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2010

Stability and Security in a Post-Arctic World:
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and Global Interests at the Top of the World;
Strategic Insights, v. 9, issue 2 (Fall 2010) pp. 79-101

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Strategic Insights, v.9, issue 2 (Fall 2010) pp. 80-101.
<http://hdl.handle.net/10945/11522>

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Stability and Security in a Post-Arctic World:

Toward a Convergence of Indigenous, State and Global Interests at the Top of the World

Barry S. Zellen

Introduction

The Arctic region has experienced a rapid transformation during the last few years as unprecedented ice melts caught ice scientists and climatologists by surprise, suggesting that a period of rapid climate change had arrived in the polar region, precipitating earlier and historically unprecedented ice melts—including the first opening of both the Northwest Passage in North America and the Northern Sea Route along the Eurasian Arctic coast. As these extreme changes to the Arctic landscape (transforming an icescape to a navigable maritime domain for part of the year) take place, there has been concern that a race for resources might precipitate a period of state conflict in the region. Increased economic, military and diplomatic activity in the Arctic will bring the long-isolated indigenous peoples of the Far North into closer and more frequent contact with the modern state, testing the new systems of self-governance conceptualized and negotiated in a more static time where traditional conditions of deep freeze had long been the norm. This paper will examine the political modernization of the Inuit and their integration into the political fabric of the modern state through a mosaic of bilateral land claims and self-government processes that more closely bind them to the states that lay sovereign claim to their homeland, and consider how the thawing of the long-frozen Arctic will affect them, and their new relationships with the modern states along the Arctic basin.

Background

Over the centuries, interest in the Arctic, its natural resources, and the commercial and strategic potential of its sea lanes has been persistent, from the fur trading empires of Rupert's Land and Russian America to our own time. However, climatic conditions prevented the region's full potential from being achieved before now, by holding back its development and limiting its contribution to the world economy. Neither a rimland nor a heartland, the Arctic more closely resembles what geopolitical theorist Mackinder called *Lenaland*^[1]—named for the isolated Lena river valley in Russia, this concept captures the unique geostrategic isolation which made it possible for the Cold War's two armed and often hostile superpowers to come face to face along their long ice curtain with little risk of war, in great contrast to the Central Front in the once-divided Germany where a million men stood armed and ready for a generation.

This long isolation dates back before the dawn of man and accounts for the region's unique fauna, such as the polar bear and beluga whale, which blend into an environment defined by ice and snow for millennia. What long defined the region's biological evolution also shaped its geopolitical stability, and limited mankind's otherwise heavy footprint. But all this now looks to be changing—or least the prospect of such a change has tipped from the implausible to the possible—as a result of the rapid warming of the Arctic climate and the measurably accelerated summer ice melts. Even the most alarmist of ice scientists were caught off guard three years ago when summer ice minimums hit new lows several decades earlier than anyone had imagined possible.[2] This has put the region in play strategically for the first time since the end of the Cold War as the renewed promise of unlocking the Arctic's full potential and the simultaneous global rush for natural resources stimulates interest among numerous stakeholders who had otherwise been content to ignore the polar region throughout the 1990s.[3]

Fear, Hope, and Change in the Arctic

With the Arctic, there is a marked divergence between optimists and pessimists. Some, such as Canadian author and dedicated Arctic journalist Ed Struzik, have postulated that what we think of as the Arctic is actually coming to an end, and that we now stand at the threshold of what I call the “Post-Arctic” world. Struzik referred to the “End of Arctic,” a phrase he introduced in the early 1990s and still uses to describe our historical and geopolitical moment. The Arctic Ocean and its increasingly active basin will of course still be there—more obviously so as the ice retreats. But its currently dominant characteristics are changing rapidly—in particular the massive continent-sized barrier of multi-year ice that sits atop the pole, which could disappear in time and has certainly shown a capacity to retreat further and faster than anticipated, presenting us with something of a strategic surprise that suggests further surprises could arise. As the ice pack retreats, the polar barrier that marked the very “ends of the Earth,” or what was long ago called “Ultima Thule,” has the potential to become something of a trans-polar crossroads, or what mapmakers long ago imagined to be the “Midnight Sea.” Already shipping companies are testing routes across the top of the world to link Northeast Asian ports with their counterparts in Europe and Russian ports with their counterparts in Canada, anticipating that new sea lanes will become a feature of the maritime world.

What Rob Huebert and Brooks Yeager called a “New Sea” in their January 2008 World Wildlife Fund report will eventually emerge if summer warming trends are sustained (and if decelerations of the ice-melts prove to be only temporary), with huge geopolitical consequences.[4] What was once the “ends of the Earth” now has the potential to become its new center, a literal “*mediterranean*.” Many are worried about these consequences; Ed Struzik, in his 1992 *Equinox Magazine* article titled “The End of Arctic,” predicted a world without a frozen Arctic;[5] and more recently, of course, is Al Gore's “Inconvenient Truth”[6] thesis (which experienced something of a meltdown on the eve of Climategate when he exaggerated Wieslav Maslowski's predictions of an ice-free Arctic (Maslowski was thinking *seasonally*, and Gore was thinking *messianically*) which echoed Struzik's earlier argument that we are witnessing the end of a unique part of the Earth's heritage.[7] Gore went further, suggesting a potential global

catastrophe that threatens to end most life on our planet. But even if such an apocalyptic end does not result from climate change, Arctic peoples and their governments will have to contend with the impacts of shifting wildlife migration patterns, coastal erosion and permafrost thaws that jeopardize many northern infrastructures. And even new opportunities such as increased trans-polar shipping will bring new risks and challenges, especially as multi-year ice breaks up and drifts south into the emergent sea lanes, requiring much investment and infrastructure development to ensure that adequate safety, search and rescue, environmental cleanup, and marine service capabilities are in place.

There are also some optimists who see us standing at the start of a new era, much like Francis Fukuyama viewed the end of the Cold War as a symphonic Hegelian finale called the “End of History,”^[8] and the dawn of a new era of hope. This more optimistic viewpoint believes we’re entering a new “Age of the Arctic,” the title of the well-known book (and earlier *Foreign Policy* article by Oran Young from the Winter 1985/86 edition),^[9] or as described by the phrase made famous in 1973 by the late Walter Hickel, Alaska’s very own philosopher-king—who not only helped endow the state of Alaska with the necessary land base to be viable (103 million acres), but who would later run the state as Governor serving two separate terms, and who also served in President Nixon’s Cabinet as Interior Secretary—that it’s the dawn of the “Day of the Arctic.”^[10] One can look even further back, all the way to William H. Seward’s 1853 “Destiny of America” speech that predicted the expansion of America “so that it shall greet the sun when he touches the Tropic, and when he sends his glancing rays towards the Polar circle.”^[11] Seward helped fulfill his prediction when he negotiated the purchase of Alaska from Russia in 1867—though at the time this was much criticized as reckless and shortsighted, and became infamously known as Seward’s Folly.

Whether you stand at a precipice before a tragic “End of the Arctic,” or at the gateway to a promising “Day of the Arctic,” depends ultimately on whether you approach the climate issue with hope or fear, and whether you anticipate great opportunity, or severe danger. I prefer to think of the coming era as the onset of the “Arctic Spring,” which imagines a forthcoming period of great change that offers tremendous hope as well as risk, a view that is shared by many northerners who look to climate change with something of a “bring it on” mentality, seeing in the thaw a potential economic awakening. “Arctic Spring” has the potential to transform the Arctic basin much like Prague Spring promised to open up and integrate Czechoslovakia with the West, but which in the end was crushed for another generation. However, the hope expressed in 1968 was finally realized twenty years later, when the Velvet Revolution succeeded in toppling the communist regime. As we think about this coming transformation, we should remember that this is a new (and as such unwritten) chapter of history—with the potential for new ideas and innovation.

Former Soviet Premier Gorbachev had such a vision for the Arctic at the Cold War’s end, expressed in October 1987 in his Murmansk Initiative,^[12] which called for the Arctic to become a “Zone of Peace,” and to lead the way forward to an end of the Cold War, a vision articulated by the Inuit as well, showing a unique alignment of tribal, territorial, state and international

interests. But events quickly sped beyond Gorbachev's control with the fall of the Berlin Wall, and the cascading swarms of people-power more speedily integrating East and West than his imaginative Arctic diplomatic efforts. But the idea was a good one, and perhaps worth revisiting. At Ilulissat in May 2008, a similar vision of an Arctic united and governed by international law was asserted; it remains to be seen if this vision ultimately triumphs, but as Lawson Brigham has recently observed in *Foreign Policy*, the prognosis is good and even recent saber-rattling through military exercises and assertive policy statements has not created frictions "beyond the realm of diplomacy."^[13] It remains possible that the Arctic basin will become a new arena for cooperation between Russia and the West, much like Gorbachev foresaw at Murmansk before his empire collapsed internally, fostering an East-West unification along the Central Front and not the northern front as he had hoped.

But much depends on the evolution of political attitudes in all of the Arctic states, and whether the political climate warms along with the geophysical climate. It is notable that at the Ilulissat Summit two years ago, only the top foreign affairs officials of the Arctic rim states were invited—suggesting that even as they pledged to collaborate in their efforts to resolve future Arctic disputes, they have yet to fully integrate the input of the region's inhabitants, and in particular its indigenous peoples. This was noted by the Inuit leadership, who a year later issued their own Circumpolar Declaration on Arctic Sovereignty,^[14] calling for their rightful, and central, place in determining its future and taking a baby-step forward toward a more robust assertion of sovereignty. In response to the emboldened Inuit response to their exclusion at Ilulissat, Secretary of State Clinton famously waded into the muskeg this past March, chastising her alliance partner, next-door neighbor to the north, and primary oil supplier, for excluding the Inuit and the non-rim Arctic states from the next meeting of the Arctic 5.^[15]

It appears that more than the climate is heating up; with Secretary of State Clinton's not-exactly-subtle diplomacy in Ottawa this past spring, a tectonic shift in the diplomatic balance of power may be taking place, with sub-state indigenous groups like the Inuit now finding a sympathetic ear at Foggy Bottom, and values long localized at the tribal level now shared by powerful states, not unlike the alignment that nearly came into balance at Murmansk a generation ago. The next step is to continue broadening the circle of stakeholders, so that the dynamic and creative efforts of the indigenous peoples of the region, and their many interests and perspectives, can increasingly shape the world's response to the changes taking place at the top of the world.

With the new regional governing structures across the Arctic now fully integrating the Inuit, from the North Slope Borough to the increasingly autonomous island-province of Greenland, and settled land claims empowering indigenous peoples with huge tracts of lands and substantial economic resources across the North American Arctic, their participation is not only enabled, it is essential—as the internal and external dimensions of Arctic security come together at the top of our world, where all hemispheres, and all jurisdictions, not only come together but fade into a singular point, where concepts like "East" or "West," or "Tribe" and "State," lose their meaning as they merge into a point of singularity in the high North.

The Inuit Political Odyssey: From Assimilation to Empowerment

Over the last half century, tremendous structural innovations have been made to the political economy of Arctic North America, stretching from the Bering Sea to Baffin Bay, with the completion of a multi-generational process of negotiating comprehensive aboriginal land claims treaties to resolve issues of land ownership, and to foster an enduring partnership between the indigenous peoples and the modern state through a variety of new institutions, including aboriginal regional and community corporations, investment corporations, land administration agencies, a variety of tribe-state co-management boards, plus a complex patchwork of local, regional and territorial governments created to give a voice to the native interest. As a result of these changes, which I examine in my 2008 volume, *Breaking the Ice* and its 2009 sequel, *On Thin Ice*, the Inuit and other aboriginal northerners have become powerful stakeholders in the economic and political systems that govern the Arctic today, and also, importantly, the largest private land owners with direct control over some ten percent of North America's Arctic territories, and indirect influence over a far larger portion of the Arctic land mass.^[16]

The historical process, seen from Alaska to Nunatsiavut, has been by and large a two-step process. The first step was to address the land question, and to negotiate and, in most cases, implement land claims accords to bring clarity of title, helping to identify who owns which lands, and to reconcile the competing interests of tribe and state and thereby open up (or, for sensitive ecosystems and traditional hunting lands, close off) the region to economic development with various mechanisms of co-management helping to keep native and state interests in balance. Once land claims were settled, the next step in the process of northern development has been the pursuit of new systems of aboriginal self-governance, taking various forms and employing various structures over time (with greater powers becoming available as time went by, and earlier policies of assimilation being replaced by more contemporary policies promoting cultural and political renewal)—from the establishment of municipal or borough governments under existing constitutional law as we saw in Alaska in the 1970s; to the creation newly empowered tribal councils governed by federal Indian law in Alaska and the NWT in the 1980s and 90s; or the negotiation of entirely new systems of governance—with the most ambitious being Nunavut, with their comprehensive land claim settlement in 1993 linked to the subsequent formation of a new territorial government in 1999, creating a complex and potentially powerful system of self-governance applying a public model to a predominantly indigenous region for de facto indigenous self-governance.

After Nunavut, the evolution toward more distinctly indigenous self-governing structures has continued, as reflected in the Labrador Inuit Land Claim of 2005 with the very first truly Inuit self-governing structure, whose governing principles were articulated in detail in the 2002 Labrador Inuit Constitution. More recently, in November 2008, the Danish province of Greenland held a referendum on evolving beyond their “home rule” system of autonomy toward formal state sovereignty and independence, which passed decisively—paving the way forward for the emergence of a formally sovereign Arctic state with a majority Inuit population, with literally revolutionary (or devolutionary) implications for the rest of the Inuit homeland. In the

years ahead, we may see even further advances in the process of native empowerment toward increased autonomy and perhaps leading toward the Balkanization of the Arctic into independent (or at least more genuinely autonomous) political units.

Regardless of the jurisdiction, whether in Alaska or Arctic Canada, or beyond the shores of North America, indigenous peoples have shown tremendous ingenuity in their effort to build new systems for self-governance since the land claims movement took root in the 1960s, creatively adapting existing institutions or creating new ones when possible, lobbying for and negotiating to further advance their powers. Ideas and institutions for reconciling the interests of indigenous northerners and the modern state have evolved, broadly following (but with some exceptions^[17]) a west-to-east arc across the North, becoming stronger with each new iteration and reversing many of the negative consequences of the colonial experience, and transforming the domestic balance of power to lean heavily in favor of tribal interests, particularly on social, environmental, and economic matters. This increasing shift in power has increased the capacity for the indigenous peoples of the North to confront the many social and economic challenges that remain in their communities, providing the tools necessary to innovate new opportunities and to grapple with the complex challenges (as well as potential opportunities) associated with climate change and a potential Arctic thaw.

The settlement of land claims and emergence of new structures of self-government have increased the role of indigenous peoples in the decisions made about the Arctic and its future. One dramatic illustration: in the 1970s, when the Mackenzie Valley Pipeline Inquiry was held by Justice Berger, the struggle was primarily between corporate interests and tribal interests, with the latter excluded from the decision-making of the former. During the more recent Mackenzie Gas Project, the Aboriginal Pipeline Group sat with the oil companies as an aboriginally-owned equity partner; and the Joint Review Panel examining the environmental and social impacts of the proposed pipeline was empowered by the settled regional land claims, providing an indigenous perspective on both sides of the table—contributing to a slow pace but a unique review process with indigenous inputs at all levels.^[18]

Alaska Native Claims: Starting the Process

When the Alaska Native Claims Settlement Act of 1971 (or ANCSA) was enacted, it aimed to quickly bring Alaska natives into the modern economy, and at the same time to clarify the limits of aboriginal title, making it possible to fully develop the state's natural resources and in particular to build the trans-Alaska pipeline. Because its objectives were largely economic, its corporate model became its defining and most transformative characteristic—not without controversy, since the corporate model was viewed with some skepticism by indigenous leaders as a tool of assimilation, and there remains a continuing debate over the appropriateness of the corporate model to the indigenous north. ANCSA formally extinguished aboriginal rights, title, and claims to traditional lands in the state, while formally transferring fee-simple title to 44 million acres—or some twelve percent of the state's land base—to Alaska natives, with \$962.5 million in compensation for the lands ceded to the state, \$500 million of which was to be derived

from future oil royalties (as a result of which over half the “compensation” was to be derived from resources extracted from the Inupiat homeland—an irony not missed by Alaska natives.) ANCSA also created 12 regional native corporations (and later a 13th for non-resident Alaska natives), and over 200 village corporations to manage these lands and financial resources.

These new corporate structures introduced a brand new language and culture, as well as a new system of managing lands and resources that seemed at odds with the traditional cultures of the region and their traditional subsistence economy. The early years of ANCSA were famously described by justice Thomas Berger as dragging Alaska natives “kicking and screaming”^[19] into the twentieth century, and many native corporations approached the brink of bankruptcy, forced to monetize their net operating losses in a last desperate bid to stay in business. A new cottage industry of northern investment, legal, and policy advisors emerged—sometimes to the benefit of their clients, but often not. In addition to the *corporatization* of village Alaska, ANCSA’s original design also had some structural flaws that nearly proved fatal to the land claims experience, including the “1991 time bomb”—the eventual expiration of the 20-year moratorium against transferring shares in native corporations to non-natives, which many feared would inevitably result in the dilution of native ownership. While critics of the land claims process are correct to point out these original structural flaws and the assimilating pressures introduced by new corporate structures, the land claims model has nonetheless proved resilient and adaptive, as native corporations matured and their boards, managers and shareholders found ways to better balance traditional and modern values, learning from their crash course in capitalism as they went—today the native corporations represent a huge economic force in the state of Alaska.

The Inuvialuit of the Northwest Territories: Evolving the Land Claims Model

Across the border, the Inuvialuit of the Western Canadian Arctic had a front row seat to ANCSA, and were impressed by all the money that was flowing north, as well as the new corporate structures created, and the sizeable land quantum formally transferred to Alaska natives. But they also noted continuing threats to indigenous culture, and the lack of adequate protections of subsistence rights, traditional culture, and environmental protection, and were determined to do better. So when they began negotiations for the 1984 Inuvialuit Final Agreement (IFA) in the late 1970s, the land claims model became significantly enhanced—in addition to creating new native corporations, the IFA also made an equal institutional commitment to preserve native culture and traditions, to protect the land and the wildlife, and to empower not just new corporate interests but also traditional cultural interests as well by creating new institutions of co-management and more powerful hunters and trappers committees. They also made sure all Inuvialuit became shareholders, and that no non-Inuvialuit ever could, learning from the Alaskan experience. The Inuvialuit thus successfully modified the land claims concept, so that its structure included a natural institutional balancing—not unlike our own balance of powers concept—that has enabled a greater commitment to cultural and environmental protections.

Their land claim entitled 3,000 Inuvialuit living in six communities to 35,000 square miles of land; co-management of land use, water use, wildlife, and environmental assessment; wildlife harvesting rights; financial compensation of \$45 million in 1978 dollars (inflation-adjusted to \$162 million), for lands ceded to Canada; a share of government royalties for oil, gas, and mineral development on federal land; the formation of new national parks in their settlement area to further protect their land base from development while leaving subsistence activities unhindered; and a commitment to meaningful economic participation in any development in their settlement area. This model has remained largely intact in later comprehensive land claims, showing a 25-year endurance as a model for northern development. But one issue that was not yet on the table in the late 1970s and early 1980s when the Inuvialuit chose to pursue their own regional land claim—and thereby gain some control over the intense oil boom in their homeland—was the establishment of new institutions of aboriginal self-government, something that the Inuit of the central and eastern Arctic—the future Nunavut territory—decided to wait for. The Inuvialuit felt they did not have the luxury of time given the frenetic pace of oil and gas exploration in their lands. But Nunavut remained more isolated, providing more time to re-think, and renegotiate, the land claims model.

Nunavut: Augmenting Land Claims with Regional Political Power

In the years separating the signing of the Inuvialuit land claim in 1984, and the signing of the Nunavut land claim in 1993, much progress was made on the political question, and an increasing respect for aboriginal rights in Ottawa enabled the establishment of a new concept: reshaping political boundaries to correspond to a land-claims settlement area, and establishing a new government to administer this region, augmenting the land claims with real political power. In 1993, with their signing of an historic accord, the Inuit of Nunavut were awarded \$1.1 billion and title to 135,000 square miles of land, including 13,600 with subsurface rights, on top of various co-management boards, clearly defined rights protecting subsistence, and royalty sharing from resource development activities. Nunavut has a population of around 30,000 in 28 communities spread out across over 770,000 square miles, or one fifth of Canada's land mass, including the High Arctic islands and the central-arctic coastal mainland. While its population is tiny, its jurisdiction is vast and its resource base potentially tremendous, and the sea lanes that cross through the territory include the famed Northwest Passage.

The most striking innovation of the Nunavut claim was the way it was formally linked to the division of the Northwest Territories and the formation of a brand new territory, resulting in the 1999 birth of Nunavut. Nunavut has now been up and running for a decade, gaining valuable but often painful experience in self-governance—and thus showing many strains as it struggles to confront some daunting social and economic challenges in one of the most challenging geophysical environments imaginable. There have also been intergovernmental frictions with Ottawa over implementation, and a growing perception of a crisis in Canada's youngest territory. But there is still much reason for hope for the future; the roots of the problems facing Nunavut go deep and are not likely to be quickly overcome, but the solutions developed can now be northern solutions, rooted in a deep understanding of northern social realities. Since its

population is predominantly Inuit, a public government can, at least for now, govern in an indigenous style—as the principles of the Nunavut land claim and the governing power of the new territorial government mutually reinforce one another. There is a long-term risk the territory could become more like the Yukon, especially if a major mineral strike results in a new mining center. But for now, a public model in an indigenous context is a creative way to create self-government by other means.

After Nunavut: The Labrador Land Claim and the Dawn of Inuit Governance

Half a decade after Nunavut made headlines around the world, the final Inuit land claim along the North American Arctic and Subarctic coast—the Labrador Inuit (Nunatsiavut) Land Claims Agreement—was settled. It was ratified in December 2004 and came into effect a year later, presenting a new stage in the evolution of Inuit governance, making the two-step process more of a one-step process, further redefining the limits of self-government within a land settlement area—transcending the public model applied by the Inuit of Nunavut and the Inupiat of the North Slope. The agreement created the 28,000 square mile Labrador Inuit Settlement Area with an adjoining 18,800 square mile ocean zone extending as far as Canada’s territorial waters. The settlement area includes 6,100 square miles of Labrador Inuit Lands, five predominantly Inuit communities, and 3,700 square miles set aside for the Torngat Mountains National Park Reserve (following a tradition established by prior Inuit land claims to create vast national parks in which subsistence was protected)—with the Inuit retaining special rights in each of these areas. The Government of Canada will pay the Labrador Inuit \$140 million in 1997 dollars in compensation for lands ceded to the Crown.

Just as the formation of the Nunavut territory was the key innovation of the Nunavut land claim, the emergence of truly Inuit self-government is the hallmark of the Labrador claim. As described in section 17.2 of the claim, it “exhaustively sets out the law-making authorities and self-government rights of Inuit,” with the newly created Nunatsiavut Government to be governed by the “fundamental law of Inuit” as enunciated by the 159-page 2002 Labrador Inuit Constitution. The constitution, among its many components, included an Inuit charter of human rights, recognized Inuit customary law and its application to “any matter within the jurisdiction and authority of the Nunatsiavut Government,” and embraced laws to protect Inuit culture, language, and traditional knowledge.” The Labrador Inuit Constitution created a blueprint of Inuit values and a pathway to the rapid formation of a truly Inuit system of government in a region that’s adjacent to coastal waters of emerging strategic significance, with active commercial and subsistence fisheries, major strategic mineral deposits such as the Voisey’s Bay project, and the prospect of much future economic potential. It also showed a new path toward aboriginal self-government, one that did not require secession like Nunavut, but instead forged a regional sub-government within an existing province, but with unique governing principles.

A Path toward Sovereign Independence: Beyond the Land Claims Model

The Arctic land claims model, with its subsequent modifications, has become an inspiration to many, proof positive of what can be gained through a determined, forward-looking effort to rebalance and modernize the relationship between the indigenous people of the North and the modern state. As with any land reform effort, changes in land tenure can have a profound impact on the domestic balance of power, shifting not just title to land, but the wealth created from that land, resulting in concentrations of economic power in the hands of a small indigenous population numbering in the thousands or tens of thousands. In Alaska and the Canadian Arctic, the Inuit have become owners of vast tracts of land, making them a landed elite with control over numerous economic, and increasingly, political levers. While not formally sovereign, they are poised to become increasingly influential stakeholders, partners in the consolidation of state sovereignty, and in the economic development of the northern frontier. A comparable situation exists in the post-Ottoman Middle East, with extended tribal families and clans sitting at a powerful and lucrative nexus of land ownership, natural resource wealth, and political power. While northern natives in Arctic North America are not in command of the ultimate levers of sovereign state power, such as military forces or national treasuries, they do have in their possession or within reach many tools of regional power, making them dominant regional elites. As the climate warms and the Arctic basin yields more natural resource wealth, the economic resources in their possession will also increase, and with that political influence.

In 2008, Greenland held a non-binding referendum on increasing the island's autonomy and eventually restoring its sovereign independence; the proposal was approved decisively, showing how far the desire to be self-governing extends across the Arctic.^[20] Denmark has shown a unique openness to the possibility of Greenland becoming formally independent (in contrast to the other Arctic states which attach great economic, strategic and emotional/ideological significance to their Arctic territories)—and if independence happens, it would mark perhaps the final stage in the process that began with ANCSA nearly half a century ago, with the full restoration of sovereignty to an Arctic nation. Other micro-states are sovereign (even if unable to defend that sovereignty)—from the South Pacific to the city-states of Europe. So why not in the Arctic? What a sovereign Arctic state will look like, how it affirms traditional native values, and balances modernization with tradition, will be fascinating to observe. The risks are real; Iceland's economic collapse, Nunavut's persistent social challenges, the near-collapse of Alaska's native corporations, are cautionary tales to consider.

Fostering a Tribe-State Partnership: A Sea Change in America's Arctic Policy

Many of the policies of President Bush's prior administration were controversial, and some believe unnecessarily unilateral and divisive; but in the closing hours of his historic (if not universally popular) presidency, he issued the first new American Arctic policy since 1994. This document appears to have been written with the new era in mind; it takes a multilateral approach to Arctic issues, pledging the United States to work with international, regional, local, and even tribal organizations, and continues to provide a blueprint for the Obama Administration. The collaborative spirit of the policy update was so unexpected that the initial response was largely one of denial, with media attention fixating on the few unilateral components relating to national

and homeland security, but not on the dozens of other more collaborative dimensions. Those unnoticed affirmations of a multilateral Arctic future reflected a rather sophisticated awareness of the transformation of the Arctic, and showed an appreciation of the increasing role of its indigenous peoples—marking a collaborative and multilateral conclusion to his highly controversial presidency.

A tectonic shift—toward greater collaboration with, and participation of, the numerous tribal, national, and international actors on the circumpolar stage—was evident in the first comprehensive re-articulation of U.S. national policy on the Arctic region since 1994.^[21] Indeed, it is noteworthy that among the six policy objectives identified in Section III, part A of National Security Presidential Directive 66/Homeland Security Presidential Directive 25 (NSPD-66/HSPD-25)—issued on January 9, 2009, in the final days of the Bush administration—were to “Strengthen institutions for cooperation among the eight Arctic nations” (objective number four) and to “Involve the Arctic’s indigenous communities in decisions that affect them” (objective number five.) This is historically significant, and demonstrates both an increased awareness of, and respect for, the growing political and economic participation of the Arctic peoples in governing their own affairs, as well as a continued commitment to a collaborative, multilateral approach to solving the region’s challenges. While the first policy objective listed in Section III, A, is to “Meet national security and homeland security needs relevant to the Arctic region”—a point that has dominated news coverage and commentaries on the new Arctic policy—the second and third objectives are to “Protect the Arctic environment and conserve its biological resources,” and to “Ensure that natural resource management and economic development in the region are environmentally sustainable,” directly benefitting the foundational pillars upon which the indigenous Arctic cultures depend for their cultural, nutritional, and economic survival. The sixth policy objective is to “Enhance scientific monitoring and research into local, regional, and global environmental issues,” which further reinforces America’s renewed commitment to multilateralism at the top of the world and increasing environmental knowledge at all levels, from the local to the global, during this time of Arctic transformation.

These important dimensions to the new U.S. Arctic policy were largely overlooked by many observers, in particular by the op-ed pages of several newspapers north of the border that emphasized the national security and unilateral dimensions of America’s new Arctic policy. But somehow, the unprecedented level of collaboration that the White House embraced—with its top-level commitment to indigenous as well as global participation, and its refreshingly holistic approach to the region’s environmental and ecological health, as well as to continued scientific research in the interest of protecting this fragile domain—got overlooked in the first round of commentary, analysis, and opinion that greeted the release of the directive. Clarifying its policy, on January 13, 2009, the U.S. State Department provided a statement in response to a question at its daily press briefing, explaining: “The new directive is the culmination of an extensive interagency review process undertaken in response to rapid changes taking place in the Arctic, the principal drivers of which are climate change, increasing human presence in the region, and the growing demand for Arctic energy deposits and other natural resources,” and noted the

“directive focuses on seven broad areas of Arctic policy.”^[22] The State Department also reiterated its commitment to Arctic cooperation, noting that “States safeguard their national security interests in numerous ways, some on their own, and some in cooperation with others. The United States wants to cooperate with other governments in the Arctic. The best way to address both the challenges and opportunities of the Arctic is through cooperation. Any U.S. action would respect international law.”^[23]

This certainly does not suggest a go-it-alone attitude by the United States. Quite the contrary, it reflects an awakening to the increased participatory role of indigenous peoples, circumpolar neighbors, and international organizations in the management of the Arctic, and the continued need for a multilateral approach to managing the Arctic’s unique challenges in the years ahead. While the new policy does not reflect a change of perspective on the legal status of the Northwest Passage, or a softening in America’s commitment to freedom of the seas, it does suggest a sea change is underway in its perception of, and sensitivity to, the numerous challenges mounting at the top of the world as the ice continues its retreat, and the prospect of a post-Arctic world enters the realm of the possible. Most importantly, it shows a far greater sensitivity to the interests and perspectives of the indigenous peoples as well as America’s Arctic neighbors, and a willingness to work together in a joint effort to resolve these challenges in the years ahead—so much so that America’s Arctic policy remains unchanged under the Obama administration, with Secretary of State Clinton, as noted above, providing vocal support of the Arctic’s non-state peoples

The Circumpolar Inuit Declaration: Reasserting Indigenous Sovereignty in the Arctic

On April 28, 2009, a delegation of Inuit leaders from Greenland, Canada, Alaska, and Russia presented a Circumpolar Inuit Declaration on Arctic Sovereignty^[24] in Tromsø, Norway, where the Arctic Council was meeting. It represented the Inuit response to their exclusion at Ilulissat, and while it does not directly consider the many details presented in the new U.S. Arctic policy, it nonetheless illustrates that both the Inuit and the modern state are converging in their conceptualization of Arctic sovereignty, with both viewing it to be an increasingly collaborative and mutually reinforcing concept. The declaration emerges from the work of the first Inuit Leaders’ Summit on November 6–7, 2008, in Kuujuaq, Nunavik, in Northern Quebec, where they “gathered to address Arctic sovereignty” and “expressed unity in our concerns over Arctic sovereignty deliberations, examined the options for addressing these concerns, and strongly committed to developing a formal declaration on Arctic sovereignty.”^[25] There, the Inuit leaders “noted that the 2008 Ilulissat Declaration on Arctic sovereignty by ministers representing the five coastal Arctic states did not go far enough in affirming the rights Inuit have gained through international law, land claims and self-government processes.”^[26] In many ways, their declaration was their direct response to the foreign ministers of the Arctic states for their exclusion at Ilulissat, and it constructively redresses this exclusion, and persuasively argues for their central role in determining the fate of the Arctic. As the Inuit Circumpolar Council observed in a press release issued at this start of their effort in November 2008, “Sovereignty is a complex issue. It has a variety of overlapping elements, anchored in international law. But

fundamentally it begins with the history and reality of Inuit use and occupation of Arctic lands and waters; that use and occupation is at the heart of any informed discussion of sovereignty in the Arctic. Arctic nation states must respect the rights and roles of Inuit in all international discussions and commitments dealing with the Arctic.”[27]

The April 2009 declaration unveiled at Tromsø updates the Inuit policy on sovereignty in the Arctic, and asserts that “central to our rights as a people is the right to self-determination,” which “is our right to freely determine our political status, freely pursue our economic, social, cultural and linguistic development, and freely dispose of our natural wealth and resources. States are obligated to respect and promote the realization of our right to self-determination.”[28] Section two of the declaration concerns the “Evolving Nature of Sovereignty in the Arctic,” and notes that sovereignty “has often been used to refer to the absolute and independent authority of a community or nation both internally and externally” but that it remains a “contested concept, however, and does not have a fixed meaning.”[29] Further, the declaration notes, “Old ideas of sovereignty are breaking down as different governance models, such as the European Union, evolve,” where “sovereignties overlap and are frequently divided within federations in creative ways to recognize the right of peoples.”[30] Therefore, for the Inuit, “issues of sovereignty and sovereign rights must be examined and assessed in the context of our long history of struggle to gain recognition and respect as an Arctic indigenous people having the right to exercise self-determination over our lives, territories, cultures and languages.”[31] The Inuit further note that “recognition and respect for our right to self-determination is developing at varying paces and in various forms in the Arctic states in which we live,” and that:

Following a referendum in November 2008, the areas of self-government in Greenland will expand greatly and, among other things, Greenlandic (Kalaallisut) will become Greenland’s sole official language. In Canada, four land claims agreements are some of the key building blocks of Inuit rights; while there are conflicts over the implementation of these agreements, they remain of vital relevance to matters of self-determination and of sovereignty and sovereign rights. In Alaska, much work is needed to clarify and implement the rights recognized in the Alaska Native Claims Settlement Act (ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA). In particular, subsistence hunting and self-government rights need to be fully respected and accommodated, and issues impeding their enjoyment and implementation need to be addressed and resolved. And in Chukotka, Russia, a very limited number of administrative processes have begun to secure recognition of Inuit rights. These developments will provide a foundation on which to construct future, creative governance arrangements tailored to diverse circumstances in states, regions and communities.[32]

The Circumpolar Inuit declaration observes that in “exercising our right to self-determination in the circumpolar Arctic, we continue to develop innovative and creative jurisdictional arrangements that will appropriately balance our rights and responsibilities as an indigenous people, the rights and responsibilities we share with other peoples who live among us, and the

rights and responsibilities of states,” and that in “seeking to exercise our rights in the Arctic, we continue to promote compromise and harmony with and among our neighbours.”^[33]

However, even though the Ilulissat Declaration pledged the Arctic rim states to “use international mechanisms and international law to resolve sovereignty disputes,” thus far “in their discussions of Arctic sovereignty” the Arctic rim states “have not referenced existing international instruments that promote and protect the rights of indigenous peoples. They have also neglected to include Inuit in Arctic sovereignty discussions in a manner comparable to Arctic Council deliberations.”^[34] The Inuit declaration thus reminds us that the “inclusion of Inuit as active partners in all future deliberations on Arctic sovereignty will benefit both the Inuit community and the international community,”^[35] and that “extensive involvement of Inuit in global, trans-national and indigenous politics requires the building of new partnerships with states for the protection and promotion of indigenous economies, cultures and traditions.”^[36] These partnerships, the declaration contends, “must acknowledge that industrial development of the natural resource wealth of the Arctic can proceed only insofar as it enhances the economic and social well-being of Inuit and safeguards our environmental security.” Anything less will be rejected by the Inuit, and with their many settled land claims accords, regional and territorial governments, and numerous mechanisms of co-management and environmental regulation, proceeding without the full support of the Inuit might be surprisingly futile. That’s why the Inuit have drawn a line in the tundra, and so vocally insisted that their exclusion from the table at Ilulissat must be redressed, so that the future development of the Arctic is a truly joint effort, not just between the Arctic states, but between the states and the Inuit as well.

The Warming Earth and the New Sea: Onset of the Arctic Spring

There is still reason for hope, as evident by the tremendous progress made since 1971 reconciling state and tribal interests throughout the North American Arctic. But the challenges are still substantial—and just as we approach the end of this long journey of native empowerment, with the institutional transformation of the Arctic nearing completion, a new challenge emerges: that of rapid climate change. The visible evidence is overwhelming, as illustrated by the record ice melts (coming decades ahead of scientists’ predictions), the greening of the tundra as southern flora migrate north, and the melting of permafrost (affecting northern infrastructure and releasing methane trapped below, which could accelerate the warming trend.) The geophysical landscape of the Arctic is in a rapid transition.

While this presents new economic opportunities for the least developed part of North America, and promises to alleviate endemic poverty with new jobs, and new sources of revenue for the emergent Inuit governments, there is still much uncertainty and risk—particularly to subsistence hunting that depends on predictable wildlife migration patterns, and on stable winter ice and summer ground conditions. At risk are the indigenous cultures that have evolved along with the unique Arctic ecosystem and all its interconnected components. But all of the efforts to modernize the Arctic’s political economy over these past forty years have empowered the indigenous people of the region to directly address, mitigate, and potentially resolve these new

challenges, and to leverage the emerging economic opportunities—with a wide assortment of new tools, and increasing levels of power.

While that can't stop or even slow the warming, it can at least enable the peoples of the Arctic to contribute toward the creation of new solutions, as they rise to the new challenges of this era.

About the Author

Barry Zellen is a specialist on arctic security, sovereignty and self-governance. He lived in the Inuvik and Yellowknife, NWT and Whitehorse, Yukon from 1988 to 2000, working in the field indigenous language media. He is author of *Breaking the Ice: From Land Claims to Tribal Sovereignty in the Arctic* (Lexington 2008); *On Thin Ice: The Inuit, the State and the Challenge of Arctic Sovereignty* (Lexington 2009); and *Arctic Doom, Arctic Boom: The Geopolitics of Climate Change in the Arctic* (Praeger's Security and the Environment Series, 2009). His four-volume *States of Mind: The Realist Tradition and Foundation of Western Order* is forthcoming from Praeger Security International in 2011. The author wishes to extend his thanks to Brent Kesler and Ginger Blanken for their editorial suggestions and improvements of earlier drafts of this article. This article presents an update to the concluding chapter of *Arctic Doom, Arctic Boom: The geopolitics of climate change in the Arctic* published by Praeger's Security and the Environment Series in 2009, available at <http://www.greenwood.com/catalog/A2052C.aspx>. An earlier version of this article will be available to subscribers in the *ABC-Clio World Geo Academic Solution Database*, at <http://databases.abc-clio.com>.

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13. Lawson Brigham, "Think Again: The Arctic -- Everyone wants a piece of the thawing far north. But that doesn't mean anarchy will reign at the top of the world." *Foreign Policy*. September/October 2010.
14. Inuit Circumpolar Council, *Circumpolar Inuit Declaration on Arctic Sovereignty*, April 28, 2009; see also: Inuit Circumpolar Council Press Release, "Arctic Sovereignty Begins with Inuit: Circumpolar Inuit Commit to Development of 'Inuit Declaration on Sovereignty in the Arctic,'" Ottawa, Ontario, November 10, 2008.
15. Barry S. Zellen, "Cold Front: Hillary, Ottawa, and the Inuit," *Journal of Military and Strategic Studies* 12, No 3 (Spring 2010).
16. Barry S. Zellen, *Breaking the Ice: From Land Claims to Tribal Sovereignty in the Arctic* (Lexington, 2008) and *On Thin Ice: The Inuit, the State, and the Challenge of Arctic Sovereignty* (Lexington, 2009). The historical and structural details of Inuit governance and land claims accords presented in the following pages present an overview of the case studies presented in this work. Also see Barry S. Zellen, "The Arctic Land Claims Journey," *Tundra Telegraph*, April 6, 2010; and Condon, Richard. "Canadian Inuit Land Claims and Economic Development," *Alaska Native News* I, no. 10-12, 37; and *Alaska Native News* I, no. 12, 16-18, 40.

17. For example, James Bay and Northern Quebec, due to the intensification of Quebec's hydro-power development activities in its northern reaches.

18. See the website of the Mackenzie Gas Project at <http://www.mackenziegasproject.com/> and the Aboriginal Pipeline Group at <http://www.mackenziegasproject.com/>. As described by Aboriginal Pipeline Group chairman Fred Carmichael, "Community consultations on a proposal to bring Mackenzie Delta natural gas to southern markets have begun in the Northwest Territories. As a longtime northerner, it reminds me of the Berger Inquiry. But this time, northern Aboriginal people are at the planning table. In a sense, we are now wearing two hats. One hat we wear identifies our traditional role as guardians and stewards of the land. The other hat represents our emerging role as business opportunity developers."

19. See Thomas R. Berger, *Village Journey: The Report of the Alaska Native Review Commission* (Hill and Wang, 1985).

20. Martin Fletcher, "Greenland referendum offers break from links to Denmark," *Irish Independent*, November 26 2008, <http://www.independent.ie/world-news/europe/greenland-referendum-offers-break-from-links--to-denmark-1552692.html>

21. Barry S. Zellen, "Multilateral Legacy: A Sea Change in America's Arctic Policy," *Tundra Telegraph*, March 22, 2010, <http://tundratelegraph.com/component/content/article/265-news%20a%20politics/140-bushs-multilateral-legacy-a-sea-change-in-americas-arctic-policy->. The full text of NSPD-66/HSPD-25 can be found at <http://www.fas.org/irp/offdocs/nspd/nspd-66.htm>. As cited by Andrew C. Revkin in "Ice Retreat Prompts Bush Shift in Arctic Policy," *New York Times*, January 13, 2009, <http://dotearth.blogs.nytimes.com/2009/01/13/in-parting-move-bush-sets-arctic-priorities/>.

22. As cited by Andrew C. Revkin in "Ice Retreat Prompts Bush Shift in Arctic Policy," *New York Times*, January 13, 2009, <http://dotearth.blogs.nytimes.com/2009/01/13/in-parting-move-bush-sets-arctic-priorities/>.

23. Ibid.

24. Inuit Circumpolar Council, *Circumpolar Inuit Declaration on Arctic Sovereignty*, April 28, 2009. Discussed in further detail in Barry S. Zellen, "The Inuit, the State, and the Battle for the Arctic," *Georgetown Journal of International Affairs*, Winter/Spring 2010, 57-64.

25. Inuit Circumpolar Council, *Circumpolar Inuit Declaration on Arctic Sovereignty*, April 28, 2009, Section 4.1.

26. Ibid., Section 4.1.

27. Inuit Circumpolar Council Press Release, “Arctic Sovereignty Begins with Inuit: Circumpolar Inuit Commit to Development of ‘Inuit Declaration on Sovereignty in the Arctic,’” Ottawa, Ontario, November 10, 2008.

28. Inuit Circumpolar Council, *Circumpolar Inuit Declaration on Arctic Sovereignty*, April 28, 2009, Section 1.4

29. *Ibid.*, Section 2.1.

30. *Ibid.*, Section 2.1.

31. *Ibid.*, Section 2.1.

32. *Ibid.*, Section 2.2.

33. *Ibid.*, Section 2.3.

34. *Ibid.*, Section 3.6.

35. *Ibid.*, Section 3.6.

36. *Ibid.*, Section 3.7.