

CHAPTER 7: INDIGENOUS PEOPLES AS ACTORS IN ARCTIC LAW

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Arctic Indigenous Peoples

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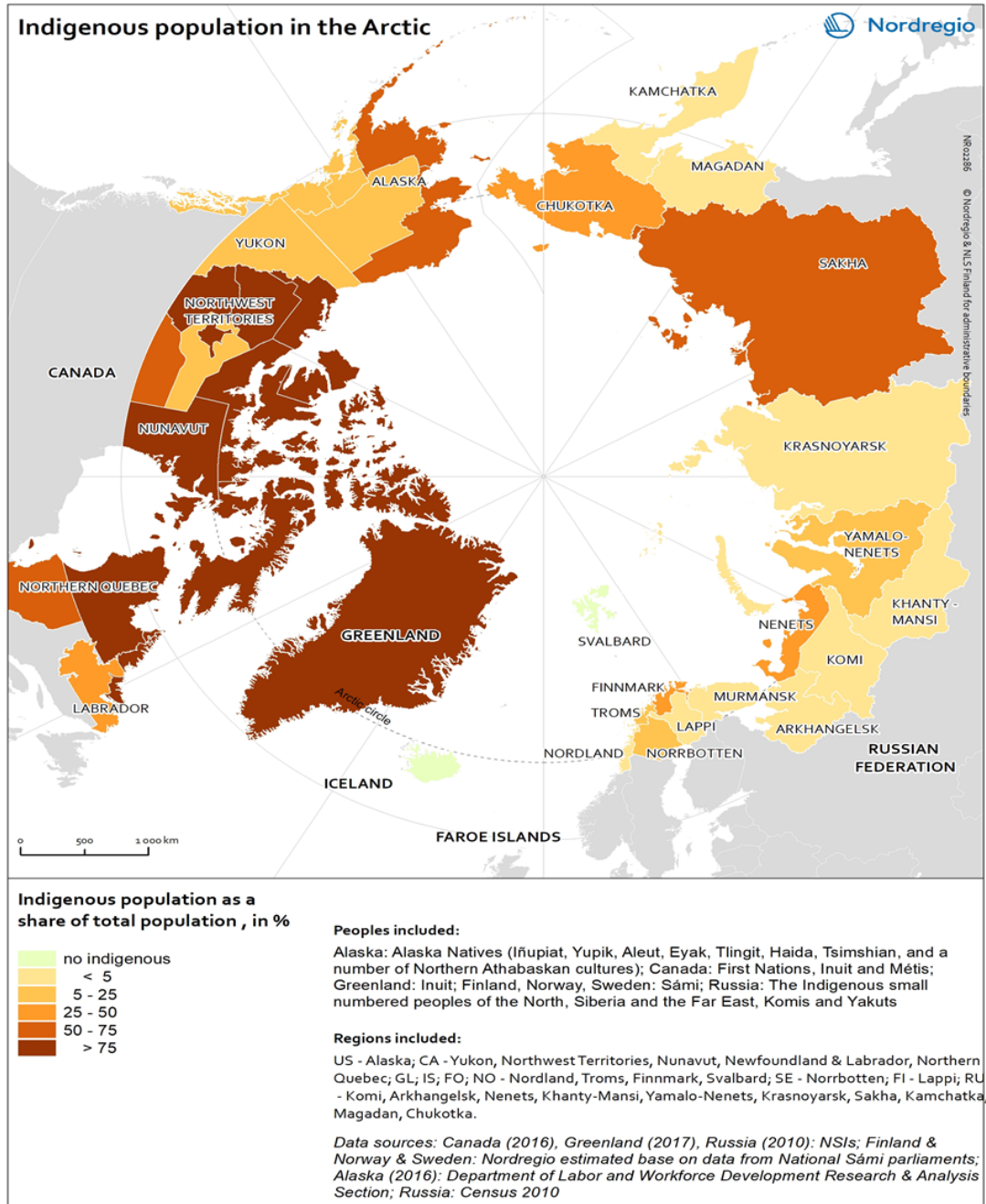
Indigenous peoples are considered the original inhabitants of the Arctic region. Although there is no commonly agreed definition of “Indigenous people”, most literature cites the working definition put forward by Jose R. Martinez Cobo, who in the 1980s was the Special Rapporteur of the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities. Known as the Cobo definition, it describes Indigenous peoples as peoples that have lived in the territories they inhabit since time immemorial, long before they were invaded and colonized by settlers from other cultures or polities; they are distinct from the other sectors in the society at large in their way of life, culture, language and livelihood; at present, they form non-dominant groups of the population in the territory they inhabit, including in the Arctic, and they have been subject to assimilation, although they are determined to maintain their distinct identities by preserving, developing and transmitting their cultural identity to future generations.

Because of their pre-historic presence in the Arctic region and the colonization of the region over past centuries, Arctic Indigenous peoples have been gradually marginalized. Consequently, their existence as distinct groups is threatened because they generally lack control over the lands and resources had they traditionally owned, occupied and used as collective entitlements. Their continued existence depends on socio-culturally developed norms, known as Indigenous customary law, linked to the management of their lands and resources, as well as the practices established in their social institutions. While they share similar characteristics all across the world, Indigenous peoples are often identified by different terminologies in different countries. The commonly used terms are “first nations”, “native peoples”, “aboriginal populations”, “tribal peoples”, “numerically small ethnic minorities” and the like. However, in an international context, according to United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), all these groups are referred to as “Indigenous peoples”.

The number of Indigenous people globally is approximately 370 million. In the Arctic, the number is about 400,000, representing 10 percent of the four million inhabitants of the region. They are distributed among seven of the eight Arctic countries: Canada, Denmark (Greenland), Finland, Norway, Russia, Sweden and the United States (Alaska). Iceland is the only Arctic state without Indigenous peoples. In the Arctic, Indigenous peoples represent minorities in all nations except Canada and Greenland. In Greenland, Indigenous populations represent a majority (88%) of the population. In the Canadian Arctic, over half of the population is Indigenous.

While there is no precise information on how long Indigenous peoples have inhabited the Arctic, estimates are that the first people arrived in the region as early as forty thousand years ago. There are approximately 40 groups of Indigenous peoples in the Arctic, most of which have a distinct language. In addition, they speak English, Russian and the Nordic languages (Danish, Finnish, Norwegian and Swedish). Some groups live transnationally in more than one country. For example, the Inuit people live in Canada, Denmark (Greenland), Russia and the United States. Similarly, the Sámi people live in northern Finland, Norway, Sweden and Russia's Kola peninsula in a cross-border ancestral region called Sápmi. Other Arctic Indigenous peoples include the Nenets, Khanty, Evenk and Chukchi in Russia; Aleut, Yupik and Inupiat in the US; Inuit representing the Inuvialuit in Canada; and Inuit representing the Kalaallit in Greenland.

The livelihoods of Arctic Indigenous peoples include fishing, hunting, herding (caribou in North America and reindeer in Fennoscandia and Russia) and the production of handicrafts. Today, many Indigenous peoples have adapted their traditional livelihoods to the modern economy. For example, the Sámi combine their traditional activities with work in small businesses in tourism. Many Sámi people of course engage in modern professions and are thus also a vital part of the Nordic countries' modern economy and society, where they may act as dedicated environmental advocates or climate activists.



The Arctic Indigenous peoples are engaged in numerous political undertakings through which they can make their voices heard and promote their involvement in decision-making processes. The most important political institution through which they can influence the future of the region is the Arctic Council, a high-level intergovernmental forum comprising the eight Arctic states. Indigenous peoples participate in the Arctic Council through six representative bodies from across the circumpolar Arctic known as *permanent participants*. The permanent participants sit with the eight Arctic states and are engaged in decision-making processes affecting the region at large as well as

their native lands. The Arctic Council is unique in its accommodating Indigenous peoples in an interstate political process in this capacity. Recognition and accommodation of Indigenous peoples' participation offer an example of how the Indigenous peoples can be politically empowered and can influence decisions that span the boundaries of the member nations.

Similar political processes are found in the Barents Euro-Arctic Council, a cooperative initiative among the Arctic states of Europe. Within the Council the Working Group of Indigenous Peoples (WGIP) plays a key political role alongside states and regional political actors. Additionally, Arctic Indigenous peoples have their own organizations, such as the Saami Council, which represents the Sámi of the three Fennoscandian countries and Northwest Russia, and the Inuit Circumpolar Council (ICC), which represents 180,000 Inuit from Canada, Denmark (Greenland), Russia and the United States (Alaska). Many Arctic Indigenous peoples also have their own institutions at the national level, an example being the Sámi parliaments established in each of the three Nordic countries with Sámi populations. The representatives in the parliaments take part in international treaty negotiations concerning issues that affect their constituents. The Nordic Sámi Convention (Draft) is an example of an international law-making process involving the Sámi people from three countries.

For more on this, read...

Sharapova A and Others, 'Indigenous Rights and Interests in a Changing Arctic Ocean: Canadian and Russian Experiences and Challenges' (2022) 13 Arctic Review on Law and Politics 286

Loginov V G, M N Ignatyeva, and I V Naumov, 'Reindeer Husbandry as A Basic Sector of The Traditional Economy of Indigenous Ethnic Groups: Present and Future' (2022) 14 Special Issue: Regional Economic Development in the Russian Arctic, North, and Siberia 187

Cepinskyte A, 'Security of Indigenous Peoples in Russia's Arctic Policy: Exposing the Oxymoron of State-Determined Self-Determination' [2019] Arctic Yearbook 27