

Nunavut, Sovereignty, and the Future for Arctic Peoples' Involvement in Regional Self-Determination

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Abstract: Climate change and a renewed attention to the Canadian Arctic have refocused considerable attention upon resources, Indigenous peoples, and sovereignty. Similarly, the linked aspirations for Indigenous sovereignty and self-determination have facilitated the negotiation of a number of self-governance agreements within the region, but these ultimately reference a narrow understanding of sovereignty. The definitions of sovereignty they enshrine do not simply reflect a hierarchical set of power arrangements embedding Indigenous peoples within a larger state, but they actively contribute to the reality of asymmetrical power and influence. This is because they advance an understanding of sovereignty that remains embedded within normative understandings of state, perpetuating state and only state as the major point of reference. This article argues that sovereignty, if it is to retain its saliency as a contemporary concept, must be reimagined as something more compatible with global developments concerning human rights, Indigenous rights, and self-determination.

Introduction

One result of global climate change is a broad geo-economic discourse focused on the resource development potential of the North. It provides the motivation and the opportunity to exert state-based or national control over ever larger bodies of water and seabed resources, and is driven forward by state-based geo-economic assessments and incentives. What was previously considered to be a "global North" is increasingly a North of individual states that would like to attract and reap the benefits from global investment, as the international economic currency of the regions increases.

In Canada's case, these developments also lead us to reconsider the place of northerners, and specifically northern Indigenous peoples, in the whole process of remapping and re-imagining the state in the Arctic. While

development and employment have been the leitmotif of this economic development discourse, as the state creates and showcases “Northern Economic Development” through a variety of agencies and institutions, there remain tremendous problems with understanding how this development will proceed and under whose control. Where will the appropriate training centres and education institutions be placed? How will the state meet the crisis in education, and lack of services and housing that already exists in the Canadian North? Overall, the current intersection of geo-economic and sovereignty agendas in the Canadian North raise a series of questions, not the least of which are how and where newly established Indigenous peoples’ interests and rights to self-determination—especially the right to self-representation in international organizations—will be positioned by state agencies. Is there potential for greater Indigenous input within the emerging landscape of international Arctic governance? In what ways do Indigenous self-governance and self-determination discourses intersect with, or challenge, normative sovereignty narratives?

What jumps out after posing these questions is that while there has been no end of ink spilled over climate change from state-centered perspectives (as flag planting proceeds and Canada spars with the United States over the Northwest Passage: Dodds, 2010), there is certainly much less written from a critical point of view concerning the relative and evolving nature of Arctic sovereignty, or indeed concerning the potential implications for non-state actors involved in Arctic governance. True, there are land claims and historical protocols and territorial arrangements that see Indigenous governments gain greater voice in the Arctic. But these actors are seen as domestic groups, without legitimate international status and claims to sovereignty beyond the sub-national level of self-determination. For many Indigenous groups, including those of the Canadian Arctic and sub-Arctic, sovereignty can and should offer more than this. Mary Simon has argued, in a well-known and oft-quoted statement, that with respect to the Canadian Inuit, “the inextricable linkages between issues of sovereignty and sovereign rights in the Arctic and Inuit self-determination and other rights require states to accept the presence and role of Inuit as partners in the conduct of international relations in the Arctic” (Government of Canada, 2010). Here, partners does not just mean consultative but also decision-making capacity.

In the early twenty-first century, however, as templates and definitions of “governance” shift and change (Loukacheva, 2010), and as potentially new post-colonial relations evolve throughout a previously colonial world, the challenge to provide decision-making capacities has not been satisfied. If today the idea that “sovereignty” in the Canadian Arctic can only be

exercised through state-centred venues remains normative, it can be seen to be reinforced by the “use it or lose it” world of the Canadian federal government led by prime minister Stephen Harper. Such attitudes are still seemingly embedded in the rhetoric of southern management of northern resources. This is true despite the successful practice of Indigenous co-management and involvement in international institutions such as the Arctic Council, or even an emerging roster of government-directed “partnership” projects.

Indeed, for Canada’s government, it seems that sovereignty is something that Indigenous groups “give” to the state, rather than a quality that the state shares with its Indigenous peoples. True, the state has proceeded with devolutionary practices of governance, such as negotiated comprehensive land claim agreements, which provide more capacity for “self-governance” (see, for example, Bankes, 2004; Fenge, 2008, 2013), but in general such self-governance occurs only after Indigenous groups have extinguished their claims to their own self-determination over a considerable amount of territory, resources, and royalties. Moreover, there really is no viable alternative vision offered to the process of “extinguishment” and re-negotiation for sub-national territorial status within the Canadian state for Canada’s Indigenous peoples (Nadasdy, 2012). If not a land claim, which extinguishes sovereignty at the domestic and international level and in doing so gives power to the state, then what? Local impact and benefit agreements are well and good, but rely upon short-lived development agreements that only last the life of corporate interest within a region.

Sovereignty and Development

In academic circles, sovereignty is itself a contested term (Bartelson, 1994; Philpott, 2010). But the definitions of sovereignty used to justify Canada’s sovereignty claims and to position Canada’s Indigenous peoples within this framework do not acknowledge this ambiguity. Rather, they continue to understand the term in ways that access traditional colonial practices and that privilege normative customary law rather than newly evolving frameworks. Moreover, the motivating factor for existing sovereignty arrangements seems to be based upon the assumption that the primary point of sorting out the territorial issues is for economic development purposes, rather than meeting more locally-defined human security and development needs. As then Defence Minister Gordon O’Connor stated in 2006, referring to Arctic maritime claims and Canadian sovereignty within the Arctic Ocean,

... the basic problem in these disputes is a matter of resources— who owns which resources. For instance, let's take the Beaufort Sea. We may declare that a boundary goes to the Beaufort Sea in one position and the Americans in another. If a country wanted to drill for oil in the Beaufort Sea, and there's a lot of oil and gas there, they, at the moment, if they're in this disputed area, wouldn't know who to approach, whether it's the United States in Canada to get drilling rights. So these sorts of things have to get resolved. (Vongdouangchanh, 2006)

The “sorts of things” O'Conner referenced were challenges to Canada's historical understandings of state territory in the Arctic, particularly in the Arctic Ocean. Palosaari (2011, 18) places this in a broader perspective, arguing that “when the state sovereignty perspective is more specifically focused on the Arctic, the impact of ice retreat on issues that concern the national interest gets highlighted. For instance, changes in accessibility to energy resources.”

The position that sovereignty remains vested in the state and only the state is, in the Arctic, increasingly a contested ideal within the larger context of international organizations, human rights advocates, and Indigenous peoples. As we shall discuss below, several other conventions and declarations have been developed in international law, which provide for greater inclusion and self-determination of non-state actors. In the Arctic and sub-Arctic, however, this perspective is neither popular nor well-established in international fora. For example, in 2008, five Arctic coastal states met in the belief that only one framework of international law, that of the United Nations Convention on the Law of the Sea (UNCLOS), applied to the ultimate dispensation of maritime territory in the Circumpolar North. This meant that only states, and coastal Arctic states at that, were entitled to be actors in pursuing new Arctic Ocean territorial claims. As a result, the Ilulissat Declaration promised to privilege the Law of the Sea, but seemingly at the expense of the interests of non-state actors, Indigenous peoples, and non-coastal states within the North. The broader membership of the Arctic Council, including those Indigenous groups that comprised its permanent participants, were not included as actors in the process.

In Canada, too, sovereignty was consistently defined and promoted through state-centred institutions and discourses that stressed continuing normative approaches to international relations (Nicol, 2012). The Chelsea meetings of the “Arctic Five,” which followed from Ilulissat, continued the exclusion of Indigenous peoples, for example. It ensured a narrative on Arctic “ownership,” dominated by states, and practised in such a way

as to conflate Arctic with state control and “sovereignty crisis” (Williams, 2010). One of many possible examples of this process is the text of the 2010 Standing Committee on National Defence and its statement on Canada’s Arctic Sovereignty. The Committee stated:

exercising Arctic sovereignty is a pillar of the Northern Strategy and the number one priority set out in the Statement on Canada’s Arctic foreign policy. Canada’s Arctic sovereignty is long-standing, well-established and based on historic title. Launched on August 20th 2010, the foreign policy statement is the international dimension of the Northern Strategy, and it provides the international platform from which to project our national interests in the world. (Canada, 2010)

What are “national interests”? Assisting local communities in adapting to climate change? Hardly. Placing this in a broader perspective, no one can now deny, with any credibility, that there is an important relationship between definitions of sovereignty in terms of state territorial control and discourses surrounding greater state interest in exploiting or controlling potential development of Arctic resources in the early twenty-first century. Some have suggested that the model of environmental co-operation established through nearly two decades of Arctic Council deliberations seems to be challenged by a more aggressive and competitive push to grab all available seabed and potential resources so far unclaimed, and to open up virtually all Arctic territories to new resource development demands irrespective of local conditions.

Sovereignty as a Contested Term

The problem with such state-centred, primarily geo-economic and geopolitical, imperatives is that they are embedded in very specific understandings of sovereignty, which further its currency as a neo-realist, state-centred term. In this discourse, states and only states hold the legitimate and ultimate right to coercive authority. States are the key decision makers in any determination of territorial disposition. Sovereignty can only be exercised by, and on the part of, the state. But again, the problem with this understanding is that like all generalizations, it reflects more myth than reality: a simulacrum rather than fact. Other definitions of sovereignty and its rightful exercise of authority exist, such as that promoted by the association of inherent rights under the International Labour Organization’s Convention 169 (ILO 169¹), or the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)². The

UNDRIP, for example, is an enabling or aspirational document. It asserts the legitimacy of simultaneously sub-national and transnational Indigenous voices in normative international relations and foreign policy deliberations connected to the Circumpolar North (Williams, 2010). Recognition of the potential importance and legitimacy of the UNDRIP still remains limited by the canons of traditional international law and relations theory (Nicol, 2010). Over the next few decades, its role in redefining sovereignty in international contexts will undoubtedly continue to grow. Still, normative international law continues to define sovereignty in territorial, state-centred ways for a policy-making world, although it is increasingly embattled.

The difference in the way sovereignty is viewed also reflects differences in vested interests and constituency. The Canadian government, for example, is invested in exerting a strong state presence in the defending and “branding” of the North as “Canadian territory,” privileging discourses that play upon the developmental potential of the region. Its leitmotif is resource extraction and territorial “exclusivity,” and in its “use it or lose it” narrative, the state appears to see the North through the lens of a “frontier” mentality.³

Loukacheva (2007), in turn, distinguishes between Indigenous and state sovereignty aspirations, calling the former stewardship principles that will be important to Canada’s Arctic sovereignty agenda in supporting state centred claims to territory. For her, the goals of Indigenous and state sovereignty are different. While such a distinction is appealing because it attempts to reconcile both “brands” of sovereignty discourse (normative and Indigenous), it is also misplaced. Unlike normative Westphalian⁴ models, for Inuit organizations, as well as other Canadian Indigenous groups, the concept of sovereignty is not a military security issue, nor does it rely upon the defence of prescribed international boundaries in the same way that the Canadian state might (Nickles et al., 2013). It is the right to be heard and to be included in deliberations, national *and* international, concerning Arctic territories and resources. It is not necessarily the equivalent of the process of “stewardship,” which is content to leave the voice of advocacy in international affairs to the state (Loukacheva, 2007).

Sovereignty and Nunavut

Indeed, as both Nadasdy (2012) and Querenguesser (2012) remind us, the Canadian state has always required Indigenous peoples, rather than Canada, to change, to conform to state-centred discourses of power and authority, even as they are incorporated in ways which further serve the interests of the state. They must become Indigenous in a way that reconciles Indigenous rights with what conforms to the norms of the constitution,

and dominant culture. Querenguesser (2012) explores this concept in ways that refer specifically to events framing the new approach to land and water boards in the Northwest Territories (NWT), and the potential “claw back” of previously enshrined co-management arrangements within land claims. His work echoes that of Nadasdy (2012) who has made much the same argument with reference to the Yukon. Nadasdy argues, for example, that while the Canadian government has generally accepted the notion of Indigenous sovereignty, “the nature and degree of that sovereignty remains deeply contested” (Nadasdy, 2012: 500). Indeed, in order to be heard at all, Indigenous groups who have successfully conducted land claims have had to frame their arguments “in a language intelligible to lawyers, politicians, and other agents of the Canadian state” (Nadasdy, 2012: 500). This directly challenges the principle of Indigenous sovereignty and self-determination, which the Canadian government feels it has both facilitated and embedded in self-governance agreements. In this sense, sovereignty is also a colonial discourse where “empowerment must also be viewed as a form of subjection” because “northern First Nation people have had to restructure their societies in dramatic ways just to gain a seat at the negotiating table” (Nadasdy, 2012: 500).

The concept of state-centred sovereignty has been critiqued by Indigenous groups residing in the Canadian North, in the NWT or the Yukon, for example, but what about in Nunavut? Here, the concept of “sovereignty” is enshrined in the NLCA, and this enshrinement is described as “exceptional” (Fenge, 2013). But this notion of sovereignty in Nunavut is a rather particular one, and has not yet served the development of Inuit sovereignty in ways that serve to move the agenda forward towards a more fulsome engagement of Indigenous actors within international Arctic decision-making bodies. Indeed, for Campbell (2013, 40) it is merely a modern-day equivalent of the eighteenth century “doctrine of discovery which was used by the colonial powers to assert sovereignty over areas of ‘the New World,’ regardless of the Aboriginal inhabitants.”

Why so? The answer lies in the way in which sovereignty remains defined in traditional ways that do little to advance the idea that Indigenous actors have a right to define their own terms of involvement within the international arena. Instead, over the past decade, there has been a resurgence of interest in the Canadian Arctic and Canada’s claim to its Canadian Northwest Passage (CNWP) and expanded maritime territory.

For example, while Nunavut itself was created from an idea decades in the making, it is still true that its materialization in the early twenty-first century has been convenient for the Canadian state. Fenge (2008, 85)

argues, for example, that the federal government does not yet appreciate the “opportunity” it has “to use the 1993 Nunavut Land Claims Agreement (NLCA), the only modern treaty to specifically mention Arctic sovereignty to bolster Canada’s Arctic sovereignty.” The NLCA is unique, according to Fenge, in having enshrined the principle of “sovereignty”: Inuit have negotiated four comprehensive land claims agreements covering northern Quebec (1975), the Beaufort Sea region (1984), Nunavut (1993), and northern Labrador (2004). All support Canada’s Arctic sovereignty generally, but only the NLCA explicitly addresses Arctic sovereignty” (ibid.). But in saying this, he is using a specific understanding of the concept of sovereignty: “Canada’s sovereignty *over the waters of the Arctic Archipelago* [emphasis mine] is supported by Inuit use and occupancy” (ibid.). Thus:

Canada asserts “historic title” over Arctic waters, including the Northwest Passage and, since January 1, 1986, has claimed as internal all waters landward of “straight baselines” drawn around the Arctic Archipelago. Both of these legal positions reflect, at least in part, Inuit use and occupancy of sea and sea ice...[over] nearly 4 million square kilometres of land and ocean, including Lancaster Sound, Barrow Strait and Viscount Melville Sound; the eastern and central portion of the Northwest Passage.

Byers (2009) agrees, and suggests that Inuit historical use in the region strengthens both Canada’s exclusive claim to the Northwest Passage, and its contention that these are internal waters used, for centuries, by Inuit hunters. Similarly, Byers (2009) argues that Inuit are proudly Canadian. They are citizens first and foremost, and their sovereignty is exerted with respect to the Canadian state itself. He thus positions Nunavut’s Inuit peoples as strong advocates of the Canadian state in the North and believes, like Fenge (2008), that Canadians should recognize how the Nunavut Land Claims Agreement (NLCA) strengthens the national government’s position. From this point of view, supporting documentation, like the 1977 Inuit Land Use and Occupancy Project, and instruments of international maritime law, like The Arctic Waters Pollution Prevention Act, strengthen the legitimacy of the claim made by the Canadian state via its Inuit population.

For both Fenge and Byers, therefore, the big disappointment is the way in which sovereignty has not been effectively managed in Nunavut in the interests of the Canadian state, irrespective of the potential in the NLCA. They see an important opportunity being squandered.

But is this thinking consistent with Inuit understandings, at least those understandings of sovereignty that have been placed on record? This is a more difficult concept to evaluate. The idea that Inuit see themselves as loyal Canadians has been made not just by Byers, but by Lackenbauer (2013), Fohndal and Irlbacker-Fox (2009), and others, including those who registered their voice within, for example, a recent and significant document collecting perspectives on sovereignty and security (Nickles, 2013). The latter defines sovereignty as a continuum, a body of thought surrounding relationships, rather than a single legal term. Within this universe, Inuit participate in ways that serve their understanding and their interests. As we have seen, the claim has also been made that the contours of self-determination, which drive Nunavut's desire for partnership in decision making, are an example of a desire for "stewardship" rather than a challenge to state sovereignty *per se* (Loukacheva, 2007).

Yet this claim for stewardship should not be mistaken for a passive acceptance of sovereignty at the sub-national level, nor is there any compelling legal reason why it should be so. Stewardship implies a local knowledge that, while present, also extends to the international context. The rise of the Inuit Circumpolar Council (ICC) as a significant global institution in the context of the Circumpolar North belies the idea that stewardship is a concept to be "nested" in a co-option of Indigenous sovereignty by the state. Yet others see it differently. The 2009 ICC Circumpolar Inuit Declaration on Sovereignty in the Arctic, for example, speaks to the importance of devolutionary land claims and self-determination processes to integrating Indigenous self-determination principles within co-management boards and territorial governance. But the declaration insists that both Arctic states and international organizations, like the Arctic Council, conform to broader international agreements defining Indigenous rights. This approach is consistent with a broader approach to Indigenous sovereignty wherein "states would not be able to condition the autonomy, although limited, of Indigenous peoples, by relying on their domestic law, and would thus be compelled to respect the degree of sovereignty granted to them by international law without interfering with its exercise" (Lenzerini, 2006: 167).

Thus, however helpful the centuries-long Inuit occupation of Nunavut is to a state-based discourse of territorial rights, sovereignty as envisioned in the NCLA is an argument that ultimately subsumes Indigenous self-determination and reifies state territorial interests (Williams, 2010). Extinguishment of Inuit claim and the transfer of Inuit right to the state is not advocating Indigenous sovereignty, but state sovereignty. Peter MacKay, Canada's then minister of foreign affairs, confirmed just this point in 2007

when he observed that: “Canada’s sovereignty over our Arctic region is rooted in an historic connection to the land, its continued habitation by the Inuit people and our constant assertion of *our sovereign claims*” [emphasis mine] (Ottawa Citizen, Aug 2007: A9).

Moreover, it is the same Indigenous people, who are seen to embody Canadian sovereignty, who also draw our attention to this inconsistency. While it is clear that Inuit leaders do not quibble about sharing a Canadian identity, they do have serious reservations about the way in which this identity is to be structured with respect to voice, rights, and consultations (Nickles et al., 2013). To be subsumed through legal agreements is not the same thing as being represented as equal partners and it is on just this point that disagreement and some degree of confusion unfolds.

So despite its assertions to the contrary, this process of “self-determination” in the Canadian Arctic, when advanced by the state, thus reifies state, both in terms of appropriating process and language, and in terms of conflating the aspirations of both state and Indigenous peoples to that of national territory and principles. While it should be recognized that sovereignty among many Canadian Inuit and Inuvialuit, at least, may not be articulated as a desire for succession as Fenge (2008), Lackenabuer (2013), Zellen (2009), and Broderstad and Dahl (2004) remind us; their claims to self-determination have also been pursued outside of the Canadian state through the ICC and United Nations. While, in some ways, the landscape of Indigenous land claims, co-management, and self-determination have allowed Indigenous voices to be heard on co-management boards or to affect regional governance, their voices are not understood to have a role in the international relations of the state beyond that of a general consultative nature, arguably only where convenient. This arrangement has historically meant that Indigenous actors remain sub-national voices and that they are excluded from shaping international arrangements in any direct way. Their pursuit of new powers, through the ICC in particular, has very much advocated the ability to have input and representation at the international level, although such recognition has, of late, been withheld. This was clear in the aftermath of the 2008 “Arctic 5” meetings in Ilulisaat, Greenland and the Chelsea meetings in Quebec, Canada in 2009. In its 2010 Nuuk Declaration, for example, the ICC made it clear that its goal is not to represent a series of sub-national regional governments intent upon “stewardship” alone, but rather it intends to promote goals that strengthen the role of Inuit within all levels of Arctic governance. These include specific provisions directed towards challenging “normative” sovereignty arrangements, including the

call for the ICC to engage with international organizations and nation states and to promote the adoption of the UNDRIP among all Arctic states.

Redefining Relationships

The idea that Nunavut exercises sovereignty on behalf of the Canadian state is not contested in this article. What is contested, however, is the idea that Nunavut, as an Indigenous entity, could not possibly have sovereignty traction of its own, a sovereignty supported and authorized by the international consensus represented by ILO 159 or the UN Declaration on the Rights of Indigenous Peoples. That is to say, I argue against the idea that its Indigenous population has no right of territorial control and autonomy exercised outside of the framework of the Canadian state and its official government (see Nicol, 2010). As Lenzerini (2006) reminds us, international actors, and especially states, are not “standalone” agencies, but must make their sovereign rights acceptable to those of broader international instruments and requirements, such as the ILO 169 or the UN Declaration of Indigenous Peoples (UNDRIP), and these broader instruments require due consideration of Indigenous voices. The usurpation of voice and representation for Indigenous peoples in international fora is not a matter to be determined by domestic or national governments.

Part of this recognition comes not from finely-pointed legal arguments, but rather from artful resistance discourses. Abele and Rodon argue, for example, that Inuit have been very successful in furthering this idea of sovereignty, especially within the context of the transnational North (2007). Part of their success is undoubtedly due to the way in which sovereignty is not conflated with succession but means, instead, Indigenous inclusion in the decisions of the state in new and meaningful ways. The end result is not an independent Nunavut, for instance, but a Nunavut that has currency in broader international fora, as well as domestic circles, more in keeping with a general understanding of Indigenous sovereignty and rights as “based on several distinct premises,” which include “restitution for the historical violation of sovereignty and dispossession of territory; protection and accommodation of cultural divergence as vulnerable minorities; and self-government or self-management as severely disadvantaged citizens, requiring selective solutions to their social and economic exclusion” (Robbins, 2010: 260).

So while Fenge (2008, 2013), Byers (2010), and others argue that the Nunavut agreement appropriates sovereignty for the Canadian state, the argument here is that it actually does so in ways that allow us to challenge the central concept of sovereignty itself as being an exclusive right of states. State-

centred sovereignty as an exclusive right is furthered simply by virtue of a lack of imagination as to what the alternatives might be, as the understanding of sovereignty, human rights, and Indigenous rights are renegotiated in the twenty-first century by broader international organizations.

Conclusions

Does the sovereignty promised in the land claim live up to the expectations created by the ILO 169 or UNDRIP? So far, not really. The concepts of Indigenous sovereignty and self-determination, which the Canadian government feels it has both facilitated and embedded in self-governance agreements, reference a narrow understanding of sovereignty. The end result is that the normative definitions of sovereignty that they enshrine do not simply reflect the reality of a nested and circumscribed set of power arrangements of Indigenous peoples within a larger state, but they actively create this reality. This is the main argument, which seems to me to be misunderstood from all legal perspectives. Land claims and other self-government agreements “are not simply formalizing jurisdictional boundaries among pre-existing First Nation polities” (Nadasdy, 2012: 503). Instead, they constitute instruments for creating the legal and administrative systems that actually bring these into being. As such, agreements are “conceived and written” in “the language of state sovereignty.” If these documents do grant Indigenous groups powers of governance, they ensure that “those powers come in the peculiarly territorial currency of the modern state” (ibid.). In this way, land claims are embedded within sovereignty frameworks, which create a territorial currency that transforms First Nations society into “multiple ethno-territorial identities and corresponding nationalist sentiments” (ibid.).

In the final analysis, perhaps the best option is to return to the Nuuk Declaration on Inuit Sovereignty prepared by the transnational ICC, and read it carefully. For the contested areas of the Arctic Ocean, as well as for the Arctic Council and its member states, the prescription offered needs to be considered in the context of an evolving world in which Indigenous rights, like other issues, must be understood transnationally, if not globally. Much has changed in terms of territorial concepts and principles of political organization since the Westphalian state emerged in the seventeenth century, and indeed today there are few concepts that are as ill-defined as that of “sovereignty,” despite the popularly held viewpoint that its definition is clear, intractable, and well-defined in law. In reality, however, normative ideas of sovereignty have been constructed in ways that position the term as both an aspiration and an intractable territorial concept—as a process

embedded in both the individual and in the state collective. None of this is carved in stone.

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Notes

1. The ILO 169 is a legally binding international agreement or instrument, still open to ratification, that deals with the rights of Indigenous peoples.
2. UNDRIP is a non-legally binding aspirational document, in the form of a declaration, that describes individual and collective rights of Indigenous peoples worldwide.
3. Indeed, Bone (2008), Stuhl (2013), and others suggest that this is the normative view for the Canadian state, not a recent or exceptional state.
4. The Peace of Westphalia installed what has popularly become known as the Westphalian state—or the nation state based upon the right for national self-determination. This is the normative system enshrined in international law in today's world.

References

- Abele, Frances and Thierry Rodon. 2007. "Inuit Diplomacy in the Global Era: The Strengths of Multilateral Internationalism." *Canadian Foreign Policy/La Politique Étrangère du Canada*, 13(3): 45–66.
- Alfred, T. and J. Corntassel. 2005. "Being Indigenous: Resurgences Against Contemporary Colonialism." *Government and Opposition*, 40(4): 597–614. <http://web.uvic.ca/igov/uploads/pdf/Being%20Indigenous%20GOOP.pdf>. Accessed November 9, 2012.
- Bankes, Nigel et al. 2004. "Legal Systems." In *AHDR (Arctic Human Development Report)*, 101–118. Akureyri: Stefansson Arctic Institute.
- Bartelson, Jens. 1994. *Genealogy of Sovereignty*. Cambridge: Cambridge University Press.
- Bone, Robert M. 2008. *The Canadian North Issues and Challenges*. Oxford University Press; Third Edition.

- Byers, Michael. 2009. *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*. Vancouver: Douglas & McIntyre.
- Brigham, Lawson W. 2013. "Thinking About the New Arctic Geography." *Arctic Yearbook* 1:1. <http://arcticyearbook.com/index.php/commentaries#commentary5>.
- Broderstad, E.G. and J. Dahl. 2004. "Political Systems." In *ADHR (Arctic Human Development Report)*, 85–100. Akureyri: Stefansson Arctic Institute.
- Campbell, Alastair. 2013. "Sovereignty and Citizenship: Inuit and Canada, 1670–2012." In *Nilliajut Inuit Perspectives on Security, Patriotism and Sovereignty*, edited by Nickles, Scott et al., 35–41. Inuit Qaujisarvingat. Ottawa: Inuit Tapiriit Kanatami.
- Campbell, Darren. 2008. "Roadmap to Nowhere." *Up Here Business*, 18 October 2008. <http://www.upherebusiness.ca/node/261>.
- Canada. 2010. *Canada's Arctic Sovereignty. Report of the Standing Committee on National Defence*. http://www.international.gc.ca/polar-polaire/canada_arctic_foreign_policy_booklet-la_politique_etrangere_du_canada_pour_arctique_livret.aspx?lang=eng&view=d.
- Canada. 2010. Online: Arctic Foreign Policy Statement. http://www.international.gc.ca/polar-polaire/canada_arctic_foreign_policy_booklet-la_politique_etrangere_du_canada_pour_arctique_livret.aspx?lang=eng&view=d.
- Caulfield, Richard A. 2004. "Resource Development." In *AHDR (Arctic Human Development Report)*, 121–138. Akureyri: Stefansson Arctic Institute.
- Coates, Ken, P.W. Lackenbauer, W. Morrison, and G. Poelzer. 2008. *Arctic Front: Defending Canada in the Far North*. Thomas Allen Publishers.
- Dodds, Klaus. 2010. "Flag Planting and Finger Pointing: The Law of the Sea, the Arctic and the Political Geographies of the Outer continental Shelf." *Political Geography*, 29(2): 63–73.
- Duyck, Sébastien. 2011. "Participation of Non-State Actors in Arctic Environmental Governance." *Nordica Geographical Publications*, 40(4): 99–110.
- Dittmer, Jason et al. 2012. "Have You Heard the One About the Disappearing Ice? Recasting Arctic Geopolitics." *Political Geography*, 30:202–214.
- Fabbi, Nadine C. 2013. "Inuit Political Engagement in the Arctic." *The Arctic Yearbook* 1:160–176.
- Fenge, Terry. 2008. "Inuit and the Nunavut Land Claims Agreement: Supporting Canada's Arctic Sovereignty." *Policy Options*, December 2007-January 2008, 84–88. <http://www.irpp.org/po/archive/dec07/fenge.pdf>. Accessed December 1, 2012.
- Fondahl, G. and S. Irlbacher-Fox. 2009. *Indigenous Governance in the Arctic (A Report for the Arctic Governance Project)*. Walter Gordon Foundation.
- Foucault, Michel. 2007. *Security, Territory, Population, Lectures at the College de France 1978–1979*. New York: Palgrave.
- Grant, Shelagh. 2010. *Polar Imperative. A History of Arctic Sovereignty in North America*. Toronto: Douglas & McIntyre.

- Heininen, Lassi. 2004. "Circumpolar International Relations and Geopolitics." In *AHDR (Arctic Human Development Report)*, 207–225. Akureyri: Stefansson Arctic Institute.
- Heininen, Lassi and Heather N. Nicol. 2007a. "The Importance of Northern Dimension Foreign Policies in the Geopolitics of the Circumpolar North." *Geopolitics*, (12): 133–165.
- Heininen, Lassi, and Heather N. Nicol. 2007b. "A New Northern Security Agenda." In *Borderlands. Comparing Border Security in North America and Europe*, edited by Emmanuel Brunet-Jailly, 117–163. Ottawa: University of Ottawa Press.
- Heininen, Lassi, and Christopher Southcott. 2011. *Globalization and the Circumpolar North*. University of Alaska Press.
- Huebert, Rob. 2010. *The Newly Emerging Arctic Security Environment*. Prepared for the Canadian Defence & Foreign Affairs Institute.
- International Labor Organization (ILO). *Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries*. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>.
- Inuit Circumpolar Council. 2009. *Circumpolar Inuit Declaration on Sovereignty in the Arctic*. Available online at <http://inuitcircumpolar.com/section.php?ID=25&Lang=En&Nav=Section>. Accessed July 1, 2013.
- Inuit Circumpolar Council. 2010. *Nuuk Declaration*. <http://inuitcircumpolar.com/section.php?ID=25&Lang=En&Nav=Section>.
- Keskitalo, E.C.E. 2004. *Negotiating the Arctic. The Construction of an International Region*. New York and London: Routledge.
- Koivurova, Timo and Leena Heinämäki. 2006. "The Participation of Indigenous Peoples in International Norm-making in the Arctic." *Polar Record*, 42 (221): 101–109.
- Lackenbauer, P.W. 2013. *The Canadian Rangers: A Living History*. Vancouver: UBC Press.
- Lenzerini, Federico. 2006. "Sovereignty Revisited: International Law and Parallel Sovereignty of Indigenous Peoples." *Texas International Law Journal*, 42:155–189
- Loukacheva, Natalia. 2007. "Nunavut and Canadian Arctic Sovereignty." *Journal of Canadian Studies*, 43(2): 82–108.
- Marcus, Alan R. 1992. *Out In The Cold: The Legacy of Canada's Relocation Experiment in the High Arctic*. IWGIA.
- McCrank, N. 2008. *Road to Improvement: The Review of the Regulatory Systems Across the North*. Ottawa: Indian and Northern Affairs Canada.
- Nadasdy, Paul. 2012. "Boundaries Among Kin: Sovereignty, the Modern Treaty Process, and the Rise of Ethno-Territorial Nationalism Among Yukon First Nations." *Comparative Studies in Society and History*, 54(3): 499–532.
- Nickles, Scott et al. 2013. *Nilliajut Inuit Perspectives on Security, Patriotism and Sovereignty*. *Inuit Qaujisarvingat*. Ottawa: Inuit Tapiriit Kanatami.

- Nicol, Heather N. 2010. "Reframing Sovereignty: Indigenous Peoples and Arctic States." *Political Geography*, 29: 78–80.
- Palosaari, Teemu. 2012. "The Amazing Race." *Nordica Geographical Publications*, 40 (4): 13–30.
- Phillipot, Daniel. 2001. *Revolutions in Sovereignty*. Princeton University Press. <http://press.princeton.edu/chapters/s7094.pdf>.
- Shields, Rob. 1991. *Places on the Margin: Alternative Geographies of Modernity*. London: Routledge.
- Querenguesser, Timothy J. 2013. *Boundaries of Identity: The Boundaries of Unity: Implications of Proposed Reforms to the Mackenzie Valley Resource Management Act for the Future Boundaries of the Northwest Territories*. Unpublished MRP, Trent University, Peterborough, Ontario.
- Robbins, Jane 2010. "A Nation Within? Indigenous Peoples, Representation and Sovereignty in Australia." *Ethnicities*, 10: 257–274.
- Romaniuk, Scott N. 2013. *Global Arctic*. Highclere, Berkshire: Berkshire Academic Press.
- Roussel, S., and J.E. Fossum. (2010). "The Arctic is Hot Again in American and Europe: Introduction to Part I." *International Journal*, 65(4): 799–808.
- Roy, Audrey Jane. 1998. *Sovereignty and Decolonization: Realizing Indigenous Self-Determination at the United Nations and in Canada*. Masters Thesis, Department of Indigenous Governance Programs.
- United Nations. 2007a. *Declaration on the Rights of Indigenous Peoples*. Adopted by the General Assembly 13 September 2007. <http://www.un.org/esa/socdev/unpfii/en/declaration.html>.
- United Nations. 2007b. *About UNPFII and a Brief History of Indigenous Peoples and the International System*. <http://www.un.org/esa/socdev/unpfii/en/history.html>.
- Vongdouangchanh, Bea. 2006. "Cabinet Waiting for Defense Department's 10-Year Arctic Military Plan: O'Connor." October 16, Policy Briefing Canada's North. <http://www.hilltimes.com/pb/view/2006-10-16>.
- Young, Oran. 2012. "Arctic Politics in an Era of Global Change." *Brown Journal of World Affairs* XIX,1. <http://www.highbeam.com/doc/1P3-2943034231.html>.
- Zellen, Barry, S. 2009. *On Thin Ice*. Lexington Books.