



# Political Systems

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The political systems of the Arctic are the results of an historical development that was initiated by the expansive colonial policies of the European and Euro-American states. The subsequent claims for self-government by indigenous peoples have given rise to a number of new self-governing autonomous regions. The timing of this historical trend has not been the same in all parts of the Arctic. One region may have been colonized several hundred years ago, while other regions were only incorporated after World War II. One of the main trends identified in this chapter is nation building in the Arctic followed by decolonization and the growth of regional autonomy.

Today, most of the Arctic falls within states where a majority of the inhabitants live outside the Arctic region, with a range of political structures to govern the relationships between the nation states and their northern regions. This remarkable variation in the types of government arrangements reflects demographic, geographic, and political variations. But a common theme is an increasing integration of indigenous affairs into mainstream local, national, and regional government arrangements. This development is the second major trend discussed in this chapter.

Despite differences in political systems, a common feature of Arctic politics is increased indigenous participation in political processes. The main focus of this chapter is thus on the development of indigenous influence in the political systems of the Arctic.

## Nation building and decolonization

Today's political structures in the Arctic are the result in part, of the historical formation of the states and the building of new nations. The

Arctic was seen as a frontier, and colonialism and assimilation became the main strategies of the states bordering on the Arctic in their nation-building processes. This section describes the concept of nation building, and provides an historical context for nation building in the Arctic.

### *The concept of nation building*

Nation building denotes a process in which central claims on behalf of the state for economic and cultural standardization within its territory are met with counterclaims for political participation and economic redistribution. The general development in the Arctic has followed the phases of nation building described by Stein Rokkan, with state formation and territorial consolidation followed by standardization and cultural integration (1). Strengthening of human rights and general democratization have forced the states to change this policy, but the responses have differed depending on history and state system. Arctic nation building was a process by which dispersed communities were unified under new autonomous political entities. Some of these efforts led to the creation of new states, while others were based upon the quest of indigenous peoples for self-rule.

Nation-building processes lead to the closer integration of a state and its population. It should no longer be possible to take decisions affecting the lives of the population of a country entirely without regular channels of communication between decision makers and those affected by their decisions. One relevant conflict dimension in these processes involves the center versus the periphery. Examples from the contemporary debate about the Arctic include discussions about democratic legitimacy and the strengthening of political citizenship, redistribution of resources, and the growth of public welfare.

Nation building is a long-term process and includes much more than the last and ultimate spurt of the state formation process. Also, nation building may be followed by integrations on a higher post-national level, similar to what can be seen, for example, within the European Union.

The aim of nation building is to secure political stability and affiliation of political institutions across, among other things, ethnic loyalties. But this process can also create problems that relate to the understanding of the concept of a nation as homogenous. In the nation-building process, the state has several alternatives in its relationship with national minorities and indigenous peoples. The common characteristic of official minority policy in the North has been assimilation.

As an answer to assimilation policies, national minorities and indigenous peoples have taken the concept of nation building for their own use. Nation building then refers to the efforts of indigenous peoples to increase their capacities for self-rule and for self-determined sustainable community and economic development. It also involves building institutions of self-government.

### *Lingering influence of colonial history*

The Arctic was colonized during different time periods. While the indigenous peoples of the European and Asian North came under the control of traders, missionaries, and state representatives in the 16<sup>th</sup> and 17<sup>th</sup> centuries, some areas of the Canadian North remained as almost independent communities far into the 20<sup>th</sup> century. This asymmetric development is an important factor explaining differences in political activities in the circumpolar North.

Using rivers or traveling along the coast, some parts of the North were easily accessible to miners, missionaries, and traders. As they settled, they appropriated indigenous lands and territories and subjugated indigenous languages and cultures. Other areas were difficult to reach and were only controlled through trading stations or scattered representatives of state authorities. It was in these latter regions that the indigenous peoples remained the majority of the population. Such demographic factors later played a key role in the building of Arctic nations and the different political structures.

In addition, nation building and political structures in the Arctic have been determined by the fact that colonization imposed national bor-

ders where there had been none before or where the borderlines were unsettled. For example, the Saami people inhabit an area divided by borders of what are today four countries: Norway, Sweden, Finland, and Russia.

During the colonization of Arctic North America, Inuit became incorporated in different political hegemonies: Newfoundland, Quebec, the Northwest Territories, and Alaska (United States). Each of these territories had powerful agencies that ruled over the Inuit, including the Hudson Bay Company, the Royal Canadian Mounted Police, and the church in the Northwest Territories. By and large, it was not until after World War II that the Canadian state made its political entrée in the Arctic.

In some areas, missionaries following in the wake of colonization created divisions based on religion or systems of writing. This was the case among Inuit and Indians in North America. Not only did they come to belong to different denominations, but those Inuit living in the western Canadian Arctic used the Roman alphabet when the Inuit language was put in writing, while the eastern North American Inuit used a specially designed syllabic alphabet. The significance of this cannot be underestimated. For example, while Greenland began developing as a political reality with one vernacular as early as in the middle of the 19<sup>th</sup> century, in Canada, where neither religion nor written language unified the Inuit, the process of creating Nunavut was not initiated until the 1970s. Also, while the first newspaper in the Greenlandic language was published in 1861, the first newspaper using the Inuit language (Nunavut) came out more than 100 years later.

In the Russian North, dozens of distinct indigenous groups were brought under Tsarist Rule from the 16<sup>th</sup> century onward. The Tsarist administrative system encouraged identity formation at the clan level. Later under Soviet rule, larger territorial-linguistic groups were identified as important organizational units and began to self-identify as cohesive nations. This was encouraged by the creation of a standardized written language for some northern groups under the establishment of ethno-territorial units in the 1930s. These ethno-territorial units, however, only encompassed a portion of the peoples for whom they were established. For example, the Evenki Autonomous District only embraced within its bounds less than one-half the Evenki, and the Nenets people were divided between three different Autonomous Districts,

as well as regions outside of these. Such boundaries hindered the development of national movements among the indigenous peoples, as did state policies strongly repressive of what was termed “bourgeois nationalism.” However, the Soviet creation of a special legal classification, “the small peoples of the North,” encouraged the formation of a pan-aboriginal identity. This facilitated the indigenous people’s coordination of their common concerns, and eventually, toward the end of the Soviet period, active resistance to ethnocidal state policies (2-3).

### ***Assimilation and recognition***

World War II and its aftermaths, particularly the Cold War, were a turning point for all regions of the circumpolar North. This was also the case in the Soviet Union, although concerted expansion into the Arctic took place prior to World War II. Had the central governments not been interested in these areas before, the military significance of the polar seas changed that situation. In the Nordic countries (including Greenland and the Faroe Islands), the social welfare ideology with its objectives of comprehensive social welfare, formal equality, and economic restructuring provided further reasons for paying attention to the North.

Another component of the post-World War II development was the continuation of the policies of assimilation. Indigenous peoples were to be integrated into mainstream society. As described in *Chapter 3. Societies and Cultures. Change and Persistence*, indigenous languages were suppressed and children were forced into boarding schools. Over a longer time-period, however, examples exist showing that the pendulum has swung between assimilation and recognition of the unique position of indigenous peoples. Details vary across the North, however, and are connected to not only the asymmetric colonization but also the internal policies of the Arctic states.

*Fennoscandia:* In Fennoscandia, the historical relationship between the Saami and the nation states has taken several distinct forms during different historical periods. The first period, from the Middle Ages to the middle of the 19<sup>th</sup> century, was marked by state expansionism and attempts to establish hegemony in the northern areas. The attitude towards the Saami people was accommodating (4), and both the Swedish-Finnish and the Danish-Norwegian states acknowledged Saami rights. When the borders between Denmark/Norway and Sweden/Finland were

settled in 1751, the so-called Lapp codicil was drawn up as an appendix to the treaty. A basic emphasis in this law document concerning Saami rights is “the conservation of the Saami nation.”

In the second period, which runs roughly from 1850 to 1950, a different relationship emerged. Several efforts at colonization were carried out. Local rights were removed and a new management system was established that encouraged settlement in the Saami areas (5). Assimilation became official state policy. The geographical position and security concerns in the border areas of the North are one explanation for the harsh assimilationist policy (6). This policy also affected a minority group in Norway called Kvens, who are descendants of Finnish immigrants.

After World War II, the development of the Nordic welfare states introduced the principle of equality through individual rights. In the process of assigning rights to the individual, cultural or ethnic identity was not considered relevant. The post-war recognition of the Saami as equal members of the state was thus that of individual members, not that of members of a separate ethnic group or nation. However, the post-war period ushered in an attitudinal change in terms of how the nation state conceived of the Saami. Finland was the first to inquire into aspects of Saami affairs and devise some institutional channels for managing Saami demands (7). In Norway, the Norwegian Parliament agreed that the previous policy of assimilation belonged to the past. At that time, such a change was not obvious in Sweden and not until the beginning of the 1970s did some readjustments in the state’s policy appear (9).

*Russia:* Shortly after the revolution in 1917, Soviet authorities created a legal category, “the Small Peoples of the North,” who because of their alleged backwardness would need special assistance to reach the stage of socialism. Some 26 peoples were identified in this category, though this number shifted over time, as the state occasionally demoted groups and merged them with others, or reversed such decisions and considered them as distinct. The Soviet government founded ethno-territorial administrative units for some of these peoples in the 1930s (though with little real power), supported the development of writing systems in some of the indigenous languages, and initially established schooling in these languages. Medical services and trading cooperatives were built

throughout the North. The state also collectivized the reindeer herds and hunting equipment of the northerners, persecuted richer indigenous persons and religious leaders (shamans), attempted to settle the nomadic reindeer herding and hunting populations as much as possible, and instituted a boarding school system. The latter two policies resulted in the rupture of indigenous families. Consolidation of initial, predominantly indigenous settlements into larger multi-ethnic villages increased assimilation pressures.

Starting in the 1930s, and increasing after World War II, a strong policy of Soviet autarky led to the state encouraging massive in-migration to its northern regions, both to develop resources and to assert its sovereignty over its peripheries. By the mid-20<sup>th</sup> century, indigenous peoples had become minority populations in most areas of the Soviet North. National censuses showed poor growth and even absolute decline among a number of the indigenous peoples in the 1960s and 1970s, which was the result of both high mortality and russification (3).

*Alaska:* Originally colonized by Russia, Alaska was sold to the United States in 1867. The heavy-handed policy of Russia towards the indigenous peoples had mainly affected the southern and south-western part of what became Alaska, but under US rule education and religion were used to assimilate all indigenous Alaskan peoples. It was not until the 1930s that Alaska Natives were included in general US policy towards indigenous peoples. Moreover, the Indian Reorganization Act of 1934, which ended the assimilation policy towards indigenous peoples in other parts in the United States, did not apply here. By then most Alaska Native villages had self-government, often combining traditional governmental forms with western influences. In 1936, the Indian Reorganization Act was amended to provide Alaska Native villages with the authority to "reorganize themselves for governmental and business purposes based on a common bond of occupation, association or residence within a well-defined neighborhood, community or rural district." The most important effect of post-World War II development was that Alaska became a state in 1959.

*Canada:* The Royal Commission on Aboriginal Peoples, in a report issued in 1996, states that Canadian policies for 150 years have promoted assimilation. Despite differences in treatment

between Indians with a distinct legal status and Inuit and Métis, the goal was assimilation (10-11). The government's proposal in the so-called White Paper of 1969, which suggested that the Indian Act should be repealed and reserve lands transferred from federal to provincial control, was seen as an accelerated policy of assimilation (10). The seeming contradiction between segregation on reserves and assimilation was bridged by the premise that territorial separation was a preparation for assimilation (11). In 1970, the government abandoned these proposals. The constitution was amended in 1982 to recognize and affirm existing aboriginal and treaty rights. The constitutional recognition of "Aboriginal Peoples" includes Indians, Inuit, and Métis.

*Greenland:* In Greenland, the first Danish colonial settlement was established in 1721. In religion, language and administrative procedures, assimilation has always been part of Danish colonial policy. Decolonization, which started earlier than in other parts of the Arctic, was also used in this respect. It was initiated from the top and the political attitude of the Danes toward the colonized people can be characterized as "benign paternalism." Most likely inspired by the political developments in Europe in the middle of the 19<sup>th</sup> century, decolonization and indirect rule became important in governing Greenland. The first step was taken in the early 1860s with the introduction of district councils that were quasi-democratic structures made up of elected Greenlanders (male only) and members of the colonial administration. These councils had a number of social and legal functions, but the most important was to distribute part of the profit from the colonial trade back to the skilled hunters. They were also important because it was the first time during the colonial period that Greenlanders were involved in political and legal decisions. In 1911, elected municipal councils had replaced these district councils and two indirectly elected provincial councils were established. Franchise for women was given in 1948.

### ***Decolonization and negotiations***

The attempts to decentralize but to keep control were a logical concomitant to the assimilationist policies of the Arctic states. Greenland was an early example, and since the end of World War II some transfer of political authority has taken place all across the Arctic. However, the early attempts at state-controlled decolonization

have not checked local and indigenous demands for inherent rights and attempts to build new political units in the Arctic. In North America and Greenland, decolonization has to a large extent been characterized by negotiations between indigenous peoples and central governments. This is not the case in the relationship between the Saami and their state counterparts, as the principle of negotiations between an indigenous party and the state has not been accepted. Rather, the establishment of the Saami parliaments was formally a result of the work of public committees in Finland, Norway and Sweden, to clarify political and territorial rights. These investigations to review the rights of the Saami still continue.

*Greenland and the Faroe Islands:* An early example of negotiating for self-governance is Iceland, which was the first territory within the Arctic to become completely independent. It was a de facto self-governing state within the Danish realm from 1918, but became completely independent in 1944. During World War II, the Icelandic parties worked together to create a new constitution, which was put to a referendum in 1944. As a result of the referendum, Iceland claimed itself to be an independent republic. In the Faroe Islands, a majority voted for Faroese independence in a referendum after World War II, but the outcome was rejected by the Danish Government. Instead, the election of a new provincial council was followed by negotiations that resulted in an arrangement for Home Rule to be established in 1948.

Although the heavy-handed Danish policy against Faroese claims for Home Rule in 1948 postponed the process, it was not able to stop it. The situation in Greenland was no different. With the new Danish constitution of 1953, Greenland and the Faroe Islands became distinct regions within the Danish realm. The Faroe Islands had had representation in the Danish Parliament since 1849. Greenland was now divided in two electoral districts, each sending a representative to the Danish Parliament. Initially, only West Greenland was included, and the Provincial Council chaired by the Danish governor. In 1962, East Greenland and North Greenland were included, and from 1967 the Council elected its own chair. In 1975, modern municipalities were established with wide executive functions and economies based on income taxes. This was also when Greenlanders took over the political initiative and claimed decolonization.

Decolonization was initiated a few years earlier when a new generation of young politicians entered the scene. One of them was Moses Olsen, who was elected to the Danish Parliament in 1971. It soon became obvious that Greenlandic and Danish members of the parliament were not considered equal and this feeling of discrimination was further enhanced in the referendum concerning Danish membership in the European Community (later the European Union) in October 1972. Although there was a substantial majority in Greenland against joining the European Community, it nevertheless became a member because of the majority in Denmark. Voices were raised in the advisory Provincial Council in Greenland in favor of setting up a committee to look into the possibilities for self-government for Greenland. Only a few months later, the minister for Greenland, a Greenlander himself, established the Home Rule Committee composed of the Greenlandic members of the Danish Parliament and members of the Provincial Council.

The report produced by the committee recommended the establishment of a Home Rule Commission with an equal number of Danish and Greenlandic members. The commission's report was adopted by the Danish Parliament and endorsed in a referendum held in Greenland in January 1979. The result was that Home Rule was introduced in Greenland May 1, 1979. The Home Rule process diverged from all earlier decolonization initiatives in Greenland in that unlike the reforms in the 19<sup>th</sup> and early 20<sup>th</sup> centuries which were instigated and controlled by the Danish authorities, the Home Rule process had its roots in Greenland, and was initiated and promoted by Greenlanders who formulated a position from which they could negotiate with the Danish state.

*Alaska:* Two events have been decisive in shaping Alaska's recent political history. The first was Alaskan Statehood in 1959, the initiative and push for which came from Alaska. Statehood created a new urgency for negotiating a settlement of indigenous land claims, which in turn formed the basis for today's political organization, in particular the Alaska Native Claims Settlement Act (ANCSA) passed in the US Congress in 1971.

The process leading to ANCSA started in the beginning of the 1960s when a series of Alaska Native associations were formed. In 1966, the Alaska Native leaders established the first

### *Alaska Native organizations*

There is a proliferation of formal organizations in Alaska that are usually referred to as "Alaska Native Organizations." They are controlled by Alaska Natives, but in most cases they are based on a western model and do not have any traditional Native structure or way of operating. A few were established in the early twentieth century but most came much later. One of the first Alaska Native Organizations was the Alaska Native Brotherhood, founded in Sitka in 1912 by a group of nine Tlingits and one Thimshian Indian. The primary goal was to secure the right to vote for Alaska Natives, which was granted in 1924 when the US Congress passed the Citizenship Act making all Natives citizens.

The majority of Alaska Native organizations that are active today stem from the non-profit regional associations established in the 1960s. These associations formed regional profit corporations under the Alaska Native Claims Settlement Act (ANCSA), which in turn helped to form over two hundred village corporations within their respective regions.

statewide Alaska Native organization: the Alaska Federation of Natives. There were no formal negotiations between government authorities and these indigenous representatives. All influence took place through lobbying activities. The first bill to settle land claims, introduced in the US Congress in 1967 and passed by the Congress in 1971, was therefore never formally presented to indigenous representative bodies and neither confirmed nor ratified by the people concerned. A new group of Native statewide leaders emerged from this effort. Superseding the tribal governments which did not actively participate in the movement. After 1971, the political power of the Alaska Federation of Natives increased even further. In particular, the newly formed Alaska Native regional corporations that are the members of Alaska Federation of Natives became significant participants in the Alaskan economy.

*Canada:* The Canadian Arctic remained a colonial territory long after democracy had entered the scene in other areas of the Arctic. In most communities, municipal governments were not established before the 1950s and 1960s. The Inuit were not allowed to vote in federal elections before 1962 and territorial elections until 1966. A strong indigenous movement in the Northwest Territories in the late 1960s and the 1970s became the starting point for a series of negotia-

tions between indigenous peoples and the federal and territorial governments.

The indigenous peoples of the Canadian Arctic opted for land claims agreements, inspired by ANCSA. But they went further than the Alaska Natives and, from the outset of negotiations, they demanded that economic, social, cultural, and political rights be included. To a large extent, this reflected the fact that the indigenous peoples of the Arctic make up the majority of the population in these regions (in contrast to Alaska). The first of these agreements was the James Bay and Northern Quebec Agreement affecting Inuit and Cree. In several cases, initial agreements were rejected because they did not allow enough self-government. The Canadian North is home to a large number of indigenous peoples, each with their own priorities and, as it looks today, their own agreement, (see box page 91).

*Fennoscandia:* In contrast to North America and Greenland, the Fennoscandian central governments have not transferred any political authority to new self-governing units but have only delegated management authority and defined tasks. However, there are indications that negotiations as a strategy of dividing management between the state and its indigenous people may also be relevant in Fennoscandia, as illustrated by the discussions following a proposed land management act for Finnmark County in Norway. This act was supposed to close a process that started in the 1970s and '80s following controversies over Saami land rights in relation to the establishment of a hydroelectric power plan in Alta. (see also *Chapter 6. Legal Systems*).

The Finnmark Act has received extensive criticism from the Saami Parliament and from legal experts appointed by the Norwegian Government. The main critique concerns the lack of proper identification and recognition of Saami rights to their lands, both on the individual, and on the community and collective level. The Saami Parliament has stated that the bill is neither in conformity with the internal and international rules by which the state is bound, nor with the state's moral and political obligations vis-à-vis its indigenous peoples. The importance of the international standard, ILO Convention 169, is stressed, especially in relation to Articles 14 and 15, concerning the need to gain consent from the indigenous peoples concerned, and the recognition of rights to ownership and identification of land in question. During the second half of 2003, an initial

### *Canada: a complex quilt of negotiations and agreements*

The Inuit of the Northwest Territories initiated their claim for self-government in the early 1970s and the strong quest for self-government led already in 1976 to a claim for the establishment of Nunavut. Although the Inuvialuit (the westernmost Inuit) soon left the process, the basic claims remained intact until Nunavut was enacted by law in 1994. The process that followed from 1976 was long and complicated. In 1982 all the inhabitants of the Northwest Territories voted on the division of the territory. In the Nunavut region, 82% voted in favor of the division and outnumbered the majority against in the west part of the territory. In 1991 the Inuit negotiating team and the government entered an agreement in principle and in 1992 the exact border was decided in a referendum among all the indigenous peoples. With an overwhelming majority, the Inuit of Nunavut ratified the agreement in a separate referendum later the same year. The Canadian Parliament adopted the Nunavut Laws in 1993 and Nunavut became a reality in 1999. Although the Inuit initially had no elected representatives, the Canadian Government accepted to negotiate with the Inuit organizations that had taken the lead. The first Inuit became members of the parliament in Ottawa in 1979, the same year as the indigenous peoples obtained a key position in the newly elected legislative assembly of the Northwest Territories. It was only later that the Government of the Northwest Territories became involved in the negotiations, further confirming the legitimacy of those negotiating on behalf of the Inuit. In the 1980s, the Inuit Tapirissat of Canada succeeded in lobbying for a separate federal constituency, Nunatsiaq, that ensured Inuit representation in the parliament in Ottawa.

Referenda and negotiations were also prominent features in the relationship between the central government and indigenous peoples in other parts of Canada, even if the conditions have differed. In Nunavik, the process has been complicated by a land claims agreement from 1975. The governments of Canada and Québec and industrial corporations wanted to use indigenous land to develop hydroelectric power, and the Inuit and Cree of Northern Québec entered the James Bay and Northern Québec agreement after enormous pressure. Although the agreement was accepted by referendum as a negotiated legal framework for dealing with indigenous rights, land claims, and ownership, as well as education, health and economy, the Inuit of Nunavik have never been at ease with it. There was also a wish for political autonomy under a regional government. This concept has gradually been accepted as another level of public government within the confederative framework of Canada (cf. Nunavut Territory). There have been several initiatives to that effect, including a referendum, an election focusing on constitutional

issues, and a constitutional committee set up by the Inuit. On November 5, 1999, the Nunavik Political Accord was signed by the Nunavik Party, representing the Inuit, the Government of Québec, and the Government of Canada. This was a step towards creating public government for all residents of Nunavik within the political framework of Québec and Canada, but there are still many problems and a final agreement has still not been reached as of September 2004.

In 1969, the Indian Brotherhood was formed to represent about 7,000 treaty and status Indians who were descendants of leaders who had signed two historical treaties between the Dene and the Crown in 1899 and 1921. The Dene published the "Dene Declaration" in 1975, which stated their right to traditional lands, self-determination, and special status under the Canadian constitution.

The Dene peoples of the Northwest Territories presented a land claim to the Canadian Government in 1976. This initiated negotiations and in 1988, an "agreement in principle" was signed by the Dene-Métis Association and the federal government, which was finalized in 1990. However, many Dene disagreed with the agreement as they had to give up their Native title in exchange for land and financial compensation. Requests for re-negotiation were made at the Dene Assembly and as a result negotiations started for individual land claims and self-government. The Gwich'in and the Sahtu Dene and Métis soon reached agreement with the federal government. Since then, other peoples have followed or are in the process of negotiations. Several of the agreements that have been reached so far all include some provision for negotiating self-government. In one case, the agreement includes establishing a reserve through a process called Treaty Land Entitlement.

The Council of Yukon Indians was formed in 1973, and two tentative land claims agreements were reached in 1976 and 1984. However, both were rejected at the Council of Yukon Indians' General Assembly. A major reason was the absence of self-government powers and authorities for the Yukon First Nations. Talks resumed in 1985, this time with greater emphasis on community involvement and input from the individual First Nations. The Yukon First Nations and federal and territorial governments signed an umbrella agreement in 1993, and subsequently individual Yukon First Nations finalized self-government agreements. These agreements went into effect on February 14, 1995, with the proclamation of the Yukon First Nation Land Claims Settlement Act (Canada) and Yukon First Nation Self-Government Act (Canada). Eight of the fourteen Yukon First Nations presently have self-government agreements in legal effect (12).

dialogue was begun between the Norwegian Parliament, its Judicial Committee, and the Saami Parliament to find a procedure that would move the issue forward. But with the lack of proper identification and recognition of Saami rights, it is still an open question whether there is a basis for negotiations.

According to the Finnish Saami Act, the national authorities have an obligation to negotiate with the Saami Parliament in all extensive and important cases that directly or especially relate to the Saami as an indigenous people. This obligation includes more than just simple consultation, since it also includes the obligation to seek a solution through negotiations with the Saami Parliament (13). In reality however this comes down to little more than the right to be heard and consulted.

#### *Boom and bust activities*

Boom and bust activities have had long-term impacts upon political developments in that they made it necessary for indigenous peoples to come together. This was the case with the plan in the 1970s to build a pipeline from the Beaufort Sea down the Mackenzie Valley, which directly gave impetus to the indigenous movement in Canada and the claim for land-rights. Similarly, the Saami quest for self-determination was provoked by the construction of the Alta dam in the early 1980s, though the history of Saami land claims goes further back in time.

*Russia:* Devolution in the Russian North is less advanced than in other Arctic areas. During the early 1990s, some of the "ethnic" territorial-administrative units were able to assert more power vis à-vis Moscow by establishing and implementing legislation that governed control over resources, cultural development, and other facets of life. However, these "ethnic" units are basically public governments, and indigenous populations constitute but a small minority in them (1-15%), even after the vast out-migration of Russians and other in-migrants from the North in the past decade (14). Thus, indigenous peoples' ability to influence decisions made by such regional governments has remained negligible across the North. In numerous places, regional governments established laws and practices that were less favorable to indigenous rights than central legislation demanded.

In the latter 1990s, President Putin attempted to stem devolutionary trends and bring regional

practices into adherence with federal stipulations. Indigenous groups in Russia have frequently sought protection of the federal government against regional governmental practices that threaten to erode their ability to practice their traditional activities, especially land-intensive industrial development schemes. A quasi-political organization, the Russian Association of Indigenous Peoples of the North (RAIPON), established in 1990, and its associated regional branches, have achieved some level of input into drafting federal and regional legislation that establish procedures for increased rights to land and self-government (15-16).

An important development since the 1990s is the ability of communities of individuals who view themselves as distinct ethnic groups within the category the "indigenous numerically small peoples of the North" to petition the government for recognition as such. During the Soviet period, the state identified groups "deserving" of such recognition and regularly erased groups from its list of recognized "northern peoples." Self-definition (with state sanction) has resulted in a significant increase in the number of northern peoples, from 26 to approximately 40, including several groups who were earlier recognized by the state, then eliminated from the records.

#### **Trend summary**

The past decades have witnessed a trend of major restructuring of the political systems in the Arctic in response to decolonization. This trend can be seen as a part of a nation-building process where the state historically was the dominant part, the homogenous nation state was the ideal, and the strategy of assimilation was the official policy. In North America this was often followed by devolution, i.e. transference of authority from central to regional level. As a response, indigenous nation-building processes inspired by international human rights development managed to build a bridge between indigenous political efforts and the modern Arctic nation-building. In Canada and Greenland, indigenous peoples pushed for decolonization, by negotiating with the central governments. Meanwhile, in Fennoscandia, the central governments have only delegated management authority, while in Russia, decentralization following the fall of the Soviet Union was soon replaced by recentralization. In many parts of the Arctic, quests for indigenous self-governance have been a major driving force for decentralization.

## Arctic governance systems

A major trend in Arctic political systems is the proliferation of governance structures that recognize the unique position of indigenous peoples. Within this trend, there is a diversity of new agreements and institutions. Public government and ethnic self-government are two major categories.

### *Asymmetry and territoriality are key axes in an analytical frame*

Most political systems encompass a plurality of cultures. These cultures may produce identities that can become politicized (17-19). The likelihood that a cultural or ethnic identity becomes politicized has increased with the spread of the principle of political autonomy through global communication. We can therefore expect a growing number of claims by groups of unique identity. The situation in the Canadian North described in the box on page 91 is a good illustration of this trend.

At the same time, state responses in dealing with such claims are likely to become more and more similar for the reason that the historical state responses, such as genocide, deportation, oppression, assimilation, or even agreeing to secession, are considered illegitimate in today's democratic systems. States thus increasingly resort to some sort of decentralization of decision-making power in order to meet these claims (20).

Decentralization of decision making to groups with unique identities is not as straightforward as one might assume at first glance. A brief assessment of the post-World-War-II period reveals two dimensions of this multifaceted issue as particularly important: the degree of territoriality and the degree of asymmetry.

A purely territorial response would typically entail some sort of regionalization or federalization of the state structure. If this is done in a symmetric fashion, decision-making rights will be decentralized to territorial regions in strict compliance with the principle that all individuals living in the various territorial entities possess the same rights regardless of their membership in identity groups (the *jus solis* principle). If the decentralization is instead conducted in an asymmetric fashion, individuals living in some regions will possess more rights to autonomy than individuals living in other regions because of their unique identities (the *jus sanguinis* principle).

In dealing with indigenous claims, Canada has created an asymmetric federal state in which some regions enjoy more autonomy than others, i.e. it entails both territoriality and asymmetry. The Soviet Union also created an asymmetrical federalism. During the Soviet period, it was operationally fictive but it is now manifest in numerous ways, which depend on the "status" of the territory and its human and natural resources.

We also find processes of decentralization that entail no notion of territoriality at all. The electoral census for Saami parliamentary elections is a case in point. Anyone who meets certain criteria of identity (subjective self-identification and objective language criteria) is entitled to vote in the elections, regardless of where in the respective country they live, whereas those who do not meet these criteria do not possess this right. This means that some individuals in a state, as members of a particular identity group, possess more rights to autonomy than others, regardless of territorial location.

Decentralization of decision making power from the modern state apparatus can thus mean that individuals obtain political, cultural, and/or economic autonomy according to their membership in a territorial entity, in an identity group, or in a combination of the two. This yields a two-dimensional grid which can be used to analyze both the claims put forward on behalf of identity groups and the state responses.

### *Self-determination*

In an Arctic context, state responses along the lines of asymmetry and territoriality cannot be discussed without giving attention to the special status of indigenous peoples and their rights to self-determination. As described in more detail in *Chapter 6. Legal Systems*, the principle of self-determination is a fundamental principle in international law. In recent discussions, it has also come to include indigenous peoples, even if it was traditionally understood as the right of a nation state in relation to other nation states. However, the concept is dynamic, and the content of self-determination and the question of what constitutes a people have changed over time, especially within the United Nations.

There are various models for how the self-determination of peoples should be organized and institutionalized, and the principle of peoples' self-determination does not define either who the peoples are or what the subject or unit of self-determination can be. The tendency

### *Indigenous voices in regionalization processes*

The development of governance arrangements recognizing indigenous rights seems in some cases to coincide with regionalization processes, such as in the European Union. It includes new alliances between indigenous and majority interests. For instance, the European regionalization process, which is clearly evident in Sweden and Finland, is also important in the Saami context and affects both national policy towards the Saami and the Saami directly. Specifically, the Finnish and Swedish EU memberships created a need to expand EU policy with a northern dimension in order to create a platform for cooperation concerning stability and security in relation to Russia and the Baltic countries. In the dialogue between the European Union and Canada, the

interests of Arctic indigenous peoples are also a priority area. The Second Northern Dimension Action Plan, 2004-2006, Annex 2 states that: "Strengthened attention is to be paid by all Northern Dimension partners to indigenous interests in relation to economic activities, and in particular extractive industry, with a view to protecting inherited rights of self-determination, land rights and cultural rights of indigenous peoples of the region." This statement is a result of the work of the Saami Council and the Saami Parliamentary Council for the EU Commission. (For further discussion on northern dimensions policies, see *Chapter 12. Circumpolar International Relations and Geopolitics.*)

towards developing indigenous self-government arrangements seems particularly appropriate where a group of indigenous peoples forms a permanent minority. Examples can be found in the traditional homelands of the Saami in northern Scandinavia and the First Nations in the Yukon. In these indigenous areas, settlers have over time become the majority. These can be contrasted with areas where indigenous peoples are in the majority, such as Greenland and Nunavut, which are ruled by public governments. Overall, state responses to calls for indigenous self-determination have become more and more similar. In areas where indigenous peoples constitute permanent minorities, dual systems of governance arrangements are being established.

In the circumpolar North, we find different types of government. A particular challenge has been to find ways that take the particular history of indigenous peoples and their present legal status into account. Most self-government structures and institutions in the Arctic are established under western laws and regulations. By and large, none of the Arctic models of self-governance are based upon traditional governance, although local cultures are reflected in the performance and proceedings of the political bodies. Two types of structures can be identified: public governments and self-government arrangements.

### **Public government**

The creation of Home Rule arrangements and new territories involve public governments, which entail that all persons above a certain age are eligible to vote and to be elected to a legisla-

tive assembly. This is the case for both the Greenland Home Rule government with its parliament, and the Nunavut Government with its legislative assembly. Officially, ethnicity is not a relevant factor in any part of the political system, including not only the national and municipal systems, but also the political parties. Home rule arrangements are a territorial response where decision-making rights are decentralized.

### *Greenland Home Rule and Nunavut*

Home Rule in Greenland was introduced May 1, 1979. All persons above the age of 18 who are Danish citizens and who have resided at least six months in Greenland can vote for and be elected to the Home Rule Parliament. There are specific rules for Greenlanders living temporarily outside Greenland. Danes have never played any role in the Greenland Home Rule Parliament. Currently, there is one Danish member out of 31 (Danes make up 12% of the population). In recent years, there have been several moves to get more Greenlanders into the political and administrative system, and compared to the situation 20 years ago, the number of Greenlanders in managerial positions has increased significantly.

In Nunavut, all adult Canadian citizens have the right to vote and can be elected to the legislative assembly. Inuit who temporarily live outside Nunavut have no specific rights in Nunavut. Rights and responsibilities vested in the Nunavut Government follow the general Canadian federal regulations, although an ongoing devolution will transfer more and more authority from Ottawa to Nunavut and the other territories. This will make them more and more equal to the Canadian provinces.

In these newly created political units, indigenous peoples constitute majorities.

In Russia, special variants of public governments are the autonomous districts (*okrug*) and the national regions (*rayony*) and townships (*sel'ksie administratsii*). National regions and townships, originally established in the 1920s and 1930s but liquidated in the late 1930s, have been revived in the 1990s in several areas of the North. Although governments in such districts, regions and townships are public governments, recent legislation provides that indigenous peoples can be given preferential treatment, as for example a guaranteed number of seats in the governing bodies (21). It is mainly only at the township level where indigenous populations dominate numerically.

### ***Self-governance and dual structures***

Across the Arctic, a number of legal and political arrangements have also been established to promote a greater degree of autonomy for indigenous peoples in areas where they are in the minority. This development has created dual systems of governance where indigenous political arrangements operate simultaneously with public governments in the same geographical area. There are several examples.

In Canada, the self-government agreements of the Yukon First Nations include law-making powers as well as the power and authority to make decisions in a manner consistent with indigenous cultural values and institutions. In addition, they establish a broad and flexible framework for self-government that will evolve at a pace determined by the Yukon First Nations. So far, the Yukon First Nations have exclusive authority to enact laws with respect to the administration of their affairs and their internal operation and management. They also have the authority to enact certain laws that apply to their citizens throughout the Yukon and other laws that apply to all persons on settlement land. According to the self-government agreement, Yukon First Nations and the federal government are to identify the areas in which Yukon First Nation laws will prevail over federal laws, should there be any conflict between them.

Native tribal governments in Alaska are also self-government systems set up in parallel with the public government system. The tribal governments are organized in two tiers. In the communities, the Native population can use tribal councils to exert its influence on a number

of matters relating to daily life. At a higher level, there are twelve regional non-profit Native Associations. Together with the tribal councils, they are specifically influential in social and cultural affairs. In parallel with these indigenous self-government structures, towns and villages have city councils elected by all inhabitants. Even in the rural communities where Alaska Natives make up the majority, there will usually be a city council operating in parallel with tribal councils. The public government system also exists on the state level and in the regions that have been organized as boroughs, which operate on the level between the city councils and the state. In two of the Alaska boroughs, the North Slope Borough and the Northwest Arctic Borough, the Iñupiat majorities have been able to use the exploitation of oil and mineral resources for local self-government initiatives, see *Chapter 7. Resource Governance* for further details.

Further examples of indigenous self government parallel to public governments are the Saami Parliaments in Norway, Sweden, and Finland, established by the Saami Acts of the respective states. These are ethnic governments, and only Saami have the right to register, vote, be elected, and present proposals in connection with elections. With regard to the electoral roll, the Nordic Saami Acts use both objective and subjective criteria. The fundamental subjective element is the self-identification as Saami, while the objective criteria are related to the Saami language. The most important warrant for the Saami Parliaments is the very fact that they are bodies elected by Saami, for the Saami. These parliaments have a continuing dialogue with the Nordic governments regarding the question of authority, and some authority in administrative matters has been transferred. Formally, the Saami Parliaments only have advisory status. Actually, however, they play a central political role within the national constitutional systems in relation to Saami political issues, and they function as governmental bodies and as instruments for realizing the principal policies of the respective states. The political rights achieved by the Saami as a people, may be understood in the context of a stronger Saami relation to the national constitutions (22).

The process of strengthening the political autonomy of the Saami Parliament has been most significant in Norway. Here, recent agreements between the Norwegian Saami



PHOTO: SAAMI PARLIAMENT

Saami Parliament,  
Norway

Parliament and the county municipalities could create a base for cooperation also on a regional level. So far, agreements of cooperation between the Saami Parliament and the two northernmost county municipalities have been settled. They involve a coordination and cooperation of efforts concerning matters of political importance to the Saami and preparations for a division of duties and responsibilities.

The question of Saami influence is not only a matter between an individual state and its Saami indigenous minority but is also independent of national borders. International cooperation between the Saami Parliaments is formalized in the Saami Parliamentary Council. Its work has been directed towards the European Union.

A comparison between the Canadian and Scandinavian systems with regard to self-determination arrangements shows the potential of federal systems compared to unitary state systems. The principle of division of executive and legislative power in federal systems where the authority to make laws within the federation is distributed between the national government

### *The Saami Parliaments*

The Saami Parliament in Finland was empowered in January 1996 and has 21 elected members. The Norwegian Saami Parliament was established in 1989 and consists of 39 representatives elected from 13 electoral districts in Norway. The Swedish Saami Parliament, established in 1993, consists of 31 members with the whole of Sweden as one electoral district. The three Saami Parliaments do not have identical functions and tasks but share the ability to raise questions and issue statements on all questions within their area of activity. In Finland, a constitutionally protected cultural autonomy, the obligation of the authorities to negotiate, and the Saami Parliament's right and obligation of representation are important elements in the strengthening of this self-government. In comparison, the Norwegian Saami Parliament has a somewhat weak formal political authority, but has still developed into a central political actor. The Saami Parliament in Norway also has a far better economic framework than do the Saami Parliaments in Finland and Sweden (13).

and the sub-units, creates space for expanding the competence of both the self-government arrangements and the regional public governments. In unitary states, delegation or transfer of authority is more common, as in the case of the Saami. But such devolution does not remove the power of the central government to legislate in relation to devolved matters. Regarding Greenland, however, it is generally recognized that Home Rule cannot be revoked by the Danish Parliament.

*Suktul – Yukagir Self-Government*

One of the numerically smallest peoples of the Russian North is the Yukagir people, whose homelands stretch across the northeast of Russia including areas of the Sakha Republic (Yakutia) and the Magadan Province. The Yukagir of the Sakha Republic successfully fought for the adoption of a special law guaranteeing Yukagir self-government in the two townships where much of their population is concentrated, Nelemnoe and Andrushkino. In 1998 the Sakha Republic government passed legislation to this effect, known by the Yukagir term for self-government, suktul. Other indigenous peoples of the Sakha Republic have discussed whether to pursue similar legislation for self-government rights.

**Land claim settlements**

A third type of response of state governments to indigenous claims has been to negotiate land claim agreements. The political structures which they have given rise to can operate in parallel with both public governments and self-government structures. In Alaska’s rather complex governance structure, the Native corporations established by the Alaska Native Claims Settlement Act (ANCSA) of 1971 represent this third alternative. ANCSA was the first modern land claims agreement in the circumpolar North and its principles and limitations have played an important role for later models as developed in the Canadian North. These corporations often play a key role for the indigenous peoples and control many aspects of their lives. Even if they are in fact for-profit corporations, they should be treated as a kind of governance structure.

The basic idea behind a land claims agreement is that the indigenous peoples give up territorial rights that are based on aboriginal rights. These rights are extinguished in exchange for

title to specified tracts of lands and for a once-and-for-all monetary compensation. In Alaska, Native peoples received 11% of the lands they claimed. The lands and the financial compensation were to be administered by 13 regional and more than 200 village corporations that work under corporate law with registered Natives as shareholders. The most important criterion for being an Alaska Native is biological. When ANCSA was passed in 1971, any person who could prove one-quarter blood quantum was eligible to enroll and become a shareholder in a Native corporation. Only those born by December 1971 have shares under ANCSA, but shares can be inherited.

The Canadian land claims agreements, such as the James Bay and Northern Quebec Agreement (1975), the Inuvialuit Final Agreement (1984), and the Nunavut Land Claims Agreement (1993) basically follow the Alaskan model. A very important difference is that these are comprehensive agreements that provide, in addition to the land and money compensation, a number of benefits in relation to the use of land and resources, employment, environmental management, etc. The Nunavut agreement also contains a political accord to establish the Nunavut public government. Management and control of land is more restrictive in Canada than in Alaska but also more democratic and more similar to a public management institution. In Nunavut, the lands and financial compensation are monitored by an organization elected by Inuit, Nunavut Tunngavik Inc. This organization exerts a significant political power and the issue is sometimes raised who is the real power-holder in Nunavut: Tunnavik Inc or the Nunavut Government.

**A comparison between Nunavut and the Alaska Native Claims Settlement Act (ANCSA)**

	Nunavut	ANCSA
Land compensation to lands claimed	18%	11%
Sub-surface rights to lands claimed	1.80%	11%
Surface priority rights to lands given up	82%	0%
Benefits agreements	+	-
Royalty of extraction of non-renewable resources on non-owned lands	+	-
Political accord	+	-
All indigenous have equal rights	+	-
Shares and benefits can be transferred to non-indigenous	-	+
Lands can be sold	-	+

So far, land claim agreements have mostly played a role in the North American Arctic.

“Land claims” in Russia have followed a different pattern of development (23). Indigenous groups who wish to pursue “traditional” activi-

ties, such as hunting and reindeer herding, can petition for a land allocation. These lands then theoretically become inalienable and closed to industrial development unless the holders of this tenure agree to such development. Hundreds of such native territorialized groups (*obshchiny*) have been established across the Russian North, although the ease of doing so differs substantially across the region. A federal law regarding the establishment of *obshchiny*, adopted in 2000, superseded regional decrees (or the lack thereof) (24). Poor capitalization and the collapse of state subsidies in the post-Soviet era led to the demise of many of these shortly after their formation, while industrial interests have stymied the ability of other groups to attain such lands (25-26).

A parallel development is the establishment of much larger “territories of traditional nature use”, which are areas set aside from industrial development (*obshchina* lands may overlap or be completely encompassed within these) (27-28). Federal legislation to establish such “territories of traditional nature use” was passed in 2001 (29). Indigenous groups are now working to establish several such “model territories” in order to identify challenges to the operationalization of the law.

### **Theme summary**

Claims for more regional autonomy and indigenous self-determination have given rise to both new regional public governments and different forms of indigenous self-government in the Arctic. On the one hand, there is a general trend of decentralization of decision-making powers. On the other hand, the degree of territoriality and asymmetry vary to a great extent among self-governing arrangements. Indeed, in some areas, there are dual structures where these government types exist in parallel, and sometimes also include corporations created in the process of land claim settlements. In a larger perspective, this process can be described as one where ethnic and cultural identities are also becoming political identities. Thus the individual in the Arctic will have to relate to varying degrees of multiple political identity: One, say, related to his or her ethnic group, another to the local or regional government, another to the state, and - in some cases - yet another to supra-state bodies like the European Union. As people learn to live with asymmetric arrangements, we expect to see a general increase in the legitimacy of the political systems of the

Arctic and a transition from single and exclusive political identities to multiple and compatible identities, along the trends identified by Martínez-Herrera (20). Furthermore, in the process of accommodating indigenous claims, we expect that the democratic states of the Arctic will have to embark upon a transformation towards some sort of plurinational democracy, as described and discussed by Michael Keating (30).

## **Key conclusions**

Historically, nation-building processes in the Arctic follow the theoretical framework of state formation, standardization, and integration. The historical relationship towards indigenous peoples can be characterized as paternalistic, and the state’s understanding of integration was equal to the rhetoric and practices of assimilation.

The states’ need and desire for utilizing the resources of the Arctic are closely linked to their colonial histories. At the same time, there is and has been acknowledgement of the special status of indigenous peoples, illustrated by the historical treaties in North America, the former Soviets’ legal classification of the “small people of the North”, Greenland Home Rule, and the historical acknowledgement of Saami rights in Fennoscandia. A particular feature in the Arctic states is the involvement of indigenous peoples as independent political actors in modern nation-building processes.

The contemporary formal policies and ideal with regard to increased indigenous influence seems to be widely shared in the Arctic states, even if political and administrative solutions vary from state to state. One answer, which is closely linked to the growth of regional autonomy, is the establishment of public governments. This solution has been most prominent in areas where indigenous peoples are in the majority. Another solution has been self-government, which may operate as a part of dual systems where indigenous arrangements operate simultaneously with public governments in the same area. Self-government institutions can even have functions as state government bodies as in the case of the Saami Parliaments.

The level of participation becomes crucial with regard to both the decentralization of decision-making powers and the degree of territoriality and asymmetry of self-governing arrangements. Negotiations show a high level

of indigenous participation. This has been the case when land claims have been negotiated in Canada, and it also characterized the introduction of self-governing arrangements in Greenland. In none of the other Arctic regions have indigenous peoples been involved as equal negotiating partners in the process of establishing special arrangements for indigenous peoples.

## Gaps in knowledge

Modern self-governing arrangements in the Arctic are still of comparatively recent date, and future comparative studies will obviously be able to provide us with an increased understanding of the significance of the various political arrangements for the human development.

Information about human participation in political systems and in activities and institutions such as the media, important for political participation, must be further investigated.

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