its observer status in the UN to press for a comprehensive, rigorous and verifiable global treaty on POPs. This is our goal.<sup>714</sup>

ICC efforts to create an international convention to address persistently organic pollutants began as far back as 1989 with the passage of ICC Resolution 89-12 “Toxic Contaminants” which states that:

NOW THEREFORE BE IT RESOLVED THAT the Inuit Circumpolar Conference call on the Nation States within the Circumpolar region to develop and enter into an international agreement with the Nation States which produce,

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<sup>710</sup> Kuptana July 16–19, 1996.

<sup>711</sup> Jakobsen April 15, 1997.

<sup>712</sup> Country food refers to local and traditional food consumption (e.g., whale).

<sup>713</sup> Watt-Cloutier 2002.

<sup>714</sup> Watt-Cloutier January 24, 1999, 4.

and/or emit these toxic contaminants with a goal to reducing and eventually eliminate the contaminants entering the Arctic and eliminate them.<sup>715</sup>

Throughout the POPs international meetings in the mid-1990s, all indigenous organizations including the ICC were excluded. The ICC was able to become a key player, however, and influence the POPs agenda through its participation and significant contributions in Canadian and circumpolar research programs ultimately responsible for convincing the Arctic states of the need for international remedial action. Central to these research programs was the 1997 publication of the Canadian Arctic Contaminants Assessment Report (CACAR), which documented the state of contamination in the Canadian Arctic. The Report participants which directed and managed the program included five indigenous organizations (the ICC among them), four federal agencies and three territorial governments. This report also coincided with the AEPS (Arctic Council) Arctic Monitoring Assessment Program which released its report “AMAP Assessment Report: Pollution Issues” in 1997.

The report was the compilation of collaboration between 400 scientists and produced the most comprehensive and detailed regional contaminants report in history. It concluded with a recommendation that “all parties to the Convention on Long-range Transboundary Air Pollution should work vigorously for the expeditious completion of negotiations for the three protocols [including POPs].”<sup>716</sup> The report was released in conjunction with preparations leading up to UNEP global negotiations

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<sup>715</sup> ICC July 1989.

<sup>716</sup> Downie and Fenge 2003, 194–195.

which took place that same year in Geneva. The five indigenous organizations—which had already worked together on the Arctic Contaminants Assessment Report through the Arctic Council—formed a coalition called the Northern Aboriginal Peoples’ Coordinating Committee on POPs, which was later renamed the Canadian Arctic Indigenous Peoples Against POPs.

While not formal participants, the coalition was central to the language and eventual ratification of the Stockholm Convention. Aboriginal leaders in general and Sheila Watt-Cloutier’s influence, through the ICC, was already apparent in the Canadian Arctic Contaminants Assessment Report and the *AMAP* Assessment Report, “Pollution Issues.” The ICC also played a critical role in recasting Canada’s position on POPs from a Canadian ‘economic’ matter—as originally stated by the Department of Foreign Affairs and International Trade in a 1997 letter—to a matter of Canadian Public Health. Initially, the Minister of Foreign Affairs characterized POPs as “a sustainable development issue,” not one of public health.<sup>717</sup>

In 1995 and 1997, UNEP’s governing council decided to assess twelve POPs—the ‘dirty dozen’—in order to make the case for global action. At the October 1997 POPs negotiation meeting, the indigenous coalition, while not directly involved in the meetings, was present and influential through their active “hallway participation.” The coalition was able to garner the support of both the Danish and Norwegian delegations that POPs was indeed a public health issue and further they were able to “soften” the Canadian delegation’s position. Five clauses were

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<sup>717</sup> *Ibid.*, 195.

established at the meeting which, if passed, would establish the protocol for the POPs to be Arctic, Aboriginal, and a public health concern.<sup>718</sup>

Following this, the indigenous coalition decided to utilize the ICC's consultative status in ECOSOC and to send an ICC observer to the POPs negotiations, set to take place that same year in Geneva. Using ICC's observer status, the coalition argued for a "comprehensive, verifiable, and rigorously implemented convention to protect the health and way of life of northern Indigenous peoples."<sup>719</sup> Through involvement in Canada's Northern policies, and serving as the ICC President, Sheila Watt-Cloutier not only put the ICC at the forefront of all indigenous efforts but also successfully advanced indigenous concerns in general at the center of the POPs' discussions.

Most notably, this was accomplished through the media. As an indigenous group the coalition as a whole appeared rather "exotic" to the news media, and additionally the Arctic's indigenous peoples were living testament of the effects of global warming in the Arctic. Essentially, Watt-Cloutier and the ICC won over the hearts and minds of the media covering the POPs discussions. As a result of this attention, Sheila Watt-Cloutier hosted the United Nations Environment Program communications team and BBC World Television crews in a visit to Iqaluit (Watt-Cloutier's home town) to film the effects of POPs on the Arctic. The film that UNEP produced was shown at the fifth and final session in Johannesburg and the BBC's

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<sup>718</sup> Ibid., 197–200.

<sup>719</sup> Ibid., 201.

documentary aired on BBC World Television numerous times leading up to Johannesburg.<sup>720</sup>

Between 1998 and 2001 five meetings took place, the last culminating with the ratification of the Stockholm Declaration. The overall objective of the agreement was to be:

Mindful of the precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development, the objective of this Convention is to protect human health and the environment from persistent organic pollutants.<sup>721</sup>

Watt-Cloutier, representing the ICC, attended and contributed to all the negotiation meetings. By this time, the central role and importance of POPs on the Arctic's indigenous peoples had become common knowledge to the negotiators. Giving an impromptu speech at the UNEP conference in Nairobi, Klaus Topfer, executive director of UNEP, declared that "Indigenous peoples were the 'conscience' of the negotiations and that the world was obliged to take their concerns seriously."<sup>722</sup>

In Stockholm in May 2001, on behalf of the Canadian Arctic Indigenous Peoples Against POPs, Watt-Cloutier joined the Honorable David Anderson, Minister of the Environment for Canada and Chair of UNEP Governing Council, in Canada's signing of the POPs Convention. In a reception several weeks later the Rt. Honorable Herb Gray, Deputy Prime Minister, declared that "Indigenous peoples had exerted

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<sup>720</sup> Ibid., 261–262.

<sup>721</sup> Stockholm Convention on Persistent Organic Pollutants.

<sup>722</sup> Downie and Fenge 2003, 204.

influence in the negotiations out of all proportion to their numbers.”<sup>723</sup> Overall, the POPs’ declaration and the surrounding negotiation process leading up to the declaration is a notable illustration of a sedimenting post-Cold War Arctic identity. This identity is dominated by the vision of a region that is environmentally fragile, the world’s ecological barometer and equally a ‘home’ to indigenous populations living throughout the Arctic.

**The ICC Seeks Relief from the United States: Global Warming is a Violation of International Human Rights**

The human rights of the Inuit are under threat as a result of human-induced climate change. ICC will defend the human rights of Inuit. We are exploring how best to do this, likely through the Inter-American system invoking the 1948 American Declaration on the Rights and Duties of Man.<sup>724</sup>

In the early 1990s, alongside other indigenous groups throughout the America’s, the ICC called on the OAS to expand the environmental rights of indigenous peoples. The Inter-American commission on Human Rights is the central arena in the America’s by which to address human rights issues. It was established by the OAS in 1959. ICC Mary Simon addressed the OAS:

We cannot rely entirely upon domestic law to provide the necessary protection and promotion of our human rights and fundamental freedoms. These include our collective *and* individual rights. We must go beyond the protections provided for “minorities” under article 27 of the International Covenant on Civil and Political Rights, which are simply inadequate.<sup>725</sup>

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<sup>723</sup> Ibid., 210.

<sup>724</sup> CIEL December 2005.

<sup>725</sup> Simon December 10, 1992, 3.

A questionnaire was then disseminated to OAS states and indigenous organizations and what resulted several years following was the Inter-American Draft Declaration on the Rights of Indigenous Peoples.<sup>726</sup> In 1995, the OAS Inter-American Commission on Human Rights released a first draft of the “Inter-American Declaration on the Rights of Indigenous Peoples” and final ratification of the proposed draft followed in 1997.<sup>727</sup> The declaration comprises 24 Articles covering issues of the fundamental rights of indigenous peoples including the right to a healthy environment, land rights, labor rights, equality rights, and cultural and intellectual property rights.<sup>728</sup>

ICC, believing that domestic protections from emerging environmentally related health concerns was inadequate the ICC began utilize the Declaration on the Rights of Indigenous Peoples. The means by which the ICC determined to go about their campaign was to expand the definition of environmental rights of indigenous peoples (Article XIII) to include the right to *indigenous health*. The Inter-American Declaration on the Rights of Indigenous Peoples includes two specific aspects related to indigenous health issues; Article XIII on the right to environmental protection:

The states shall provide the necessary means to enable the indigenous peoples to eliminate such health conditions in their communities which fall below international accepted standards for the general population.<sup>729</sup>

And according to Article XII on health and well-being:

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<sup>726</sup> Kuptana October 5, 1996, 4.

<sup>727</sup> Kuptana October 5, 1996, 6.

<sup>728</sup> Ibid.

<sup>729</sup> Inter-American Commission on Human Rights February 26, 1997.

The states shall provide the necessary means to enable the indigenous peoples to eliminate such health conditions in their communities which fall below international accepted standards for the general population.

Using the Declaration as existing legislation, the ICC built their case against the United States. In December 2005, the ICC launched a petition to the Washington-based Inter-American Commission on Human Rights. The petition called for relief from violations of human rights against Inuit as a consequence of global warming. The ICC stated that the “destruction of the Inuit way of life is a consequence of the emission of greenhouse gases by the United States. Moreover, this violation is a violation of the collective rights of Inuit and therefore a violation of international human rights.”<sup>730</sup> In particular, the petition asks of the Commission to declare the United States in violation of rights as affirmed in the 1948 American Declaration of the Rights and Duties of Man.<sup>731</sup>

Overall, there exist only two bodies of international human rights regimes eligible to bring a claim against the United States—the United Nations human rights system and the Inter-American system established under the OAS. According to Goldberg and Wagner (human rights legal experts), the Inter-American Commission was chosen for two main reasons: it has the authority to receive petitions from private citizens directed against any OAS member state, and it has recognized the relationship between human rights and environmental impacts of development.<sup>732</sup>

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<sup>730</sup> ICC April 20, 2005.

<sup>731</sup> CIEL December 2005.

<sup>732</sup> According to Goldberg and Wagner, two international human rights experts, anyone alleging a human rights violation by the government of a nation that is a member of the OAS is able to submit a petition to the Inter-American Commission. If the accused

In addition, the Inter-American Commission is an international institution which recognizes that the responsibility for human rights is not restricted by national borders. As stated in its preamble, “the essential rights of man are not derived from the fact that he is a national of a certain state, but are based upon attributes of his human personality.”<sup>733</sup> The court recognizes that, in certain instances, states must protect the rights of people outside their territory from the acts or omissions of its agents, whether abroad or domestically. In this sense, the United States could be held accountable for its actions against Inuit who also live in Alaska, Canada as well as Inuit in Greenland and Russia.<sup>734</sup> On the whole, the underlying focus of the ICC petition against the United States is the fact that the United States produces more than 25 percent of the world’s greenhouse gases.

Over the years, the OAS has released numerous Commission decisions protecting human rights in general and indigenous rights specifically.<sup>735</sup> Though the ICC understands that the Commission does not have the power to enforce its decisions, the central point of the petition is to expose the issue of global warming and

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state is party to the American Convention, that document, the Commission’s Statute, and its Rules of Procedure establish jurisdiction and procedure. If the accused state, such as the United States, is not a party to the American Convention but is a member state of the OAS, the Commission’s Rules of Procedure and past practice recognize that the obligations of the Declaration apply and the Commission may hear claims asserting violations by that state: “Pursuant to the [OAS] Charter, all member states undertake to uphold the fundamental rights of the individual, which, in the case of non-parties to the Convention, are those set forth in the American Declaration, which constitutes a source of international obligation” (Goldberg and Wagner 2002, 2).

<sup>733</sup> Goldberg and Wagner 2002, 7.

<sup>734</sup> Past cases have addressed this issue including *Coard v. United States* and *Saldano v. Argentina* (Goldberg and Wagner 2002, 7).

<sup>735</sup> CIEL December 2005.

bring to light the effects it is having on the people who live in the Arctic. The petition calls on the Commission to hold hearings in northern Canada and Alaska to investigate the harm caused to the Inuit by global warming. The Center for International Environmental Law, after conducting extensive legal and factual research, concluded that the ICC has a strong case. The evidence includes ongoing findings by NASA as well as a recently completed Arctic Climate Impact Assessment (ACIA). This study was done over a four year period with the participation of over 300 scientists from 15 countries and six indigenous organizations. The impact assessment found that the Arctic is extremely vulnerable to climate change and presently it is experiencing the “most rapid and severe climate change on earth.”<sup>736</sup> According to Cloutier, “our region is the globe’s barometer.”<sup>737</sup>

In light of these findings the petition also calls on the Commission to recommend that the United States adopt mandatory limits to its emissions of greenhouse gases and to work with the international community to “prevent dangerous anthropogenic interference with the climate system” which is the mission of the UN Framework Convention on Climate Change.<sup>738</sup> According to Dr. Anya, an aboriginal human rights lawyer, “[t]he Inuit petition is an opportunity for the Commission to make a significant contribution to the further evolution of international human rights law.”<sup>739</sup>

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<sup>736</sup> Ibid.

<sup>737</sup> Ibid.

<sup>738</sup> Ibid.

<sup>739</sup> Ibid.

The petition—a 163 page document—focuses on the violation of six specific rights under the 1948 American Declaration. It calls for the violation of the right to life and physical security which has been upheld by the United States on numerous occasions, including the ratification of the OAS charter and the International Covenant on Civil and Political Rights, and the adoption and signing of the American Declaration and Convention on Human Rights.<sup>740</sup> The petition also charges the United States with violations of the right to personal property that is protected under the American Declaration and the Universal Declaration of Human Rights. This right to private property also extends to the human right “to use and enjoy their personal and intellectual property without undue interference.”<sup>741</sup> The petition argues that “the deprivation of the use and enjoyment of personal property through environmental degradation caused by a state’s action or inactions can constitute a violation of human right to property.”<sup>742</sup>

The petition also asserts that the United States is in violation of Inuit rights to health under the American Declaration, international health and environmental law as stated by the World Health Organization, several members of the UN Commission on the right to Health, the UN Committee on Economic and Social Rights, as well as the Special Rapporteur Rodolfo Stavenhagen of the UN Commission on Human Rights who concluded that:

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<sup>740</sup> Ibid., 89.

<sup>741</sup> Ibid., 79. This includes the impact of forced relocations. The right to property as defined by the Inter-Commission has its strongest support from the United States. Indigenous peoples have a strong link between property and culture, as established by the Inter-American human rights system (Goldberg and Wagner 2002, 12).

<sup>742</sup> ICC 2005, 83.

the effects of global warming and environmental pollution are particularly pertinent to the life chances of Aboriginal people in Canada's North, a human rights issue that requires urgent attention at the national and international levels, as indicated in the recent Arctic Climate Impact Assessment (ACIA).<sup>743</sup>

The petition further charges the United States with being in violation of Inuit rights to practice their culture as protected under the American Declaration, the Universal Declaration of Human Rights, the ICCPR, and as stated in the International Covenant of Economic, Social and Cultural Rights.<sup>744</sup>

The anticipated outcome of the petition to the Inter-American Commission is that, while the commission does not have jurisdiction to enforce countries to cut their emission of greenhouse gases or, further, the ability to force a state to compensate individuals for human rights violations, the claim itself would contribute to wider efforts which address the issues of global warming. If the commission accepts the claim, Goldberg and Wagner argue, it is possible that it would encourage the parties to negotiate a solution. Assuming that an agreement would not be reached through negotiations, the commission would then most likely carry out an investigation of the facts which underlie the claim. This would possibly include visits

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<sup>743</sup> This includes the dangers of melting ice, threat to hunters, depletion of animal stock, effects of oil exploration, and the failure to prevent mining and other activities from degrading the environment. (Goldberg and Wagner 2002, 11; ICC 2005, 86).

<sup>744</sup> The Inuit are further being denied their right to use and occupy the land according to tradition and the right to subsistence protected under the American Declaration and further acknowledged through the ICESCR and ICCPR, the proposed American Declaration of Indigenous Peoples, the 2002 Concluding Observations to Sweden by the UN Human Rights Committee, Article 21 of the Draft UN Declaration on the Rights of Indigenous Peoples, ILO Convention 169, the European Convention of Human Rights, and the African Charter on Human Peoples' Rights. (ICC 2005, 92–95).

to the Arctic which would culminate with a report on the petition. The report would offer the commission's conclusions concerning the relationship between global warming and human rights.

Subsequently, the ICC case could set a precedent for establishing accountability for global warming. If a commission report concluded that global warming results in human rights violations, the findings would have substantial implications for international law. It would provide an institutional interpretation which would transform the nature of the discussion concerning global warming from "an abstract problem of degrees per decade and statistical probabilities" to a "rights-based" approach.<sup>745</sup> Governments and private individuals would be able to pressure state governments to take action to address the causes of global warming. Plaintiffs of domestic judicial proceedings could also use the findings to supplement their claims. Furthermore, the ICC claim would add to an already growing body of recognition that a healthy environment is "fundamental to the enjoyment of nearly all of the most fundamental human rights."<sup>746</sup> As Watt-Cloutier summarizes:

We submit this petition not in spirit of confrontation- that is not the Inuit way- but as a means of inviting and promoting dialogue with the United States of America within the context of the climate change convention. . . . I invite the United States of America to respond positively to our petition.<sup>747</sup>

### **Conclusion**

Implementation of land claim agreements is increasingly connected with international events and process. The Convention on Biological Diversity, the Stockholm POPs Convention, and the Kyoto Protocol on Climate Change all

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<sup>745</sup> Goldberg and Wagner 2002, 15.

<sup>746</sup> Ibid.

<sup>747</sup> Sheila Watt-Cloutier quoted in CIEL December 2005.

have implications for the exercise of harvesting rights and operation of the joint management institutions under the land claims agreements.<sup>748</sup>

Beginning with the inception of the ICC in the mid-1970s as an institution, Inuit leaders have set out to create a new agenda for Arctic and international development. This agenda has been part of a larger process of Inuit polity construction which has sought to construct a modern Inuit political entity based on the Inuit past. Despite local efforts, in earlier years collaboration with the international community was significantly limited. As the Cold War began to wane and the international community sought to turn its attention increasingly toward burgeoning global environmental issues, the ICC found a way to not only become politically engaged internationally but also, over time, to become a centerpiece of a particular and emerging international development discourse of sustainable development.

These case studies provide a picture of some tangible effects of this discourse (indigenous rights as environmental stewardship) as it has and continues to implicate Arctic and international policy. The idea of a historical Inuit ‘stewardship’ approach to Arctic development was central to casting Inuit politics in the early years of the ICC. However, once the notion of sustainable development became mainstream (whether driven by practice or trendy rhetoric) Inuit politics became officially connected to the larger discourse of international development.

The inception of the Arctic Council and new international policy concerning sustainable developments were critical turning points for these particular

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<sup>748</sup> Cournoyea 2002, under ICC 2002 “Canadian Delegation Presentation to the Ninth ICC General Assembly.”

discourses. No longer driven solely by the need to prove that indigenous discourse is a legitimate political discourse or that the ICC can act as both a political actor and recipient of international development policy, the ICC has become an assumed facet of international development politics. The basic premise of the Inuit, in the eyes of the international community, has transitioned to assume the authority and legitimacy of indigenous peoples as political actors. The new debate is that which focuses on facilitating this participation in order to assure that indigenous political collectivities are provided the means to be incorporated in the discourse for safeguarding the future state of the global environment.

These case studies point to the growing assumption that indigenous groups—in particular the ICC—are legitimate political actors with accompanying authority to speak on behalf of their own interests alongside their respective states. The varying avenues for indigenous participation, point to an emerging political landscape in which political sovereignty (polity legitimacy) is increasingly rights-based rather than state-based. In addition, the legitimacy of a particular type of rights—indigenous rights—points to a growing set of circumstances where national polities (cultural integrity) have a growing legitimacy alongside traditional territorial polities (territorial integrity), as the examples in this chapter make evident.



## Chapter 9

### CONSTRUCTING DOMESTIC IDENTITIES: MAKING THE INUIT CANADIAN AND CANADA ARCTIC

This is perhaps one of the greatest advantages that Canada has as a northern country: our geographic reality has helped to shape our Canadian sense of community and mutual responsibility. The geographical fact of our northernness has moulded our way of viewing the world.<sup>749</sup>

As we celebrated our 30<sup>th</sup> anniversary, we [ITK] changed our name from Inuit Tapirisat of Canada to Inuit Tapiriit Kanatami. We also adopted a new logo. At its heart is Canada's maple leaf, circled by Inuit representing the four Settlement Regions, all anchored to the ulu. Together they demonstrate our cultural distinctions and unity, as well as our commitment to Canada. We are more than First Canadians, we are Canadians First!<sup>750</sup>

#### Introduction

Over the last half century a Canadian Inuit polity grew out from under federal assimilation policy into a viable codified Canadian indigenous political community. From a Canadian perspective, the success of Canadian Inuit politics serves as a case in point of thriving Canadian multiculturalism—a model which Canada exports into the international community as means to both: 1) assert its sovereignty over the Arctic North and 2) secure a dominant position in international

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<sup>749</sup> Dion 1999.

<sup>750</sup> Simon 2002, under ICC 2002 “Canadian Delegation Presentation to the Ninth ICC General Assembly.”

Arctic policy decisions. While Canada boasts of its indigenization,<sup>751</sup> Canadian Inuit politicians similarly boast of the Inuit as proud Canadian citizens.

This chapter is a case study providing a narrative of the mutually constitutive relationship between the processes of federal Canadian and Canadian Inuit polity construction. As previous chapters have illustrated, political identity construction is an interdependent process at the regional and global level. However, the way in which these identities play out cannot be abstracted from the domestic dimensions (as this chapter will demonstrate). Through the Inuit Tapiriit Kanatami (ITK), the Inuit Circumpolar Conference (ICC), and Canadian federal and local policy, the Inuit and the Canadian government have constructed and successfully exported a vision of the Arctic based on a symbiotic relationship. Through the Arctic Council, the ICC and Canada (encouraged domestically by ITK to live up to its rhetoric of being an archetypal liberal democracy) have successfully created a particular 'Northern' identity. This particular Arctic construction has contributed to Canada's privileged place in Arctic governance regionally, as well as its legitimacy over its Arctic waters internationally. Similarly, the ICC (as a member of ECOSOC) and Canada increasingly work together at various UN conferences to promote the status of Canada's Arctic Inuit and, consequently, its Northern sovereignty. For the Inuit in particular, this Inuit and Canadian relationship at the international level has

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<sup>751</sup> It is recognized that there are a host of aboriginal and first Nation groups in Canada which have contributed to the identity of Canada. Nevertheless, this chapter is an examination of the particular relationship between the Canadian state and the Canadian Inuit.

become the overarching means to secure, validate, and maintain Inuit self-determination at home.

This chapter traces these shifting power relations between Inuit and Canadian politics over time. Particularly, through changing Canadian policy and the emergence of Inuit political institutions (local Inuit governments, ITK, and ICC) a new Canadian narrative is put forth. This narrative encompasses Inuit and Canadian policies which converge and strive to present the indigenous Inuit as an embodiment of *sustainable development*. Through the discourse of sustainable development, Canada and the Inuit have been able to contribute to reshaping Arctic politics and expanding the role of the Arctic in the overall framework of global development.

This chapter looks at the emergence of a reciprocal Canadian-Inuit relationship from two specific aspects—Canadian constitutional changes and policy surrounding Arctic sovereignty. As these particular domestic circumstances materialized over time, they eventually grew intertwined domestically, and subsequently interacted with each other within the broader regional and international policy realm. Through a discussion of the particular institutional means by which domestic processes redefining Inuit-Canadian relations have expanded into the international realm a more general analysis of the relationship between domestic Canadian-Inuit politics and Arctic regime building is provided. By the time the Arctic Council was created in 1996, Canadian-Inuit relations had become a dominant aspect of inter-state Arctic relations. Through this case study, a more comprehensive narrative of shifting Canadian federal and Inuit relations is put forth, highlighting the contingent relationship between local Canadian spaces of dependence and global spaces of engagement.

### **Inuit Citizenship**

The years following Inuit colonization in Canada were marked by a steady decline in the living conditions of the Inuit. The Canadian government made several attempts to solve the problem, including incorporating the Inuit into the dominant Canadian society.<sup>752</sup> Efforts to assimilate the Inuit centered on debates over whether the Inuit should be considered Indians—and placed under the Indian Act—or if they should be more appropriately considered something different. This issue came to the forefront at several points in Canadian history. Its origins stem back to a 1935 Supreme Court decision which reaffirmed the ‘unique’ position of the Inuit. The court declared that the “Inuit were a different ‘race’ than Indians and, therefore, not covered by Section 91 (24) of the British North American Act.”<sup>753</sup> The debate later resurfaced in conjunction with heightening political contestation between Canada and the role of Quebec. Again the question arose: How would the Canadian government make the Inuit Canadian? The welfare state seemed the most sufficient way to address this question.

### **Canadian Sovereignty**

Aside from the attention garnered by socioeconomic concerns over the Inuit, a resurgence in the attempts to undermine Canada’s sovereignty over the Arctic further redirected attention to Canada’s North. Canadian Arctic sovereignty issues in general stem back to the late 1800s, when U.S. whalers operating in the Beaufort Sea and the eastern Arctic made repeated threats. These incidents were then compounded

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<sup>752</sup> ICC 2002 “Delegation presentation.”

<sup>753</sup> Kulchyski and Tester 1994, 32.

by British, American, and Scandinavian explorers, adventurers, and scientists who made “voyages of discovery” in the region.<sup>754</sup> There were also Inuit from Greenland who came to hunt across Smith Sound on Ellesmere Island.<sup>755</sup> Consequently, in 1903 the Canadian government established three police posts. The government also sent the ship Neptune on an expedition, showing the flag around Baffin and Ellesmere Islands and, by 1922, the government began to send ships for regular summer trips into the Eastern Arctic.<sup>756</sup>

In addition to Arctic visits from the outside, oil was discovered in 1920 at Norman Wells in the eastern Arctic. Subsequently, the Canadian government revised the Northwest Territories Act and created a council whereby the commissioner would assume a greater role in the area including investing large amounts of money. The reasons for this were focused on the issue of sovereignty and included *relief* to “establish the principle that these aborigines are also under our control.”<sup>757</sup> One of the first mandates of the council was to establish an East Arctic Patrol which would ‘show the flag.’<sup>758</sup> Police posts were also set up on Craig Harbour, Ellesmere Island, and Pond Inlet to “give evidence of ‘occupation’ as well as the presence of authority and several Inuit families were moved to these previously uninhabited locations.”<sup>759</sup> This new act soon served as the prelude to a host of future debates and changes in Canadian

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<sup>754</sup> Kulchyski and Tester 1994, 15.

<sup>755</sup> *Ibid.*, 14.

<sup>756</sup> *Ibid.*, 15.

<sup>757</sup> Scott Cambell quoted in Kulchyski and Tester 1994, 20.

<sup>758</sup> Kulchyski and Tester 1994, 17.

<sup>759</sup> *Ibid.*, 17–18. These relocations went on to become one of the most controversial policies of Canada’s past. For more see Kulchyski and Tester 1994; Emberley 1999.

policies toward the North. Central to all these discussions was renewed deliberation over the future of Canadian identity.

### **Reconstructing Canadian Identity**

1960 the Inuit lands which now make up Nunavut were a world wholly distinct, remote, unconnected from Canada. Since that time the two worlds have got to know each other, have had some quarrels, and have negotiated good relations. Today Canadians are proud to include and embrace Nunavut and Nunavummiut; most Nunavummiut are newly, fully, and demandingly Canadian, trying to take up the new opportunities enhanced or created by the Nunavut claims and territory governance outcomes in national society.<sup>760</sup>

Changes in the attitude and symbolic significance of the relationship between the Inuit and the Canadian state did not occur overnight, nor was it a process without intense contestation. By the 1970s, two Canadian concerns—Aboriginal relations and sovereignty over the Arctic—had become central features of Canadian politics. At the domestic level, the primary issue concerned the discovery of natural resources in the North, fueling a larger examination over who owned the rights to economic development in the region. The debate over these rights eventually culminated with the need to resolve Aboriginal land claims.

Analogous to the discussions throughout the Canadian Arctic to resolve Inuit land claims, internationally there was once again heightened anxiety concerning another issue. This concern was U.S. and Canadian disagreement over international claims to the Northwest Passage. The Canadian process which addressed these issues of Arctic sovereignty and Aboriginal land claims can be traced through the discussions over responsibility for the Inuit in the Canadian constitution over time.

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<sup>760</sup> Jull 2001,15.

## **Aboriginal Self-Determination: The Canadian Constitution**

In the late 1960s, the “White Paper” was introduced under Pierre Trudeau’s government. The “White Paper” policy was designed to end the collective rights of Aboriginal people in favor of individual rights and accompanied Trudeau’s 1968 campaign for a *just society*.<sup>761</sup> The policy initiative galvanized Aboriginal communities across Canada. Harold Cardinal, then president of the Indian Association of Alberta, responded with a document entitled the “Red Paper,” which “described how Indian peoples, as peoples with distinct cultures, wished to contribute to Canadian society while at the same time exercising political and economic power at the community level.”<sup>762</sup> While the publication of the “White Paper” helped instigate Aboriginal and Indian politics in general, other issues simultaneously brought Aboriginal self-determination to the forefront of Canadian politics.

Throughout much of Canada, oil and gas exploration heightened the desire to resolve existing land claims. Between the parallel failure of the “White Paper” to have the state resolve Aboriginal issues and heightened indigenous political mobilization, what transpired at the national level was a reinvigorated need for renovating the relationship between Aboriginal and non-Aboriginal peoples. The process sought at this time was constitutional reform, and the opportunity for this change presented itself in 1978 with the election of Parti Québécois in Quebec.

In 1979, the federal government introduced a proposal for constitutional reform, entitled “A Time for Action” and draft legislation, Bill C-60. The proposal

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<sup>761</sup> Indian and Northern Affairs Canada October 1996.

<sup>762</sup> *Ibid.*

contained a draft charter of rights and freedoms which included a provision shielding certain Aboriginal rights from the general application of the individual rights clauses in the charter.<sup>763</sup> The Canadian government concluded that a committee needed to be established that would represent the interests of the Inuit in Canada at constitutional negotiations.<sup>764</sup> The Progressive Conservative government of Joe Clark invited Aboriginal leaders for the first time to formally discuss with federal and provincial ministers the issues to be placed on the first ministers' constitutional agenda.<sup>765</sup>

In January 1981, the federal proposal was revised following discussions with Aboriginal leaders. The proposal, much of which was eventually written into the *Constitution Act* of 1982, contained three sections addressing the concerns of Aboriginal peoples.<sup>766</sup> However, several incidents preceded this. When the first ministers meeting convened in November of 1981, a draft constitutional amendment was created supported by the federal government and nine provinces (minus Quebec). When completed, the drafted accord had left out Aboriginal rights entirely. Furthermore, the draft amendment incited fears concerning the rights of Canadian women. Consequently, aboriginal groups alongside several women's groups throughout Canada instigated an effort to restore Aboriginal rights and women's rights

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<sup>763</sup> Indian and Northern Affairs Canada October 1996.

<sup>764</sup> Which, aside from land claims issues, took over most of the other responsibilities of COPE and came to serve as the umbrella for many Inuit corporations and committees such as the Inuit Broadcasting Corporation, the Inuit Development Corporation, the Inuit Cultural Institute, and the Inuit Committee on National Issues (Frank Vallee, Derek G. Smith, and Joseph D. Cooper quoted in Sturtevant 1984, 671).

<sup>765</sup> Ibid.

<sup>766</sup> Ibid.

into the constitutional discussions. The combined lobbying efforts concluded with the decision that the drafted amendment would not apply to section 28, the sexual equality provision of the charter, and Aboriginal and treaty rights would be reinstated.<sup>767</sup>

When the Constitutional Conference finally convened in 1983, it was televised live. The outcome received attention by the media and became a significant turning point in Canada's Aboriginal relations. According to the Indian and Northern Affairs Canada:

the hopes and dreams of Aboriginal peoples were brought to viewers across the country. Aboriginal cultures were given a place of respect through the use of Aboriginal traditions—opening prayers, drumming, the passing of the great pipe of peace. For the first time since Confederation, Aboriginal leaders sat at the table as equals with first ministers.<sup>768</sup>

According to the final amendment, Part I of the *Canadian Charter of Rights and Freedoms* Article 25, concerning Aboriginal rights and freedoms not affected by the charter:

The Guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any Aboriginal, treaty or other rights or freedoms that pertain to the Aboriginal peoples of Canada including (a) any rights and freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and (b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

Part II of the *Rights of the Aboriginal Peoples of Canada* Article 35 concerning the Recognition of Existing Aboriginal and treaty rights, Definition of "Aboriginal peoples of Canada," and land claims agreements, and commitment to participation in constitutional conference states:

The existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed. (2) In this Act, "Aboriginal peoples of

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<sup>767</sup> Ibid.

<sup>768</sup> Ibid.

Canada” includes the Indian, Inuit and Metis peoples of Canada. (3) For greater certainty, in subsection (1) “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired.

Article 35.1 further states:

The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the “*Constitution Act, 1867*, to section 25 of this Act or to this Part constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first Ministers of the provinces, will be convened by the Prime Minister of Canada; and the Prime Minister of Canada will invite representatives of the Aboriginal peoples of Canada to participate in the discussions on that item.

The *Constitutional Amendment Act* was then followed by several constitutional conferences held between 1984 and 1987, all of which failed to produce any amendments. The lack of consensus centered on the basic question of whether the right of Aboriginal self-government emanated from “inherent and unextinguished Aboriginal sovereignty, and from treaty and Aboriginal rights,” or if it should be “delegated from federal and provincial governments.”<sup>769</sup>

In 1986, the federal and provincial governments held a Quebec round of constitutional discussions to try and continue the unresolved debates. As a consequence, the Meech Lake Accord was drafted.<sup>770</sup> Included in the accord was constitutional recognition to Quebec as a ‘distinct society.’ For the Inuit, this proposal contradicted Canadian constitutional aims and in response at the Parliamentary Conference on Aboriginal Matters, Mary Simon stated:

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<sup>769</sup> Indian and Northern Affairs Canada October 1996.

<sup>770</sup> *Ibid.*

While Quebec would be recognized as a “distinct society” the same accord denied similar recognition to the Aboriginal peoples of Canada. In addition, the accord did not provide for any Aboriginal involvement in future annual First Ministers Conferences concerning the constitution and the Economy.<sup>771</sup>

Canadian Aboriginal groups overall opposed the Meech Lake Accord and in the final days before its expiration, the prime minister, as a final attempt to win their support, wrote to Phil Fontaine of the Assembly of Manitoba Chiefs, outlining a six-point program addressing Aboriginal concerns. Included in this outline was a commitment by the government of Canada to full constitutional recognition of the Aboriginal peoples as a fundamental characteristic of Canada.<sup>772</sup> Despite the prime minister’s efforts, the attempt failed on June 22, 1990, when Newfoundland and Manitoba’s Elijah Harper, sole Aboriginal legislative member, failed to approve it. Zebedee Nungak from the Inuit Committee on National Issues stated:

We continue to have a hope that this great country, which we embrace as our own, will have the sense and the decency—not that I doubt its decency—to someday, in my generation, recognize our rights, and complete the circle of Confederation, because if it is not going to be done in my generation, I have my son standing behind me who will take up the fight with your sons and your sons’ sons.<sup>773</sup>

Mary Simon similarly argued:

Quebec’s constitutional talk has its rightful place but it should not serve to, in effect, replace the outstanding concerns of Aboriginal People, nor should we be denied direct participation in Quebec’s constitutional negotiations. . . . We believe in the notion of cooperative federalism but this notion does not in our view only include federal, provincial, and territorial governments, but also the legitimate representatives of Canada’s Aboriginal Peoples.<sup>774</sup>

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<sup>771</sup> Simon July 23–August 3 1990, 3.

<sup>772</sup> Indian and Northern Affairs Canada October 1996.

<sup>773</sup> Ibid.

<sup>774</sup> Simon July 28–August 3 1986, 5–6.

The failure of the Meech Lake Accord only seemed to increase the need to adequately address Aboriginal self-government and the land claims. More generally there was growing self-recognition of the strategic needs to acknowledge Aboriginal peoples' contributions to Canada.<sup>775</sup> Despite the failures at the conferences to resolve the issues, the process itself—aiming for constitutional reform—has been recognized as a moment which transformed the significance of Canada's Aboriginal population in relation to the overall Canadian identity indefinitely.

Subsequently, in 1991, the federal government created the Royal Commission comprised of Aboriginal and non-Aboriginal commissioners. The mandate of the commission was to find ways to rebuild the relationship between Aboriginal and non-Aboriginal peoples in Canada.<sup>776</sup> Furthermore, during this time, a joint parliamentary committee (Beaudoin-Dobbie) was established to review the federal government's existing proposals which culminated with the publication of a booklet entitled *Shaping Canada's Future Together*.<sup>777</sup> The committee later added a sixth forum on Aboriginal issues, chaired by Joe Ghiz, former premier of Prince Edward Island, at the insistence of Aboriginal people.

Almost all provincial and territorial governments held public hearings and funds were provided for national Aboriginal organizations to consult their people.<sup>778</sup> What materialized was the Charlottetown Accord in 1992. The overall aim of the

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<sup>775</sup> Indian and Northern Affairs Canada October 1996

<sup>776</sup> Ibid.

<sup>777</sup> Ibid.

<sup>778</sup> Ibid.

accord was to conclude the “Canada Round of constitutional renewal.”<sup>779</sup> The accord recognized the inherent right of Aboriginal self-government at all levels of government: federal, provincial, and territorial.<sup>780</sup> Through the negotiations, the Charlottetown Accord became the most extensive set of public consultations and negotiations held between the provinces, territories, and Aboriginal peoples of Canada. According to Canada’s Intergovernmental Affairs *Constitutional File and the Unity File*, the

proposals are intended to serve as a reasonable compromise and as the basis for a renewed federalism that will secure our future together in one of the most successful countries in the world, a country the United Nations Development Programme considers the best place in the world to live.<sup>781</sup>

While a national referendum did not approve the Charlottetown Accord the accord itself recognized the inherent right of Aboriginal peoples to self-government within Canada. Moreover, the accord foreshadowed a renewed desire for Canada to export the idea of Inuit rights as an important feature of its multicultural landscape which would eventually be framed as a Canadian model of liberal humanitarianism. According to Mary Simon, the present Canadian Ambassador for Circumpolar Affairs, the constitutional negotiations in general were

an irreversible and defining moment in Canadian history. The recognition by the federal and provincial governments that the self-government rights of Aboriginal peoples are ‘inherent’ reflects an understanding that these rights are ‘pre-existing’ rights, meaning they are rights pre-existing the creation of Canada and reflect the fundamental nature of self-government therefore is a

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<sup>779</sup> Government of Canada Privy Office 2002.

<sup>780</sup> Ibid.

<sup>781</sup> Ibid.

right that can be recognized, affirmed and protected but not extinguished by other governments or peoples.<sup>782</sup>

At the Constitutional Consultation Conference in March of 1992, the ICC in its concluding remarks stated:

In the past few weeks we have witnessed extraordinary progress on the recognition of Aboriginal and treaty rights in this country. We have gone from a ten year delay period to a ten week negotiation. While there is much to discuss and negotiate, the momentum for justice is truly thrilling. . . . Canada needs Aboriginal peoples in this most uncertain and critical time. We can bring our knowledge of the land and its peoples to the common awareness of this country.<sup>783</sup>

Overall, according to Mary Simon and Peter Jull, the significance underlining the process of these constitutional debates was that:

While Southern Canadians have sunk into despair over their constitutional failures, Inuit and other Northerners have been quietly remaking Canada's formal and informal constitutional arrangements pertaining to their own territories.<sup>784</sup>

While progress was slowly unfolding domestically, world events also helped foster another turning point between Inuit and the Canadian government.

### **Arctic Sovereignty**

Parallel to the ongoing constitutional discussions, in 1969 Canada's sovereignty was again challenged as a U.S. icebreaker, the *Manhattan* sailed through the Northwest Passage. In response, the government of Canada passed the Arctic Waters Pollution Prevention Act, which affirmed a 100-mile pollution prevention zone in the area. The act created an entirely new legal concept for environmental law which

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<sup>782</sup> Simon January 21, 1993, 4.

<sup>783</sup> ICC March 1992.

<sup>784</sup> Simon and Jull September 1994, 11.

was eventually supported through the Law of the Sea Conference.<sup>785</sup> This act did little, however, to deter the United States—Canada’s sovereignty over the Northwest Passage was again challenged by the *Polar Sea*, which cruised through the Canadian Arctic waters in 1985 without permission. The House of Commons, in response, announced a number of measures which included plans for drawing straight baselines around the Arctic archipelago to delineate its claim, increased aerial surveillance, naval activities in Canada’s eastern arctic waters, and construction of a class eight polar icebreaker. Briefs submitted by the ITK, ICC, and other regional Inuit groups to the Special Joint Committee on Canada’s International Relations stressed another more practical means for protecting sovereignty. The alternative, they argued, centered on recognition of Canadian Inuit. According to Mark Gordon, President of Makivik Corporation (a Quebec Inuit-owned corporation):

Canada’s claim to the Arctic is more securely founded upon continuing Inuit use and occupation of the area than upon the construction of ice-breakers, the promotion of increased tanker traffic, and investment in military hardware. . . . Stability in the North could be gained by negotiating self-government and comprehensive claims agreements with Inuit. This would allow for the cooperative management and regulation of northern lands and the offshore, and would be a functional exercise of Canada’s jurisdiction that could prove persuasive in international law.<sup>786</sup>

Consequently, the International Relations Committee devoted an entire chapter of its final report to a “northern dimension” for Canada’s foreign policy.<sup>787</sup> These recommendations diverged significantly from the original military suggestions put forth by the government. The Special Joint Committee instead focused on “the

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<sup>785</sup> Richstone September–October 1986.

<sup>786</sup> Mark Gordon quoted in Richstone September–October 1986.

<sup>787</sup> Richstone September–October 1986.

critical importance of the Arctic to the direction Canadian foreign policy should take . . . the government should give priority to Inuit interests, notably in the conclusion of an acceptable land claims agreement, the promotion of self-government in the Arctic, and support to Inuit renewable resource industries.”<sup>788</sup> The committee also recommended a northern policy aimed at improving relations with Canada’s Arctic neighbors as well as the initiation of joint scientific work and developing environmental standards for the Arctic. Further, the committee demonstrated the need to enhance Canadian presence in Greenland by finding new opportunities for economic cooperation between the two countries. This included the proposal put forth by the ICC stating the committee’s “strong” support for opening a consulate in Greenland. The Minister of External Affairs, Joe Clark, concluded by stating that the Arctic is:

“A heritage to the people of Canada” and that the federal government is determined to make a long-term commitment to its development, growth, and security. The Inuit have called upon the government to demonstrate that resolve; obviously, their arguments and proposals have already made a strong impression on the special committee. What remains to be seen is whether the government is prepared to take this advice.<sup>789</sup>

Among others, as one significant outcome of the report, the federal government announced six measures which were to help affirm Canadian sovereignty. Two of the issues centered directly on Aboriginal land claims and Arctic sovereignty and set the foundations for what would eventually foster the emergence of a new ‘Northern’ Canadian identity.

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<sup>788</sup> Ibid.

<sup>789</sup> Ibid.

The ICC believes that . . . the Arctic [should] evolve into a zone of peace, based on the concept of common security. This concept must be defined not only in military terms, but in environmental, social, cultural and economic terms as well. And it must take into account the rights, values and perspectives of the Arctic's indigenous peoples.<sup>790</sup>

### **A New Arctic Identity**

Domestic events transformed the relationship between Canada and the Inuit in the midst of a larger reconstruction of *Arctic* identity as a whole. As the Arctic shifted from a military to environmental resource region, the Canadian government and Canadian Inuit took advantage of this shifting political climate. Together, Canada and Canadian Inuit acted to export their ongoing and growing partnership. The process through which these efforts unfolded makes evident the constitutive nature between deepening Canadian-Inuit domestic relations and regional and international politics.

### **The ICC: Transnational Arctic Inuit Politics**

Canada celebrates and recognizes the strength that comes from diversity. Tragically, this has not always been the case. But today, Canada strives to be a place where different peoples and varied cultures can prosper and grow. The Canadian system strives to safeguard our plural identities and to make it possible for your Northern identities to be recognized and embraced across the country.<sup>791</sup>

Over time the efforts of the ICC at the United Nations combined with land claims settlements in Canada afforded Inuit with an increased political voice in Canadian politics. For the ICC, Canadian collaboration remained necessary to help transform the Arctic into an Inuit vision of the region. The Inuit sought to redraw the

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<sup>790</sup> ICC October 1994, 6.

<sup>791</sup> Dion June 21, 1999.

Arctic as a vital region with a precarious environment representing the world's ecological barometer. And equally central to this depiction was the use of indigenous traditional knowledge to safeguard the land and resources through an overarching agenda of sustainable development.

A primary means for accomplishing this transformation came about through ICC Canada as regards Canada's role in the Arctic Council. According to its mission, the aims of ICC Canada include:

The sound management and protection of the Arctic and well-being of its peoples. . . . We believe also that we have a contribution to make in international arctic development. And we can serve Canada by helping Canadians understand the nature and imperatives of a unique region which is becoming more and more important in North American life.<sup>792</sup>

The emerging relationship between the federal government and the Canadian Inuit taking place domestically through constitutional changes soon began to be exported to the Arctic and the international community. The initial materialization began in light of changing international perceptions concerning the significance and role of the world's indigenous communities as a whole. Despite Canadian and international reluctance to acknowledge indigenous rights at the international level, the 1993 Vienna Conference on Human Rights created a draft declaration on the rights of indigenous peoples.<sup>793</sup> The significance of this was expressed by Mary Simon in an ICC speech in 1993:

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<sup>792</sup> Gordon and Innuksuk December 1983, 10.

<sup>793</sup> Early Canadian resistance prevailed in its attempts to live up to its domestic ideologies. One illustration can be traced back to the 1993 World Conference on Human Rights. At this time, new countries were being carved out of the former Soviet Union and contributed to an overall precarious international context concerning

Vienna, however was a turning point. . . . It was in Vienna that the world's governments finally understood that the indigenous peoples were simply asking for the same international recognition as other peoples. . . . We have to ask: How has this international activity been reflected back home? What difference has it made? Does it matter?<sup>794</sup>

While Canada did not support the draft declaration, in its national report that same year to UNCED (United Nations Conference on Environment and Development) Canada addressed some of its indigenous issues: “The tone of [these]

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indigenous rights. The post-Cold War international spirit of the time made it problematic for varying countries, Canada included, to agree to include a specific agenda item dedicated to indigenous peoples. According to the ITC, “Canada has acquired a reputation in and outside Canada as regressive and obstructive on international indigenous issues. Canada is quite active in attempting to contain and restrict initiatives by indigenous peoples for progress within the UN on indigenous issues. . . . Canada continues to fight against recognizing aboriginal peoples as ‘peoples’ with the right to self-determination” (March 31, 1993, 4). Despite Canada’s liberal humanitarian rhetoric and ongoing changes in its relationship with its indigenous peoples at home, it was one of many countries which resisted the inclusion of an agenda item dedicated to indigenous peoples. As the ITC points out, “the notion that the rights of indigenous peoples are somehow not human rights, or else that some existing human rights, such as the right to self-determination, do not apply to indigenous peoples. Several States, including Canada, have attempted to characterize our rights more as cultural than political or more as social than economic” (Simon October 22, 1993, 4). Canada further refused to support the idea of a United Nations international year for indigenous rights and pushed to change the wording in the proposal from International Year of Indigenous Peoples to ‘people’ (peoples would provide indigenous peoples the same rights to self-determination as all other peoples in the world). The effort to be recognized as peoples was then refused again at the World Conference for Human Rights. The government of Canada argued for and obtained substantial compromises regarding the recognition of indigenous rights in Convention No. 169 on the premise that a less strongly worded convention would attract more ratifications. In spite of this, Canada itself has not ratified this international convention. Of particular note is Canada’s successful bid to neutralize indigenous peoples’ aspirations toward unequivocal recognition of their status as ‘peoples’ (Simon October 22, 1993, 5).

<sup>794</sup> Simon October 22, 1993, 7.

remarks sent us a clear signal that Canada is ready to tackle the challenge of developing partnerships with indigenous peoples to follow up UNCED.”<sup>795</sup>

At the UNCED Rio conference in 1992, the ICC cosponsored a display with samples of Inuit environmental knowledge. The display acquired positive reception by many member states and ignited Canada’s realization that both Canadian Inuit and the federal government indeed had a common objective. At the post-UNCED conference, Mary Simon went on to state:

Canada took a brave step in Rio and became a leader in developing a new vision for our planet. It was a brave step for several reasons, however, in my opinion the most impressive, is that having taken the step, there is no return. Canada has to follow through on its commitments. We will not permit otherwise.<sup>796</sup>

Following the Vienna conference, Mary Simon reiterated through ongoing speeches that the ICC, through creating an Arctic policy, should take initiative and become more engaged in international affairs. Such initiatives were said to include: cooperation with national governments to encourage the signing and ratification of international conventions consistent with recognizing and protecting Inuit rights; collaboration with international organizations involved in Arctic issues (i.e., the World Conservation Strategy, the UN working group on indigenous populations, the Human Rights Committee, and the Commission on Human Rights); and domestic lobbying in varying Arctic countries.<sup>797</sup>

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<sup>795</sup> Simon June 30, 1992, 2.

<sup>796</sup> Ibid.

<sup>797</sup> Simon 1985, 75–76.

In 1990, Mary Simon spoke to the Canadian House of Commons Standing Committee on External Affairs and International Trade. Simon argued that the ICC would like to contribute to the final report on the study of Canada's relations with the Soviet Union (which was soon to be published). Simon argued that "the ICC, as a non-governmental organization, encourages bilateral and multilateral cooperation in the circumpolar North." Moreover, the ICC laid out several requests. Some of these included that the federal government, in collaboration with northern peoples, identify concerns and develop specific Canadian objectives; that concepts of Arctic security, much like global security, must be redefined to include vital environmental, social, economic, and cultural dimensions; that Inuit "rights, values and concerns" be respected by the Arctic state governments as a basic principle; and that cooperative Arctic development must include direct and active participation of Aboriginal peoples in all aspects of northern policy and decision-making.<sup>798</sup> As Simon remarked:

In most instances, we have taken the lead on challenging and critical Arctic issues despite highly inadequate Canadian government support . . . it is crucial that the federal government, in collaboration with northern peoples, identify Canadian Arctic concerns and develop specific Canadian objectives.<sup>799</sup>

ICC Canada pushed for Canadian institutional help to promote the ICC at the Arctic and international policy levels. The pretext—according to the ICC—was that there were significant potential benefits for Canada. This included showcasing the Inuit to the international community as further testament to the fact that Canada is a

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<sup>798</sup> Simon March 27, 1990, 3–6.

<sup>799</sup> *Ibid.*, 3.

strong and successful multicultural society. Additionally, vocal support for Canada's own Inuit was equal testimony to sovereignty over its Arctic waterways.

Gradually the ICC and the Canadian federal government mutually reconstructed an Inuit-Canadian relationship within the context of a new post-Cold War world. This reconstruction has been based on an ongoing historical process between the Canadian state and Canadian Aboriginals which predated the Cold War. However, a significant turning point was the final break down of the Soviet Union which both offered an opportunity for redefining the Arctic and provided a space for Inuit agency. Simon at the same Canadian House of Commons hearing lobbied to reinforce this new mutually interdependent relationship. Given past Canadian Inuit involvement already in the constitutional discussions, the ICC believed that Canada's cooperation with the ICC could be an important model for indigenous and native issues elsewhere:

The Canadian Inuit played a role in constitutional talks with the Canadian federal, provincial and territorial governments. "Here Canada has expertise for export, and at a time when human rights issues relating to native peoples, . . . are more discussed in the international community."<sup>800</sup>

Simon also pointed out that the ICC entirely supports Canada's claim to sovereignty over the archipelago under the premise that Inuit live there now just as they have for thousands of years. The ICC believed that by framing the Arctic as a historically Inuit-inhabited region, Canada's sovereignty in the North would undoubtedly be strengthened. This sentiment, while argued many times in the past,

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<sup>800</sup> Gordon December 1983, 2.

received renewed attention in a post-Cold War Arctic. Reaching back to 1985, Simon, in an ICC speech, stated the ICC successfully

urged Prime Minister Mulroney to unequivocally recognize Inuit offshore Aboriginal rights and claim the Arctic Archipelago as Canadian ‘historic’ waters. Inuit use of northern waters and land fast ice can help to justify Canada’s claim to the Northwest Passage ‘historic’ rather than merely ‘internal waters’. This would give Canada greater international legal authority to control future military and commercial uses by other countries of the Northwest Passage.”<sup>801</sup>

Furthermore, if Inuit offshore rights were to be recognized, they must include Inuit rights to participate in marine and environmental management.<sup>802</sup> Under this premise—given the highly complex legal and political issues concerning the Arctic as a whole—Mary Simon urged the Canadian government to develop an Arctic foreign policy.<sup>803</sup> Within the policy Simon argued that “Inuit economic and cultural values and concerns should be integrated in all aspects of such policy, as appropriate.”<sup>804</sup> This included promoting international understanding and cooperation in areas such as the United Nations Law of the Sea Convention.<sup>805</sup>

### **A New Arctic Policy: The Arctic Council**

Canada will continue to rely on the ICC not only in its role as a Permanent Participant in the Arctic Council, but as an organization which can act as a guide while we pursue our common objective of protecting, enhancing, and promoting the Arctic as a vital region.

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<sup>801</sup> Simon 1985, 71.

<sup>802</sup> Ibid.

<sup>803</sup> Ibid., 70.

<sup>804</sup> Ibid., 74.

<sup>805</sup> Ibid.

The central impetus behind the Arctic Council itself emanated most strongly from the government of Canada (alongside the Canadian ICC). In 1990, an independent Canadian Arctic council panel developed a proposal and submitted a preliminary report to the government concerning Canadian foreign policy. In 1991, a comprehensive document which was created “To Establish an International Arctic Council: A Framework Report” (published in the Canadian Journal Northern Perspectives). The article, focusing on the need to promote Arctic cooperation, included recommendations for Aboriginal peoples and the government. It concluded by supporting the idea of an Arctic Council made up of ten delegations representing the Arctic states, Aboriginal peoples, and territorial governments. The report was published the same year, the Rovaniemi Declaration was signed recognizing “the special relationship of the indigenous peoples and local populations to the Arctic and their unique contribution to the protection of the arctic environment.”<sup>806</sup> By the time the Arctic Council was created in 1996, the ICC and Canadian foreign policy at the international Arctic level had tangibly converged in many aspects.

This policy promoted the idea of the Arctic as a North American and particularly Canadian definition of the Arctic—the environmental, traditional, and indigenous.<sup>807</sup>

‘In North America, the ‘native people’s question’ has become probably the most important single issue. . . . In Northern Scandinavia, the Sámi have long been a small minority. There the distinction between Aboriginals and immigrants become somewhat hazy, for some of the latter have been there for a thousand years. Most Saami gain their livelihood in just the same way as most

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<sup>806</sup> Tennberg 1996.

<sup>807</sup> *Ibid.*, 7.

immigrants and the factors that are common to the two groups greatly exceed in importance the factors that distinguish them<sup>808</sup>

For Canada and the Canadian Inuit, the establishment of the Arctic Council served as a critical juncture or what would become a contemporary relationship between Canada's indigenous Inuit and the federal government. This bond—strengthened by its international presence through the ICC in the United Nations—is conveyed most eminently through its dominion over this new Arctic identity which is premised on the need for stewardship over the land and sustainable development policy as the means for attaining such development.

Canada, ITK, and ICC policy converged in order to create a very particular definition of sustainable development, which together they not only exported into the international community, but acted in concert as leading authorities over sustainable development policy in the Arctic. The ICC has constructed an Inuit version of the Arctic dominated by the legitimacy of traditional indigenous knowledge and in order to see it implemented as a science they have pressed for shared management approaches concerning the Arctic's natural resources. This is illustrated by the following quote from one ICC member: "Co-management regimes give us more independence and control over the resources, but they also offer the possibility of Inuit hunters and government regulators sitting across the table as equals, all experts in their own areas."<sup>809</sup> This has most astutely been accomplished through policies established by the Inuit land claims agreements at home. In return, Inuit land

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<sup>808</sup> Armstrong 1978, 271, 273 quoted in Keskitalo 1999, 8.

<sup>809</sup> Anderson January 27, 1993, 2.

claims in Arctic Canada and control over the resources, land, and seas which inhabit this space have become Canada's dominant arguments to make legitimate its claims over the Arctic North. In a report to the government Foreign Affairs Minister, Joe Clark argued that:

Canada's sovereignty in the Arctic is indivisible. It embraces land [sic] sea and ice, it extends without interruption to the seaward facing coasts of the Arctic Islands. These islands are joined and not divided by the waters between them. They are bridged for most of the year by the ice, and from the time immemorial Canada's Inuit people have used and occupied the ice as they have used and occupied the land.<sup>810</sup>

While these efforts have helped secure both Canada's sovereignty over its Arctic and Inuit sovereignty over their own land, this new *indigenized* Canadian identity has also benefited Canada's other main interest in Inuit affairs; being a model of liberal humanitarianism. Canada has grown to embrace its Northern identity and continually exports its relationship with the Inuit into the international community as a role model for multiculturalism. This is best epitomized by Canadian essayist and novelist, John Ralston Saul. In a lecture for the La Fontaine-Baldwin Project, Saul stated: "Look at Canada as a whole. Its central, defining characteristic in global terms is to be the most important northern democracy. It is, or can be, the great northern nation."<sup>811</sup>

Together these two issues of sovereignty and liberal humanitarianism have merged and are illustrated most sharply in the 1999 Northern Dimension of Canada's foreign policy. The Northern Dimension of Canada's foreign policy stemmed from its participation on the Arctic Council, and most astutely combines Canada's democratic

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<sup>810</sup> Watt-Cloutier January 25, 2002.

<sup>811</sup> Saul March 9, 2001.

ideology with its claims to Arctic sovereignty. The policy, according to Mary Simon, “endeavours to reflect the values, perspectives and hopes of Canadians, especially northerners, and will guide Canada’s engagement with her circumpolar neighbors to promote and protect this rich, diverse, yet vulnerable part of the world.”<sup>812</sup> Canada’s assertion of its Northern identity is affirmed by the following excerpt of a speech by the president of the Privy Council and Minister of Intergovernmental Affairs before the Council for Canadian Unity in Yellowknife, Northwest Territories on June 21, 1999:

This is perhaps one of the greatest advantages that Canada has as a northern country: our geographic reality has helped to shape our Canadian sense of community and mutual responsibility. The geographical fact of our northernness has moulded our way of viewing the world. . . . As a member of the Arctic Council . . . this organization presents another important forum for Canada to share and cooperate with other members of the world community. . . . The governments of the NWT and Nunavut are based on consensus, rather than conflict. I believe that it is also reflected in our federal system. This system is the product of the values that Canadians share: solidarity, generosity and openness. You could say that these are the same values fostered by our northernness. Federalism is about accommodation and mutual respect—about embracing, organizing and making the most of our sense of interdependence.<sup>813</sup>

### **Conclusion**

The North is a place of great promise . . . the Government of Canada and the territorial governments have agreed to develop in cooperation with Aboriginal governments, organizations and Northern residents—the first-ever comprehensive strategy for the North. . . . The North is a place where strong, responsive governments work together to build a prosperous, vibrant future for all. It is a place where Northern traditions of respect for the land and the environment are cherished, and actions and decision-making are anchored in the principles of responsible, sustainable development. It is a place where citizens celebrate their diversity. The North is a place where the territories and their governments are strong contributing partners in a dynamic and secure federation.<sup>814</sup>

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<sup>812</sup> Simon 2002, under ICC 2002 “Canadian Delegation Presentation to the Ninth ICC General Assembly.” 43.

<sup>813</sup> Dion June 21, 1999.

<sup>814</sup> Office of the Prime Minister of Canada Web site.

The history of Canadian state building has been largely led by efforts to maintain its legitimacy as a liberal state, as well as its sovereignty over the Arctic. Over time, not only have these two themes merged, but they have also fused with a Canadian Inuit vision of northern Canada, creating a new hybrid Arctic identity based on both state and Aboriginal policy. This is reflected in one of Canada's proposed goals to "engage all partners in the North in the protection and stewardship of the environment."<sup>815</sup> In order to ensure this, the northern policy also proposes that Canada plays a leading role in taking international action on circumpolar issues and that northern concerns are taken into consideration in national efforts to reinforce Canadian sovereignty, security, and circumpolar cooperation. The northern dimension of Canada's foreign policy led to the creation of an official northern strategy. On December 14, 2004, Prime Minister Paul Martin and First Ministers Joseph Handley (Northwest Territories), Dennis Fentie (Yukon), and Paul Okalik (Nunavut) officially released their framework for a northern Strategy. The prime minister and the first ministers stated that the primary purpose of the "Northern Strategy" was to "make a real difference in the quality of life of Northerners and in the capacity of Northerners to manage their own affairs."<sup>816</sup>

This is an exciting opportunity for Yukoners to work together to develop a strategy for the North that celebrates our diversity and ensures we are strong contributors in the federation with healthier, more vital communities. . . . We are looking forward to enhancing an already excellent working relationship with the other two territories and continuing a new era of co-operation with the federal government in order to get this done.<sup>817</sup>

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<sup>815</sup> Northern Strategy Web site December 14, 2004.

<sup>816</sup> Ibid.

<sup>817</sup> Ibid.

Under the framework of the Northern Policy, the governments of Canada and the territories in cooperation with Aboriginal governments, organizations, and northern residents would aim at “strengthening governance, partnerships and institutions; establishing strong foundations for economic development; protecting the environment; building healthy and safe communities; reinforcing sovereignty, national security and circumpolar cooperation; preserving, revitalizing and promoting culture and identity; and developing northern science and research.”<sup>818</sup> The authors of the policy reaffirmed this new relationship between Canada and the North.

Perhaps, overall, the changes over the years in Canadian and Inuit perceptions about the Arctic as a place of indigenous underdevelopment and resource exploitation guided by policies of paternalism and assimilation by southern Canadians can best be summarized by the following two excerpts. On October 18, 2004, the *Kingston Whig Standard* included an article, entitled “Danes cause international chill by launching a bid for North Pole.” The article discusses the proposed bid by Copenhagen for sovereignty over the North Pole under the pretense that the North Pole and Greenland are linked by 1,240 kilometers of underwater mountain range.<sup>819</sup> Despite this claim, the article stated that Canada first asserted its sovereignty over the North Pole in the 1950s, culminating with an international tribunal stipulating that if no disputing claim was made within a 100 years, it would become Canadian territory.<sup>820</sup> The article further stated that Canada as a whole received the news with

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<sup>818</sup> Ibid.

<sup>819</sup> Coman October 18, 2004.

<sup>820</sup> Ibid.

unease, particularly those living in the North. In Resolute Bay, a tiny Inuit community on the edge of the Arctic Ocean, the notion of the region answering to Copenhagen seems “absurd.” Angela Idlout, an Inuit receptionist at the Qausuittug Inn, the only settlement hotel, told the *Daily Telegraph*: “If you ask me what I feel my nationality is, I will tell you that I feel Canadian not Danish.”<sup>821</sup>

Another recent example comes from the April 25, 2005, edition of the *Vancouver Sun*. In an article entitled “Inukshuk picked as symbol of Olympics,” Jonathan Fowlie wrote about the Vancouver 2010 Olympic organizing committee unveiling its new official emblem. The emblem is a five-piece multi-colored inukshuk called Ilanaaq (ih-lah-nawk). An inukshuk is an Inuit symbol of friendship, hospitality, and teamwork. According to the *Sun*, the motivation for picking the symbol was “its strength from the true spirit of teamwork.”<sup>822</sup> Paul Okalik, premier of the territory of Nunavut was quoted as stating: “We’re very proud that a symbol from our culture is going to be used in an international event.”<sup>823</sup> According to John Furlong, CEO of Vanoc, the organizing committee for the Vancouver games, “We wanted to really connect back to the values of Canada . . . It [Ilanaaq] touches all that we are and symbolizes the great story of a young but great country.”<sup>824</sup> Together these articles depict the latest developments of an ongoing relationship between the Arctic Inuit and the Canadian state. Together these articles espouse a Canada which is not only very Northern or Arctic but equally so indigenous and, as such, Inuit

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<sup>821</sup> Ibid.

<sup>822</sup> Fowlie April 25, 2005.

<sup>823</sup> Ibid.

<sup>824</sup> Ibid.





## Chapter 10

### NEW SPACES OF SOVEREIGNTY

#### Introduction

Full national sovereignty for Greenland is one option, but not *necessarily* the option that will serve Greenland best in the future. [The w]orld around us is changing, because [the] classical system with independent and sovereign states is being gradually replaced by a new system with *interest based* confederations across the national borders. In other words, the *concept of sovereignty* is itself changing, and in the future states will hardly play the role they played [for the] last 200 years.<sup>825</sup>

Recent events have initiated a transformation which has brought into question the historical salience of sovereignty and the state—perhaps even questioning whether the Westphalian ideology was a fallacy all along.<sup>826</sup> Beginning with the end of the Cold War, international politics have begun to re-examine traditional assumptions of state-centered political theory. Understanding the process of shifting meanings and the role of sovereignty necessitates an adequate understanding of the larger processes of change in the international system. The fall of the Soviet Union and the onset of globalization have become symbolic and constitutive of the end of one ideology while simultaneously heralding the beginning of a new one.<sup>827</sup> This shift, according to

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<sup>825</sup> Olsen 2002.

<sup>826</sup> For an in-depth discussion of the effects of globalization on state authority and sovereignty see: Agnew 2005; Archibugi, Held, and Kohler 1999; Habermas 2001; Hewson and Sinclair 2000; Sassen 2002.

<sup>827</sup> Ruggie 1993. For example, Rudolph makes the case that globalization has been the impetus for a shift in what has traditionally underpinned the maintenance of

Agnew (borrowing from international legal theory), is a process embodied by the transition from “historic insular sovereignty,” or a right to resist, to the emergence of “relational sovereignty,” which emphasizes engagement. This ‘relational’ conceptualization of sovereignty is the basis for this chapter.

This chapter revisits and supplements the dissertation’s ongoing discussion of Westphalia. In particular, the focus concerns the implications of recent changes in global politics for exposing previously assumed notions of sovereignty regarding the role of the state. If it is increasingly understood that sovereignty is no longer necessarily the prerogative of the state, then how do we understand new centers of sovereignty? Or, moreover, should sovereignty no longer be assumed to exist at all? These questions are central to this discussion concerning the move toward a relational approach rather than a diminishing conception of sovereignty in international

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sovereignty. Whereas in the past sovereignty was secured through the accumulation of goods—raw materials, monetary capital, and human capital—security is now based on the ability to manage the flow of goods (Rosecrance in Rudolph 2005, 7). It is the ability to facilitate transborder flows including labor migration, trade and capital flows and, in addition, sovereignty transfers. As sovereignty shifts the pre-eminence of authority away from the bounded territory of the state and elevates the authority of a new realm, sovereignty becomes much more entrenched in the ability to manage the flow of goods. Based on Litfin’s idea of sovereignty bargains, Rudolph further asserts that globalization has provided the opportunity for successful management of multilateral agreements and institutions such as the IMF, NAFTA, etc. (2005, 8). As sovereignty is the affirmation of authority, the maintenance of the ability to exist and manage the flow of goods is only one part of a larger story about sovereignty. Sovereignty is more than economic security. In this sense, sovereignty becomes not the domain of bounded states but a social and political construct, one which states may bargain away certain aspects of to create greater sovereignty in other areas, building other facets of authority. To illustrate this, Rudolph offers the European Union as a case. The EU is not simply about the demise of state power; it is also a narrative about increased authority and choice in other dimensions.

relations. However, to engage in a post-Westphalian political inquiry,<sup>828</sup> a new analytical framework of time and space is necessary. Therefore, the first section engages in a methodological discussion of new ways to embark on global political exploration that do not privilege the traditional boundaries of the state system. Rather than concluding that the end of sovereignty is approaching, this political inquiry deconstructs and abstracts sovereignty from its Westphalian limitations. As such, it offers a possibility to conceive sovereignty as a constitutive process of power construction. Sovereignty as a process of power becomes a further abstraction from static and ahistorical physical features. Sovereignty is relocated from bounded state territory to the process of collective political identity and institution construction. Throughout this process, the power or importance of physical territory is not precluded

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<sup>828</sup> Rodney Bruce Hall offers a way to examine epochal change by shifting the focus of analysis from states to individual actors. According to Hall, actors in society help shape the collective identity of the system. Yet, while the interests of agents shape the identity of the system, these interests are also conditioned by the understanding of itself in relation to other collective identities (1999, 5). When actor identity changes, the identity of the system transforms as well since they each comprise one another, creating “system legitimizing principles, institutional forms of collective action, and norms, rules, and principles of interaction.” This, according to Hall, results in epochal changes in the international system (6). Focusing on the emergence of the new post-Cold War states, for instance, Hall argues that when new states are created, it is the replacement of one set of collective identities and legitimating principles and subsequent institutions with another set of principles and institutions. Consequently, these collective identities not only transform their own identification, but they also change the identity of the international system as well. Hall’s approach is useful for focusing on the co-constitution between collective identities and the international system, but his emphasis on the transformative capacity of collective identities is problematic as it fails to stress the ability of the system to condition the identities of these polities in the first place. Accrediting agents with independent identities which have the capacity to transform the system fails to examine how these collective identities came to be.

but rather becomes subsumed under ongoing political contestation over the symbolic meanings of physical space more generally.

With a post-Westphalian framework in place, the following section revisits collective political identity construction. Throughout Westphalia, collective identity construction was discussed in terms of nationalism. The goal of nationalism was self-determination and self-determination was realized through independent statehood. This section engages in this discussion using nationalist discourse as a point of departure for a post-Westphalian project of collective political identity construction—or what I term the *political myth*.

Accompanying this discussion, this section then deposits the notion of the political myth into the larger context of a post-Westphalian system. This includes the structures upon which political myths must be carried out. Together, the myth and the structures comprise not only polities with authority and legitimacy to act, but they also reconceptualize the meaning and role of sovereignty in global politics.

### **Relocating Sovereignty in a Post-Westphalian World**

An important objective of our Inuit land claims movement is the organization of local government in the Arctic. I personally feel this organization must happen within the national context and traditions of Denmark, Canada and the United States. Some may talk about separate Inuit political development, but I do not. All we need is the cooperation of our governments to enable us to make traditional North American local government work for us in the Arctic.<sup>829</sup>

If the global political system is indeed in a process of fundamental change, and sovereignty is ‘just not what it used to be,’ then new tools are necessary not only for conceptualizing these changes but also for investigating global politics in a post-

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<sup>829</sup> Hopson April 25–27, 1978.

Westphalian system. While many authors have questioned the previous assumptions of the international system, most continue to use the same traditional analytical tools (assuming the state remains the elephant in the China shop) to examine these emerging processes. For instance, Krasner challenges the traditional conception of sovereignty by bringing to light its context-dependent variances. According to Krasner, sovereignty is best divided into four distinct categories: interdependence sovereignty (liberal intuitionism), domestic sovereignty (state control), international legal sovereignty (state recognition in the international system), and Westphalian sovereignty (“autonomy of domestic authority structures”).<sup>830</sup> Moreover, these four forms of sovereignty are what he calls “problematic sovereignty.” Regardless of the categorical box which various instances of problematic sovereignty may fall into, sovereignty as a concept remains the domain of the state and the international system.

Likewise, Keck and Sikkink focus on what they call transnational advocacy networks (TANs). While focusing on the rise of these new non-state actors whose actions traverse national boundaries, their existence centers in and around states and international organizations. While exposing the emergence and importance of non-state actors in general, Keck and Sikkink ultimately assume that TANs aim to affect state and international policy in a world where inter-state relations remains a given priority in politics.

Rosenau arguably comes closer to formulating new conceptions of sovereignty outside a state-centered perspective. For him, world politics should not be assessed in terms of sovereignty, and resources and sovereignty themselves should not

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<sup>830</sup> Krasner 2001, 2.

be assumed to equate to power.<sup>831</sup> Some actors, in fact, possess little sovereignty and this ‘freedom’ enables them to more easily pursue their goals. In this sense, Rosenau argues that it should not be assumed that state sovereignty equals superior status.

Instead, Rosenau reckons that by defining political actors in terms of “authority structures” it is possible to distinguish the difference between state and other political actors outside. As such, there remains the typical context in which states are “sovereignty bound” institutions and in addition, non-state actors are “sovereignty free” actors.<sup>832</sup> Rather than acknowledging a shift in the meaning of sovereignty, Rosenau perceives authority as something other than sovereignty and sovereignty remains the ahistorical domain of the state.

To transcend state-centric models, Rosenau places sovereignty on a sliding scale or a continuum. And this continuum can only be applied to state sovereignty (or sovereignty-bound institutions). The recent materialization of sovereignty-free actors, Rosenau argues, is indicative of an emerging reality. He highlights “autonomy,” and notes that it trumps compliance and that interdependence has precedence over independence.<sup>833</sup> As Rosenau states, “autonomy means being free to select the ways in which interdependence with other individuals, groups, provinces, states and international organizations is established.”<sup>834</sup> Consequently, Rosenau

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<sup>831</sup> Rosenau 1990, 40.

<sup>832</sup> *Ibid.*, 40–41.

<sup>833</sup> James Rosenau quoted in Lyons and Mastanduno 1995, 202.

<sup>834</sup> *Ibid.*

focuses on autonomy rather than sovereignty as an emerging means for understanding the significance of non-state political entities.

This juxtaposition between sovereignty and authority, however, offsets the focus, which is the process of interaction between all polities and the way in which these interactions continually redefine all actors (states and sovereignty-free alike), assumptions, aims, and overall collective identity (and subsequently exposing the shortcomings of the pretense that states are indeed sovereignty-bound, closed entities). Aligning state sovereignty along a sliding scale is, in fact, reifying the idea that sovereignty is a function of states, and that where state sovereignty is weakening, it is a signal of its demise (that is, that sovereignty is what it has been as defined under Westphalia and is not subject to reconstruction). As Rosenau states:

The relative rights of states and international organizations are thus to be found not in the constitutional documents, court decisions, or any other formal assertions of national or global norms; rather, they stir in the minds and hearts of publics and officials—in their premises, orientations, perceptions, memories, habits, collectivities. It is here, in deeper ideational and structural sources, that the world's normative premises relative to sovereignty may be undergoing long-term process of slow but relentless erosion.<sup>835</sup>

In fact, what Rosenau effectively points out is the idea that sovereignty is increasingly multifaceted. Sovereignty is not as easily distinguishable from 'authority' as Rosenau assumes. However, while trying to undermine the relative hierarchy of the state, Rosenau's synthesis nonetheless focuses on the differences between states and other actors—essentially reifying rather than problematizing the order of the system and within the system, the role of sovereignty as a state-privileged fixation. This terminology of sovereignty-bound and sovereignty-free actors, according to Rosenau,

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<sup>835</sup> Ibid.

“serves as a continual reminder that the differences between states and other collectivities may not be as one-sided as they are usually assumed to be.”<sup>836</sup> While hierarchy needs to be rethought, the distinctiveness between the two types of actors remains critical.

On the contrary, Agnew argues that the very idea of sovereignty was founded on false assumptions.<sup>837</sup> Sovereignty was never an inherently bounded entity. It has, however, grown to be a central strand of realist and idealist theory of the state and global politics. Increasing participation of new non-state polities are asserting and re-affirming sovereignty vis-à-vis other states as well as other polities.<sup>838</sup> As such, why arbitrarily deny non-state polities the recognition of a degree of sovereignty while providing an extensive range of sovereignty for states? Is there any analytical leverage in distinguishing a state that bargains away (willfully or not) substantial portions of sovereignty from a sovereignty free-actor which has garnered a robust locus of sovereignty (perhaps even more so than some states)?

Increasingly—and Rosenau alludes to this—an important departure from sovereignty in the traditional international system is that positive recognition or positive acceptance by the state system is no longer necessary to be sovereign. In fact, what makes some entities sovereign is exactly their desire not to become ‘formal’ state sovereign participants in the existing architecture. Sovereignty, in some counter-hegemonic cases, rests entirely on their persistence, acting in direct opposition to

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<sup>836</sup> Rosenau 1990, 36.

<sup>837</sup> Agnew 2005.

<sup>838</sup> *Ibid.*

everything which the international system represents. A current case in point would be Al-Qaeda. The sovereignty of Al-Qaeda rests in its myth; Al-Qaeda's pursuit of existence—its collective history—depends on its ability to remain outside the boundaries of the formal international system (and this process in and of itself is a process of system reification).

Essentially, the efforts of these authors help bring to light the inadequacy of traditional IR theory to contend with contemporary global political processes.<sup>839</sup> In

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<sup>839</sup> Other theorists, such as Iris Young, offer insight into reconceptualizing sovereignty. Young calls for a 'post-sovereignty global governance system'—a more 'federated system of global governance' containing stronger global regulation as well as more regional and cultural autonomy (2000, 247). Rejecting the notion of sovereignty, Young asserts that, as merely a state phenomenon, setting inside-outside boundaries between states and the other states generates a deficiency of moral legitimacy both domestically and externally (2000, 247–48). Externally, Young questions the legitimacy of non-intervention, which sovereignty grants to states, and calls for a 'global society' (2000, 248). Young argues, for example, that resources are distributed arbitrarily and therefore should be considered 'a global commons.' Subsequently, Young goes on to argue that because of the dependent nature of North-South economic development via exploitation and unequal income distribution, we need globally to make a case for stronger economic regulation—a 'redistributive regime' (2000, 250). Internally, Young asserts that sovereignty is morally questionable, in that state sovereignty denies national and cultural minority sovereignty (2000, 251). Therefore, indigenous claims challenge this authority because they aim for autonomy and various forms of sovereignty within a state with ultimate authority. Rather than perceiving sovereignty as closed, both internally and externally, Young postulates that present moral quandaries (such as marginalization and inequality) unearth the need to deconstruct the notion of sovereignty as a centered subject and recognize that sovereignty is dependent on relations to others and therefore its interdependencies as well (2000, 253).

Rather than global politics dictated by state sovereignty, Young proposes the idea of local self-determination without sovereign borders. Paralleling the arguments of David Held (1995), Young conceives self-determination within the context of global governance structures (2000, 254). Particularly, she calls for seven issues of moral concern, which would comprise the 'global regulatory regime,' also referred to as 'thin' global governance. The notion of self-determination, while maintaining the right

order to begin to uncover the significance of the ICC in the larger context of global political interaction, a new framework for conceptualizing sovereignty, one which does not rely on the state, is necessary. Moreover, a means for bringing into question the processes which brought about the sedimentation of certain concepts at the outset is also essential.

Kevin Cox has much to offer in terms of relocating sovereignty (beyond the state).<sup>840</sup> He looks at relationships not through a lens of state interaction but through what he terms *spaces of dependence* and *spaces of engagement*. For Cox, spaces of dependence are defined by “localized social relations” whose localities are space-specific and depend on their ability to exercise territorial power (which can include power over the resources embedded in the territory as well). In essence, spaces of dependence are “the means of control over a geographic area.”<sup>841</sup> As Cox argues,

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of non-interference, concurrently possesses participatory rights in collective decision-making where prima face rights are subject to be overridden (Young 2000, 254). Accordingly, this global federalism accounts for the diverse ways in which peoples think, live, and choose to govern themselves.

However, at the global level, Young fails to address whom and which institutions would have the jurisdiction to define and arbitrate this global society. Who will have authority and how will this be attained? Internally, if indigenous peoples expose the myth of sovereignty or at least the fallacy of its ahistoricism and universalism, then a larger issue looms—are we transcending the notion of sovereignty entirely? Young’s post-structuralist arguments delegitimize assumptions concerning state sovereignty in order to justify the shift from international relations to global governance. Young’s arguments for this shift are based on a moral imperative. Subsequently, indigenous struggles are only relevant in that it is morally important to include and acknowledge indigenous rights in global politics. In this sense, Young offers little for demonstrating how this process exists practically through actual policies.

<sup>840</sup> Cox 1997.

<sup>841</sup> *Ibid.*, 7.

however, local relations often participate in a much more extensive set of interactions which broaden beyond the local space-dependent location. These relations are not constant and through interaction the local dimensions become altered by their constitutive relationship to these additional spaces of engagement. Spaces of engagement constitute additional centers of social power which have decision-making capabilities that directly affect local spaces of dependence. In other words, spaces of engagement are constructions of network associations.<sup>842</sup>

Neither local spaces nor spaces of engagement have a privileged position of power over the other (it cannot be assumed that the ultimate goal of spaces of engagement is to secure particular spaces of dependence). The focus of analysis is not the spaces of dependence or the spaces of engagement but the processes between the two localities. The constitutive relationship between these spaces inevitably alters the aims of working within local spaces or, in other instances, it changes the composition of the space of dependence entirely. As local spaces are constitutively tied to larger processes of political interaction, these spaces of engagement provide a new space of political interaction which extends beyond the confines of the state. Moreover, within this new political space, sovereignty can be abstracted from the prerogative of the state and re-conceptualized.

Spaces of dependence sufficiently acknowledge the ongoing prominence that physical territory as a political space in global politics represents. This acknowledgement, however, does not presuppose or demand that these spaces of dependence are states or even entail land 'ownership.' As spaces of dependence are

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<sup>842</sup> Ibid., 2–3.

constituted by spaces of engagement, sovereignty resides within this relationship—within the process of political interaction. Sovereignty is not located in the structures themselves as independent authorities (i.e., in the territory of the state or Inuit governments directly, or in the ICC as a sovereign entity). Rather sovereignty is located within the process—and therefore becomes a contingent rather than absolute entity itself. Sovereign identities—as all collective identities—are never fully closed entities but always in a state of flux. In this sense, what *Inuit* governance represents in Nunavut or the North Slope and the sovereignty that these local governing institutions provide, for instance, are always contingent upon ongoing global phenomena.

According to Craig Scott, Inuit sovereignty is:

a profoundly dialogical sovereignty. Aboriginal peoples will simultaneously exist within and outside States, which is to say they will exist in relation to States. They will have human rights not only in the classical mode of rights against States but also in the post-classical mode of rights of a jurisdictional nature such that “human rights” become a rubric inclusive of “powers of government.”<sup>843</sup>

The processes of interaction between spaces of dependence and spaces of engagement open up a space for effectively analyzing Inuit political relations such as those in the ICC, in local Canadian Inuit governments, in Greenland and Greenland Home Rule, in Alaska and local Inuit Alaskan governments, in the relationship between the ICC and the Arctic Council, or in the ICC and the international community (without privileging the state or the international system). Moreover, these spaces do not preclude the presence of the state or the international system.<sup>844</sup> This

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<sup>843</sup> Simon October 22, 1993, 2.

<sup>844</sup> Cox 1997, 7.

contingency between the local spaces and spaces of engagement does not privilege structure or agency and therefore the ‘goals’ of local Inuit governments or the ICC are neither static nor independently constructed.

Rather, ICC goals and aims are processes in a continual state of re-identification with various other polities. In this sense, it becomes impossible to abstract Inuit collective political identity from any of its various political localities—local, domestic, international or transnational politics. For the Inuit, political legitimacy is a symbiotic relationship with global politics (at all levels). As such, the political story of the Inuit through the ICC becomes a discourse of collective political identity construction embedded in language that resonates within global politics. Local Nunavut and North Slope governance are matters of direct international human rights and development. Inuit rights to whale, control oil exploitation, have breast milk free of POPs, and a caribou pate export market all fall under changing global circumstances and, in this case, ‘sustainable development.’ For example, according to Hall, political identities in society help shape the collective identity of the system. Yet, while the interests of agents shape the identity of the system, these interests are also conditioned by the collective identity’s own understanding of its relationship to other collective identities.<sup>845</sup> When actor identity changes, the identity of the system transforms as well. Actor identities and the identity of the system comprise one another, creating “system-legitimizing principles, institutional forms of collective

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<sup>845</sup> Hall 1999, 5.

action, and norms, rules, and principles of interaction.”<sup>846</sup> This sentiment is illustrated

by Mary Simon and Peter Jull in relation to Canadian Inuit politics:

A unique amalgam of national and international issues and strategies has shaped Canadian Inuit politics. . . . These politics have centered on the quest for social justice, cultural autonomy, ecologically sustainable development, and self-government—the package often called “self-determination” in international indigenous circles, Inuit strategies have been so successful that sometimes it seems as if they have done more to reform Canadian political culture than to fulfill their primary aim of bettering Inuit lives and communities.<sup>847</sup>

This process of Inuit political construction is mutually effective.

International human rights have in certain instances become redefined by ‘indigenous rights’ (through its application in the context of sustainable development policy).

Human rights, paradoxically, is a concept which at the outset was a product of

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<sup>846</sup> Hall 1999. This, according to Hall, results in epochal changes in the international system (1999, 6). Focusing on the emergence of the new post-Cold War states, for instance, Hall argues that when a new state is created, it represents the replacement of a particular set of institutions, collective identities, and legitimating principles by a competing set of principles and institutions. These collective identities not only transform themselves, but they also change the identity of the international system as well. Hall’s constructivist approach is useful for focusing on the co-constitution of collective identities and the international system. He employs this approach to construct a theory of the nation-state, and, simultaneously, particularizes the international system as a specific moment in history. However, Hall’s emphasis on the transformative capacity of collective identities is problematic, as it fails to stress the impact of the system for conditioning the identities of these polities at the outset. Hall writes: “The theory must permit social agents to demonstrate a systemic generative and transformative capacity, rather than seeing social actors as merely conditioned by a state reproductive logic” (1999). Assigning independent identities to agents that have the capacity to transform the system fails to examine how these collective identities came to be. While disclosing the limitations of ahistorical and universal accounts of sovereignty, the conceptions offered by Hall provide us with a limited ability to understanding the construction and evolution of indigenous autonomy.

<sup>847</sup> Simon and Jull September 1994.

Western liberalism—the same Western liberal ideology which based its identity in juxtaposition to the “uncivilized natives.” With the advent of emerging international declarations and covenants, human rights are increasingly defined not only by this previous outside ‘other’ but also according to the worldview of these previously excluded actors. In contemporary international politics, the discourse of sustainable development is being redefined by both an amalgamation of indigenous rights and environmental protection. This ‘traditional’ indigenous stewardship approach toward the environment is realized through accompanying institutional policies and legislations. Additionally, stewardship is used as a means to define indigenous legitimacy to participate in politics (used in the reconstruction of the Inuit polity). For example, environmental science in many circumstances (and this predominates in the Arctic) cannot be considered sound science without taking into account indigenous traditional knowledge (of which elders’ personal accounts are central). This interdependence is highlighted in the following quote by Hopson from at the welcoming address to the ICC in June of 1977:

Our language contains the memory of four thousand years of human survival through the conservation and good managing of our Arctic wealth. . . . Our language contains the intricate knowledge of the ice that we have seen no others demonstrate. Without our central involvement, there can be no safe and responsible Arctic resource development. . . . We have the right and duty to negotiate with our governments the terms under which we can safely share our sub-surface wealth with others more in need of it. . . . Arctic resource development has placed special pressures upon us to organize now to meet our responsibilities to the land.<sup>848</sup>

Viewed in this respect, political legitimacy and authority found through the political interactions of spaces of engagement do not depend on physical territory

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<sup>848</sup> Hopson June 13, 1997.

but rather on a particular *intellectual* space. As the relation between spaces of local dependence and spaces of engagement are co-constituted, the space of local Inuit governance remains wedded to physical land and resources while additionally contingent on regional and global governance. Creating and affirming the meaning and significance of local land and resources (i.e., processes of contestation over what indigenous governance means or what Arctic oil represents) are played out in this intellectual space. As Cox states,

We need to revise our concepts of how different sorts of, spatially qualified, politics relate to the state's territorial organization . . . local interests and related spaces of dependence are the necessary precondition for a local politics but the space of engagement for it is entirely contingent . . . in mobilizing centers of social power whose power is territorial in character . . . other associations may have to be constructed.<sup>849</sup>

While Cox offers a fruitful space to analyze polity interactions, another issue remains unaddressed. The very idea of what it means politically to be Inuit, and more broadly, what it means to be indigenous in the context of global politics, is based on an ongoing reconstruction of Inuit collective identity—the *Inuit myth*. The idea of the political myth requires further discussion at this point.

### **Taking the State out of Collective Identity: The Making of Political Myths**

We are real people and the arctic is our homeland. I truly believe that we, as people, do not want to protect our homeland simply for ourselves. It is a delicate environment that should be protected for all of humankind.

We Inuit are an international community of some 100,000 residing mostly in small villages along the Arctic coasts of Alaska, Canada, and Greenland. We are loyal citizens of the United States, Canada, and Greenland, but we are Inuit, or Eskimo, first and foremost. . . . We Inuit are hunters. . . . As the indigenous, native people of the Arctic, we enjoy certain native rights and entitlements. . . . Much of the legal foundation for native rights in North America was developed

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<sup>849</sup> Cox 1997, 20.

through European colonial administration, and confirmed in many old treaties transferring political sovereignty over new world territories.<sup>850</sup>

In the mid-1960s a discussion of Inuit political collective identity would most naturally fall within the larger political theoretical discussions of nationalism. Theorizations of national identity were the privilege of particular collective identities seeking self-determination. Self-determination was inherently perceived during this time as nation-state independence. Yet the collective identity of the Inuit, while a nationalist conception in its own right, is not a myth based on a people whose collective past and recent political inferiority requires compensation in the form of a nation-state (territorial integrity). Instead, Inuit self-determination is realized through the right to maintain cultural existence (cultural integrity). This notion of cultural integrity is based on rights which are realized not through attaining a territory of their own but through realizing the right to participate as legitimate actors in global politics. Nationalism from the context of the Inuit has transcended the state and, as such, requires a theory of nationalism which can similarly transcend its state-centered/NIEO theoretical foundations.

### **Nationalism without the State?**

The making of Westphalia was the construction of a political system where political identification became subsumed under the sole jurisdiction of the state and accompanying territorial boundaries. According to Benedict Anderson, the decline of religion created the possibility for new conceptions of time, which in turn made it possible to imagine the nation. When sovereignty was marked by religiously imagined

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<sup>850</sup> Hopson June 23, 1978.

communities, time and history were indistinguishable. Time was marked by the divine. The end of religious sovereignty, however, created the possibility to imagine a state in which time was abstracted from history.<sup>851</sup>

Conceptualizing national identity and national movements for self-determination became identified through the state; territorial integrity was the ultimate symbol of self-determination as a people. Beginning with the end of the Cold War, the transcendence of this Westphalian system is marked not by a waning of nationalism or nationalist movements but rather by what Rosenau terms *fragmegration*. Fragmegration, according to Rosenau, is the “resistances to boundary-spanning activities.”<sup>852</sup> Fragmegration, serving as the breakdown of various existing orders and institutions, acts simultaneously with the rise of new orders and institutions. The rise of new orders and institutions—*integration*—serve as processes linking fragmegration.<sup>853</sup> Essentially, the two processes act constitutively creating new modes of interaction. In this sense, while nationalisms seem to be growing, desired self-determination is not necessarily conceived through territorial integrity (the hallmark of the Westphalian system). Instead, emerging contemporary nationalisms coalesce around aspirations for cultural integrity.<sup>854</sup> Subsequently, traditional Westphalian analytical concepts such as those based upon North-South dichotomies or economic cores and peripheries are similarly in need of re-examination. As such, a theory of nationalism without the state is necessary.

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<sup>851</sup> Anderson 1991.

<sup>852</sup> Rosenau 1997, 243.

<sup>853</sup> *Ibid.*, 7.

<sup>854</sup> Broderstad and Dahl June 2002.

In the case of the Inuit, according to Broderstad and Dahl, in response to past assimilation policies imposed on indigenous peoples, indigenous peoples have reapplied the concept of nation-building in their own indigenous terms. In these cases, nation-building does not equate to state-building but rather “refers to the efforts of indigenous peoples to increase their capacities for a self-rule and for self-determined sustainable community and economic development. It also involves building institutions of self-government.”<sup>855</sup> Conceptualizing the Inuit myth thus requires an analytical framework for non-state national collective identity construction. Sufficiently abstracting the state from nationalism theory does not require the invention of an entirely new theory. Westphalian nationalism literature effectively imparts the political constitution of collective identity. The central problems with Westphalian accounts of nationalism lie in their structural assumptions: nationalist aspirations coalesce and culminate in and around the state. Yet, the state is not a fundamental prerequisite for contemporary and emerging collective identities to be political. This idea of non-state nationalism is illustrated by Eben Hopson in an early speech made when campaigning to raise money to establish the ICC:

We Eskimo people of Alaska, Canada, Greenland, and eventually the Soviet Union, can join together to meet common problems posed by industrial society encroaching upon our land, our communities, and our traditions. We . . . are an international community sharing common language, culture, and a common land along the Arctic coast of Siberia, Alaska, Canada and Greenland. Although not a nation-state, as a people, we do constitute a nation. This is important not because nationalism solves our problems, but because our common nationality is the basis of our present attempt to find solutions to our common age old problem of survival.<sup>856</sup>

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<sup>855</sup> Broderstad and Dahl June 2002, 2.

<sup>856</sup> Hopson 1975 “Lilly Endowment grant.”

To begin, Poole notes that nationalism as a political project asserts its priority over other cultural forms and has come to represent the characterization of political organization.<sup>857</sup> Poole, in accordance with the ontology of most nationalism literature, assumes that the state is the ultimate representation of this political collective entity. Furthermore, Poole asserts that “every nation has its own story of triumphs and tragedies, victories and betrayals.”<sup>858</sup> Nationalism, as Poole defines it, is

a specific cultural object. It exists in and through the language that we speak, the public symbols we acknowledge. . . . These cultural artifacts enable us to recognize that our way of life has an objective external existence, and they constitute the social environment which we recognise as ours and in which we are ‘at home.’ . . . The national culture is subject to change. . . . Elements which were central may become marginal. . . . The process of transformation and contestation is the process by which the nation is produced and reproduced.<sup>859</sup>

Though Poole limits national politics to state (or aspiring state) politics, the point here is not to highlight the limitations of Poole’s thought (or engage in an exhaustive literature review of the history of nationalism). Rather, what can effectively be abstracted from Poole’s theoretical approach is his definition of the ‘nation.’ This definition is relevant for deriving a broader conception of nationalism beyond the state in a global political context where political myths constitute all nationalisms, state and non-state alike.

Similarly, Kemper focuses on what he terms the “residuals of the past” which endure in the present as a means to analyze national movements. Kemper uses

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<sup>857</sup> Poole 199, 15.

<sup>858</sup> *Ibid.*, 17.

<sup>859</sup> *Ibid.*, 14.

many of Benedict Anderson and Ernest Gellner’s conceptualizations of the origins of nationalism—which for both began as a modern enterprise—as a point of departure for his own study of nationalism.<sup>860</sup> Kemper argues that the failure to identify the significance of the political aspect of nationalism is to neglect both culture and consciousness.<sup>861</sup> Nationalism is “a conversation that the present holds with the past. . . . Those who live in the present speak both parts but neither conversation has any absolute advantage, making the conversation itself the instructive phenomenon.”<sup>862</sup> Kemper also draws attention to the idea that this conversation includes more than one voice in the present, asserting the way in which the past actually existed.<sup>863</sup>

Taking into account the political implications of nationalist identity and discourse, the Westphalian system of legal sovereignty has also conceived of the state as a very particular ‘nation’ with a relationship to *territory*. The national homeland “of each nation . . . provides—or promises—members of the nation a special place of belonging.”<sup>864</sup> This traditional liberal account of land is something *owned* and regarded as an object of use and exchange, rather than a repository of meaning.<sup>865</sup> Furthermore, while nationalism may predate the modern era, there is a distinct separation between

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<sup>860</sup> According to Kemper, Anderson begins with a notion of “nation-ness” yet this term is quickly trumped by the advent of print capitalism. Likewise, Gellner considers politics as a lesser priority driven by “hidden needs” which are essentially the rise of industrialism (Kemper 1991, 6–7).

<sup>861</sup> Kemper 1991, 7.

<sup>862</sup> *Ibid.*

<sup>863</sup> *Ibid.*

<sup>864</sup> Poole 1999, 12.

<sup>865</sup> *Ibid.*, 127.

nationalism and general political manifestation. For Poole the underlining feature of nationalism is the existence of cultural communities in which membership is understood in terms of common land and history.<sup>866</sup> The land, in legal terms according to Poole, is a specific territory in which political recognition is sought—territorial integrity.

This *de jure* relationship between land ownership and nationalism precludes alternatives outside the traditional legalities of the state, and central to Poole's account of sovereignty is the assertion that nationalism is cultural. For example, in the case of the Arctic, stewardship approaches to land have been legally codified through Inuit land claims agreements. In addition, contrary to the liberal argument that territory is not a repository of meaning, the ICC has garnered much of its institutional legitimacy at the international level—and changes in international human rights law—through the ability to construct a narrative of the Arctic as a very particular repository of meaning (i.e., the Arctic as indigenous and environmental), combined with the meaning of the Inuit in relation to this 'homeland.' Griffiths confirms the significance of the legal relationship between stewardship and nationalism. According to Griffiths,

the Inuit are not hung up on sovereignty the way southerner's are, and I think there is an opportunity for the Inuit to take a lead, to think in terms of sustainability rather than sovereignty when we look to the Arctic waters and Canada's Arctic waters in particular. I think a stewardship approach, which is innate to Inuit, is one that we need, rather than title.<sup>867</sup>

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<sup>866</sup> *Ibid.*, 34.

<sup>867</sup> Griffiths 2002.

Poole, rather, asserts the idea that territory is multifaceted and contains a higher degree of symbolism than its actual physicality. Territory is part of the ‘national homeland’ and it is this significance that territory embodies “which underlies the claims of indigenous people to sovereignty over their national homeland.”<sup>868</sup> In sum, nationalism for Poole is essentially a product of both Westphalia and modernity. It traditionally subsisted and was validated by the centrality of the state in international relations.<sup>869</sup> Increasingly, however, as Poole contends, major contemporary cultural projects do not involve the nation as an organizing principle and the state itself is no longer an aspiration or realization. Instead, the strength of nationalism lies in the past: “the history, culture, and traditions which it has appropriated to itself.”<sup>870</sup>

Poole, nevertheless, ultimately argues that sovereignty remains the prerogative of the state and, as such, sovereignty itself may no longer be a suitable concept. Due to contemporary political changes (economic, the demise of authority of the nation-state, sub-nationalisms, and changes in media, communication, and culture), nationalism itself might be deteriorating.<sup>871</sup> This argument is summarized below:

There is one major respect in which the phenomenon today is functionally different from the “nationalism” of the “nations” of nineteenth and earlier twentieth-century history. It is no longer a major vector of historical development.<sup>872</sup>

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<sup>868</sup> Poole 1999, 128.

<sup>869</sup> *Ibid.*, 151.

<sup>870</sup> *Ibid.*

<sup>871</sup> *Ibid.*

<sup>872</sup> *Ibid.*

This analysis relies on the allegation that the nation-state system is in a process of decline. And further, it is predicated on the idea that the nation-state and new non-state polities cannot coexist, since they oppose the other's existence. As Poole states: "[o]f course, where nationalism remains the name of the game, it will continue to generate counter-nationalisms."<sup>873</sup>

However, many cases of indigenous rights to self-determination are wrongly perceived as inspired by the possibilities for statehood or as counter-nationalisms. Instead, they entail newly emerging forms of nationalism which seek collective autonomy and individual state membership concurrently. If it is agreed (and Poole affirms this thought) that all cultural identities are in continual processes of reconstruction, then the state is not now, and has never been, a closed and static entity.<sup>874</sup> The legitimacy of a state does not necessarily have to remain contingent on its past but rather on continual reconstructions over its history and the meanings this history injects into present and ongoing circumstances. While challenges for states to re-accommodate new political conditions may be painful or perhaps in some cases impossible—there is no reason to assume that the state can not continually remake itself to fit the contemporary world much like present indigenous efforts for self-determination.<sup>875</sup>

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<sup>873</sup> Ibid.

<sup>874</sup> Kymlicka, on a contrary note, offers a cultural definition of nationalism which is more static and wedded to the state: "a 'nation' means a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture." (Will Kymlicka quoted in Poole 1999, 122).

<sup>875</sup> If the previous statement is true (the nation-state is in decline due to changing global circumstances) then is it possible to have a Germany without the German Volk or something other than a World War II Germany? Can Ghana or Tunisia transcend

Kemper's argument parallels this idea. According to Kemper, pasts are contested and negotiated, and through negotiation a distinctive nationalist discourse emerges incorporating "Western as well as local" attributes (unfortunately Kemper assumes that the local constitutes non-Western). As such, while certain parts of the past are evoked for the present, they are not chosen arbitrarily. Rather, nationalist movements use certain pieces of the past for strategic means; some aspects of the past are more readily useful for the present than others.<sup>876</sup> When contemporary political actors speak of the past they make claims assuming that past actors were as concerned with today's motives "as if today's criteria of description and classification were available thousands of years ago."<sup>877</sup> Kemper points to the importance that the past plays within this process; that is,

the contest of wills over which parts of the past will best support the nations nation-ness. . . . Nationalism needs to be a comparative project in which the present resonates with the past without being as good as it was, for nationalism gathers its political force by creating a sense of insufficiency and indignation that requires a particular kind of historical plot.<sup>878</sup>

Furthermore, the particular pieces of the past which are reinserted into present discourse cannot be regarded as an interpretation of those practices in and of themselves (even if they appear largely unchanged). According to Kemper "When the

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colonization, or China transcend Mao, or the southern United States the confederacy? Essentially, the point is to ask whether the narrative of the state is open to renegotiation. As long as ideas change (meanings of liberalism, the welfare state, which economic systems should states support, or even the definition of a state, etc.) the narrative of the state is also subject to change.

<sup>876</sup> Kemper 1991, 7, 9.

<sup>877</sup> *Ibid.*, 12.

<sup>878</sup> *Ibid.*, 8.

practitioners and believers occupy a world different from the time of those practices and beliefs' origins, the traditional needs to be understood as part of a process involving 'fusion of horizons.'"<sup>879</sup> Nationalism for Kemper is "an expression not of a cultural 'ontology' but of the way human beings use cultural forms to respond to circumstances."<sup>880</sup>

In this context, nationalism, most simply put, is the aspiration or realization of self-determination in the form of globally recognized polities (whether conceived in a positive or negative light). This is a move toward a theoretical approach to all polities (state and non-state alike). Taking this idea one step further, Baerenholdt argues that constructivism most generally perceives nationalism as a process of making the "cultural congruent with the political."<sup>881</sup> National identities are not a given. Rather, national identity is a project, which draws upon and reconstructs histories. Culture, as such, is an ongoing social process of identification. Looking at the evolution of political identity as a process of socially constructing culture, it becomes possible to examine "new social regions" or "cross-border communities" in order to reveal the subsistence of overlapping authorities.<sup>882</sup> Perceiving nationalism as a social project in continual contestation and remaking complements Cox's special framework for political interaction. The ongoing project of nationalism takes place within the political space between the local spaces of dependence and spaces of

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<sup>879</sup> *Ibid.*, 11.

<sup>880</sup> *Ibid.*

<sup>881</sup> Baerenholdt 2000, 81.

<sup>882</sup> *Ibid.*, 95.

engagement. The authors discussed thus far in this chapter all offer significant leverage for analyzing nationalisms abstracted from the confines of the state.

### **Non-State Nationalisms: Replacing Sovereignty in the Myth**

How, then, do we identify a post-Westphalian nationalism? Walker argues that the biggest challenges to the nation-state and to state sovereignty are not assertions of traditional connotations of pluralism, but rather the continuing persistence of nationalism and self-determination which do not inherently require the state.<sup>883</sup> In essence, the challenge is to find an alternative account of plurality which at the same time does not diminish the importance of the state. According to Walker:

As an historically constituted form of community, one that has been subject to considerable variation across time and space, the state does not have to be analyzed in terms of the metaphysics of presence and absence demanded by the principle of state sovereignty. Where it has become conventional to equate state, nation and autonomy, and then to reify all three as the fundamental reality of international life, it now seems more useful to ask what states, nations, particularist identities and struggles for autonomy can now be under new historical conditions.<sup>884</sup>

Viewed from a larger historical perspective, the Westphalian political system itself has been neither necessary nor even a consistent norm over time. According to Agnew, “there have always been competing sources of authority . . . the legitimate exercise of power . . . and [t]he foundation and attribution of legitimacy to different entities has changed historically.”<sup>885</sup> Agnew further contends:

If politics is about rule, the modern state is verily unique, for it claims sovereignty and territoriality. It is sovereign in that it claims final authority and recognizes no higher sources of jurisdiction. It is territorial in that rule is

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<sup>883</sup> Walker 1993, 77.

<sup>884</sup> Ibid.

<sup>885</sup> Agnew 2005, 441.

defined as exclusive authority over a fixed territorial space. The criterion for determining where claims to sovereign jurisdiction begin or end is thus a purely geographic one. Mutually recognized borders delimit spheres of jurisdiction.<sup>886</sup>

Regarding the jurisdictional authority of sovereignty in recent legal debate—much like Rosenau’s sliding scales of sovereignty—attempts have been made to distinguish varying degrees of the traditional legal notion of sovereignty.<sup>887</sup> Yet, Agnew makes the case that the very attempt to distinguish such divisions is false. *De jure* sovereignty is based on a false sense of what actually constitutes practice from aspiration. In reality *de facto* sovereignty is the only type of sovereignty which operates on the ground.<sup>888</sup> Subsequently, recent attempts to decouple territory from sovereignty have merely served as a process of uncovering false pretences which have become exposed through the onset of globalization.<sup>889</sup> According to Agnew:

normative categories of consent and legitimacy based on territorialization remain unaffected by globalization. This is because established democratic theory and practice have required a necessary fiction to make them possible at all, that is, that there is no absolute popular sovereignty vested in a national/territorial political community rigidly marked off from all others.<sup>890</sup>

Of equal importance is the need to thwart misguided assumptions which assert that *de jure* sovereignty is mere ideology. The history of Westphalia did structure the shape and outcome of global politics. However, the reality is that *de facto*

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<sup>886</sup> Hendrik Spruyt 1994, 34 quoted in Agnew 2005, 441.

<sup>887</sup> This includes a distinction between *de jure* sovereignty and *de facto* sovereignty (Murphy 1996; Agnew 2005).

<sup>888</sup> Agnew 2005, 437.

<sup>889</sup> *Ibid.*, 438.

<sup>890</sup> *Ibid.*, 439.

sovereignty has been the underlying rule of the day and not an ahistorical assumption. Sovereignty, viewed in this light, broadens the historical narrative of global politics.

Globalization as such has provided the political space for exposing this relational construction between sovereignty and the *body politic*. Myth-building was not always an act of state-building and therefore a renewed examination of sovereignty in response to this changing global environment is necessary. Rudolph subsequently calls for the unbundling of sovereignty. According to Rudolph, through a process of unbundling, additional aspects of sovereignty, such as the social and political community aspects most often ignored or underestimated, are uncovered.<sup>891</sup>

This realization exposes a new relationship between the ICC and international politics. The ICC is not an example of a new phenomenon emerging from the onset of globalization. Rather, globalization has afforded two particular instances. Theoretically, it has provided the space to analyze an ongoing narrative of Inuit politics existing prior to and throughout the emergence of the state system. Empirically, the processes of globalization have shifted agency over who governs and how this governance proceeds. This shift is exemplified by the case of Inuit land claims beginning in the mid-1970s. The outcome of many of these policies shifted from a paternal policy of welfare and assimilation to federal policies based on indigenous self-determination. According to Cornell and Kalt, “[t]his shift toward self-determination has allowed those nations that have been willing to do so to engage

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<sup>891</sup> Rudolph 2005 1–2.

in genuine self-governance, to turn sovereignty as a legal matter into ‘de facto’ sovereignty: sovereignty in fact and practice.”<sup>892</sup>

In this light, the literal importance of location as previously conceived under Westphalia has diminished or, better stated, is increasingly being shared with new forms of space. As such, nationalism in its traditional sense—a movement based on state-building and territoriality in its physical sense—is no longer an assumption taken for granted. Sovereignty over the course of history has shifted from the divine right of the king, to the state and eventually to the ‘people’ of the state and its territorial borders during Westphalia. Recently, however, nationalism is once again transforming and becoming a process of political identification realized in the form of symbolic meanings—or intellectual sovereignty (not only land ownership). The reconstruction of space and time—as a consequence of recent globalization—has once again afforded the possibility for sovereignty to become re-embedded in the political myth, not solely based on nation-state territory. Sovereignty is again based on ideas of which territory is only one aspect.

### **Legitimizing the Myth—the Role of Institutions**

Too often, international or foreign policy is perceived as the sole and sacred domain of national governments.<sup>893</sup>

We are sovereign.

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<sup>892</sup> Cornell and Kalt 1998, 1. The authors define “de facto” sovereignty as “acting as the effective decision maker in tribal affairs” and say that it is an essential precondition for reservation economic development. Ten years of Harvard Project research, according to the authors, has proven that a sustained development that did not involve the recognition and effective exercise of tribal sovereignty does not exist—the practical assertion by tribes of their right and capacity to govern themselves (Cornell and Kalt 1998, 30).

<sup>893</sup> Simon 1985, 69.

Inuit collective political identity points to an emerging post-Westphalian reality where sovereignty is shifting from the state to new collective identities. Yet, this new political architecture needs more than a myth in order to be political; it needs to be legitimized and realized through political institutions. Further, these institutions which act as a buttress for sovereignty need to be conceived as more multifaceted than something that can be strategically bargained away as many liberal institutionalists imply. Social and political institutions are not easily turned into sterile strategic entities.

Sovereignty, on the whole, is embedded *in* the process of polity construction (a constitution of myth and institution). While states might bargain away a little domestic sovereignty for something in return, the idea that there is sovereignty at the outset is a meaningless notion without a legitimized inherent myth. The authority or the sovereignty that is embedded in the myth, however, is similarly constitutive of legitimized institutions. In this sense, the polity is more contextual (as it also contains structure) than simply a national myth. It includes ongoing and emerging political structural configurations. As such, the realization of the myth is its co-constituted relationship to structure. In this case of non-state myths, this includes new legitimate political structures beyond the state. Myth and structure combine to comprise the polity—a post-Westphalian contemporary representation of political organization, and, essentially, it is polities which engage in politics. Rosenau illuminates this sentiment:

to the extent that people have a need to community and a sense of independence, then to that extent the achievement and maintenance of sovereignty for their nation [serves] important longings.<sup>894</sup>

Increasingly, structures which reify political organization do not rely on territoriality as they have traditionally—though territorial affirmation is not precluded. Rather, in a post-Westphalian context, the structures which provide legitimacy have been extended. While physical enforcement (international law) may be weak, ideas maintain normative power. This, however, is not new merely for emerging polities; it has remained a dominant (yet ignored) feature of the international system all along. As Litfin quotes Susskind

Although countries are sovereign, and may or may not give their consent to a particular treaty, they are part of an intergovernmental system that expects them to meet common standards of behaviour. A failure to behave as expected may not lead to punishment, but it may lead to other costly and politically damaging outcomes, the most injurious of which is political embarrassment at home.<sup>895</sup>

So what then, is the role of the state in providing structure? Many authors focus on the idea that we are moving beyond a state-centric world.<sup>896</sup> Often the ongoing significance of the state as an institutional authority is undermined in efforts to highlight this phenomenon. Whether or not the state is in recession, and if so to what extent, is not *the* debate. In fact, a major component of ICC legitimacy is derived through the state system. Rudolph asserts that globalization has in fact made state borders more, rather than less, significant. According to Rudolph, while borders may

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<sup>894</sup> Rosenau 1997, 220.

<sup>895</sup> Lawrence Susskind 1994 quoted in Litfin 1997, 182.

<sup>896</sup> For a discussion of this see footnote 10.

be more malleable in terms of goods and commodities, they are not malleable for people:

Borders together with the institution, of citizenship, designate both inclusion and exclusion and define the sociopolitical community both in terms of “who we are” as well as “who we are not”. . . . Even though it is true that there remain large number of people in these nations that do feel genuinely threatened by the presence of foreigners . . . an even larger majority seem more concerned with the loss of societal sovereignty.<sup>897</sup>

On the other end, authors point to the resiliency of the state as the global political enforcer, by espousing the benign power of international legal regimes. These authors seek to either de-legitimize entirely or point to the shortcomings of the enforcement capabilities of international law. Countering these realist arguments which ultimately posit that international law will always collapse under states rights, Rosenau points out:

.the realist contention suffers from a flawed conception of law in relation to change. To view international law as continuing to favor states [or lacking enforcement] because the precedents underlying claims to sovereign privileges have not been specifically abrogated and thus continue to prevail even though states do not claim them is to cling to such a narrow, technical, and formal conception of the law as to render inquiries into the dynamics of social change virtually impossible. The test of change is to be found in behaviour and not in legal sanctions. Eventually, enduring change does indeed find expression in legal arrangements, but many intervening steps expressive of change occur before change is codified or ratified at the international level.<sup>898</sup>

Niezen’s position affirms this argument in terms of human rights:

as a guide de to human behaviour, as a legal synthesis or compendium of liberalism and the world’s major religious traditions, has a wider global reach than any one major religion or system of thought. And, whatever human rights violations states may commit and whatever reluctance they may have to ratify particular human rights instruments, no existing nation-state categorically

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<sup>897</sup> Rudolph 2005, 14.

<sup>898</sup> James Rosenau quoted in Lyons and Mastanduno 1995, 222.

denies the legitimacy of the human rights movement as a source of guidance for the exercise of power. If human rights are being used by the forces of vice as a way to pay homage to virtue . . . that is an indication of success not failure.<sup>899</sup>

In effect, the present state of global affairs is not an either/or duality: it is neither the sole persistence of the state as the arbiter of global politics nor the demise of the nation-state. The contestation is not between the structures of the state system and the demise of the nation-state in lieu of new non-state institutions but rather the manifestation of a new significance for sovereignty. Referring back to Rosenau's idea of fragmentation—as increasing numbers of peoples' assert the desire for societal sovereignty—this may or may not include sovereignty in the form of a state. Sassen for instance, while not taking away from the overall international structure, focuses on contending forces which both undermine and reify state sovereignty. According to Sassen, the saliency of virtual networks is often undermined in certain instances “where national government can subvert the legal claims” which can increase actors “to seek direct representation in international foray, bypassing the national state.”<sup>900</sup> Ironically, these are the same international forums which derive authority through state policy.

In sum, de-territorialization of sovereignty from the state to intellectual sovereignty is symbolic of a new space by which to analyze polity construction where state institutions (bounded and defined by ownership) are not the only focal point for global politics. Further, de-territorialization frees the polity narrative from becoming a

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<sup>899</sup> Niezen 2004, 86–96.

<sup>900</sup> Sassen 2002, 11.

statist narrative. Moreover, abstracting sovereignty from the state allows for the state to remain an important feature of non-state polity narratives (rather than the other way around) yet its privilege is not assumed. Rather, the sovereignty of historical narratives waxes and wanes depending on the historical juncture.

Legal and political institutions are created and reified by and act alongside international norms and the ideology of the day. Such legal, political, and normative institutions create boundaries and therefore provide a collectivity its legitimacy (whether its construction is inside or outside) to be sovereign—not that a collectivity has to be ‘accepted’ by the official structures of the system. The very structures themselves provide ‘unacceptable’ collectivities the same legitimacy.

Effectively, state borders physically remain, yet their symbolism shifts. Consequently, sovereignty in some cases remains dependent on the ability to co-exist with the state and, other times, sovereignty is embedded in its portrayal as a counter discourse. In the case of the ICC, sovereignty exists through the legitimacy of its myth which is institutionalized through varying types of structures (of which state territoriality is only one facet). Peter Jull evocatively epitomizes this sentiment. According to Jull, “northern peoples have consistently preferred autonomy to assimilation . . . [c]ompleting the infrastructure of nationhood within our own territory by extending political institutions to aboriginal Canadians is surely as important to a sovereignty issue as defending lines on Arctic maps with fleets and lawyers.”<sup>901</sup>

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<sup>901</sup> Grey January 10, 1993, 4.

## Conclusion

In light of the emerging realizations of Inuit autonomy, Inuit land claims and sustainable development policies have provided legal institutional affirmations of the Inuit myth concerning a stewardship approach to development. In this sense, stewardship is helping to redefine the legal relationship between territory and polities. Legitimate sovereignty, in the Inuit case, no longer depends on the ability to attain physical *ownership* over a defined territory. Rather, what may be emerging is not ‘the end of nationalism’ but another shift in sovereignty—from territory to the *intellectual* symbolism of the ‘homeland’ and realized through Inuit cultural integrity. Sovereignty does not disappear or become inadequate, instead it is reinserted into the process between aspirations or reifications (or self-determination) of the political myth and its accompanying structures. As Poole states:

Every nation . . . claims its own homeland, one which is described in the national literature, depicted in its art, and celebrated in its music. The homeland is not the mute object defined by physical geography; . . . it is endowed with a personality and a moral character of those who inhabit it.<sup>902</sup>

Through these negotiated discourses not only does the Inuit past become remade in a contemporary context, but contemporary politics are also remade. Human rights are no longer solely the guaranteed protection of individual state citizens or rights for individuals to exist in a country. Through indigenous discourse, human rights have transcended the Westphalian model as well. Human rights are afforded to all ‘global’ citizens, including the collective rights of indigenous peoples. As such, the

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<sup>902</sup> Poole 1999, 16–17.

state is no longer the official enforcer—the global community is the authority which has assumed this place.

Accordingly, a post-Westphalian perspective of the myth of collective identities is not solely for states or potential states, but intrinsic to the implications of non-state collective identities in global politics as well. As the next chapter reveals, this discussion is relevant to the ICC and subsequently also serves as a point of departure for analyzing the role and meaning of sovereignty within a post-Westphalian framework.<sup>903</sup> Refocusing on the myth—rather than assuming the state—provides a means by which to shift from a limited definition of sovereignty based solely on territory to sovereignty based on symbolic meaning; what it means to be Inuit (and territory is only one aspect of this sovereignty).

Nationalism in the Westphalian system served as perhaps the only legitimate expression of collective political identity. Recent indigenous autonomy and legitimacy realized through non-state means, such as the land claims agreements and political representation in the United Nations system, has called into question the privilege of the state as the only legitimate means to express collective political identity. The nation according to Ernest Renan, “presupposes a past; it is summarized, however, in the present by a tangible fact, namely consent, the clearly expressed desire to continue a common life.”<sup>904</sup> This definition extends legitimacy to other political identities beyond the state.

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<sup>903</sup> Kemper 1991, 10.

<sup>904</sup> Ernest Renan in Poole 1999, 34.

For the ICC, structural authority is based on the intersection of cultural particularities and liberalism. In particular, human rights (indigenous rights), Arctic science (traditional knowledge), and sustainable development (indigenous economics through both Inuit corporations and exporting the commodification of 'Inuit' into the global economy) comprise the structures of the Inuit myth and combined comprise the whole of the Inuit polity. These structures are realized through human rights law, indigenous 'participation' in development, and the global economy. These three features coalesce under the larger idea of sustainable development symbolizing a cultural hybrid of human rights.

Throughout the initial stages of Alaska home rule and the onset of the ICC, Hopson repeatedly made evident that Inuit organization must transcend the parameters of the ICC. Over time, the rhetoric aspiring for Inuit self-determination was built into international Arctic policy, including sustainable development policies through rights to participation. Through this process, Hopson's vision of Arctic development began a process of institutionalization. For example, shortly following the inception of the ICC, the North Slope Borough initiated a new round of Berger hearings. In 1983, the ICC decided to appoint an independent commission to investigate the issues surrounding Alaska's offshore oil drilling. Given the past success of Thomas Berger, the ICC called on Berger to review ANCSA by conducting hearings in Alaska Inuit settlements. Upon completion, the ICC intended to report his findings to the Alaskan and U.S. governments and to the United Nations. In a speech to the ICC, Berger stated:

What ICC is establishing is a commission that would ordinarily be carried out under government auspices. This has far reaching implications. Arctic peoples, living under three national flags, have set up their own commission to review what has happened in Alaska and to consider its significance, not just for the

Inuit of Alaska, but for all the Inuit of the circumpolar community. It is a venture that will be watched closely.<sup>905</sup>

At the conclusion of the hearings Berger concluded:

Neither Russia nor the United States ever conquered Alaska, nor have Alaska Natives ever voluntarily given up or treated to give up their inherent political powers. They have not been absorbed into the mainstream of American society, and their occupation of their ancestral homelands remains unbroken. Sovereignty inheres the Native people.<sup>906</sup>

Inuit sovereignty does not refer to state secession or efforts to undermine the respective state of the Inuit. Rather, native self-government is conceived of as a means to contribute to and strengthen existing nation-states.<sup>907</sup> Thus, the ICC represents the manifestation of a post-Westphalian sovereignty (cultural integrity) and the reification of the state Eben Hopson made this evident as far back as the founding of the ICC. Hopson helped obscure the divide in the Arctic between the domestic, international, and transnational layers of authority. He avowed his hopes that the ICC would be an integral authority to help achieve an *international* Arctic policy comprised of what he conceived as the Arctic states at that time:

[w]e hope that our Inuit Circumpolar Conference will initiate dialogue between the five Arctic coastal nations necessary to lead to formal agreements for safe and responsible Arctic oil and gas development.”<sup>908</sup>

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<sup>905</sup> Lauritzen 1983, 246.

<sup>906</sup> Simon October 22, 1993, 4; Berger 1977, 40.

<sup>907</sup> Simon October 22, 1993, 1.

<sup>908</sup> Hopson July 14, 1976.

ICC and Inuit polity construction as part of a broader analysis of the construction of international politics offers new possibilities for understanding the conditions by which Inuit politics plays out presently. Through a history of present Inuit politics, an alternative narrative of polity-construction emerges, offering a means by which to grapple with how it is that an economically peripheral aboriginal organization is able to use its claims to a traditional, pre-modern, past as the point of political legitimacy for solving contemporary global issues relating to politics, economics, and the future of our global environment. This transformation over time is poignantly illustrated here:

[Twenty-five] years ago, I had the privilege to chair the session at which the ICC Charter was approved in Point Barrow, Alaska. In those days, it was a challenge to even find a microphone. Today, we have the ear of the world, this is our opportunity to enlighten it.<sup>909</sup>

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<sup>909</sup> Canadian Delegation 2002.



## Chapter 11

### CONCLUSION: MAKING AND REMAKING THE INUIT MYTH

#### Making and Remaking the Inuit Myth

We refuse to disappear.<sup>910</sup>

Strong international Inuit community organization would provide us added strength in negotiating for more home rule. We feel that there is room for Eskimo sovereignty within the democratic traditions of our national governments.<sup>911</sup>

The Inuit through the ICC have constructed a contemporary political myth of a people which have existed as part of the Arctic since time immemorial. Through the ongoing ability to live sustainably, the Inuit as a collectivity have garnered the authority as the official stewards over the region. Symbolically, the Inuit myth engenders an intellectual, political, and economic component of power. Intellectually, the ICC garners legitimacy through a discourse which espouses that Inuit have been protecting the environment for thousands of years. As such, through effective stewardship the Inuit have become an invaluable source of scientific expertise. Furthermore, politically as an ‘indigenous NGO,’ the ICC has a natural right to participate in politics. The ICC symbolizes ‘good governance’ rather than a colonial past. International organizations praise ‘indigenous participation’ and grants are awarded on the basis of bringing in traditionally marginalized and diverse sets of

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<sup>910</sup> Amagoalik quoted in Lynge 2002.

<sup>911</sup> Hopson September 9, 1975.

political actors. Economically, through the land claims, the Inuit have a right to local economic control. Subsistence development is essential for maintaining a way of life that extends back thousands of years. At the global economic level, purchasing Inuit kamiks (Inuit boots) or Inuit art symbolizes the presence of a global civil society participating in the production of a more just and democratic system. Together these juxtaposing forces of old and new coalesce around the Inuit myth. According to Kemper,

Without continuity with a past, nationalist ideology cannot convince anyone of the primordality of its identities and dilemmas; without disparity between past and present, it loses the pathos that moves people to action.<sup>912</sup>

This chapter focuses on these three particular aspects of the Inuit myth: the political; the intellectual, through the notion of the Inuit as Arctic scientific experts; and the economic. Through these three channels, the ICC has created a discourse which amasses Inuit ‘tradition’ reconstructed in a contemporary political context. The ICC and Inuit tradition are the key to the future of the Arctic and international sustainable economic development.

### **Political Sovereignty: Inuit Right to Participate in Politics**

Due to our historical inheritance and use and occupancy of our homeland we enjoy cultural rights unique to indigenous peoples and share common traditions, values and concerns; the Inuit homeland and its resources are of critical importance to the international community; international and national policies and practices should give due consideration to protection for the arctic and sub-arctic environment and to the preservation and evolution of Inuit culture and societies; [and] our right to self-determination must be confirmed and Inuit participation in policies and activities affecting our homeland assured.<sup>913</sup>

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<sup>912</sup> Kemper 1991, 17.

<sup>913</sup> ICC July 31, 1998, “ICC Preamble.”

Relocating sovereignty in the discourse of the political myth provides the conditions for its analysis as an ongoing narrative rather than a static and bound concept. As such, it becomes possible to trace new processes of power through the construction of sovereignty. Whereas decolonization in the 1960s resulted in the making of new states, globalization has afforded a political space for non-state polities. According to Sassen, “globalization and globality [are] constitutive not only of cross-border institutional spaces but also of powerful imaginaries enabling aspirations to transboundary political practice.”<sup>914</sup>

In the case of the ICC, political institutional legitimacy has been most astutely realized through the changing structures of the international human rights regime. This includes emerging norms which reconceptualize the political role of indigenous groups (realization of indigenous peoples as independent participants in global politics) and changes in international human rights law (including indigenous rights, the right to development, right to health, etc.). Furthermore, this ascendance of human rights law does not contradict the state or preclude collective groups from seeking state sovereignty.<sup>915</sup> Rather, emerging international law marks a shift in the focus of law from the state to the person and indigenous international law from the person to both the individual as well as the group. As all persons are part of at least one nationality, states become only one component of this emerging legal regime. In terms of indigenous rights in particular, Holder and Corntassel explain that indigenous acts of citizenship are comprised of multiple levels of interaction including the state,

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<sup>914</sup> Sassen 2002, 10.

<sup>915</sup> Russell 2005, 37.

the indigenous group, and its individual members.<sup>916</sup> These emerging legal regimes afford certain indigenous groups a mode of sovereignty through the right to self-determination—or cultural integrity.

Another means by which Inuit have attained political legitimacy is through liberal discourse. A prevalent feature of the national identities of Alaska/the United States, Canada, and Denmark/Greenland is liberal democratic ideology. As such, in the context of these states and in regard to international politics—it is increasingly difficult to ignore domestic concerns (i.e., gender, indigenous and ethnic, race disparities) without being condemned by the ‘liberal’ international community. Many liberal democratic states want to not only be perceived as sympathetic toward human rights but in the case of Canada, state policies have gone as far as to reconstruct Canadian political identity as being both a Northern identity and—in the spirit of multiculturalism—Inuit as well. As such, the institutional legitimacy and authority for the ICC has been constructed through liberal discourse. The ICC has attained institutional structure not through seeking a state but in the context of *rights*. The ICC has structure through the political right to be an indigenous collective identity, what indigenous rights more generally represent in contemporary global politics, and further the ability to act on these accords.

Inuit as a political collective are able to participate in global politics based on what it means to be *indigenous*. Through indigeneity discourse in international politics and law, the myth of the ICC becomes legitimized. A central feature of the ICC myth is the Inuit relationship with the Arctic. As the myth of the ICC is the

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<sup>916</sup> Corntassel and Holder 2002, 129.

ongoing existence of a people dependent on the Arctic land and resources, its significance is attached to a larger narrative of the Arctic in global politics. In effect, it is the constitutive relationship between spaces of dependence —the Arctic as a place and space and spaces of engagement—the global community and global politics.

According to Ronald Niezen,

Indigenous peoples thus collectively represent a corrective to the environmental and social abuses of modernity; and indigenous identity tells us as much about widely held concerns over the global impact of reckless industrialization as it does about the people and communities most directly endangered by it.<sup>917</sup>

In this light, the Inuit myth is not only about a reconstructed or compromised history. Inuit legitimacy equally represents a symbolic significance for the international (non-indigenous) community as well. Inuit governance represents “an imaginary ‘world we have lost . . . and the possibility of return to, or at least protection of, the warmth and color of kinship-based communities.’”<sup>918</sup> As Niezen asserts, it is the concern and sentiments of the public which provides a critical source of leverage and resources.<sup>919</sup> Protecting Inuit rights satisfies modern liberal sentimental emotions about histories no longer present.

Indigenuity as a collective discourse unto itself has continuity with its past and represents pieces of this past as if the same issues were as relevant then as they are today.<sup>920</sup> Being *indigenous* as an idea or collective identity is encapsulated by a desired

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<sup>917</sup> Niezen 2004, 70.

<sup>918</sup> Ibid.

<sup>919</sup> Ibid.

<sup>920</sup> Ibid.

renewal of the past in a post-liberal/post-sovereign context—the collective right of indigenous peoples to continue to exist as certain groups of peoples according to a reconstructed - yet contentious continuity—of the past within and among states and the international system. According to Niezen:

The human rights movement thus combines very different legacies of radical, rational, religious, and at times revolutionary hope. It is part of a great historical oxymoron—a tradition of new beginnings—that has guided the course of western societies for centuries.<sup>921</sup>

In this case, central to the notion of *indigeneity* is the fundamental *right* to self-determination as realized, at least in the case of the ICC (lacking the desire to secede), through the *right* to stewardship over territory. The rights to health, subsistence, resources, and political participation are all predicated on the prior right to self-determination. All of these rights are necessary for self-determination to be realized. For example, at the ninth annual ICC General Assembly meeting, Hans Enoksen, the Minister of Fisheries, Hunting, and Settlements for Greenland Home Rule discussed the issues facing Greenland at the time. Enoksen explained that sustainable development not only symbolizes protecting the environment, but it also includes economic, cultural, and educational development as well.<sup>922</sup> Through the right to self-determination, social, economic, as well as the political components cannot be legitimately ignored.

The practice of institutionalization of the right to self-determination in turn has come to fruition through discourses which demand ‘indigenous participation.’

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<sup>921</sup> *Ibid.*, 87.

<sup>922</sup> Enoksen 2002, 1, under ICC 2002 “Canadian Delegation Presentation to the Ninth ICC General Assembly.”

According to Mark Nuttall, the concept of subsistence as sustainable development has been realized through a heightened popularity and adoption of participatory and co-management approaches regarding development and environmental conservation. These emerging co-management approaches “reject simplistic models which make distinctions between human settlement and the natural environment and focus instead on how human knowledge of the environment is actually constructed and used as a foundation upon which decisions relating to the effective local management of natural resources are made.”<sup>923</sup> A case in point at the local level is the Alaska Eskimo Whaling Commission which was set up to conserve bowhead stocks and control and regulate all aspects of the bowhead harvest. As Hopson stated, as far back as 1978,

the AEWK [wa]s a village-based subsistence resource management regime, as all of our subsistence resource management systems must be village-based. . . . The bowhead whale controversy has convinced the most powerful and responsible national conservation groups that our subsistence hunting is part of the necessary ecological balance of rural Alaska. We Native hunters are now being regarded as a necessary part of subsistence game management. We Eskimo are seen as the index species to be used to evaluate the success of all subsistence resource management schemes.<sup>924</sup>

During this same period, the Alaska Inuit also established the first cooperative management regime for a single endangered migratory subsistence species, a regime entirely under the native control of subsistence hunters, yet also maintaining cooperation with state and federal agencies.<sup>925</sup> The ICC, as an institution, defined subsistence as *sustainable development*, and essentially it was at this juncture that Inuit development rights were conceived as an inherent part of sustainable

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<sup>923</sup> Nuttall 2000a, 400.

<sup>924</sup> Hopson February 25, 1978.

<sup>925</sup> *Ibid.*

development. According to Aqqaluk Lyngé, “while environmental protection is extremely important to us, it is also important for us to manifest our right to economic growth alongside our right to a healthy and worthy life which, naturally, includes our right to harvest our living resources.”<sup>926</sup> Hopson notes this intrinsic relationship between traditional Inuit culture and sustainable development:

Let me stress the importance of the environment to our people, the Inupiat of the North Slope Borough. It is imperative to recognize that the environment is the foundation of our culture . . . subsistence pursuits form the basis of Inupiat culture.<sup>927</sup>

Subsistence, rather than being defined as a matter of physical survival, has been transformed through Inuit policies whereby cultural survival becomes re-employed as cultural rights. This transformation can be traced back to the mid-1970s through the Arctic Slope Native Association (ASNA). At that time Hopson stated:

The relationship between the Federal, State and Local governments in rural Alaska will not be satisfactory until it is finally anchored upon respect for our superior expertise and natural relationship with our land and our animals. Home rule in rural Alaska must be seen as essential to the environmental security of the great national wealth of our land.<sup>928</sup>

In this case, land claims, environmental security, and the relationship between the Inuit and the Arctic’s land and animals combined constitute the realization of Inuit cultural integrity. Moreover, in order to ensure cultural maintenance of subsistence hunting, Hopson argued that “[t]here must be direct involvement of indigenous peoples in all decision making processes concerning the

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<sup>926</sup> Lyngé 1993, 107–108.

<sup>927</sup> Hopson December 5, 1978.

<sup>928</sup> Hopson November 11, 1977.

management, research, and allocation of resources.”<sup>929</sup> Shortly following this speech, at the first circumpolar agricultural conference, the ICC made the argument that agriculture (which includes property rights, research, land use planning, food production, and food distribution) should be expanded to include the “use and management of wildlife resources by the Arctic’s indigenous peoples.”<sup>930</sup> The ICC made the argument that issues of food production are in fact issues of renewable resource management.<sup>931</sup> In this context, the ICC redefined food management as also part of the larger concept of sustainable development:

Today, our subsistence rights are viewed as important constitutional rights in the United States . . . and they look to the United States to establish high standards of justice for Native indigenous people all over the world. . . . With the encouragement of the Federal government, we organized the Alaska Eskimo Whaling Commission to conserve bowhead stocks, and control and regulate all aspects of the bowhead harvest . . . we have established the first cooperative management regime for a single endangered migratory subsistence species, a regime entirely under Native control of subsistence hunters, but cooperating with State and Federal agencies. . . . We Native hunters are now being regarded as a necessary part of subsistence game management. We Eskimo are seen as the index species to be used to evaluate the success of all subsistence resource management schemes.<sup>932</sup>

The ICC and Alaska Inuit contributed to a larger dialogue in which the United States was able to influence changes in Arctic policy to stress the need to ensure that resource management and economic development are environmentally sustainable, including supporting the involvement and participation of the Arctic

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<sup>929</sup> Ibid.

<sup>930</sup> Simon October 1, 1992, 7.

<sup>931</sup> Ibid.

<sup>932</sup> Hopson February 25, 1978.

indigenous people in decisions that affect them.<sup>933</sup> Exporting these ideas into the Arctic regional sphere, the Inuit sought to reincorporate Inuit subsistence as the broader definition of Arctic sustainable development. The implementation of Inuit subsistence policy— sustainable development—has been realized through the right for Inuit to participate in framing and defining policy practices. It has been the concurrent processes of Inuit participation at the local, regional, and international levels of politics which provide ongoing affirmation and structure to the ICC. The following ICC comment highlights this contingency:

The indigenous peoples' right to cultural integrity and subsistence wildlife harvest has come on the nature management agenda around the world.<sup>934</sup>

This concept of knowledge sharing (i.e., subsistence ideology) is, according to the International Law Association, “still evolving under the international and national instruments.”<sup>935</sup> The first convention to explicitly mention the requirement of “equitable sharing by local communities” came about in 1994 (Desertification Convention) and serves as the most enforceable legal doctrine on this matter to date.<sup>936</sup> The ICC, in particular, has successfully utilized two particular types of equitable sharing by local communities discourse by which to attain and legitimize Inuit political participation as discussed below. These two discourses include Arctic science and economic development (both local resource development and global economics). As these next sections affirm, the Inuit myth realized through the ICC has

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<sup>933</sup> Pungowiyi July 24–28, 1995, 5.

<sup>934</sup> Simon January 30, 1987.

<sup>935</sup> Pathak 1992.

<sup>936</sup> CIEL November 15, 1997.

become a contemporary amalgamation of a traditional local past and modern liberal discourse of sustainable development. This is most astutely illustrated by Sheila Watt-Cloutier:

Sustainability [has] three pillars: economy, health and environment. . . . Because Inuit think in holistic ways . . . ‘we realize how interrelated things everything is’ . . . Inuit are working towards sustainable development, including developing caribou pates for gourmet markets in southern Canada, making sweaters from musk ox wool, exporting Labradorite for marble fireplaces and floor covering, and exploring the possibility of developing omega-3 seal oil capsules.<sup>937</sup>

### **Intellectual Sovereignty: Inuit Science**

New efforts . . . can no longer be northern extensions of southern institutions, in other words, northern field laboratories where Inuit are used simply as casual and seasonal labor as field guides or level technicians. . . . Every time I make a trip to a new and interesting place I spent a lot of time looking around and asking questions. I come home and give a lot of surface information to my friends, but that does not make me a so called expert. Just an informed tourist. This is exactly what many scientists and so called experts are. They are just informed tourists of the North. But unfortunately, the way things are now, their impressions become facts. The Inuit could often tell that these are not facts, but they never have the opportunity to say so.<sup>938</sup>

The Inuit have taken indigenous ideas (what it means to be indigenous) and reincorporated them into modern scientific practice. The ICC has appropriated Inuit tradition as a form of Arctic scientific expertise; Inuit science is a modern repository of indigenous ‘traditional knowledge.’ Utilizing the political authority of what it means to be indigenous, the ICC personifies Inuit traditions as necessary aspects of Arctic science and ultimately critical for conserving the Arctic environment. Through these tactics Inuit traditional knowledge has become embedded in the

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<sup>937</sup> Watt-Cloutier, 2002, 44, under ICC 2002 “Canadian Delegation Presentation to the Ninth ICC General Assembly.”

<sup>938</sup> Brooke November 30, 1992, 11.

meaning of Arctic sustainable development as exemplified by the following statement by Sheila Watt-Cloutier:

Sustainable development in the Arctic is not just about minimizing the environmental impacts of large scale oil, gas, and mineral development. . . . We must work hard to establish enduring partnerships between indigenous peoples and funder's—governments, banks, corporations, and foundations.<sup>939</sup>

Sustainability is perceived as a necessity and, in order to address pollution and environmental degradation, Inuit traditional knowledge is mandatory. In addition, this rhetoric has transcended Inuit discourse and seeped into the wider mainstream realm of Arctic policymaking. Stephen Owen, Canadian Secretary of State for Northern and Indian Affairs, asserts that indeed “sustainable development is about enlightenment, vision, and looking to the future-thinking about the next generations.”<sup>940</sup> Consequently, sustainability reports for development projects are becoming increasingly mandatory in various Arctic states—particularly in Canada. These sustainability reports must also take into account ‘traditional knowledge.’ The increasing legitimacy of indigenous knowledge as a concept (whether used by policymakers and researchers as strategic rhetoric or in actual practice) is illustrated in the ongoing policy initiatives put forth in the past several decades, regionally through the Arctic Council, and internationally through institutions such as the United Nations (UN) and the Organization of American States (OAS).

Efforts to forge Inuit knowledge into regional and international policy began with the ICC Arctic policy document “Principles and Elements on Northern

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<sup>939</sup> Watt-Cloutier August 29, 2000, 2.

<sup>940</sup> Owen 2002, 67.

Scientific Research.” This document establishes criteria for “what Inuit consider to be appropriate conduct of research in the Arctic.”<sup>941</sup> The document also contains the basis for a code of ethics, which the ICC has argued is “an important first step towards shifting the ‘control’ of research and its use and creating a balance between the needs of the north and where science can assist to help meet those needs.”<sup>942</sup> By 1995, at the Seventh Annual ICC General Assembly, the notion of traditional knowledge had permeated mainstream Arctic science policy discussions. At this meeting Robert Senseney, the chief of polar affairs at the U.S. State Department stated that, in terms of protecting the Arctic environment, “[t]he threat posed by persistent organic pollutants can be best understood and challenged by combining traditional and Western knowledge.”<sup>943</sup>

Legitimizing traditional knowledge as a form of science has extended the political frontier. Traditional Inuit knowledge has been brought ‘into’ the field of science. The extent of Inuit traditional knowledge as a science discourse is most astutely indicated in the following quote which demonstrates the *psychological* benefits of hunting. Not only is traditional science a modern form of Arctic sustainable development, even further, it has become a modern form of psychological therapy; traditional hunting is a key to individual self-help:

Hunting is not a cultural artifact. The desire to continue hunting is not a wistful glance at the past. The psychological and nutritional advantages of hunting are becoming increasingly understood.<sup>944</sup>

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<sup>941</sup> Simon September 19, 1991, 3.

<sup>942</sup> Ibid.

<sup>943</sup> Senseney July 24–28, 1995.

<sup>944</sup> Simon October 1, 1992, 6.

## **Inuit Economics**

there was a time when the ups and downs of the stock market were of no consequence to Inuit. Today, Inuit entrusted with managing the multi million dollar Inuit investment portfolios are glued to their laptops as they track every bump and blip on Wall Street.<sup>945</sup>

Nationalism is the prospect of self-determination. Self-determination inherently includes economic as well as political control (it is impossible to have political control without a means to support the polity). The myth of the ICC is not only political. It includes a discourse of Inuit economics. In this sense, the economic component of the ICC is not merely ‘institutional fund raising.’ It is a fundamental component of the Inuit myth, a contingent element of Inuit polity construction:

A ‘nation-building’ approach to development doesn’t say ‘let’s start a business.’ Instead, it says ‘let’s build an environment that encourages investors to invest, that helps businesses last, and that allows investments to flourish and pay off.’ A ‘nation-building’ approach requires new ways of thinking about and pursuing economic development.<sup>946</sup>

In the Arctic, economic development is an amalgamation of the need to pursue resource extraction and exploitation and preserving the Arctic environment for the future. In effect, Arctic economic development (which includes Inuit subsistence development and Inuit economies) has become a tangible example of sustainable development practice. According to the ICC:

Since our culture, identity and traditional economy are inseparably linked to our lands and resources, we feel that renewable resources is a natural focal point for sustainable development within the Inuit homeland.<sup>947</sup>

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<sup>945</sup> Canadian Delegation 2002.

<sup>946</sup> Cornell and Kalt 1998, 1.

<sup>947</sup> ICC 2002.

The Inuit have used their claim to traditional resources as a legitimate means by which to control not only the way in which certain resources are produced, and marketed but also which resources server as an economic activity all together. The ICC argues that the difficulty for many countries to protect and promote the subsistence economies of aboriginal peoples is the lack of a coherent Arctic economic policy. The ICC, however, has taken it upon itself to foster both Arctic subsistence economies and a broader notion of a Northern economy. According to ICC president, Sheila Watt-Cloutier,

The creation of successful, sustainable Inuit businesses and the development of a viable, self-sufficient northern economy have never been more important. . . . We realised what the rest of the world has realised. We cannot market locally anymore. Globalisation has meant that domestic economic development is inextricably linked with international trade.<sup>948</sup>

Inuit economics is also embedded in rights discourse both in practical terms (resource rights) and in more metaphysical terms (what it means to be indigenous). The Inuit *own* the rights to certain resources that exist within particular states, yet do not own the land from which they are extracted. The definition of subsistence as a means for preserving Inuit culture through a combination of wage economy and continued subsistence economy was initially used as the justification for the North Slope. Much of the impetus behind the creation of the North Slope Borough, followed by subsequent Inuit land claims settlements throughout Canada and Greenland, were a means for protecting resources through local control. Such avenues included control over cultural sites, Inuit participation in reviewing development

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<sup>948</sup> Watt-Cloutier May 27, 1999, 1–2.

proposals, efforts to create planning and zoning regulations which would require industry to obtain approval for development and, in the case of the North Slope publishing literature concerning borough policies.<sup>949</sup> Subsistence in this case, was also relocated to a new space and re-conceptualized as a matter of cultural survival rather than a matter strictly of physical survival:

It is important to recognize that the incomes of the people of the North Slope are supplemented by subsistence activities . . . this is not essential from the perspective of obtaining sufficient nutrition . . . subsistence is essential if this Inupiat culture is to survive . . . Inupiat culture which prizes the abilities of people to survive in the Arctic.<sup>950</sup>

Brower and Stotts reaffirm this notion:

We foresee and must plan for the time when our Arctic resources will be depleted. When the development is gone, the tax bases are gone, and the jobs are gone, was we are determined that our descendents will survive, just as our ancestors ensured our continuity. This survival depends on the survival and maintenance of our Arctic wildlife habitats.<sup>951</sup>

Eventually this notion of subsistence shifted into a framework whereby local co-management policies became a dominant discourse for realizing subsistence economics in the Arctic. The Inuit argued that the idea of cultural subsistence is a necessary component for creating all co-management policies. During the Berger Commission, Hopson argued in his testimony that the boom and bust nature of Arctic oil exploration has caused the construction haul road to be used as a permanent public

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<sup>949</sup> Kruse 1984, 155.

<sup>950</sup> Brower and Stotts 1984, 325.

<sup>951</sup> *Ibid.*

highway. Furthermore, any permanent highway such as this would put an end to the Caribou migration that the Inuit depend upon for survival.

Proceeding from our native hunting rights is the right to manage and protect our subsistence game habitat safe from harm. Our subsistence hunting rights must be the core of any successful Arctic resource management regime.<sup>952</sup>

Hopson argued on behalf of Inuit subsistence rights that subsistence hunting and whaling was both an Inuit right and a necessary part of Inuit survival.

Inuit rights, as such, must include native offshore land and resource rights:

We agreed that the government would do what it can to get itself out of trouble with the International Whaling Commission. This means Federal recognition of Native offshore jurisdiction in endangered species management. This is an important concession to the development of the doctrine of aboriginal offshore jurisdiction as a necessary aboriginal subsistence hunting right.<sup>953</sup>

Furthermore, subsistence hunting and whaling are Inuit rights necessary for cultural survival and should therefore be recognized as part of these Inuit offshore resource rights. Again Hopson reiterates this idea of Inuit management over resources as the means for carrying out subsistence economics:

Our Arctic existence depends upon "subsistence hunting", a political and legal term in the United States which refers to the hunting which must be done if we are to eat. Our native hunting and whaling rights proceed directly from our basic right to eat.<sup>954</sup>

However, a subsistence approach to economics is only one facet. The ICC has not only attached Inuit economics to sustainable development but they have also

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<sup>952</sup> Hopson June 23, 1978.

<sup>953</sup> Hopson November 11, 1977.

<sup>954</sup> Hopson June 23, 1978.

reconstructed ideas of an ‘indigenous subsistence economics’ as part of a larger marketing niche for global Inuit economics. As Simon states:

Self-sufficiency in the modern context does not, however, simply mean the right to subsistence harvesting in its narrowest sense. New ideas about the role of resources in a mixed economy are being considered and acted upon. Inuit want to continue to hunt and eat what they hunt, but they also see the importance of commercial enterprise based on sustainable exploitation of their local resources.<sup>955</sup>

On the one hand, Inuit retain legitimate rights over certain Arctic areas and resources through its legitimacy as a people culturally connected to subsistence hunting and whaling. Additionally, however, the ICC has effectively commodified this same culture. For example, people visit the Arctic for a truly ‘indigenous Arctic’ experience as the official Nunavut Vacation guide exclaims:

An exciting Nunavut adventures vacation is waiting for you. . . . Canada’s Arctic is one of the last great eco-tourism and adventure vacation destinations. Discover the Inuit who for countless years have called Nunavut home. Explore Nunavut’s diverse and unique wildlife including whales, seals, and walrus in the frigid seas, and giant polar bears and large herds of caribou and muskoxen on the land.<sup>956</sup>

In addition, Inuit art is sold around the world (i.e., Inuit Artpod.com, AboriginArt at www. Inuit.net). The ICC has begun to forge its own efforts for a circumpolar Inuit economy, greater Arctic economic cooperation, and a new way of doing economics more generally:

Inuit in Alaska and Canada have also clearly indicated their interest in being full partners in development. . . . Partnerships between Inuit, industry and

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<sup>955</sup> Simon March 31–April 2, 1993, 2.

<sup>956</sup> Nunavut Adventure Vacation Guide 2002.

government for purposes of non-renewable resource extraction could provide significant benefits to Inuit and to the Northern economy.<sup>957</sup>

This cultural commodification is something that the global community can ‘buy into’ and actually purchase. The ICC has also commodified the idea of a ‘Northern’ economy. This Northern economy, however, is not merely state-based but region-specific, transnational, and indigenous Inuit. Inuit tradition is transformed to meet the needs of the global economy through such ideas as ‘nomadic hunting economies,’ as exemplified in the following remarks by Rosemarie Kuptana, past ICC president:

It is important to remember that production and trade, for Aboriginal peoples, involves two parallel but distinct areas of activity. . . . For Inuit, this means we must promote business development within our own communities, and increase co-operation and trade across the circumpolar region; but we must also create and foster new business partnerships within the broader international market.<sup>958</sup>

Efforts to join the global economy extend back to 1989 with the passage of Resolution 89-26, which states that “the Inuit Circumpolar Conference endorse[s] and promote[s] international trade by Inuit and Inuit-controlled companies by scheduling regular international trade fairs.”<sup>959</sup> According to the ICC’s Rosemarie Kuptana:

The ICC is deeply committed to the establishment of a trade agreement and other economic arrangements to facilitate the exchange of goods and services between the Inuit of Canada, Alaska, Greenland and Russia . . . Inuit recognize that our survival will depend on our ability to utilize what resources our

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<sup>957</sup> Simon August 14–16, 1990, 4.

<sup>958</sup> Kuptana January 17, 1996, 2.

<sup>959</sup> ICC 1989.

homelands offer us, while preserving and protecting the land and environment that sustain us.<sup>960</sup>

At the second ICC meeting, the working group on economic relations called for several initiatives to promote Inuit trade. These included calling for the recognition of the natural economy as an integral part of the general economy and regulating and supporting these pursuits; the elimination of barriers to trade and to pursue the development of an international full service financial and security institution for the Inuit homeland; to ensure full opportunity for Inuit employment and Inuit business; the creation of a revenue-sharing policy to offset the long-term affects of physical and social disruption; to create a flexible management system (allowing Inuit to pursue harvesting activities and cultural ceremonies while being employed in the cash economy; the full settlement of all land claims over lands and waters; and Inuit representation on the boards and committees responsible for the formulation of Arctic policy positions within nation-states.<sup>961</sup>

By 1993, the ICC had organized an Inuit Business Conference in Anchorage, Alaska which attracted over 100 Inuit business leaders, government representatives, and observers.<sup>962</sup> The conference addressed issues about how to facilitate international trade and travel and remove barriers to trade between Artic countries. This expansion in the terms of what constitutes Inuit economics (from local subsistence into global Inuit economics) is affirmed by the ICC:

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<sup>960</sup> Kuptana January 17, 1996, 6.

<sup>961</sup> Lauritzen 1983, 252–253.

<sup>962</sup> ICC July 24–28, 1995, 6.

We have also committed ourselves to reaching beyond our own cultural and national boundaries—to becoming active participants in the global economy. . . . In ICC’s initial years, we concentrated our efforts on addressing environmental concerns and we still do. In the last few years, however, we have come to attach more and more importance to economic and business development. There is a growing realisation that strong regional economies are essential for cultural survival.<sup>963</sup>

Similarly, during the summer of 1995, the Inuit throughout Canada hosted an exhibition in Toronto at Canada’s largest fairground. Over 700,000 people attended the exhibition.<sup>964</sup> The intention of the exhibition, according to an ICC member, was to “lead to domestic and international recognition that Canadian Inuit expertise is marketable around the world, as well as appreciation for the approach being taken as one model useful in development of Indigenous peoples of the developing world.”<sup>965</sup> In this vein, George Ahmagak, a former mayor of the North Slope Borough, avows that for the Inuit, “[e]conomic diversification will enable communities to withstand the normal ebb and flow of the marketplace.”<sup>966</sup>

Of equal significance, the exhibition did not center only on the preservation of traditional Inuit artifacts—such as Inuit art—to reify traditional Inuit society. The exhibition, rather, focused on the ways in which the Inuit use parts of their collective history (myth) to be successful actors in today’s global economy. As Cloutier quotes:

Economic development and human development must go hand in hand. The success of any business endeavour depends on the resourcefulness of our people. . . . Inuit entrepreneurs must be like Inuit hunters, going through all the

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<sup>963</sup> Kuptana January 17, 1996, 6; Watt-Cloutier May 27, 1999, 1.

<sup>964</sup> Kuptana January 17, 1996, 6.

<sup>965</sup> Knight January 14–19, 1997, 20.

<sup>966</sup> Ahmagak July 24–28, 1995, 31.

same actions that hunters go through before moving in to kill—sizing up the prey, being aware of the environment, and using knowledge and wisdom before striking.<sup>967</sup>

Following this exhibition, in 1999, the ICC coordinated an Inuit Business Symposium. At this time Sheila Watt-Cloutier reaffirmed the importance of the global economy. Watt-Cloutier argued that the way the ICC was going to achieve a new international economic focus was by linking Inuit products and services with international markets, promoting Inuit interests through a Canadian international trade policy, and by creating a favorable international trade climate for circumpolar members.<sup>968</sup> Again Cloutier quotes:

We own and operate many transportation companies—Canada’s second largest airline is owned by Inuit—and we own mineral exploration and development companies. In short, we are getting involved in many economic development ventures but always with a firm eye on ecological and cultural sustainability.<sup>969</sup>

These efforts have remained a vital ICC issue. At the 9<sup>th</sup> ICC general assembly in 2002, Amalie Jessen, chair of the taskforce on Arctic trade noted that it was important “to develop the Arctic region, but from an Inuit perspective.”<sup>970</sup> Inuit leaders through the ICC have consciously acted to construct an Inuit national economy. The efforts of the ICC and regional Inuit to generate revenues can not be compared with the revenues generated by an NGO for fundraising. Rather, ICC economics better parallels the economic discourse of typical state economic policy.

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<sup>967</sup> Ibid., 33.

<sup>968</sup> Watt-Cloutier May 27, 1999, 2.

<sup>969</sup> Watt-Cloutier August 29, 2000, 3.

<sup>970</sup> Jessen 2002, 62, under ICC 2002 “Canadian Delegation Presentation to the Ninth ICC General Assembly.”

Inuit economics is distinct, historical, and grounded in its Inuit national myth.

Moreover, it is about an “Inuit way of socio-economic existence”:

Countries and people all over the world are looking for ways and means of making economic development environmentally and socially sustainable. This is a debate in which Inuit can enlighten the world. Sustainable development requires holistic thinking and acting. This is not something that is new to us. Sustainability has three pillars: economy, health and environment. We can see each of these pillars through our relationship with the animal. . . . The spirit of the hunters and the skilled crafts workers is essentially the same as the spirit of the entrepreneur.<sup>971</sup>

Furthermore, the myth of the Inuit as a collectivity and its modern political framework has been packed into a complete program and exported to other indigenous communities in order to learn how to embark on their own sustainable economies. In essence, it is the ‘ICC experience’ which is becoming a commodity for export. The historical myth of the ICC has been written in the form of a guide providing a tangible example for other indigenous communities to use in helping to create their own particular discourse that will garner the legitimacy of the international community. The ICC began several “Northern Training Programs” with other indigenous communities. These helped promote and advance the ICC as an international actor as well as create new transnational relationships among other indigenous peoples:

In the past interest in our knowledge and experience was limited to the academic community: now we find that Inuit expertise is actually a marketable commodity, attracting international interest, attention, and partnerships.<sup>972</sup>

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<sup>971</sup> Watt-Cloutier 2002.

<sup>972</sup> Kuptana January 17, 1996, 8.

In Belize, an Indigenous Training Institute was created based on the “ICC Training Program.” The ICC created a steering committee made up of various indigenous councils in order to conduct fisheries research in developing an offshore fisheries management program. In regard to this, Kuptana asserts:

ICC has always been a strong advocate for indigenous peoples’ rights. We feel we’ve built up a considerable body of knowledge, and we are now interested in transferring that knowledge to others who share our goals and principles. . . . it makes good business sense . . . our development model, by improving the ability of our counterparts to acquire skills and knowledge, also positions them to be our partners in various joint ventures. Partnerships with other indigenous peoples will provide long-term benefits to both sides-including jobs, knowledge, and improved resources for all communities involved.<sup>973</sup>

The aim was to start a commercial fishery venture for the Belize community. The ICC actively helped by soliciting support from the EU, UNDP, CIDA, UNESCO, and the World Bank.<sup>974</sup> Similarly, in 1995, the ICC released a three-volume publication containing a user’s manual of various development agencies, including UN aid agencies and a selection of case studies of indigenous success stories as at tool for the ICC as well as other indigenous peoples:<sup>975</sup>

Over the past years of planning, Inuit and Indigenous Belizean partners have identified more than thirty potential joint ventures and opportunities . . . all projects which will permit the expansion and globalization of existing Canadian Indigenous businesses, and the application of Canadian Indigenous expertise.<sup>976</sup>

Combined, the discourse of traditional Inuit subsistence economy and the Inuit as global entrepreneurs have been significant aspects legitimizing Inuit rights to

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<sup>973</sup> Kuptana January 17, 1996, 11.

<sup>974</sup> *Ibid.*, 9.

<sup>975</sup> *Ibid.*, 13.

<sup>976</sup> Knight January 14–19, 1997, 19.

resources and development. The ICC has appropriated both the economic discourse of national economic policies and the marketing discourse used by corporations in order to create a modern Inuit economics based on indigenous Inuit tradition. As a complete package, the ICC has marketed this idea of what it means to be an ‘indigenous Inuit’ into the global economy.

### **Reconceptualizing Sovereignty in a Post-Westphalian World: The Implications for IR Theory**

A sovereign people, with a shared culture, environment and spirit, we unite as one, under God.<sup>977</sup>

The dominant Westphalian model of state sovereignty in political geography and international relations theory, deficient as it has long been for understanding the realities of world politics, is even more inadequate today, not only for its ignoring the hierarchy of states and sources of authority other than states, but also because of its mistaken emphasis on the geographical expression of authority (particularly under ambiguous sign of “sovereignty”) as invariably and inevitably territorial.<sup>978</sup>

The Westphalian system—both an imagined ideal and political reality—constructed an international system where power became vested in the bounded territory of states. The state emerged as the essential and assumed aspects for legitimizing sovereignty. The national narrative became a narrative about the making of a people in a particular bounded space.<sup>979</sup> This Westphalian narrative included, in certain parts of the world, the making of the liberal democratic state where not only is the state considered a sovereign entity but also citizens of a state, the people themselves are considered sovereign. Essentially, state sovereignty rested on a

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<sup>977</sup> ICC Alaska home page.

<sup>978</sup> Agnew 2005, 437.

<sup>979</sup> Rudolph 2005.

functioning international system and individual sovereignty rested on a functioning state.

The increasing legitimacy of indigenous *rights* to ‘participation’ in the international forum challenges these traditional conceptions of the sovereign state. It makes clear the existence of overlapping authorities continually being played out in global political discourse. The Inuit—either through local government at the domestic level or the ICC regionally and internationally—act as a collective nation with its own legitimated politics. This shift is vastly significant and lays central to the larger post-Westphalian shift concerning norms of sovereignty in Arctic and global politics. This shift in the boundaries of sovereignty is astutely evident in the following quote by Eben Hopson:

We Inupiat live under four of the five flags of the Arctic coast . . . in Denmark, Canada and the United States, it is generally agreed that we enjoy certain aboriginal legal rights as indigenous people of the Arctic. It is important that our governments agree about the status of these rights if they are to be uniformly respected . . . the status of our rights as Inupiat is necessarily the core of any successful protection of our mutual Arctic environmental security.<sup>980</sup>

The ICC has grown to possess a form of sovereignty which is enacted not only through the physical land itself but also through the symbolism of certain territories and the physical objects (resources) which inhabit these spaces. Together the land, resources, and political symbolism make up Inuit sovereignty. Whereas Westphalian sovereignty was static, a combination of discourse embedded in the land, post-Westphalian sovereignty is the combination of local and global discourse as well as physical commodities and land—both of which are constitutive of the symbolism

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<sup>980</sup> Hopson May 16, 1977.

that the accompanying discourses affords. Political space is not limited to bounded territory as territory is not the defining characteristic of who is included and excluded but rather based on an idea of shared tradition which exists in discourse tied to the physical commodities of these traditions. These traditions include movable commodities such as oil, caribou pate, whale blubber, omega 3 seal oil, etc., all of which are derived from the land. As such, territory remains and other properties have commodity and intellectual value. These symbolic traditions and accompanying institutions are played out within the spaces of dependence and spaces of engagement and within this sphere sovereignty is continually shaped and contested.

This shift to intellectual sovereignty repositions it, moving sovereignty from the state and territory to being embedded in the polity. Sovereignty is based on a new form of symbolic legitimacy. Actual physical commodities such as land and territory remain sources of power in terms of possession or definite ownership. Yet, additionally, this power is created and maintained through the symbolism that physical commodities represent. Tangibly, ICC sovereignty has been realized through varying means including political representation as an organization in regional and international forums such as: the Arctic Council and the UN; through its economic ties to the global economy; and in research policy by serving as Arctic scientific experts.

As such the ICC can be construed as the most recent manifestation for legitimizing the myth of the Inuit as an indigenous collectivity. The sovereignty of the ICC depends on its ability to maintain the legitimacy of its myth which over time has evolved, adapted, and changed. Whereas perhaps the legitimacy of Al-Qaeda (as its myth symbolizes) rests on the continuation of a Western state system (as its identity is based on being a counter discourse to Western liberalism), the Inuit have transcended

its necessity to remain solely bound to a myth as the outside ‘other.’ Instead, the ICC has actively engaged in the larger reconstruction of the inside. By turning ‘symbolic policy’ into a legitimate discourse—through a changing international human rights regime and the need to protect this global community from environmental devastation—the ICC has not only entered the global political mainstream, but it has also been central in helping reshape inside/outside boundaries constituting the global political system. The ongoing reconstruction of the Inuit myth realized in its most contemporary form through the ICC is summarized most austere in the following quote by Aqqaluk Lynge:

The surest guarantee of long-term environmental protection and sustainable development in the Arctic is to have Inuit on the land hunting, fishing, trapping, and gathering—taking care of our homeland—and acquiring and passing down traditional ecological knowledge and wisdom from one generation to the next.<sup>981</sup>

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<sup>981</sup> Lynge April 15, 1997, 3–4.



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