



BA Thesis in Political Science

Limitations to Indigenous Peoples Participation in the Arctic Council

To what extent does the Arctic Council address the rights
and interests of the regions' indigenous peoples?

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Lokaritgerð til BA-gráðu í stjórnmálafræði
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Útdráttur

Frumbyggjaþjóðir hafa í áratugi nýtt sér ýmiskonar vettvang til þess að koma réttindum sínum og hagsmunum á framfæri sem þjóðir með sjálfsákvörðunartökurétt. Fyrir frumbyggjaþjóðir á norðurslóðum er Norðurskautsráð vettvangurinn til þess. Norðurskautsráð er einstakur vettvangur að því leytinu til að samtök frumbyggja á norðurslóðum eiga sæti í ráðinu sem „varanlegir þátttakendur“ (Permanent Participants) og hafa fullan þátttökurétt sem og rétt til þess að veita ráðgjöf á öllum stigum mála. Hins vegar kemur sá rammi sem Norðurskautsráð vinnur eftir í veg fyrir það að frumbyggjasamtökin geti nýtt sér rétt sinn og hefur það myndað gjá á milli aðildaríkja Norðurskautsráðs og frumbyggjasamtakanna. Frumbyggjasamtökin búa ekki yfir sömu fjármunum og öðrum auðlindum sem aðildaríkin búa yfir og hafa því átt í erfiðleikum með að halda í við vinnuálagið sem og að leiða ýmis verkefni. Þessar áskoranir hafa gefið aðildaríkjunum ákveðið forskot þar sem þau hafa betri tækifæri til þess að koma sínum sjónarmiðum á framfæri og hafa áhrif á ákvarðanatöku. Aðildaríkin geta einnig gætt formennsku í ráðinu og búa yfir neitunarvaldi. Breytingar þarf að gera á skipulagi ráðsins ef að leysa á úr þeim vanda sem frumbyggjasamtökin standa frammi fyrir en eins og staðan er hefur ekki verið lagst í þær breytingar. Þetta er vegna þess að aðildaríkin og Norðurskautsráð byggja á hugmyndum um ríkisvald (State-centric theories) og fullveldi ríkja og starfar á alþjóðavettvangi byggðum á Westfalískri hugmyndafræði. Aðildaríkin græða á núverandi skipulagi ráðsins þar sem þau hafa mesta valdið og frumbyggjasamtökin þurfa að reiða sig á stuðning þeirra til þess að koma sínum málum á framfæri.

Abstract

For decades indigenous peoples have used various platforms to represent themselves as self-determining peoples with specific rights and interests. For the indigenous peoples in the Arctic, the Arctic Council is a platform to do so. The forum is unique because it provides Arctic indigenous organizations a specific role as permanent participants which means they have full participation rights and full consultation rights at all Arctic Council activities. However, the current framework of the forum limits these rights and creates a gap between the member states and the permanent participants. This is because the permanent participants struggle to keep up with the workload and to take on leadership roles in the forum because they do not have the resources that the member states have. This gives the member states an advantage because they have greater opportunities to represent themselves and influence decision-making processes. The member states also have the opportunity to control the agenda through the chairmanship and can *veto* decisions made by the Arctic Council. Changes need to be made to the framework of the forum if it is to address these challenges that the permanent participants face but currently measures are not being taken. This is because the Arctic states and the Arctic Council are based on state-centric ideas regarding state sovereignty and operate in IR based on Westphalian ideology. For the member states the current framework benefits them because they have the most power of the actors in the Arctic Council and the permanent participants have to rely on them to get their point across.

Preface

This 12 ECTS thesis is my final project for a 180 ECTS BA degree in Political Science at the University of Iceland. I conducted the research during the spring semester of 2020 with the intention of graduating in June 2020. I would like to give special thanks to my supervisor, Dr. Page Louise Wilson, for the guidance throughout the process. I would also like to give thanks to my dear Mathies Sætre Rasmussen and Sahand Sohirad for proofreading the thesis. In addition, I would like to express gratitude to my wonderful family for the support throughout my studies.

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Abbreviations

AAC	Arctic Athabaskan Council
AC	Arctic Council
AEPS	Arctic Environmental Protection Strategy
AIA	Aleut International Association
ANCSA	Alaska Native Claims Settlement Act
ANWR	The Arctic National Wildlife Refuge
CIDSA	Circumpolar Inuit Declaration on Sovereignty in the Arctic
EU	European Union
FPIC	Free, prior and informed consent
GCI	Gwich'in Council International
ICC	Inuit Circumpolar Council
IGO	Intergovernmental and Inter-Parliamentary Organization
ILO	International Labor Organization
IPs	Indigenous Peoples
IR	International Relations
NGO	Non-Governmental Organization
NLCA	Nunavut Land Claims Agreement
PAME	Arctic Marine Environment
PP	Permanent Participant
RAIPON	Russian Association of Indigenous Peoples of the North
SAO	Senior Arctic Official
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

1 Introduction

For thousands of years indigenous peoples (IPs) have inhabited the Arctic, generally forming a special bond with the land on which they live. The various indigenous nations of the area have created and maintained their own culture, history and economy, but today all of them are faced with issues that compromise their way of life (Arctic Center, n.d.). In recent years, the Arctic has become very prominent in political discussions around the world. Sea-level rise, melting glaciers, economic opportunities and potential conflict between states for resources dictate the Arctic discourse (Palosaari and Tynkkynen 2015, 87). These issues of globalization, climate change and western way of life pose threats to IPs culture and livelihood in the Arctic (Arctic Center, n.d.).

For decades IPs have formed Arctic indigenous organizations to represent their peoples and address their challenges. They have been active in intergovernmental affairs (Gamble and Shadian 2017, 143) and used various platforms to get their messages across to states and other actors. One of the platforms is the Arctic Council (AC) where IPs organizations act as permanent participants (PPs) that partake in decision-making processes regarding the area and are consulted throughout the process by member states of the AC (Graczyk & Koivurova 2015, 307). The PPs almost have the same rights as the member states except they do not have a formal say in the final decision-making (Poto 2017, 40).

The research question is: 'To what extent does the Arctic Council address the rights and interests of the regions' indigenous peoples?'. The thesis will look at the AC framework and practices and aims to shine a light on how the AC can improve in order to better serve the rights and interests of IPs through the PPs. It will be argued that the AC is a leading platform regarding IPs participation but is currently state-centric. This is because the current framework benefits the member states more than the IPs through the PPs that lack representation and guarantee to participate at all levels like the platform intends.

The rest of this chapter will introduce and define relevant terms. The second chapter will explain state-centric theories and relevant concepts such as sovereignty and the Westphalian system. The chapter will also explain indigenous political theories and their relationship with state-centrism. In chapter three the current rights and interests of IPs

in the Arctic will be addressed first on the national level and secondly at the AC level. In chapter four the current challenges that the IPs face through the PPs in the AC will be explained to shine a light on the state-centrism of the AC. Finally, there will be a conclusion to recap the findings of the thesis. The thesis uses the Chicago author-date citation system.

1.1 Indigenous Peoples

Indigenous peoples are a wide range of populations that live all over the world but many of them share the same struggles and discrimination (First Nation Studies Program, 2009). The term 'indigenous' has been highly contested and is often politically charged. The United Nations (UN) have, for example, avoided defining the term and in its 2007 Declaration on Indigenous Rights (UNDRIP) (Meyer 2012, 328), a declaration that was arguably a milestone when it came to acknowledge indigenous rights (Poto 2017, 32), there is no definition to be found. The UN does however use a working definition that was created by José Marínez Cobo and goes as follows:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems (United Nations 2019, 5).

Another widely agreed upon definition was created by the International Labor Organization (ILO) during the Indigenous and Tribal Peoples Convention in 1989 (ILO No. 169) and can be found in Article 1b. It states that IPs are:

...peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions (ILO, 1989).

According to some scholars a useful way to think of IPs is through three characteristics: 1. IPs identify themselves as indigenous groups, 2. IPs have social and

cultural institutions that predate European colonization, and 3. IPs continue to maintain traditional ways of life today (Meyer 2012, 329).

IPs have faced constant oppression and have had to fight vigorously for their rights. The most important right for IPs is self-determination which is mentioned both in Article 3 and Article 4 of the UNDRIP. Self-determination means that IPs have the right to autonomy or self-government both for their local and international affairs. Through self-determination, IPs can freely pursue their economic, cultural and social development (United Nations 2006, 8). Land rights and ownership rights are also vital to IP and various UNDRIP articles as well (Meyer 2012, 329). These rights are all at the core of Arctic IPs politics (Meyer 2012, 339-340).

1.2 The Arctic Council

The Arctic Council was established in 1996 with the Ottawa Declaration. The founding members of the AC were the eight Arctic states, plus three indigenous organizations: the Inuit Circumpolar Conference (ICC, later Inuit Circumpolar Council), the Saami Council, and the Association of Indigenous Minorities of the North, Siberia and the Far East of the Russian Federation (RAIPON, later Russian Association of Indigenous Peoples of the North). These indigenous organizations are permanent participants (PP) of the AC (Ottawa Declaration 1996). The aim of the AC is to promote:

...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 (Ottawa Declaration 1996).

Decision-making in the AC is based on consensus at all levels. The forum is based on a bottom-up principle which means that most projects and actions start in Working Groups where specialists from the Arctic states, PPs and observers can participate. Once a consensus is reached in Working Groups, proposals move up to Senior Arctic Officials (SAOs) who review them and make adjustments with national interests in mind whilst PPs are consulted as well. After this stage proposals move to the highest forum of the AC where they can be put into action. This forum is called the Ministerial meeting and is held biennially at the end of each chairmanship which the member states take turns chairing.

The consensus reached in the AC thus involves a broad range of actors which usually leads to well recognized and legitimate policies (Graczyk & Koivurova 2015, 307-309).

The AC is a soft law body (Koivurova & Heinämäki 2006, 104) that does not have a legal personality. In function the AC sets its own agenda, adopts reports, makes recommendations and its own rules of procedure. Member states follow the rules because of a collective political will and consider decisions binding in an ethical sense rather than in a legal sense (Wilson 2016, 57). Although the AC itself cannot make legally binding decisions three legally-binding agreements have been made by the member states under the auspices of the AC (Koivurova 2018, 289-290); The Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic, the Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic, and the Agreement on Enhancing International Arctic Scientific Cooperation (Loukacheva 2020, 111). This demonstrates how the AC has been able to bring about legally binding agreements even though itself is a soft-law body (Koivurova 2018, 289-290).

1.3 Permanent Participants in the Arctic Council

There are currently six PPs in the AC. Alongside the three PPs that became members when the AC was formed, the Aleut International Association (AIA), the Arctic Athabaskan Council (AAC) and the Gwich'in Council International (GCI) have become members as well. All of the PPs are indigenous organizations that represent their constituencies in the AC (Gamble and Shadian 2017, 143-144). According to Article 2 of the Ottawa Declaration:

Permanent participation equally is open to other Arctic organizations of indigenous peoples with majority Arctic indigenous constituency, representing:

- a) a single indigenous people resident in more than one Arctic State; or
- b) more than one Arctic indigenous people resident in a single Arctic State.

The determination that such organization has met this criterion is to be made by decision of the Council. The number of Permanent Participants should at any time be less than the number of members (Ottawa Declaration, 1996).

The article also addresses the role of the PPs which was created in order to provide Arctic IPs active participation rights and full consultation within the AC (Ottawa

Declaration, 1996). Consultation aims to create an opportunity for a meaningful dialogue with IPs, encourages engagement in good faith and helps to reach a consensus and understanding (Allard 2018, 26).

It is worth considering how much of the Arctic population the PPs represent but according to the Arctic Human Development Report, approximately four million people live in the Arctic (Arctic Center, n.d.). Unfortunately, it is a difficult task to estimate how many of the Arctic inhabitants are indigenous. This is because not all states record ethnicity and records vary in accuracy as well depending on the state (Young & Bjerregaard 2019, 1653749). According to the Arctic Center about 10 per cent of the four million inhabitants in the Arctic are IPs (Arctic Center, n.d.) and a similar figure appears to be agreed upon in the Arctic Council, or approximately 500,000 (Arctic Council 2020). However, research by Young and Bjerregaard (2019) suggests the number of IPs in the Arctic is substantially higher, or 1.13 million (Young and Bjerregaard 2019, 1653760) and those findings are similar to those of Nordregio (2019) that estimates approximately one million IPs inhabitants in the Arctic (Wang & Roto 2019). Because of the varying numbers it is difficult to estimate how much of the IPs in the Arctic are getting represented through the PPs. Table 1 notes the Indigenous population each PP organization represents according to the Arctic Council (2020) and they are in total approximately 569,350-599,350. However, as discussed before, the estimates for total IPs population vary greatly and in light of that the estimated representation of IPs through the PPs cannot be provided here with the current data. It is important to note that more than 40 different ethnic groups can be found in the Arctic (Wang & Roto 2019; Arctic Center, n.d.) of various sizes and the PPs thus do not represent the entire IPs population in the Arctic. However, according to the above-mentioned numbers they should at least represent roughly 50 per cent of the Arctic IPs if not a higher percentage.

Table 1: Number of Indigenous Peoples Represented by Permanent Participants

Indigenous Organization	Indigenous Population
The Aleut International Association	15,350
The Arctic Athabaskan Council	45,000
Gwich'in Council International	9,000
Inuit Circumpolar Council	180,000
Russian Association of the Indigenous Peoples of the North	270,000
The Saami Council	50,000 – 80,000
Total	569,350 – 599,350

(Arctic Council 2020)

The PPs have delegates that attend AC meetings and partake in working groups and task forces. The PPs have full consultation rights regarding ACs negotiations and decision-making (Arctic Council 2015). This model is unique because IPs organizations are usually considered non-governmental organizations (NGOs) and gain status as observers in various forums, but PPs status provides a more equal role towards the AC member states. The Indigenous Peoples' Movement has for example praised the model and the partnership it has created between states and IPs (Koivurova & Heinämäki 2006, 105-106).

2 Theoretical Framework

In the following, state-centric theories will be discussed with the focus on the concept of sovereignty which lies at the heart of state-centrism as well as the Westphalian system that prevails in international relations (IR). These ideas are however being challenged by various actors such as IPs. Hence, indigenous political theories will also be explained in the chapter to provide an understanding for the current ideology behind IPs political interests and rights. These ideologies are important to explore because the AC is a platform where state and non-state actors participate together on an international level. Since the following chapters will be explaining the relationship between these actors through the AC member states and the PPs it is vital to understand the dynamics of the relationship between states and IPs in IR and to understand the history behind the system in which it currently thrives.

2.1 State-centrism and Sovereignty

State-centric theories in international relations assume that states are the main actors in world politics (Lake 2008, 42). State-centrism does not reject the existence of other actors but rather demonstrates that states are vital actors that need to be placed at the core in IR (Lake 2008, 42). According to Bell and Hindmoor (2009), states build relationships with non-state actors through alternative governance arrangements in order to strengthen their own capacities. By working with various stakeholders such as interests-groups, states can sometimes achieve goals they would not have on their own. Getting important stakeholders to endorse policies can also help create legitimacy for the state. The relationship between the state and non-state actors can be beneficial to all parties involved. That does however not mean that the relationship is equally beneficial to all actors as states usually dominate the situation (Bell & Hindmoor 2009, 10-11).

According to Lake (2008) there are three reasons that help explain why states are at the center of IR;

1. States possess national interest which can either be based on the homogeneous policy of the state or domestic institutions that create a collective ordering.

2. States are authoritative actors who create binding policies on their citizens. They are sovereign entities which means they have the final authority over their territories and citizen.
3. Theories of systems-level processes assume that states can be used in analysis especially when the processes affect states as states (Lake 2008, 43-45).

As Lake (2008) notes, state-centric theories are based on the notion that states are sovereign actors. The concept of sovereignty is worth exploring further as it is an important part of IR theories and state-centrism.

Sovereignty has been the key concept when it comes to the ordering principal of political organizations since the collapse of ecclesiastical authorities and has defined political communities with borders. People are placed as citizens within these borders whilst beyond them anarchy prevails (Shaw 2008, 3). Sovereignty as a concept is variable but in IR the focus is often on the external part of it (Lake 2008, 50) which implies that states can freely determine their relations with other states and entities and that other states cannot control or restrain it. Sovereignty also implies certain internal powers of a state where it has the power to implement its own laws, create political institutions and make decisions for its citizens without being interfered with by other states. Territorial borders define the area in which states have these rights (Parrish 2007, 294-295). The modern state is based on the Westphalian political system that is rooted in the Peace of Westphalia from 1648 (Shadian 2014, 12-13). The Peace was made as a response to a series of crises in Europe and concluded the Thirty Years War (Pourmokhtari 2013, 1768-1775). It was based on two assumptions; Firstly, that no individual could be subject to more than one sovereign and, secondly that only one power could be in charge of a single territory. The French and American revolution later brought about further changes to the concept of sovereignty placing the focus on people as collectives rather than on monarchies. This created the concept of nation-states which united the land and the people. The legitimacy of states was thus created through nation-building where the idea of 'a people' sharing a territory came to life. Following the establishment of the UN in 1945 the concept of sovereignty was further reaffirmed through the creation of modern international law. The UN used the Peace of Westphalia as a base to develop its laws creating the modern Westphalian international legal system (Shadian 2014, 12-13) which is based on a West-centric ideology (Pourmokhtari 2013, 1777). In international law a

state-centric view has thus prevailed. Individuals are not directly required to protect human rights but rather states that should do so through law and policy (Mishra 2019, 57).

This current international order focusing on states is problematic in many ways, and with globalization these norms in IR have been challenged. The term globalization is highly contested, and many various arguments seek to explain whether it is an independent process and when it began. However, one of the key questions that has emerged from globalization is the idea of the sovereign states (Shaw 2008, 3). Among the actors that question this concept are IPs as the following section will explain.

2.2 Indigenous Political Theories: A Challenge to the Status Quo

The state-centric ideology has been dominating in IR focusing on state sovereignty and the Westphalian-system. This system has been highly problematic for IPs as IR can overlook their political communities and alternative ways of life (Lightfoot 2016, 5). The notion of a nation-state has been organized socially and politically with European models in mind which vary greatly from IPs traditional political structures. IPs usually have tribal and kinship ties where political structure are decentralized and territories overlap (Parrish 2007, 297). This structure counters the Westphalian ideas of state sovereignty.

The notion of nation-states has been deemed very problematic for IPs as it has granted monopoly of legal personality to European powers and whilst IPs do not qualify as states, they do not have the same legal personality (Parrish 2007, 297). Because they are not states, they do not have the same rights since, as mentioned before, international law and politics are state-centric and state power prevails (Mishra 2019, 57). IPs have therefore had problems gaining rights to their ancestral lands and group autonomy and have been referred to as 'nations within' or 'entrapped peoples' (Parrish 2007, 297).

Both IPs and post-colonial states share similar experiences with the Westphalian system due to marginalization, 'othering' and processes of assimilation. Therefore, both post-colonial theories and IPs theories seek to disturb the Western cultural and political hegemony. However, these schools differ in that the IPs were not included in the UN decolonization project and have therefore not been 'decolonized'. Indigenous political and legal theory emerged in the late 1990s and has demonstrated the 'incomplete post-colonialism' that has resulted from the exclusion and erasure of IPs in IR. In order for

'post-colonial completion', indigenous inclusion challenges five concepts in IR: the state, liberalism, decolonization, diplomacy and Westphalian sovereignty (Lightfoot 2016, 5-7).

When it comes to the idea of the state, the current form creates an unequal relationship between the state and other actors which does not accommodate mutual recognition, consent and cultural continuity for IPs. IPs challenge the concept of state because of their claims to self-government, land ownership and resource management, community organizations, identity and alternative institutional patterns (Lightfoot 2016, 6-7). These claims of course do not fit within the current structure of state sovereignty and the ideas of the nation-states. They would, for example, involve states having to give up areas of land which counters the idea of state sovereignty and the importance of state territory (Parrish 2007, 294-295). It is worth mentioning that both Denmark and Canada have however addressed these claims to some extent. Canada agreed to sign the Nunavut Land Claims Agreement (NLCA) in 1993 which gave Inuit title to 350,000 square kilometers of land and in 1999 Nunavut became a territory in Canada and is predominantly Inuit (Henderson 2007, 1). The NLCA was intended to promote Inuit's inherent right to self-government and is a unique platform for IPs (LeTourneau, 2018). However, the Act still provides the state of Canada great power as the territory was made within the state and is not an autonomous region. According to Ritsema et al. (2015), this limits Inuit self-determination as the federal government can make the final decisions on Nunavut's projects (Ritsema 2015, 165). The territory of Nunavut thus demonstrates some form of self-government and state willingness to provide power to IPs but only within the state system's limits. Denmark's relationship with Greenland also demonstrates a willingness to address IPs claims. With the Self-Government Act in 2009 Greenland has the possibility to become fully independent from Denmark (Kristensen & Rahbek-Clemmensen 2017, 5). This creates an opportunity for Inuit in Greenland to practice sovereignty although it must be considered that it would be in the form of state sovereignty. It varies between IPs but according to Shadian (2018), many Arctic IPs seek to attain cultural integrity rather than becoming a state (Shadian 2018, 332) which must be taken into account when addressing IPs rights and interests. However, in Greenland's case this does not seem to be a prominent issue (Kuokkanen 2017, 184).

Liberalism has been found to be incompatible with IPs rights as it seeks to treat IPs the same as any other members of society. Instead of focusing on IPs as sovereign nations liberal democracies have sought out to make IPs ethnic minorities of their respective states (Lightfoot 2016, 8-9). This is done through processes of integration, inclusion and assimilation that according to liberal framework should “help” IPs develop. However, this ideology ignores the fact that IPs are nations with their own models of development (Watene & Merino 2019, 138). In order to treat IPs as equals, indigenous theories have argued that they need to be recognized as different peoples, for example, regarding certain cultural practices. The failure of liberal states to recognize and accommodate IPs and their differences thus causes discrimination (Lightfoot 2016, 8-9).

Decolonization has been problematic for IPs as they have not been included in such efforts. During the colonial period the Doctrine of Discovery was created which in practice allowed for European nations to claim unoccupied lands and in doing so preventing other European nations from claiming them. Furthermore, the Doctrine of Discovery gave European settlers the rights to govern the native territories without the consent or knowledge of the IPs. During the UN decolonization project in the 1950s IPs were not included due to the ‘salt water’ thesis which concluded that colonial powers would only have to give up non-contiguous colonies overseas. The thesis was strongly supported by the United States and the Soviet Union and was passed in the General Assembly in 1960. IPs have thus been left out of the decolonization process in what has been described as “*the unfinished business of decolonization*” (Lightfoot 2016, 7-8). The exclusion of IPs shows the colonial denial of two key aspects of indigenous politics: 1) denial of IPs territories and 2) denial of IPs as nations. The current relationship between many IPs and colonial-settler states demonstrates this as IPs are usually not considered ‘sovereign nations’ but rather as ‘indigenous communities’ which does not provide them with territorial rights (Watene & Merino 2019, 137-138).

Diplomacy for IPs is rooted in non-state-centric practices that pre-date European colonialism. It is based on a bond with the land by social and cultural collective right claims that do not coincide with the state diplomacy that is based on inherent logics (Lightfoot 2016, 9).

Westphalian sovereignty also puts limitation on IPs because it is rooted in foreign and colonial concepts to IPs as it is based on the European imperial agenda and on dominance. Indigenous politics are based on autonomy, freedom and respect (Lightfoot 2016, 9) and according to James Anaya, former UN Special Rapporteur on Indigenous Rights, IPs do not view states as the highest and most liberating form of human association (Pitty & Smith 2011, 126). The IPs ideology thus challenges the Westphalian ideology which, as has been demonstrated, focuses on the state and its legitimacy as an IR (Mishra 2019, 57).

In *Global Indigenous Politics: A Subtle Revolution* (2016), Sheryl Lightfoot discusses the shift in international politics that IPs rights and movements cause. In the book she explains how IPs can be transformational norm vectors which challenge the current international order. In the current order the Westphalian state sovereignty dominates, at least one state is presumed to already have existing norms, and the focus is on aligning, emerging and diffusing state behavior and norms. However, indigenous politics are pushing for new norms, alternative political orders, land rights and self-determination that does not have to be based on sovereign states, and the possibility for multiple political relations (Lightfoot 2016, 17).

The theoretical framework behind the thesis has now been explained and it demonstrates how different the indigenous political theories and state-centric theories are. It is beneficial to know the history behind the prevailing Westphalian system, the place IPs hold in IR and the challenges IR sets for them. This is because it provides a better understanding of the pros and cons of the role of the PPs and member states in the AC and helps to understand why the AC operates in the manner it does. By exploring indigenous political theories and state-centrism an understanding for the relationship dynamics between states and IPs and the current international system have also been provided. It demonstrates the rights and discourse that dominates IR and the different norms that these actors bring with them to the AC.

3 Rights and Interests of Arctic Indigenous Peoples

In order to explain to what extent the AC addresses Arctic IPs rights it is important to explain in further detail what rights the Arctic IPs hold today and what their interests are. The Arctic consists of over 40 ethnic groups (Wang & Roto 2019; Arctic Center, n.d.) and it must be acknowledged that their interests and rights differ. IPs vary regarding politics and size, degree of sovereignty and autonomy, and their relationships with their respective states (Shadian 2018, 331). The chapter will seek to explain what rights and interests' Arctic IPs hold both at the national level and within the structure and workings of the AC.

3.1 The National Level

Today, IPs live as citizens in all of the AC member states except for Iceland, which does not have an indigenous population since there were no inhabitants in the country before the Norse settlement (Nuttall 2018, 67). The Arctic IPs have been deeply affected by colonialism and paternalism for centuries (Exner-Pirot 2015) and have been subjects to government policies of assimilation, forced resettlement and various processes of marginalization. Through IPs' organizations and indigenous rights movements, the Arctic IPs have demanded that they regain control over their lives and lands (Nuttall 2018, 69). In response to the past assimilation policies many indigenous groups have redefined the concept of nation-building, aspiring to create alternative sovereignties where the focus is on gaining cultural sovereignty rather than state sovereignty (Shadian 2018, 332-333). Sovereignty relates to self-determination (Byers 2009, 7), a legal right that many Arctic IPs put emphasize on gaining (Shadian 2018, 332-333), and is often considered a contradiction to state sovereignty (Kolås 2013, 500). Through institutionalization of legal documents such as land claim agreements Arctic IPs have been able to gain this right to some extent (Shadian 2018, 332-333).

As was mentioned in the introduction, IPs have the right to self-determination under UNDRIP, meaning they can "*freely determine their political status and freely pursue their economic, social and cultural development*" (UNDRIP 2007, 8). Self-determination rights are also an important factor in the decolonization process of the developing world according to the UN Charter (Byers 2009, 7). The UNDRIP is not legally binding but according to states such as the US and Australia, it has political and moral value and sets

an example in the international sphere which nations should follow. It should also be noted that numerous UN bodies and specialized agencies use UNDRIP as a *parameter of reference* in their work, regional bodies such as the Inter-American Court of Human Rights and the Africa Commission on Human and Peoples' Rights use the UNDRIP as well as some nation-states such as Bolivia, Peru and Columbia. The UNDRIP is thus gaining legal value although it is not binding in itself as a document (Isa 2019, 12-15) and currently mainly provides a political right rather than a legal one. Documents such as the Self-Government Act in Greenland (2009), which provides self-determination in a legal sense (Statsministeriet n.d.), are thus important to keep in mind as well when exploring how IPs and states approach the concept of self-determination.

With self-determination and alternative sovereignty in mind, the Arctic IPs have focused their attention on how they can build up capacities for self-rule and self-determined economic development and sustainable community with self-governing institutions (Shadian 2018, 332-333). These ideas of self-government and self-determination challenge the current statist sovereignty discourse (Kolås 2013, 501). This is because if these rights are to be respected by states where IPs reside, it would mean that the states would have to give up certain sovereignty and power over IPs territories (Forgeron 2015, 66).

The UNDRIP is the most extensive international instrument on indigenous rights worldwide. Originally 144 states voted in favor of the UNDRIP in 2007, 11 states abstained including the AC member state Russia, and four voted against it including the AC member states Canada and the United States. In recent years both Canada and the United States have reversed their position and expressed their support for the UNDRIP (United Nations, n.d.). However, the Russian Federation has not changed their position and is thus the only Arctic state that has not endorsed the UNDRIP (Murashko & Rohr 2019, 44). As well as guaranteeing rights to self-determination the UNDRIP guarantees IPs various rights including; autonomy, freedom from discrimination, use of traditional lands and resources and mitigation of negative environmental, cultural or social impact (Forgeron 2015, 65-66). According to Daryn Forgeron (2015) many policies shaped by the Arctic states are intended to serve the states' best interests and IPs rights become a side note in the process. This is not to say that the Arctic states do not value the importance of IPs rights

but rather points out that the Arctic states have been hesitant in affording power to the IPs because it will limit their own power (Ibid). An example would be Nunavut as a self-governing territory but still within Canada and the federal system which has the ultimate power (Ritsema 2015, 165). This demonstrates the prevailing Westphalian state-centric ideology where state sovereignty is bound by a territory and losing parts of the territory would diminish the state power, hence, not be in the state's best interest.

The Arctic states vary greatly in how and whether they follow the UNDRIP and afford power to their respective IPs. It is worth noting that Arctic IPs and relationships with Arctic states can vary between IPs as well. Here, the focus will be on relationships between AC member states and IPs that are represented through PPs. According to Article 2 of the Ottawa Declaration PPs should be consulted by the member states (Ottawa Declaration, 1996). It is thus important to explain IPs that are represented through the PPs current relationship with their respective states since it could affect the PPs relationships with the AC member states.

The Saami inhabit the northernmost parts of Sweden, Norway and Finland as well as the Kola Peninsula in Russia. In 1987 a Saami Parliament was established in Norway followed by Sweden and Finland. The Saami thus have sub-national self-governmental functions through their parliaments (Kolås 2013, 500-501). Through the parliaments Saami promote initiatives and manage laws and directives from the national government rather than acting as an autonomous decision-making body. Land claims and resource rights are key components when it comes to Arctic IPs relation with their government which is an ongoing issue for the Saami. In Finland 90 per cent of land that Saami inhabit is owned by the Finish government and in Norway and Sweden land rights are being negotiated (Nuttall 2018, 69-70). The three Nordic governments and the Saami Parliaments finalized the Nordic Saami Conventions in 2017 which is still under consideration in the respective states. The UN Human Rights Committee and the Committee on the Elimination of Racial Discrimination have recommended a speedy adoption of the convention as the document is an important part in further development of Saami self-determination. Because of the slow process tension has been increasing between the Nordic states and the Saami who claim rights violations on behalf of the states are growing, especially in relation to their land rights (Vars 2019, 54). Reindeer

herding is also essential to Saami culture but the shrinking of herding lands as well as environmental damage are threatening the Saami culture. The UN has, for example, urged Norway to designate area of land to prevent this issue which has yet to happen (Minority Rights Groups International, 2020).

Russia differs greatly from the other Arctic states and does not recognize IPs as such, but rather recognizes the rights of “indigenous minority peoples of the North” where rights to consultation and participation are given in specific cases (Murashko & Rohr 2019, 44). Therefore, the Saami in Russia (Vars 2019, 53) and the RAIPON are organized into NGOs (Murashko & Rohr 2019, 44). The Russian government has viewed small indigenous groups as minorities that need protection from the state whilst indigenous groups that are not small enough in population are considered ‘national minorities’ (Sidorova 2019, 79). The status as ‘indigenous minorities’ is tied to specific conditions (Nuttall 2018, 70) which puts great limitations on IPs way of life. This is because their rights heavily depend on their registered identity which, unlike in many states, is determined by the Russian authorities and not the indigenous communities (Murashko & Rohr 2019, 45). Another issue is that as indigenous populations grow, they could lose their status as ‘indigenous minorities’ and become ‘national minorities’. Since the RAIPON only represents small Russian indigenous groups, IPs that are currently represented by the RAIPON might eventually get excluded as their populations grow (Sidorova 2019, 79). This does of course pose great limitation to rights of IPs both at the national level and at the AC because the RAIPON works with the government of the Russian Federation and the State Duma on legislation regarding IPs and is a PP in the AC (Arctic Council, 2020). If IPs population start losing their indigenous status, they will no longer be represented at state level nor at the AC through the RAIPON. The Sakha and Komi are examples of indigenous nations that according to the Russian federation are too large to be considered indigenous minorities and are therefore not included in the RAIPON. They are thus already voiceless as IPs at the national level and in the AC (Sidorova 2019, 79-80) and more IPs could follow.

In Greenland, which is recognized as ‘a distinct community within the Kingdom of Denmark’ approximately 89 per cent of the population is Inuit (Kolås 2013, 502). Greenland gained home rule through the Greenland Home Rule Act in 1978. According to

the act Denmark must consult with Greenland before concluding international treaties that affect Greenland's interests (Queen's University, n.d.). Greenland is a self-governing territory which has its own parliament and government and thus has both legislative and executive powers (IWGIA 2019, 27). The Greenlandic-Danish Self-Government Act came into force in 2009 which recognizes the people of Greenland as people with self-determination rights under international law. The Act created a room for the people of Greenland to become independent although such an agreement must have the consent of the Danish and Greenlandic parliaments and has to be endorsed through a referendum in Greenland (Kolås 2013, 502). There has been some debate regarding the Act because of the Western framework it follows, and the model has been called "unquestionably 'Danish'" (Kuokkanen 2017, 184). However, for many Greenlanders Inuit values are represented through the Act. This is because Inuit Greenlanders played a central role in the drafting of the Act, and because of the vast support the Act received in a referendum in Greenland (ibid).

Through the Authorization Act in 2005 Greenland gained rights to enter into international consultation and agreements with foreign states addressing the legislative and administrative powers that Greenland uphold. Security policy and national defense issues are excluded from the list and are considered matters that Denmark deals with. Today, the Greenland Administration of Justice Act (1951) and the Greenland Criminal Code (1954) form the basis for the Greenlandic justice system. The system allows customary and traditional practices and is a 'hybrid' of laws unified in Danish statutes. Greenland also has two seats appointed to them in the Danish parliament according to the Constitutional Act of Denmark from 1953 and is also represented in the Danish central state through the Rigombudsmand (the High Commissioner) in Greenland (Queen's University, n.d.). Today Greenland is faced with issues regarding potential exploitation of resources such as oil that might become accessible as the Greenlandic ice cap melts due to climate change. Tension has risen because on one hand further exploitation could benefit Greenland economically, decreasing its dependence on Denmark. On the other hand, exploitation could jeopardize the basis of traditional Greenlandic lifestyle (Rud 2017, 135). According to Kuokkanen (2017), many Greenlanders claim that the implementation of the Self-Government Act has yet to begun and some propose that resource extraction will move the process forward. However, many find that the meaning

of self-government is not clear to people. This makes it harder to implement the Act because people are not sure what to do differently in order to make the change (Kuokkanen 2017, 189-190).

The majority of Inuit live in Canada and they are represented at the local level through the political party Inuit Tapiriit Kanatami. In the past decades Inuit leaders in Canada have worked towards an increased recognition of self-determination and self-government (Nuttall 2018, 72-73). According to section 35 of the Constitution Act (1982) IPs have rights to their territories and today large areas of Inuit *Nunaat* (Campell 2015), the transnational Inuit homeland (Greaves 2016, 465), are covered by treaties between Canada and the Inuit. These treaties cover both areas of land and of the ocean, for example; the James Bay and Northern Québec Agreement (1975), the Inuvialuit Final Agreement (1984), Labrador Inuit Land Claims Agreement (2005) and the Nunavut Land Claims Agreement (1993) which is the largest Aboriginal land claims settlement in Canadian history (United Nations Economic and Social Council 2012, 11-12). Land claims such as these are vital in order for Inuit to achieve autonomy and are an important instrument for Inuit to use their self-determination in practicing (Greaves 2016, 468). The Inuit also have title to areas of the Inuit *Nunaat* that are within Canada as well as areas Arctic states do not reach and are not covered by treaties. However, the rights of the Inuit have been largely ignored by Canada and other Arctic coastal states (Denmark, Russia, United States and Norway) that, for example, all claim large areas of the Arctic seabed. If Canada is to extend their claim to extended continental shelf in the Arctic Ocean it needs to engage with the Inuit as their treaty partners (Campell 2015). However, according to Greaves (2016), Canada has failed to consult Inuit on matters that affect them which undermine their rights (Greaves 2016, 468). This is because Canada is required to engage with Inuit and make sure they are fully informed on these issues (Campell 2015). The Ilulissat Declaration in 2008 is an example of this failure. Then, the Arctic coastal states agreed to extend their boundaries within the Arctic Ocean without consulting the Inuit (Campell 2015). This was done by excluding indigenous actors such as the ICC to the initiative (Rahbek-Clemmensen & Thomasen 2018, 24) and by dismissing the rights Inuit have obtained through international laws, territorial claims and other processes that provide Inuit with consultation rights and land rights (Pelaudeix 2012, 79).

The Inuit have also judged the Canadian government for their lack of action in implementing the UNDRIP (Argetsinger 2019, 36) which would benefit the Inuit regarding their self-determination and land rights. It would also potentially prevent issues that were formerly discussed since the UNDRIP would become binding.

The Athabaskan peoples and the Gwich'in inhabit the North-American Arctic (Arctic Athabaskan Council, n.d.; Gwich'in Council International, n.d.) whilst the Aleut occupy areas of the United States and Russia (Arctic Council, 2020). Settlements such as the Alaska Native Claims Settlement Act (ANCSA) in 1971, which ensured ownership of IPs over large parts of territory in Alaska (Golomidova & Saburov 2016, 65), and the comprehensive land claims agreement with Gwich'in and Sathu Dene in the early 1990s (Nuttall 2018, 69) were somewhat positive steps in the battle for Arctic IPs. Although, the ANCSA failed to address the IPs rights to self-determination (Dorough 2010 ,210).

In the US National Strategy for the Arctic region in 2013, the unique legal relationship between tribal governments and the United States was underlined and emphasis put on the consultation rights of Arctic IPs (Golomidova & Saburov 2016, 65) an important right for the development of self-determination for IPs.

In 1975 the US congress passed the Indian Self-Determination and Education Assistance Act which makes it easier for IPs to make contracts and provides them with greater self-determination rights. Through the Act, IPs can negotiate directly with the federal government and get funding for their own projects (University of Alaska Fairbanks, n.d.). At the federal level, policies regarding IPs in Alaska and other states are governed by the President, Congress and the Department of the Interior (Golomidova & Saburov 2016, 65). It could thus be argued that IPs rights and contracts IPs are able to make depend on the policies and emphasis at any given time at the federal level.

IPs in Alaska face serious socio-economic problems and environmental problems, such as attacks on hunting and fishing rights (Alaska Federation of Natives 2020). Since 1990s the State of Alaska has blocked any efforts to provide IPs with rights or priority to those recourses (University of Alaska Fairbanks, n.d.). The Arctic National Wildlife Refuge (ANWR) has also become a topic for discussion regarding potential opportunities for oil and gas development. The ANWR effort began in 1957 as a reserve for ecological, cultural and traditional significance for IPs. The ANWR is at risk due to the current discourse and

according to Zentner et. al. (2019) the US federal government has failed to consult IPs which has led to increased tension between these actors (Zentner et. al. 2019, 534-538).

The current relationships between Arctic IPs represented by PPs and the AC member states have now been described in brief. To summarize, the Arctic IPs face various issues such as difficulties with holding the title as IPs, issues regarding land rights and resources, social and economic issues and challenges regarding self-determination and self-governance. Because the thesis explores challenges to IPs rights in the AC the section above does not go into great detail on issues within each state and acknowledges that the IPs discussed are faced with various issues and have various interests. There is however a theme; all of the IPs report struggle with issues regarding self-determination and land rights in their respective states, although Greenland could be considered an exception on some level. Because these rights are at the core of Arctic IPs politics and have been identified as challenges within the Arctic states, they will be focused on in the following section. Concepts such as free, prior and informed consent (FPIC) and sovereignty will also be addressed because they are parts of these issues.

3.2 In the Arctic Council

In relation to self-determination rights that Arctic IPs are entitled to and are fighting for, IPs also have rights to FPIC that are addressed in the UNDRIP as well (UNDRIP 2007). FPIC relates to IPs self-determination rights because according to Article 4 of the UNDRIP in practicing self-determination IPs “have the right to autonomy or self-government in matters relating to their internal and local affairs” (UNDRIP 2007, 8). These rights could be applied to the AC as well because PPs consultation and participation are key factors in the AC according to the Ottawa Declaration, and local issues such as the well-being of Arctic IPs are key issues at the AC (Ottawa Declaration 1996). The UNDRIP is not a legal document (Forgeron 2015, 65-66), as has been mentioned, but it challenges the current legal thought (Henderson 2017, 12) and legitimizes non-state challenges to state authority and sovereignty (Nicol 2017, 797). State sovereignty is already being questioned in contemporary politics due to globalization and the Arctic is no exception (Kolås 2013, 501). In Article 2.1 of the Circumpolar Inuit Declaration on Sovereignty in the Arctic (CIDSA) from 2009, the concept of sovereignty is discussed:

“Sovereignty” is a term that has often been used to refer to the absolute and independent authority of a community or nation both internally and externally. Sovereignty is a contested concept, however, and does not have a fixed meaning. Old ideas of sovereignty are breaking down as different governance models, such as the European Union, evolve (ICC, 2009)

What is interesting in this article is that the ICC refers to the legitimate international actor the European Union (EU) which arguably challenges state sovereignty like the UNDRIP does. This sets an example where non-state actors can influence in a way that according to traditional state sovereignty concepts only states can. The concept is already in flux and the UNDRIP thus provides guidelines on how changes can be made, and IPs have already used it to their advantages in documents such as the CIDA (ICC, 2009). The challenge however remains that the Arctic states must institutionalize the UNDRIP and for now Arctic IPs could be considered to have a moral right rather than a legal right to the articles of the UNDRIP. In the AC decisions are based on moral obligations (Wilson 2016, 57) and thus it could be argued that IPs rights should be considered on moral grounds until UNDRIP implementation becomes reality, especially because of the Ottawa Declaration. Admitting IPs as PPs in the AC could be considered a step in the right direction as it is the only institution where IPs, as non-state actors, have a form of membership that can contribute at this level (Chater 2019, 149-150). However, further challenges that the Arctic IPs and the PPs face could be solved if the member states were to move towards implementation of the UNDRIP. The implementation of the UNDRIP would be in line with indigenous political theories but as has been demonstrated the state-centrism currently prevails which leaves the decisions up to the states.

Arctic IPs have been involved in the AC from the start and took part in forming the Arctic Environmental Protection Strategy (AEPS), AC’s predecessor. Mary Simons, a former ICC leader, pointed out when the AEPS was signed that:

[IPs] 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 (Shadian 2018, 339).

This comment crystalizes the Arctic IPs interests to represent themselves and their lands in Arctic cooperation and through the PPs role they have been able to do so to some extent.

The PPs play a vital role in the AC because they can have a say in the decision-making process every step of the way and help legitimize the AC's actions (Koivurova 2011, 181). Because of the IPs engagement, the AC has been described as a "*virtuous example of civic engagement that shall inspire other international fora for best practices*" (Poto 2017, 40). The AC is a forum that arguably provides IPs a platform and other institutions should follow suit as it is committed to a cooperation between the member states and the PPs.

The rest of this chapter will seek to explain rights and interests the PP's have at the AC. This is important in order to understand the value of the PPs before addressing the challenges that can compromise the PPs ability to participate according to the Ottawa Declaration (1996) which will be explored in the following chapters.

In 2017, the Ministers representing the member states and representatives of the six PPs met in Fairbanks, Alaska, to reaffirm their commitment to the cooperation. According to the declaration, that was signed by all member states, the AC recognizes:

...the rights of Arctic indigenous peoples and the unique role of the Permanent Participants within the Arctic Council, as well as the commitment to consult and cooperate in good faith with Arctic indigenous peoples and to support their meaningful engagement in Arctic Council activities (Fairbanks Declaration, 2017).

In the Ottawa Declaration from 1996, Article 2 states that the role of the PPs was created in order to provide active participation and full consultation with IPs in the Arctic (Ottawa Declaration, 1996). According to these two declarations the member states have thus committed to consult with the PPs as well as support their engagement in AC activities. This commitment for PP engagement can be demonstrated in practice as the following examples will show. However, as will be discussed in chapter four, there are currently challenges that diminish the impact in practice that the PPs have when compared with the declarations and Arctic IPs rights and interests.

PPs have the opportunity to represent their views on issues, sponsor projects and initiate work done in the AC like the member states. As has been mentioned before, they do not have the right to formally vote in the AC unlike the member states. Although, the member states must reach a consensus in order for actions to be carried out (Chater 2019, 150) and can therefore *veto* decisions. The PPs however have full consultation and participation rights as stated in the Ottawa Declaration (1996) and are thus almost provided with a *de facto* power (Koivurova & Heinämäki 2006, 104). The member states

usually seek opinions and consent from the PPs on matters of substance before making their final decision. This provides the PPs with the opportunity to informally *veto* decisions (Nord 2016, 38) before they are made at the Ministerial meetings.

PPs are generally listened to with respect (Fenge 2013, 18) and most member states seek opinions and consent from the indigenous organizations in their region before making final decisions on issues (Nord 2016, 38). This demonstrates how the PPs get the opportunity to use FPIC in practice.

The PPs have used their *de facto* power successfully in order to protect indigenous culture in the Arctic. An example of this is that the AC has not granted the EU an observer status. The EU, like many other actors, has shown increased interest in the Arctic in the recent years and has created an Arctic policy for itself. The EU has expressed its concerns regarding climate change and its commitment and responsibility to minimize its devastating effects. It has also expressed concerns regarding the Saami, whom are the only IPs living in continental Europe (Hossain 2015, 89-90). The AC has twice postponed the EU's application for observer status, both at the Kiruna and Iqaluit Ministerial meetings, in part because of significant opposition coming from the PPs (Nord 2016, 38). Even though the EU has developed a number of documents concerning IPs rights, the EU Seal Ban Regulation has presented setbacks regarding indigenous rights and culture and has had a damaging effect on Inuit economy (Hossain 2015, 90-96). The ICC played a vital role in blocking the EU from gaining observer status by demonstrating the importance of sealing in Inuit culture (Landriault et al. 2020, 68). At the Kiruna meeting in 2013, Canada, backed by Russia, stated the EU seal ban and its effect on Arctic IPs as the reason for its opposition to admitting EU as an observer whilst the Nordic countries wanted to admit the EU. A compromise was reached and the EU's application for observer status was accepted although without a final decision on implementation (Ingimundarson 2014, 192). The EU's European Council released a statement following the Kiruna meeting welcoming the decision of the AC and stating that it would work with the Canadian authorities to address the outstanding issues at hand (Ashton & Damanaki, 2013). The following year the EU decided to exempt indigenous seal products from its market ban and Canada has since reversed their position although Russia remains against providing the EU an observer status (Haines 2015). The impact that the ICC as a PP had on Canada

in this example shows that the PPs can affect decision-making in the AC and can make a difference on a transnational scale. This also demonstrates how the PPs can get indigenous viewpoints across through their role as PPs in order to protect their culture and rights which otherwise might not be considered. However, it must also be noted that Canada has been pushing for more IPs participation both at a national and AC level (Burke 2019, 106) which does show that although it is important that PPs participate the member states also need to show willingness to listen and follow PPs consultation. Therefore, the state-centrism can also be demonstrated since it is in many ways up to the member states to act in accordance with IPs policies and interests. The positive note is that by doing so the states are in some ways moving towards recognition for IPs as different peoples with different interests that need to be taken into account.

The PPs have also led and sponsored projects that have been undertaken by AC Working Groups. The Working Groups execute programs mandated by the AC ministers (Arctic Council 2020). They deal with specific priorities and each of them has a distinct membership which include specialists from relevant government departments and technical experts from various sources (Spence 2017, 795) as well as representatives from member states, PPs and observers (Arctic Council, 2020). An example of leadership the PPs have shown is the cooperation between the AIA, ICC and Saami Council when they created the report *Meaningful Engagement of Arctic Indigenous Peoples and Local Communities in Marine Activities* (Chater 2019, 158) in 2015. This project was taken up in the Arctic Marine Environment (PAME) Working Group with the purpose of taking stock of existing practices to engage IPs and local communities in marine activities and to analyze protocols, recommendations and other data. The project highlighted AC recommendations and identified good practices for meaningful engagement (PAME 2019, 5-9).

The AC should be a representative of interests and voices of the Arctic as a region (Landriault et al. 2020, 77) and projects such as these thus important to take on. These examples of PPs participation demonstrates the PPs capability to lead tasks that serve the interests of the Arctic inhabitants through cooperation and how important it is that PPs have the means to take on projects. This is not to say that member states do not put focus on local issues but as will be demonstrated later on in the discussion PPs tend to focus

more on the local issues than the member states (Chater 2019, 152-156). By leading and having meaningful input in AC discussion and policy-making, the PPs have the opportunity to use the rights of UNDRIP in practice and follow the articles of the Ottawa Declaration (1996) and the Fairbanks Declaration (2017). This opportunity to lead projects can be considered an effort that puts member states and PPs into a more equal role as leading actors in the AC. The PPs project leadership role has the potential to decrease the lack of balance between these two actors which currently exists in the AC due to state-centric ideology as the following chapter will explain.

4 Current Challenges

Now that examples have been provided to demonstrate what rights and interests IPs have at the national level and how these are asserted/practiced in the actions of PPs in the AC, it is important to address the limitation to their rights at the AC level. The chapter will shine a light on the current and ongoing challenges that IPs face in the AC as PPs and argue that for now the AC is a state-centric forum because PPs do not have the opportunity to practice sovereignty and self-determination in accordance with the Fairbanks Declaration (2017) and the Ottawa Declaration (1996). This is because currently the PPs face limitations regarding their participation and consultation rights in the AC and the member states exclusively hold the decision-making powers.

4.1 Underrepresentation

There are practical challenges that the PPs face in the AC which minimize the impact they can have in the decision-making process. The PPs do not have the same material capacities as the member states to maintain a high presence in AC activities. They operate small delegations with part-time employees, whilst the member states have better staffed bureaucracies (Chater 2019, 150). This is important to explore because PPs do not have the right to vote in the AC and their effectiveness on policies is thus based on their influence (Sidorova 2019, 78). It is therefore vital for the PPs to be represented at every level in the AC just like the member states if they are to participate and be consulted in full in the decision-making process as the Ottawa Declaration suggests (Ottawa Declaration, 1996). One could also argue that because one of the AC's goals is to give people of the Arctic a voice, the PPs are one of the few actors in the AC that actually do inhabit the Arctic. Most Arctic state diplomats who work for the AC are based in southern locations (Landriault et al. 2020, 66) and the same goes for observers. It therefore undermines the legitimacy of the AC if PPs are underrepresented in its activities.

The lack of representation that PPs face in the AC can be explored through researches done by Sebastian Knecht (2017) and Andrew Chater (2019) which show how the PPs are not as well represented as member states in AC meetings, and sponsor fewer projects than the member states. This ultimately creates challenges for the PPs because they cannot participate and fully consult on issues if they cannot attend AC activities.

4.1.1 Participation in the Arctic Council Meetings

Knecht looked at the attendance of stakeholders in the AC, which are the eight member states, six PPs, 32 observers and the EU who serves as an ‘observer in principle’, during the period from 1998-2015. The dataset used attendance in meetings as a proxy for participation and gave stakeholders a binary value: 1 for ‘attended’ and 0 for ‘not attended’. At least one representative on behalf of the stakeholder needed to attend in order for the stakeholder being given the value 1 (‘attended’). If attendance of a stakeholder could not be verified, they were not given a value. The dataset resulted in 5722 observations made from the 47 stakeholders during the above-mentioned time period. Most observations were on subsidiary body levels or approximately 75 per cent. Working groups were documented 3790 times and Task Forces 517. SAO meetings were documented 1138 times and Ministerial meetings 277 times (Knecht 2017, 208-209).

Table 2: Participation Quotas in AC Meetings from 1998-2015 (in per cent)

Type of Meeting					Avg.	Min.	Max.
	Ministerial meetings	SAO meetings	Working Group meetings	Task Force meetings (2013-2014)			
Member states	100.00	100.00	93.92	94.32	95.38	84.56 (Iceland)	99.33 (Canada)
PPs	97.50	97.63	41.56	34.85	55.01	41.06 (GCI)	71.33 (ICC)
Observer States	86.36	80.22	21.77	27.27	36.09	26.24 (Germany)	68.57 (Republic of Korea)
Observer IGOs	61.36	61.20	13.16	10.39	24.92	1.41 (UN Economic Commission for Europe)	48.61 (UN Environmental Programme)
Observer NGOs	61.54	54.43	19.55	5.60	27.17	9.52 (International Federation of Red Cross and Red Crescent Societies)	67.36 (World-Wide Fund for Nature)
‘Observer in Principle’ EU	85.71	80.00	33.33	45.45	46.53	-	-

(IGO: Intergovernmental and inter-parliamentary organization) (Knecht 2017, 210).

The findings from the research show that participation in the Ministerial meetings is the highest amongst all stakeholders. As Table 2 shows, participation of the member states remains high at all levels whilst it drops dramatically for both the PPs and observers at Working Group and Task Force level. The participation of PPs in AC meetings drops from roughly 97 per cent for Ministerial and SAO meetings down to around 34-42 per cent for Working Groups and Task Forces whilst for member states it drops from 100 per cent to around 94 per cent (Knecht 2017, 210). This is a major challenge because the Working Groups have been described as the backbone of the AC (Rottem 2016, 2). The representation of PPs is thus crucial in order to develop adaptive governance mechanisms that are in the best interest for Arctic people (Knecht 2017, 219-220). This is because the PPs are one of the few actors that do inhabit the Arctic (Landriault et al. 2020, 66) and according to the Ottawa Declaration one of AC's focus are Arctic inhabitants (Ottawa Declaration, 1996).

Knecht's (2017) findings show that even though the member states and the PPs should sit at the same table the PPs are underrepresented in the AC towards the member states (Knecht 2017, 219-220). Because of the underrepresentation one could argue that the member states have a greater opportunity to voice their opinion and are therefore the leading actors in the AC, making it a state-centric forum.

The AC is expanding regarding areas where it can get involved due to globalization and climate change (Nord 2016, 67). This expansion makes it increasingly hard for the PPs to represent themselves with their current capacities as has been demonstrated with Knecht's research (2017). The Indigenous Peoples Secretariat, a support secretariat for all the PPs (Arctic Council Indigenous Peoples' Secretariat, n.d.), released a dataset that shows how extensive the work for the AC is. Approximately two dozen meetings are held every year excluding SAO and Ministerial meetings as well as other outside events. It is obvious that the member states are way better equipped than the PPs to keep up with this workload (Exner-Pirot 2015) and that PPs have significantly fewer resources to develop capabilities to operate in international diplomacy (Burke 2019, 3). The member states, for example, have various experts and bureaucrats to send, whilst most PPs are being represented by one or two people for all of the events (Exner-Pirot 2015). In an interview focusing on PPs perspective on the AC, Jim Gamble, a former executive director

of the AIA, explained that because of the expansion of the AC the PPs were having a difficult time keeping up with the workload as well as finding experienced people to participate in the various projects that the AC works on at any given time (University of Washington, 2015). In the interview Chief Michael Stickman, International Vice Chair at the ACC, also pointed out that most of the representatives of the PPs volunteer their time to attend the various meetings that the AC holds (Ibid) which arguably makes it difficult for the PPs to man all AC activities. Together these issues clearly demonstrate why the PPs are not participating at the level they wish to and that can result in decisions being made without them if they are unable to attend meetings (Burke 2019, 66).

Iceland could be considered in comparison with the PPs because it is the smallest member state with a small economy (Johnstone 2016, 3) and thus more limited resources than bigger member states. However, Iceland as the smallest member with the lowest attendance rate of the member states (84.56 per cent) still has considerably higher attendance rate than the PPs with the ICC having the highest (71.33 per cent) and the average PPs attendance being 55.01 per cent (Knecht 2017, 210). It could thus be argued that PPs are more disadvantaged than small member states in the AC even though both might have more limited resources than the bigger member states. One could also wonder that because the PPs have to rely on governments to fund them (Chater 2019, 151) that organizations located in big resourceful states such as the US should be able to get the funding they need, which does not seem to be the case. This example clearly demonstrates the advantage that the member states have compared to the PPs to influence the AC decisions regardless of their resources.

The gap that this uneven representation between member states and the PPs creates is a major problem for the AC if it is to act according to its original purpose where PPs have active participation and consultation rights as stated in the Ottawa Declaration (1996). This shows how state-centric the AC is because the member states have a great advantage and can influence decision-making at every level whilst the PPs struggle keeping up with all the work in the current structure as Knecht's (2017) research shows. According to Exner-Pirot (2015), the gap between the PPs and member states will only widen as the AC expands its work resulting in the PPs only being able to participate at a superficial level (Exner-Pirot 2015). For example, RAIPON that might lose IPs from the

organization due to the current Russian legislation discussed in chapter three (Sidorova 2019, 79), would most likely have a more difficult time keeping up with AC activities as the organization became smaller and the AC bigger.

If the PPs start to lose their voice in the AC it could ultimately result in the AC moving towards becoming a conventional intergovernmental body which, according to Oran Young, is not desirable in today's climate with globalization (University of Washington, 2015). It is thus a win-win situation to make sure the AC develops a framework where the PPs can participate fully.

4.1.2 Project Leadership

The research by Chater (2019) explores the leadership role of the PPs in the AC by using a descriptive statistical analysis of all AC projects. The projects were reviewed and divided into categories based on their priorities. The research found that the PPs focus on different priorities compared to the member states and have over time focused more on the Arctic community which are issues such as human health, sustainable livelihood, infrastructure and economic development. The member states have put some focus on community issues, but they have put environmental issues higher on the agenda where the focus is on contaminants, conservation and environmental threats (Chater 2019, 152-156). The lack of focus on local issues by the member states could result in limitations to the effectiveness of the AC but the topic was explored in a research by Kankaanpää and Young (2012). The research explored effectiveness in the AC by creating a questionnaire for people familiar with the AC and its work. Effectiveness was measured by addressing the overall success of the AC, efforts to strengthen it, effectiveness of major products, availability of resources, the work of the Sustainable Development Working Group, issues of outreach and communication and the effects of the "Arctic Boom" (Kankaanpää and Young 2012, 17177). Their findings suggested that among issues that needed to be addressed in order to enhance the AC's effectiveness were to improve the participation of local decision makers and to enhance IPs participation. According to one respondent the member states should work closer with regional views and bring resources to the local level where solutions are created (Ibid, 17180- 87).

It could be argued that these findings show the importance of the PPs leadership since Chater's research shows that they do focus on local issues more than the member

states and Kankaanpää's and Young's research shows that improving local participation would make the AC more effective. The different focus of the member states and PPs could thus potentially create a balance where the AC addresses both aspects and becomes more effective.

According to the Ottawa Declaration (1996), the AC's main focus is on the well-being of Arctic inhabitants, sustainable development and environmental protection (Ottawa Declaration, 1996) but as Chater's research suggests the AC has mostly been focusing on the environmental aspect (Chater 2019, 152-156). Therefore, it is important that PPs have the tools to participate and lead with the member states in order to further address issues that the member states tend to focus less on such as Arctic inhabitants. Although, it must be taken into account that the PPs do need to be more selective regarding projects because they do not have the same resources to lead them as the member states (Chater 2019, 158). However, it is difficult to predict if their focus would shift and does not change the fact that member states could put more focus on the local perspective which would lead to increase in IPs involvement as Arctic locals.

Chater's research (2019) also found that member states sponsor the majority of projects. According to his research an average of 47.6 projects were ongoing at a time during the period 1998-2017. They varied from 27 projects in 2000 up to 98 in 2017. Of all the projects during this time period PPs only sponsored 39 of them in total whilst member states sponsored the rest (Chater 2019, 158). Table 3 shows this divide between the PPs and member states with PPs only sponsoring from 3-17 per cent of all projects during 2000-2017. The reason for this low sponsorship rate is lack of funding which is an ongoing concern and has been discussed in some length at every Council meeting (Ibid, 159).

Table 3: Total of Projects Sponsored by Permanent Participants from 2000-2017

SAO Report	Total projects sponsored by PPs	Total projects	PPs sponsorship percentage of total projects
2000	3	27	11
2002	5	33	15
2004	5	29	17
2006	5	62	8
2009	4	30	13
2011	1	32	3
2013	3	35	9
2015	11	83	13
2017	16	98	16

(Chater 2019, 159)

What Chater also found in his research is that even though the PPs can contribute to member state led projects they only do so 20 per cent of the time. Contributing to projects is a good way to minimize conflicts between the AC and IPs and is a way for the PPs to show leadership. Chater states that the chairs of the AC pay special attention to the PPs interests and do co-lead projects. For example, when the United States led the AC as chair in 2015-2017, 15 per cent of their projects were co-sponsored with PPs (Chater 2019, 159-162). These examples do display a willingness on behalf of the member states to promote the PPs. However, as chapter three has demonstrated, member states vary in how willing they are to address IPs rights and interests which can be applied to the AC platform and it is therefore not guaranteed that PPs can get support. This also demonstrates the state-centric framework of the AC because the PPs have to rely on the member states to help them sponsor projects. For example, Chief Michael Stickman discussed in an interview that he only got a project on an AC workplan because he got the Canadian SAO as an ally (University of Washington, 2015). The member states can thus make or break PPs project proposals providing them with control over the AC agenda.

Table 4: Projects Sponsored in the Arctic Council in 2017

Actors	Projects Sponsored or Co-sponsored
Canada	31
Denmark	16
Finland	14
Iceland	11
Norway	36
Russia	22
Sweden	11
United States	60
Aleut International Association	9
Arctic Athabaskan Council	1
Gwich'in Council International	4
Inuit Circumpolar Council	5
Russian Association of Indigenous Peoples of the North	1
Saami Council	6
Nordic Environmental Finance Corporation	2

(Landriault et al. 2020, 75)

Iceland could be used in comparison again as a small state with limited resources. Table 4 shows how many projects member states, PPs and observers sponsored and co-sponsored in 2017. According to these findings Iceland along with Sweden sponsored 11 projects each, the lowest number for member states. The PPs sponsored from one project each (RAIPON and AAC) up to nine projects (AIA) (Landriault et al. 2020, 75).¹ All PPs, except for AIA, thus sponsored approximately 50 per cent or less than Iceland did which as before suggests that PPs have a disadvantage compared to the member states. This is of course only one dataset that was found and when exploring older projects, the amounts of projects sponsored by PPs and Iceland both lowered with Iceland, for example, sponsoring three projects in 2013 whilst PPs sponsored one each except for the Saami Council that sponsored two (Arctic Council 2019). However, the total amount of

¹ Potential reason for the AIA to score the highest would be because the United States was chair during this time and focused in part on co-sponsoring projects with PPs (Chater 2019, 159-162) although other PPs also inhabit the United States but did not contribute as much. As mentioned in chapter three, IPs rights and interests can vary within states which could potentially explain that not all United States based PPs were sponsored equally. According to Chief Michael Stickman member states are great influencers and are happy to help as long as their hands are not politically tied (University of Washington, 2015). This could also explain the variation between sponsorship by PPs.

projects was also way lower in 2013 (35) compared to 2017 (98) which needs to be taken into account. In both cases Iceland does sponsor more projects. The difference between Iceland and PPs is not necessarily always high and the numbers can fluctuate between years. However, it is worth taking into account the advantage Iceland has as it has the opportunity to play the role of the chair as other member states. This arguably provides the state an advantage to lead and propose projects compared to PPs that do not get that opportunity. As table 4 shows, the United States lead most tasks of all actors in 2017 but the state was also the chair during 2015-2017 (Chater 2019, 159-162). It is of course one of the largest member states, but it would be hard to argue that it would not give member states an advantage to push their agenda when they act as chairs. What Iceland is concerned, it is too early to tell how projects will be sponsored during its chairmanship as it is ongoing and will require further research.

This does however add weight to the argument that the member states have more advantages to act as decision-makers in the AC than PPs through leadership opportunities unavailable to the PPs. Thus, it demonstrates the state-centric structure that the AC currently uses.

4.1.3 Need for a Change in Funding Mechanisms

Chater's (2019) and Knecht's (2017) findings do align because they both show the lack of representation of PPs in the AC, firstly through their low representation in Working Groups and Task Forces and secondly in leadership roles as project sponsors. As mentioned earlier, lack of funding and human resources are big drivers behind this underrepresentation of the PPs. Douglas C. Nord (2019) points out that the AC is not funded on the basis of subscriptions from members and does not have an inclusive budget that covers its operations. He also mentions that the AC has yet to come up with a way to properly fund the PPs to partake in meetings and projects in the AC (Nord 2019, 64-65). On a similar note Malgorzata Smieszek (2019) argues that the current financial challenges the AC faces have delayed projects and made active participation for the PPs across all of AC's activities very difficult. She mentions that the case for a reformed financial basis for the AC has been raised for years without any successful development (Smieszek 2019, 127). Currently the AC relies on individual states to voluntarily sponsor

and lead projects as well as to contribute funds, so they can be carried out (Fenge 2013, 18).

This results in a state-centric structure in the AC regarding finance because if funding is only coming from states it is hard to argue against that they decide how it is allocated. However, the Fairbanks Declaration (2017) and the Ottawa Declaration (1996) do state that member states support IPs engagement, active participation and full consultation which would counter the idea of the member states fully controlling the funding the way they currently do. This is because the current funding mechanism of the AC does not allow for active participation and full consultation from the PPs as the above examples have shown. Therefore, introducing an alternative to the funding mechanism could help the AC to enact the articles the platform is based on and balance the power between the member states and the PPs.

Smieszek (2019) notes, the case for reformed financial basis has been raised since the AC was established but has fallen on deaf ears (Smieszek 2019, 127). Five PPs; the AIA, Arctic Athabaskan Council, Gwich'in Council International, RAIPON and Saami Council, have established the Álgu Fund to tackle the challenges PPs face financially (Arctic Council 2016). However, no joint effort has been made to address it on behalf of the member states. The fund is relatively new and thus difficult to see how it will work in practice yet (Burke 2019, 68).

This lack of action on behalf of the member states could be explained by looking at the national level where IPs have been facing an uphill battle regarding their rights and interests. In chapter three, it was discussed how the member states, apart from Russia, have endorsed the UNDRIP but not enacted on it because they are acting in their best interests (Forgeron 2015, 65-66). In this case the member states have accepted the PPs in the Ottawa Declaration (1996) but do not fully act in accordance to it if matters do not fit what they consider their best interest. Scholars have suggested that PPs participation and consultation legitimizes AC's decisions (Koivurova 2011, 181) but their voices are being jeopardized due to the expansion of the AC (Nord 2016, 67). It could thus be argued that it would be a worthy cause for the member states to consider reforms to the current framework and mechanisms in order to elevate PPs contributions to the AC as it would give legitimacy to both sides.

4.2 Ministerial Meetings and Chairmanship

Another aspect that also creates challenges to the PPs is the highest platform of the AC, the Ministerial meetings, where decisions are made (Graczyk & Koivurova 2015, 307-309) and the AC chairmanship. The issues at the highest level relate to the interests of IPs to create alternative sovereignty, the right to self-determination and FPIC. This is because currently the member states are the only AC actors that can take turns as chairs and *veto* decisions (Graczyk & Koivurova 2015, 307-309) which demonstrates state-centric and Westphalian ideology in the AC.

The greatest power in the AC lies with the chair who organizes and coordinates the work of the AC and selects matters to prioritize (Chater 2019, 163). Because only member states rotate the chairmanship, the weight of IPs issues rely on the agenda set by the chair in many ways. As has been demonstrated in chapter three, the member states address their respective IPs to a varying degree from not recognizing IPs in Russia (Murashko & Rohr 2019, 44) to the self-governing, mainly Inuit, Greenland (IWGIA 2019, 27). It could thus be argued that their focus on IPs issues during their chairmanship will differ. It must although be recognized that all of the chairs have paid attention to the PPs to some extent and have initiated at least one project where IPs organizations are involved (Chater 2019, 161). However, it could be argued that because the AC should represent Arctic voices (Landriault et al. 2020, 77) and the IPs have a special status as PPs, including PPs interests in the agenda of the chair should be the rule rather than the exception. One project is thus not sufficient in respect to the value placed on PPs participation in the AC. Especially since IPs consultation and participation helps legitimize the work of the AC (Graczyk & Koivurova 2015, 307-309). However, whilst the current framework is used at the highest level in the AC there are certain challenges that the IPs face that can limit their participation and influence.

The Swedish chairmanship in 2011-2013 is an example that demonstrates the lack of guarantee that the IPs have and the power of member states in the AC. Throughout the 2000s Denmark, Greenland and the Faroe Islands were represented equally at the AC with one seat for each respective entity. It has been an ongoing practice for Denmark to include Greenland and the Faroe Islands in its delegations when matters concern the entities. However, during a SAO meeting in 2011 organized by the Swedish chair the

Greenlandic and Faroese delegations found themselves excluded from the negotiation table. This exclusion continued throughout the Swedish chairmanship period creating tension within the AC (Olsen & Shadian 2018, 132). What is interesting to explore here is that the reason for Denmark's inclusion in the AC is Greenland (Burke 2019, 164). The decision to keep Denmark's seat at the table rather than Greenland's seat thus demonstrates traditional sovereignty thinking and state-centric ideology in the AC. Firstly, the decision on behalf of the Swedish chair to only include Denmark at the table completely dismisses the IPs voices of Greenland and the goal of the AC to focus on Arctic inhabitants which undeniably would rather be represented through Greenland than Denmark. Secondly, the Danish delegation could have decided that since Sweden was insisting the state only had one seat the most vital contribution to Arctic issues would come from Greenland. The delegation could thus have decided to send representatives from Greenland instead of Denmark to meetings. This shows how easily IPs voices can be dismissed at the AC due to the power of chair and the member states.

The decision to exclude Greenland did not go unchallenged and during the Ministerial meeting in Kiruna 2013, the Greenlandic delegation boycotted the meeting. Following the boycott new arrangements were created which gave the three entities full participation rights. This fell in line with the Self-Government Act of 2009 which, as was discussed in chapter three, gives Greenland rights to negotiate international agreements (Olsen & Shadian 2018, 133-134). The example shows both the power of the member states to decide the degree of IPs participation but positively the solution also demonstrates a will to include IPs in the conversation as the AC agreed to provide Greenland a seat at the table in the future. Unfortunately, this has not been the case for the PPs who currently are seated behind the member states (Ibid) rather than at the table with them demonstrating how the power lies with the member states. The Self-Government Act of 2009 helped Greenland in this case (Ibid), and one could argue that whilst IPs rights and issues that they face at the national level remain the same, challenges to self-determination and sovereignty will also remain at the AC level. This also demonstrates how the Westphalian system does prevail and discriminate against alternative nations even at progressive platforms like the AC.

A prominent issue that is worth considering as well is the Russian chairmanship in 2021-2023. Russia could affect IPs voices and PPs participation negatively when it will undertake the role of the chair in the upcoming year. According to RAIPON's former Vice-President Rodion Sulyandziga, Russia views IPs as "*troublesome element inhabiting Russia's Arctic development goals and aspirations*" (Wallace 2013, 18). Russia recently shut down an IPs advocacy group called the Centre for the Support of Indigenous Peoples of the North in order to keep them out of Arctic affairs do to the upcoming chairmanship. The organization has judged the current leadership of the RAIPON for being politically tied to the Russian government (Nilsen 2019), speaking out about the alleged corruption in the system. Russia has already acted negatively towards IPs in the past by, for example, banning RAIPON for a period of time and deregistering it as a NGO in Russia in 2012. This decision created an issue for the AC because technically the RAIPON did not exist in a legal sense. The PPs and member states did however sign a statement encouraging continuous participation from the RAIPON (Chater 2019, 161) in the AC. The decision is a positive one for the PPs status as the Russian Federation could not ban the RAIPON from the AC even though it had limited its influence at the national level. However, governmental influence does still control the affect the RAIPON can have in the AC. This is because the Russian government has made sure that the leadership of RAIPON aligns with the interests of the Russian government (Wallace 2013, 19; Nilsen 2019) demonstrating the state power over IPs.

The current framework and national issues make it hard to guarantee IPs voices in the AC because they cannot set the agenda and the PPs have to rely on the member states to act on their behalf. If the PPs were to have rights to take turns as chair or have *veto* rights at the Ministerial meetings these challenges could be diminished. This would strengthen the PPs role in the AC and the Arctic IPs battle for self-determination and sovereignty in general. Scholars have discussed the possibilities of these changes and the impact they might have. Forgeron (2015), for example, says that by giving PPs *veto* powers it would bring more sovereignty to IPs without encroaching the rights of the member states. This is because decisions at the AC are not legally binding, but it would nonetheless demonstrate the respect AC has for IPs participation and opinions (Forgeron 2015, 67). Chater (2019) also discusses the option of PPs taking turns as the chair, perhaps co-leading with the member states because leading on their own might deem difficult

considering the limited resources the PPs currently have (Chater 2019, 164). However, changes to the funding mechanism could make it easier for PPs to act as chairs. In either of these cases it would be a step up for the PPs and IPs rights and interests in general as it would give them a platform to practice their rights in accordance with the UNDRIP and help put indigenous political theories into practice. The issue for now remains that the member states have yet to implement any binding agreements that would provide a legal basis for the IPs and the PPs to refer to and guarantee their participation. However, as Forgeron (2015) explained, because decisions are not binding it would not be too much risk for the AC to make changes to its current structure. The AC could address the challenges that have been explored with the knowledge in mind that member states might not be ready to let go of certain state sovereignty. Ultimately, non-binding AC changes could lead to new norms in accordance with indigenous political theories that could lead to legal changes further enhancing IPs rights.

5 Conclusion

This thesis has addressed to what extent the AC addresses IPs rights and interests. It has argued that the AC is currently a state-centric forum due to its current framework that creates limitation to IPs participation through the PPs.

Arctic IPs have fought for their rights as a collective of peoples with distinctive culture and land for decades. Today they face various issues regarding those rights in their respective states and in IR. Through the AC the Arctic IPs have been able to participate at a transnational level to express their interests and rights which is an important step towards alternative sovereignty and self-determination. The AC is progressive regarding IPs rights and interests in many ways as it is the only platform where IPs have specific rights to consult and participate in IR through their unique status as PPs. The PPs have similar opportunities to represent themselves at the AC in theory as both actors can participate at all levels of the AC. However, in practice they face various obstacles that make it harder for them to represent themselves than member states. The PPs do not have the resources to attend AC activities to the same extent as the member states and to sponsor AC projects. Decisions and agenda in the AC can thus be made without PPs input and without Arctic IPs voices. Because of the lack of representation, the PPs are having a difficult time to participate in the AC and to provide consultation to member state in accordance with the Ottawa Declaration (1996). The current framework that the AC follows is thus creating challenges to the PPs and the declaration on which the AC is built.

Due to climate change and globalization the AC has been expanding and getting more involved in various issues. Because the PPs already struggle with the workload it will only become increasingly harder for them to participate unless the AC takes measure to address this challenge. In order for the PPs to participate they need to be able to attend AC activities and therefore need more funding to address issues such as lack of human resources. The current framework that the AC follows does not seem to take this issue into account like it should since activities are frequent. This lack of action to address this challenge is because the AC is state-centric and therefore makes sure that the forum benefits the member states first and foremost. Since the member states have the resources to keep up with the workload the AC might not see a great enough reason to

make changes. This is not to say that the AC does not address PPs challenges but rather to point out that it might rather do so when it benefits the states. In this case the member states have the opportunity to influence more than other actors in the AC which is the most beneficial situation for them.

The member states also take turns leading the AC through the rotating two-year chairmanship and have a *veto* right at the Ministerial Meeting, unlike the PPs. Through these roles and rights, the member states thus have secured themselves certain opportunities to influence that the PPs do not get. This was, for example, demonstrated by comparing Iceland, a small nation-state, with the PPs. The opportunity for Iceland to act as chair makes it easier for the state to push its agenda than the PPs that do not get that opportunity. This structure in the AC is rooted in the Westphalian ideology which focuses on state sovereignty. The member states and the PPs can both participate in the Ministerial meetings, but the power lies with the member states as they have the opportunities to lead the AC and to make or break final decisions at the Ministerial meetings. Because IPs are not states they are not provided with this opportunity although as self-determining peoples an alternative system to the Westphalian model could paint a more inclusive picture where both actors would be afforded power.

Implementation of the UNDRIP would be a desirable action on behalf of the member states. They have already set examples by including IPs and acknowledging the importance of their perspectives and input in IR discussion through the AC platform. One could argue that it would demonstrate a modern and relevant view of the current IR system, which is being challenges in various ways, if the member states were to implement the UNDRIP. This would also continue to display them and the AC forum as role models that can inspire other actors to take action that provide IPs with the power to act as sovereign peoples with self-determination rights. Ultimately, the AC could lead the completion of the decolonization process and replace outdated IR norms with an inclusive, more equal system.

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