The Inuit Declaration on Sovereignty in the Arctic: Between the Right to Self-Determination and a New Concept of Sovereignty?

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1. Introduction

On April 28, 2009, a delegation of Inuit leaders from Greenland, Canada, Alaska, and Russia issued the Circumpolar Inuit Declaration on Arctic Sovereignty. The Declaration represented a reaction to the exclusion of the Inuit from the 2008 Ilulissat Summit, and was aimed at formally rejecting any attempt to shape the destiny of the Arctic without the participation of the indigenous peoples of the region.

The Inuit declaration asserted the crucial role of the right to self-determination, being the right to freely determine the political status, freely pursue the economic, social, cultural and linguistic development, and freely dispose of the natural wealth and resources to the Inuit people. It was noted in the Declaration that sovereignty “has often been used to refer to the absolute and independent authority of a community or nation both internally and externally.”

Sovereignty is an issue that plays a key role in the problem of the Inuit rights. The traditionally accepted concept of sovereignty under international law is at the basis of the progressive marginalization of the Inuit in the Arctic region. However, the concept of sovereignty is to be considered an issue in development.

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2 Ibid., at 2.1.

3 Ibid., at 4.3. It cites: "Issues of sovereignty and sovereign rights in the Arctic have become inextricably linked to issues of self-determination in the Arctic. Inuit and Arctic states must, therefore, work together closely and constructively to chart the future of the Arctic."
The Inuit Declaration, regardless – as it will be seen in this paper – of its lack of binding force in the intention of the Inuit people should be considered a step towards the emergence of a new concept of sovereignty.

It must be pointed out, by way of preface, that the Inuit people are not seeking independence. What they are seeking is the recognition of their right to participate in the decision-making processes on their lands, as part of their right to self-determination. The purpose of the Declaration is to build partnerships with the Arctic states, in order to allow the Inuit people to exercise their rights in the area – still remaining part of their home states rather than constituting a new one.

This article, by moving from an evaluation of the rights and status of indigenous people in a globalized world, will examine the legal status of 2009 Inuit Declaration and its impact on Arctic governance. Despite the reference to the concepts of sovereignty and self-determination, the attempt to introduce a new model of sovereignty under international law is controversial. Recent developments on the right to self-determination and its relationship with the concept of sovereignty show that a new approach to this outdated notion, that would allow balancing the issues of self-determination and sovereignty without seeking independence, can and should be taken into account.

2. The Rights and Status of Indigenous Peoples in a Globalized World

Despite several attempts at defining the term, there is no universal definition of “indigenous people” in international law. Within the UN system, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities proposed a definition in his Study on the Problem of Discrimination against Indigenous Populations. However, the observers from indigenous organizations in the Working Group as well as governmental delegations objected to a formal definition of “indigenous people”. As a consequence, the UN system

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4 Ibid., at final statement. It reads: “We, the Inuit of Inuit Nunaat, are committed to this Declaration and to working with Arctic states and others to build partnerships in which the rights, roles and responsibilities of Inuit are fully recognized and accommodated”.

5 U.N. Doc. E/CN.4/Sub.2/1986/7 and Add. 1–4: “Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.”