

2011

# Indigeneity and Sovereignty in Canada's Far North: The Arctic and Inuit Sovereignty

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## Citation Details

Gordon Christie, "Indigeneity and Sovereignty in Canada's Far North: The Arctic and Inuit Sovereignty" (2011) 110:2 South Atlantic Quarterly 329.

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**Gordon Christie**

Indigeneity and Sovereignty in Canada's Far North:  
The Arctic and Inuit Sovereignty

**A** century after excitement peaked around the race to the North Pole and the drive to navigate the Northwest Passage, the Arctic has reentered the imagination of those living below the 60th parallel. As temperatures dramatically rise, the focus now shifts to “opening up” the region, with debates swirling around questions of jurisdiction, travel and shipping, security, resource management, and environmental protection. Eight Arctic states bordering or close to the Arctic Ocean (Russia, the United States, Norway, Finland, Sweden, Iceland, Canada, and Denmark [in relation to Greenland]) dominate these discussions, not only in how these debates progress but in how they are framed and understood. The states bordering the Arctic Ocean, however, all contain Indigenous populations, communities composed of people whose lives, cultures, histories, and societies predate the imposition of the nation-state on them, people who have lived on the northern cap of the globe for thousands of years.

The content and tone of current debates about the Arctic are captured in Michael Byers's *Who Owns the Arctic?* which provides a window into how certain kinds of language and ways of framing issues and solutions can pull everyone

into particular ways of thinking about fundamental matters.<sup>1</sup> It is a text that pays considerable attention to the Inuit living within Canada, highlighting both how they accept their place within Canada and how they can act as potentially powerful allies in bolstering Canada's claims to the Arctic Archipelago (ninety-four major islands and more than thirty-five thousand minor islands extending toward the North Pole from Canada's Arctic coastline).<sup>2</sup> It is not misrepresentation to make these two points—somewhat surprisingly, given an early history of mistreatment, paternalism, and exploitation, the Inuit across Canada's north generally welcome their status as Canadian citizens and do act willingly to assist in strengthening Canada's northern claims. Byers tells this part of the story, however, in the context of other, “larger” affairs—the strategic positionings of nation-states in potential conflict over lands, water, and other resources; the concern over domestic and international security; and worries about how resource exploitation and transport might pose environmental concerns. These matters emerge as direct and vital concerns and interests of nation-states (clearly linked to concomitant concerns of transnational corporations and other business interests). Only when tied into the concerns of nation-states and their economic situations do we see expression of concern for the interests of the Indigenous inhabitants of the north.

This sort of telling of a story within a larger framework—a larger story, if you will—is the focus of this essay. My focus is on one word, *sovereignty*, that serves to ground meaning in the larger story and plays a central role in generating and upholding a web of meaning within which are captured the Indigenous peoples of the Arctic. I want to examine how this word works its magic and to suggest that another word, *Indigeneity*, not only can help make clear how words and stories function in this setting but can also suggest how Indigenous peoples of the Arctic—in particular, the Inuit in Canada—can usefully meet stories with stories, words with words.

One might wonder, however, about the value in thinking about how language functions in debates about the Arctic, given that the real problems seem to be around such pressing matters as the minimal regulation of ever-accelerating resource exploitation, the significant increase in transit of ships and cargo through just-now-opening routes, the pollution that has already concentrated in dangerous levels in country food<sup>3</sup>—all manifestations of what one might think of as the looming threat of a second stage of colonization. Yet the very fact that such a second stage is looming should push us back into concerns over language.

Reflecting on how Canada has historically interacted with Inuit living

within its borders illuminates both the first stage of colonization and recent developments that might be characterized as moments of decolonization. After paying little attention to the far north (other than ensuring that some efforts were made periodically to bolster its claims to the archipelago), the Canadian government began to get serious about the administration of the north during and after World War II. Within the space of a generation, tremendous cultural shifts were affected: families were pulled into permanent settlements, children were put in schools, Indigenous languages began to slip, and the first lurch toward anomie was felt across the Inuit communities. Things began to shift again, however, as a result of strong 1970s activism (and realization by authorities in the south that there might be considerable wealth locked away under the Beaufort Sea and the tundra). Modern agreements began to reconfigure the north. Today the Inuvialuit in western Canada continue to work on self-government negotiations (twenty-five years after settling land and resource issues), the Inuit of northeastern Canada are continuing their efforts to work out a public form of government in the new territory created as a result of the Nunavut Land Claims Agreement, and the Inuit of both northern Quebec and Labrador enjoy comprehensive modern treaties. What began with a long stretch of benign neglect, followed by a period of powerful paternalism, has recently led to movement away from the centralist (south-centered) model of governance.

The new threat of massive intrusions by the Canadian government—fueled by powerful desires for the store of resource wealth formerly safe in the far northern vault—is only now building, as the second stage of colonization looms. Will the inflow of drilling rigs, mining companies, exploration camps, and all the other paraphernalia of the modern industrial complex coincide with slippage back to a mode of governance dominated by southern institutions? Here is where language—more particularly, discourse and narrative<sup>4</sup>—comes into the picture. Why would the assumption be that the Canadian government could simply reassert control over affairs in Canada's Arctic? How did they assume this authority more than a century ago? How is it that arguments and debates around the opening up of the Arctic all seem to function within a form of discourse that assumes the sovereign authority of Canada and the other Arctic nation-states?

The key term, again, is *sovereignty*. The actions that would constitute a second wave of colonization threaten disruption across the north, but they happen only as outcomes of deliberation. If we limit the term *action* to self-directed movement, then all activities in the Arctic are directed by consideration and deliberation (a few tied to individual self-directed action,

the vast majority being the result of collective processes). A tremendous amount of investigation, assessment, and planning would go into decision-making processes around a new wave of mass intrusion into the Arctic, as those who already assume control (“jurisdiction”) over the region mull over what courses of action they will follow. We can see how the potentially devastating actions of second-stage colonization will happen only as a result of prior “cultural” activity (that is, through the mechanisms of decision making at play at this time, in this place). It is within these mechanisms that certain symbolic preconditions of deliberation operate—these are the larger forms of understanding through which are made understandable the sorts of thinking processes that ultimately lead to certain forms of action.

This schema allows us to marvel at how the processes of consideration and deliberation—conducted via the medium of language—may also function to limit action itself. This idea expands on the hint above—that all this has to be understood in a cultural sense—though in following through on this expansion we inevitably slip into matters of politics. We begin by noting that certain linguistic elements do not simply instrumentally *assist* in the formation of plans and strategies, rather, they serve to *define* a range of possible plans and strategies. One such key element is the term *sovereignty*. Quietly residing in the background, it provides a certain kind of conceptual structure to be applied to the very acts of investigation, assessment, and planning. Not only are certain parties simply assumed to be vested with the proper authority in making decisions that will affect all those who live in the Arctic, but how these parties think and act are assumed to be the only vehicles or mechanisms by which legitimate actions are first imagined and then instantiated. Here forms of language and action outcomes are linked together in a way that seems to preclude the sensibility of other ways of thinking and acting.

Emerging from a particular history, the concept of sovereignty has developed a core of meaning (surrounded by varying matters of ambiguity). It captures the sense of a state’s enjoyment of “supreme authority within a territory.” While the core attributes remain fairly fixed, varied theories abound about the concept and its place in modern society. For my purposes the important points have more to do with how this notion *functions* than with whether it is justifiable—or, indeed, dangerous—in the modern world. The five nation-states bordering the Arctic Ocean assert sovereignty over the landmasses, islands, and territorial waters that border or lie within this oceanic region. In doing so they lay before the world claims that purportedly provide them “supreme authority” over these territories. Compli-

cating matters is the fact that the Arctic is, essentially, an ocean—subject, for example, more to the United Nations' Law of the Sea than to the sovereignty of individual states that might have land within or touching on this region.<sup>5</sup> However, with the continuing expansion of *territory* to include more extensive areas of water contiguous with shorelines—now extending, in some matters, out to two hundred nautical miles offshore—sovereign authority has come to reach into large parts of the Arctic Ocean.<sup>6</sup>

But what is it to enjoy supreme authority within a territory? And why is this simply assumed to describe the nature of nation-state presence in the Arctic—indeed, of human presence in the north? Before investigating the latter question, let us explore the former, placing it within the context of the Arctic and its apparently imminent opening. The states bordering this region all lay claim to territory in the region, and on the basis of these claims, they collectively exert control over all matters that fall within their collective territories.<sup>7</sup>

First, *sovereignty* is understood as denoting territorially based power, the ability to act in relation to defined lands (and not, for example, directly in relation to persons, objects, or events). A nation-state holding sovereign power does so in relation to its defined territory and enjoys under this power the highest degree of deference in relation to decisions it makes. Second, all other decision-making bodies either within or outside this territory must accede to the decisions made by this sovereign power within the scope of its territory. Finally, accession to decisions made by the sovereign applies to all within the territory, generating obligations on all to follow its commands—*authority* is conceived of as designating a right held by the sovereign to be obeyed by all parties.

In the Arctic, then, each nation-state with recognized territory is assumed to have the authority to make all decisions in relation to that nation's defined expanse, where these decisions generate obligations on all those within these respective territories, obligations that are also expected to be respected by parties that exist outside this area. As a functional matter, then, nation-states act as if they enjoy the right to command obedience, as if they enjoy the right to be obeyed (in relation to fairly well-defined subject matters, in relation to their respective territories). Collectively, then, the nation-states of the Arctic act similarly in relation to the Arctic region, with acknowledgment among them that areas on which they cannot lay convincing claims will constitute open sea. Interestingly, it is not simply a matter of nation-states acting as if they have the right to be obeyed—both citizens and noncitizens act as if nation-states are owed obedience in

this regard. In fact, what makes this structure function discursively is the interplay between the various parties that collectively constitute the nation-state—those parties who make decisions and those who not only abide by them but who vest them with legitimacy in their acceptance of the power that this structure generates and operates through.

This set of understandings, as noted, acts to backstop the mass of other thinking about the Arctic—all the investigations, assessments, planning processes, and ultimate decision making run within a system of meanings built on this sense of who makes ultimate decisions over which territory. Given an emerging acknowledgment of the interconnectedness of the region (its nature as an integrated ecosystem), there is a fair measure, even an admirable one, of comanagement initiatives and arrangements. It is essential to note, however, that the very notion of such arrangements—for example, the presentation of current agreements as the promising lead-in for stronger such arrangements in the future—is predicated on the fundamental assumption of the sovereignty model.

The rest of this discussion follows the implications of these basic points down two paths. First, we explore what this implies for the Inuit should they wish to resist the second wave of colonization by reacting *within* the web of meaning built up around this fundamental notion. Second, we explore what this implies should the Inuit wish to challenge this story *as a story*—that is, to reach up and beyond the level wherein sovereignty functions as a key element in a story being woven by nation-states to a level where story meets story and where the Inuit challenge the notion that this magical term can unreflectively act to channel all thinking about action in relation to the Arctic.

### **Resisting Sovereignty: From within the Story**

There are various options and techniques available from within the narrative spun by the nation-states, and the Inuit have already explored several of these. The Arctic Council, an influential advisory and decision-making body in the north, has evolved in such a way as to have a clear place for Indigenous communities and voices. One can read from the originating statement of this council the contours of decision making implicit in their collective understandings: “The Arctic Council is established as a high level forum to: provide a means for promoting cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic indigenous communities and other Arctic inhabitants on common Arctic

issues [not related to military issues], in particular issues of sustainable development and environmental protection in the Arctic.”<sup>8</sup> The declaration goes on to delimit membership (later making clear that decisions of the council are made by consensus of the members): “Members of the Arctic Council are: Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States of America (the Arctic States). The Inuit Circumpolar Conference, the Saami Council and the Association of Indigenous Minorities in the Far North, Siberia, [and] the Far East of the Russian Federation are Permanent Participants in the Arctic Council.”<sup>9</sup> Over the last fifteen years, this sort of arrangement has accorded a fair amount of indirect power to Indigenous peoples living across the Arctic; Indigenous communities have been able to discuss matters of concern at some of the highest levels of nation-state decision making. It must be noted, however, that this is understood as due to the largesse of the nation-states. Only members of the Arctic Council make binding and authoritative decisions (at times with input from Indigenous peoples).

If we begin with this model, imagining maximal impact from the voices of Indigenous communities, what can we conceive of as favorable outcomes for the Indigenous peoples of the Arctic? First, we need some sense of the outcomes currently in mind. To narrow our focus, consider what we can glean from the 2009 “Circumpolar Inuit Declaration on Sovereignty in the Arctic” (CIDS). The Inuit Circumpolar Conference declares: “In the pursuit of economic opportunities in a warming Arctic, states must act so as to: (1) put economic activity on a sustainable footing; (2) avoid harmful resource exploitation; (3) achieve standards of living for Inuit that meet national and international norms and minimums; and (4) deflect sudden and far-reaching demographic shifts that would overwhelm and marginalize indigenous peoples where we are rooted and have endured.”<sup>10</sup> These four goals capture the most pressing concerns of the Inuit. There is clearly recognition of the direction in which things are moving: resource exploitation is already accelerating, and so the focus is on the mitigation of *harmful* resource extraction; economic development is the language of the south, and so the focus on its sustainability; and a second wave of colonization is clearly visible on the horizon, and so the focus is on the devastating effects of marginalization.

The declaration itself is an artful construction, masterfully pushing and pulling all the levers available in the sovereignty model. It speaks of anchoring “the actions of Arctic peoples and states, the interactions between them, and the conduct of international relations . . . in the rule

of law.”<sup>11</sup> The law it would have rule is that which was historically constructed by (and, some would argue, almost entirely *for*) the nation-state. However, over the last five or six decades, this web of law has become rather complicated, and it now entangles states and Indigenous peoples in multiple strands of mutual obligations and responsibilities (on international, domestic, and subdomestic levels). The Inuit of the Arctic can position themselves—within the world built around meanings emerging from these interwoven legal fields—as “a people,” as an “Indigenous people,” as an “Indigenous people of the Arctic,” as “citizens of Arctic states,” as “Indigenous citizens of Arctic states,” and as “Indigenous citizens of each of the major political sub-units of Arctic states.”<sup>12</sup> Each of these positions comes with strong constraining bonds but also with strong pulls on not only the consciences but the legal responsibilities of Arctic (and global) state powers. The call is for the Arctic state powers to acknowledge the rule of law, to accept the legal trappings that they themselves are bound by, and to continue to build on the “intergovernmental relations” that the Inuit see themselves engaged in when, for example, they sit at the table in the Arctic Council. This view of the nature of such interactions (as intergovernmental) is not one currently embraced by the Arctic states, but the Inuit are implicitly arguing in the declaration that this is a perspective they *should* adopt, both because it accords with the direction legal and political instruments are tacking and it would simply make eminent sense.<sup>13</sup>

Key to the strength of this argument is the ongoing transformation of the meaning and functionality of *sovereignty* within the international arena. In positioning themselves as “a people” and as “an Indigenous people,” the Inuit lay claim to forms of status that make serious calls on nation-states. As a people they have rights under such international instruments as the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Vienna Declaration and Programme of Action, while as an Indigenous people they can claim rights now articulated under the UN’s Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>14</sup> These instruments have effected tremendous change not only in understandings of the “absolute” nature of territorial sovereignty but in the nature and growth of international institutions. There is, however, some reason to be concerned with the promise of a path laid out according to the constellation of signs and symbols that still revolve around a fairly robust notion of “supreme power” vested in sovereign nation-states.

By way of quick illustration, consider what many take to be the most

important provision of the UNDRIP, a section that played a major role in holding up a general vote on this declaration for quite some time. Article 3 of UNDRIP is at the center of the CIDsA call for a closer collaborative decision-making process between the Inuit and the Arctic states. It reads: "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." This section would seem to signal quite a shift in the distribution of legitimacy, allowing Indigenous peoples to radically challenge their place within states that may have colonized their lands and communities. It must be read, however, in conjunction with a later provision in UNDRIP, article 46: "Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States." The sovereign authority of nation-states is the assumed backdrop to these sorts of instruments and is the background against which must be measured all attempts at resisting second-wave colonization within the conceptual universe laid out on the basis of the sovereignty model. This does not imply that resistance of such form is futile or that it cannot improve the lives of the Inuit, even in the face of such looming threats. Resource exploitation, increased shipping and travel, and general economic development will continue to push up from the south, and resisting on multiple fronts—with weight on the rights of self-determination being softly recognized—will likely mitigate the impact of the changes this will bring about.<sup>15</sup>

I would suggest, however, that entirely distinct strategies are available—strategies of resistance that do not work within the stories told by others. To explore these alternatives we first need to give some thought to how particular kinds of stories can function to guide or control thought and action.

### **Resisting Sovereignty: Story Meets Story**

Imagine a people living within a self-contained normative universe. Such a people live within a world of meaning issuing from both world-creating and world-maintaining patterns—that is, how these people think about their existence (the reality they inhabit) will result to some degree from commonly shared (and collectively generated) patterns of thought and

from universal norms and precepts reflected in and maintained by institutional structures and processes. Robert Cover argues that all meaning is ultimately sourced in “commonalities of meaning,” patterns of thinking and acting that define the community itself. These commonalities work through our social body to “both ground predictable behavior and provide meaning for behavior that departs from the ordinary.”<sup>16</sup> But in the generation of meaning is created the very condition for an excess of meaning—differences of meaning emerge, and social forces are required to maintain order within this sea of diversity. These forces of maintenance police meaning, working to keep unified a community capable of diverse forms of thought and action.

Narratives function, then, both to carry along commonalities of meaning and to police meaning. They are the carriers of meaning itself—the stories we tell define who we are and how we think of the world—while they also work to control what can be thought (and so what we can see as “possible” action). This picture does not suggest how such narratives themselves might be potentially put to use—the picture is simply of the role that narratives play in constructing social reality around us. Nevertheless, the move to their utility should be obvious—in some societies the availability of means by which people’s very thoughts (and so their actions) might be regulated or controlled will be noticed, desired, and acted on.

The rest of the analysis in this essay does not rest on any deep commitments to stories of manipulation or oppression by way of discourse. Whether forces within nation-states mean actively and intentionally to limit creative horizons through the deployment of larger frameworks of meaning is not a concern here. Instead, the focus is on the fact that these larger frameworks exist and function in this fashion, as without clear and constant attention paid to this phenomena the Inuit can lose sight of the second form of resistance to second-wave colonization, resistance that meets story with story.

As noted earlier, sovereignty carries with it the notion of legitimacy—the sovereign state acts as though it is owed obedience, while those affected by the acts of the sovereign state act as though they owe obedience to the state. There is a sense of “rightfulness” functioning in the mechanics of this picture, as those who live within and through the larger story dominated by the notion of sovereignty feel a normative pull, one tied to the sense they have that the sovereign state is the legitimate source, ground, and site of decision making over territory. In thinking about how one might challenge this “rightfulness,” how a party might challenge the sovereign exercise of

authority over a parcel of land, we can see the closing off of imagination—the way rightfulness, legitimacy, and sovereignty function to police meaning in ways that in this context aggressively constrain both diversity and creativity.

Contemporary challenges to the rightfulness of authority over territory would be couched in terms interwoven in the pattern defined by the web of meaning generated around the concept of sovereignty. One might argue, for example, that the nation-state in question does not enjoy jurisdiction over this piece of land (that it is controlled by another nation-state or that it is disputed territory). Alternatively, one might argue that some other legal interests intervene to temper the exercise of absolute power in relation to a particular subject matter (for example, human rights instruments might be brought to bear on whatever the particular situation in question might be, and pressure might force the state to alter its operations). Alternatively, one might argue that some factors in the situation might call into question the standing of the decision-making authority as constituting a sovereign entity.<sup>17</sup> The first challenge is most common, as the lines on the globe dividing up the territories of states are not so clear and settled as to preclude disputes—witness the numerous problems swirling around both lands and waters in the Arctic. Interestingly, the second and third are imaginable but are both uncommon and treated differently. The first sort of territorial dispute is understandable as a matter between recognized sovereign entities, while the second invites challenges to the authority of a sovereign state, and the third challenges the very identity of a potential “pretender” to sovereign status. Though the sovereignty model makes sense of the latter two sorts of challenges, they are properly seen as forms of conceptual boundary issues; the second is tied to questions about how the “supreme” authority of a sovereign state should bend to developments around things like human rights—and other trans-state concerns now gaining some traction as able to transcend sovereign authority—and the third to questions around how sovereign status itself is to be understood.

The key point is that all these *cognizable* challenges are understandable only *within* the sovereignty model. Imagination itself is constrained within this model—our plans and strategies can reach out only this far. Are there really no other sensible ways that the sovereign claims of a nation-state might be challenged? The suggestion in this last section is that there are indeed sensible challenges but that their sensibility emanates from a very different vantage point. From this point, analysis is positioned so we can clearly see that the sovereignty model is but one way of making sense of

how people can think of themselves in relation to one another and to land. That this vantage point can be reached only by way of the terrain of *Indigeneity* validates these sorts of challenges. It is the very fact of the Indigeneity of the Inuit—of their status as separate meaning-generating communities, living within other larger narrative structures *they create*—that makes this sort of resistance both possible and appropriate.

Earlier in this essay, a question was posed about the assumption of sovereignty by Canada over the territory it now claims in the Arctic. We examined how the concept of sovereignty functions in this context but left unexplored how the story generated around this concept came to dominate. A sketch of the story of the rise of this dominance suggests how the Inuit can today meet story with story. It begins with the fact of base or brute power. Over the course of the nineteenth century and into the middle of the twentieth, the Canadian state engaged in acts it understood as appropriate moves in the great game of international law, per other nation-states—moves it took to be grounding in particular its claims to the Arctic Archipelago. Exercising various forms and measures of *de facto* power and presence does not by itself, however, ground claims—claims are understandable only in the context of the rules of the game, the sorts of things established by and through narratives. The acts themselves are mere physical events—they become sensible as acts that attempt to ground sovereignty in the context of a web of meaning already there, providing a normative framework for the physical actions. Where and when do we look for the genesis of this web of meaning?

In the context of the histories of the Third World, Dipesh Chakrabarty argues that the concepts lying at the heart of political modernity—concepts that animated European Enlightenment through the nineteenth century—had an odd life in the colonial circumstance. The European colonizer, Chakrabarty notes, “both preached this Enlightenment humanism at the colonized and at the same time denied it in practice.”<sup>18</sup> Speaking more directly about the genesis of international law, Antony Anghie argues that the universal imposition of a sovereignty model comes about as a particular sort of response to early matters coming out of the colonial encounter.<sup>19</sup> In effect we could say that the current status of this model—its function in maintaining limits on the imagination—is itself a colonial artifact. Faced with the task of placing Indigenous peoples into the emerging international order in the early sixteenth century, the Spanish legalist Francisco de Vitoria boldly raised the sorts of new questions this situation demanded

but ultimately resorted to (then-)established ways of resolving key matters, determining that while Indigenous peoples were capable of reason (and so capable of self-determination), they lacked elements of civilization, shortcomings that prevented them from exercising self-determination in the international arena (they were not considered as constituting polities akin to nation-states). As Chakrabarty aptly puts it, the colonized were placed in a waiting room, one they would never seem to be able to leave.<sup>20</sup> This is a sketch of the establishment of the base set of rules, which continue to dictate today who can “legitimately” make decisions over territory.

At the time early European intellectuals were constructing a discourse around international law—a discourse that would develop over the centuries into a force controlling the very parameters of thought and imagination on a global level—the Inuit were living in the Arctic as they had for countless generations. Inhabiting a separate normative universe, they were engaged with both meaning generation and meaning maintenance. In this universe, stories did not exist embedded in larger understandings of “territorial integrity” and “sovereign authority over land” but rather within accounts of land and people interrelations predicated on concepts of responsibility and respect.<sup>21</sup> The land itself was understood to be alive, inhabited by all kinds of social entities, each of which demanded respect and proper treatment. Within this larger normative framework, questions about how people might interact with one another and the land and sea around did not trace back to first-order questions about which body had the rightful authority to make decisions in this context. First-order questions would be about *how* one might act—they were about the appropriateness of the action in question, not who might be appropriately positioned to decide how to act.

This is not to say that the notion of “territory” did not exist in the normative universe of the Inuit—different Inuit collectivities inhabited different areas, and boundaries (while not laid out with a surveyor’s precision) were known and respected. The difference is in the level at which such notions functioned. In the story that developed within and between emerging nation-states, questions about boundaries were fundamental, as within this narrative framework once these matters are settled decision-making processes are greatly simplified—the nation-state whose territory is within these established lines is accorded authority in decision making over this land. In the far north, territorial boundaries were respected, but this did not fundamentally address questions about decision making. Deci-

sion making happened in the context of narratives about responsibilities and respectful attitudes—the model was not process driven but grounded in substance.

As intrusions from the south over the last century became more numerous, paternalistic, and oppressive, not only did the Inuit continue to possess the narratives within which they lived, but more important they maintained the power and authority to tell, retell, modify, and reconstruct such narratives. *Authority* is itself a term finding its life within normative universes, so to say the Inuit continued to enjoy this authority is just to acknowledge that they, as with other independent peoples around the world, continued to build and maintain worlds of meaning about themselves, as the *power* to do so cannot be taken by another (short of complete genocide). This *power* is at the heart of Indigeneity. This gets us to the heart of this form of resistance, of story meeting story: the Inuit can tell stories about their relationships to the land, water, and animals as *alternate* stories about how decision-making processes should be understood, about how humans should go about deciding how to act in relation to land, water, and animals; and they can relate these stories back to the *power* they enjoy in relation to their stories, a power that encompasses not only authority over telling and retelling but also the power of critical reflection, modification, and world adjustment. That is, in inhabiting a normative universe with roots distinct from the cultural and social history of the West, not only do the Inuit—in being Indigenous—have a stock of stories that meet those of the sovereignty model as challengers in a contest over meaning, but they also demand respect as a dynamic meaning-generating community, as people who are alive and fundamentally self-determining.

How do two independent worlds of meaning come to interact? We briefly noted, in the context of “international law,” how European powers originally understood this task—they unilaterally considered how they would interact with the other, and then acted accordingly. One might suggest that this approach issues from the core of their normative universe: when faced with a weaker power, they tend to justify procedures and rules that facilitate control over all matters of decision making (justifying this at least to themselves, but usually in a manner indicating that they mean to justify matters to the universe as a whole). Regardless, again, of whether the intent was to dominate, the story unfolds as one wherein the European narrative comes to dominate. The outcome is the world we now all find ourselves inhabiting, for better or worse, where the model of sovereign authority envelops all forms of discourse and action on the world scene. It

is not clear, however, that an encounter between two normative universes should be played according to a rule book used by only one side, and indeed there are chapters in the story of the interaction between the West and the other that suggest alternate forms of interaction.

Shortly after beginning their more serious attempts at gaining a foothold in what was to become eastern Canada, the French and British found themselves in need of Indigenous allies (most often so they could wage an on-again, off-again campaign against each other). This story is illustrative, for it tells of a brief period in a certain locale wherein European power met a more powerful other. *This* story is one of compromise, negotiation, and the management of interaction according to rules that transcended both normative worlds.<sup>22</sup> Of course, once power shifted to the incoming Europeans, this period became an anomalous chapter in the longer story of the European-Indigenous encounter. This is not to say, however, that it cannot speak to contemporary settings, as its lessons are timeless. This all-too-brief and ephemeral historical interlude illustrates how two independent worlds of meaning can interact in a respectful manner. With differing narrative groundings, with different codes of conduct, different ways of thinking of human interaction and human-world interaction, two independent worlds must construct a bridge between themselves, each side working toward the other.

But can this be presented as a *viable* contemporary vision? The appropriate response is to inquire into what might be considered “viability” in light of the fact of the Indigeneity of the Inuit. “Viability” cannot be determined simply in light of what one might think of as the reality of the fundamental dominance of the narrative of nation-state sovereignty over territory, as that is a reality that only maintains its “rightfulness” or legitimacy on the basis of these very narratives—narrow stories that function to capture others within their grasp. We cannot be blinded by the fact of political and military power, for the question here is about deeper normative structures meant to make sense of and justify these more physical forms of reality. It is as viable in the here and now as it was centuries ago to imagine the need for a project of bridge building, of a form of dialogue between normative worlds.

It cannot just be about the Inuit arguing for power within the nation-state structure or for nation-state status, but rather it has to be about the extension of sensibility out to an acknowledgment of the Inuit exercising their power in speaking of how they would structure decision making over land. This power—manifest in “story”—meets narrative based on the

magical notion of sovereignty, and it demands acknowledgment. How this plays out is not for any observer—from either universe—to say. We see slow movement toward a world wherein such bridge building again makes sense,<sup>23</sup> which makes it ever more imperative that multiple strategies of resistance to second-wave colonization be contemplated. Given the way that resistance within the universal story tends to be more about cooptation, this move toward challenging the dominant narrative—its presumption of universality, its way of closing off imagination—may be the only route forward promising any sort of hope and security for not just the Inuit in Canada but for Indigenous peoples across the Arctic region. How would decisions about how the Arctic will be “opened up” be made if the Arctic states realized that their claims to legitimacy were provincial and that they had to sit with Indigenous peoples at a table not as decision makers inviting input but as storytellers meeting storytellers?

#### Notes

- 1 Michael Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North* (Vancouver: D & M Publishers, 2009).
- 2 Byers, for example, notes that the long history of Inuit occupation of the Arctic Archipelago—and, in particular, their time spent *living* on the waters that form the various channels of the Northwest Passage—generates the strongest support for the Canadian position on the passage (that it constitutes “internal waters” and not an international strait). See Byers, *Who Owns the Arctic?* 48–51.
- 3 *Country food* is the term commonly used in the north for food locally harvested from the land or water. In many locales it still comprises a significant portion of the food consumed.
- 4 I make use of the notion of discursive formation in arguing that ways of thinking and speaking delimit what can be considered sensible and possible. I am borrowing, though fairly loosely, from the works of Foucault and those who have fruitfully made use of his thought—see, for example, Judith Butler’s earlier work on sex and gender and her recent collaboration with Gayatri Chakravorty Spivak, *Who Sings the Nation-State?* (New York: Seagull Books, 2007).
- 5 It must be recognized that this is not to put this matter into a completely different category, as the Law of the Sea is itself a creature of the nation-states—for the most part a collection of agreements and understandings that these sovereign entities have entered into over the years in relation to parts of the globe that historically did not admit too easily of demarcation, and that were seen as best left to common rules (around, for example, transit).
- 6 This largest extent of “territory” over which a nation-state lays claim is an “exclusive economic zone.” Since most of the interest in the Arctic is now in relation to potential offshore oil and gas development (accessible on continental shelves), these zones will be of extreme interest to the nation-states laying claim to them. The line demarcating the exclusive economic zone of the United States from that of Canada running north

from the border between the Yukon Territory and Alaska is unsettled, and with apparently large reserves of oil and gas lying within the disputed region, this may become an area of significant international conflict (though the two countries have a good history of keeping such disputes on a diplomatic level).

- 7 These states also try to assert control over areas that are not clearly within their territories as well, but that is for another discussion, such as that found in Byers's text. For example, from July 1, 2010, onward the Canadian government will be attempting to exert control over shipping and travel through the Northern Canada Vessel Traffic Services Zone. Much of this zone is disputed, with countries like the United States holding that certain passageways are "international straits" and not "internal waters." As international straits these parts of the zone could not be subject to the domestic laws of any particular nation-state. Nevertheless, Canada will be trying out this regulatory scheme by midsummer of 2010. See Randy Boswell, "Ottawa Unveils New Arctic Ship-Registration Rules," *Nunatsiaq Online*, March 1, 2010, [www.nunatsiaqonline.ca/stories/article/98678\\_ottawa\\_unveils\\_new\\_arctic\\_ship-registration\\_rules](http://www.nunatsiaqonline.ca/stories/article/98678_ottawa_unveils_new_arctic_ship-registration_rules).
- 8 See Arctic Council, "Declaration on the Establishment of the Arctic Council," 1996, <http://arctic-council.org/filearchive/Declaration%20on%20the%20Establishment%20of%20the%20Arctic%20Council-1.pdf> (accessed March 14, 2010).
- 9 Ibid.
- 10 See Inuit Circumpolar Conference, "Circumpolar Inuit Declaration on Sovereignty in the Arctic," <http://inuitcircumpolar.com/files/uploads/icc-files/PR-2009-04-28-Signed-Inuit-Sovereignty-Declaration-11x17.pdf> (accessed March 14, 2010), section 3.11.
- 11 It speaks of anchoring "the actions of Arctic peoples and states, the interactions between them, and the conduct of international relations . . . in the rule of law" (section 3.1).
- 12 See, respectively, sections 1.3, 1.4, 1.5, 1.6, 1.7, and 1.8 of the CIDSA.
- 13 The Inuit Circumpolar Conference asserts: "The conduct of international relations in the Arctic and the resolution of international disputes in the Arctic are not the sole preserve of Arctic states or other states; they are also within the purview of the Arctic's indigenous peoples. The development of international institutions in the Arctic, such as multi-level governance systems and indigenous peoples' organizations, must transcend Arctic states' agendas on sovereignty and sovereign rights and the traditional monopoly claimed by states in the area of foreign affairs." Inuit Circumpolar Conference, "Circumpolar Inuit Declaration," section 4.2.
- 14 United Nations, Charter of the United Nations, 1945, [www.un.org/en/documents/charter/index.shtml](http://www.un.org/en/documents/charter/index.shtml) (accessed September 17, 2010); United Nations, International Covenant on Economic, Social and Cultural Rights, 1966, [www.un.org/millennium/law/iv-3.htm](http://www.un.org/millennium/law/iv-3.htm) (accessed September 17, 2010); United Nations, International Covenant on Civil and Political Rights, 1966, [www2.ohchr.org/english/law/ccpr.htm](http://www2.ohchr.org/english/law/ccpr.htm) (accessed September 17, 2010); United Nations, Vienna Declaration and Programme of Action, 1993, [www.unhcr.ch/huridocda/huridoca.nsf/%28symbol%29/a.conf.157.23.en](http://www.unhcr.ch/huridocda/huridoca.nsf/%28symbol%29/a.conf.157.23.en) (accessed September 17, 2010); and United Nations, Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007, [www.un.org/esa/socdev/unpfii/en/drip.html](http://www.un.org/esa/socdev/unpfii/en/drip.html) (accessed September 17, 2010).
- 15 One might suggest, of course, that the very means by which the blows are softened

- (increased participation in the wage economy, comanagement of resource-development projects, and comanagement of regimes meant to mitigate environmental and social harms) will themselves carry the Inuit along into a world defined by the stories and histories of others.
- 16 I am here just touching on positions advanced by Robert Cover, "The Supreme Court Term—Foreword: Nomos and Narrative," *Harvard Law Review* 97.4 (1983): 4–68, 11–19, 14.
- 17 The 1933 Montevideo Convention on the Rights and Duties of States (article 1) sets out customary international law around the question of sovereign status, requiring that there be a permanent population, a defined territory, a government, and the capacity to enter into relations with other states. Some argue that recognition by other states is also a requirement. See James Crawford, *The Creation of States in International Law*, 2nd ed. (Oxford: Clarendon Press, 2006), 12–27.
- 18 Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton, NJ: Princeton University Press), 4.
- 19 Antony Anghie, "Francisco de Vitoria and the Colonial Origins of International Law," in *Laws of the Postcolonial*, ed. Eve Darian-Smith and Peter Fitzpatrick (Ann Arbor: University of Michigan Press, 1999), 89–107.
- 20 Chakrabarty, *Provincializing Europe*, 8–10.
- 21 Accounts of this generalized narrative about how lands, seas, and animals were conceptualized, particularly in relation to how people decided how to act, can be found from early ethnographic works to modern oral narrative projects. For the former, see, for example, Knud Rasmussen, *Across Arctic America: Narrative of the Fifth Thule Expedition* (New York: G. P. Putnam's Sons, 1927); and Vilhjálmur Stefánsson, *My Life with the Eskimo* (New York: Collier Books, 1941). For the latter, see, for example, Ishmael Alunik, Eddie D. Kolausok, and David A. Morrison, *Across Time and Tundra: The Inuvialuit of the Western Arctic* (Vancouver: Raincoast Books, 2003); and Frédéric Laugrand, Jarich G. Oosten, and Wim Rasing, *Interviewing Inuit Elders* (Iqaluit: Nunavut Arctic College, 1999), available online at [www.nac.nu.ca/OnlineBookSite/index.html](http://www.nac.nu.ca/OnlineBookSite/index.html) (accessed September 17, 2010).
- 22 A general telling of this story can be found in *Report of the Royal Commission on Aboriginal Peoples*, vol. 1, *Looking Forward Looking Back*, particularly in "The Relationship in Historical Perspective," part 1, Stage Two: Contact and Co-operation, available at [www.collectionscanada.gc.ca/webarchives/20071124124640/http://www.ainc-inac.gc.ca/ch/rcap/sg/sgm5\\_e.html](http://www.collectionscanada.gc.ca/webarchives/20071124124640/http://www.ainc-inac.gc.ca/ch/rcap/sg/sgm5_e.html) (accessed September 17, 2010).
- 23 Article 3 of UNDRIP, read isolated from article 46, begins to lead us in this direction.