

Chapter 2

Indigenous Peoples in the New Arctic

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Abstract This chapter provides a brief introduction to the Indigenous peoples of the Arctic by focusing on three issues of crucial importance to these peoples: self-governance, rights to land and resources, and traditional knowledge. We first note the diversity of Indigenous groups populating the Arctic, and discuss ‘who is Indigenous’, in terms of recognition/definition employed by the various Arctic states. We then consider recent developments in each of the three areas of focus, illustrating our broad-spectrum characterizations with concrete examples drawn mainly from North America and the Russian North. We underscore advancements in Indigenous self-governance, land and resource rights and the recognition of traditional knowledge in the Arctic but also acknowledge the uneven landscape of how these are realized across the Circumpolar North. The chapter is co-authored by three scholars, two of whom are Indigenous Northerners.

Keywords Indigenous • Self-governance • Land rights • Traditional knowledge

As other chapters in this book recount, the Arctic is undergoing substantial and accelerating change. When we hear the terms ‘Arctic’ and ‘change’, our thoughts often turn quickly to climate change, which has become the principal narrative regarding the Arctic. Yet cultural, social, political, and economic changes are also greatly affecting the lives of the Arctic’s residents and especially its Indigenous peoples. Indeed many Indigenous northerners will note that their ancestors have for millennia adapted to what has always been a dynamic environment, and that it is other external drivers of change, such as resource development and

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industrialization, communications technologies, and in-migration, that are more difficult to accommodate. Issues of access and rights to land and resource, questions of cultural vitality, including language retention and the intergenerational transfer of Indigenous knowledge, disparities in health outcomes compared to non-Indigenous populations, and the quest for greater self-determination loom large as key concerns of Indigenous people (AHDR 2004; AHDR-II 2014). This is not to downplay the importance of climate change, but rather to underscore that it is but one of numerous challenges facing Indigenous peoples in the Arctic today.

The goal of this chapter is to introduce the reader to the Indigenous peoples of the Arctic, and to explore briefly a few of the obstacles and opportunities that the changing 'New Arctic' presents to its First Peoples. We choose to focus on three areas of change that are of key concern: self-governance and political participation, changing rights and access to lands and resources, and traditional knowledge (including language). Other crucial topics such as health and well-being and food and water security are addressed in other chapters of this book (including, but not exclusively for, Indigenous peoples). Geographically we focus in this chapter on the North American and Russian Norths, to complement the coverage of northern Sápmi/Fennoscandia and Greenland elsewhere in this volume (see especially chapters 3 and 4 by Thisted and Sköld).

2.1 Who Are the Arctic's Indigenous Peoples?

Of the estimated approximately four million people who inhabit the Arctic, approximately 10 % are Indigenous. This proportion varies greatly across the Arctic. For instance, Inuit comprise about 85 % of the population of Nunavut, Canada, and the great majority of Greenlanders are Indigenous as well, while in other areas, such as the Khanty-Mansi Autonomous Okrug of Siberia, Indigenous peoples make up less than 2 % of the population.

Given its areal extent, it is no surprise that Indigenous groups in the Arctic are culturally and linguistically diverse (Fig. 2.1), as well as varying in terms of size of population. The Inuit cover a vast expanse of the Arctic, from the edge of Asia in the Russian North across Alaska and Canada to Greenland. Within this group, as might be expected across such space, there are marked dialectical differences and variations in cultural adaptations to local environments. Straddling a much smaller area, but still four countries (Norway, Sweden, Finland and Russia), the Sámi also display linguistic and cultural diversity, as do widely distributed groups as the Evenki (in the Russian Federation) and Dene (Canada/Alaska).

Alaska is home to numerous Indigenous peoples other than the Inuit, including the Aleut, Yup'ik, Tlingit and several Dene-language peoples (Ahtna, Deg Hit'an [Ingalik], Dena'ina [Tanaina], Doogh Hit'an [Holikachuk], Dichinaneq Hwt'ana [Kolchan], Eyak, Gwich'in [Kutchin], Hän, Koyukon, Tanana). The Canadian North's Indigenous peoples include, as well as the Inuit, Cree peoples, several Dene-language peoples (Deh cho [Slavey], Denesuline [Chipeway], Dunneza [Beaver],



Indigenous peoples of the Arctic countries

Subdivision according to language families

<p>Na'Dene family</p> <ul style="list-style-type: none"> Athabaskan branch Eyak branch Tlingit branch Haida branch <p>Penutan family</p> <ul style="list-style-type: none"> [unlabeled] <p>Macro-Algonkian family</p> <ul style="list-style-type: none"> Algonkian branch Wakasha branch Salish branch <p>Macro-Sioux family</p> <ul style="list-style-type: none"> Sioux branch Iroquois branch <p>Indo-European family</p> <ul style="list-style-type: none"> Germanic branch 	<p>Eskimo-Aleut family</p> <ul style="list-style-type: none"> Inuit group of Eskimo branch Yupik group of Eskimo branch Aleut group <p>Uralic-Yukagirian family</p> <ul style="list-style-type: none"> Finno-Ugric branch Samodic branch Yukagirian branch <p>Altaic family</p> <ul style="list-style-type: none"> Turkic branch Mongolic branch Tunguso-Manchurian branch <p>Chukotko-Kamchatkan family</p> <ul style="list-style-type: none"> [unlabeled] Ket (isolated language) Nivkh (isolated language) Ainu (isolated language)
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Notes:

For the USA, only peoples in the State of Alaska are shown. For the Russian Federation, only peoples of the North, Siberia and Far East are shown.

Majority populations of independent states are not shown, not even when they form minorities in adjacent countries (e.g. Finns in Norway).

Areas show colours according to the original languages of the respective indigenous peoples, even if they do not speak these languages today.

Overlapping populations are not shown. The map does not claim to show exact boundaries between the individual groups.

In the Russian Federation, indigenous peoples have a special status only when numbering less than 50,000. Names of larger indigenous peoples are written in green.

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Fig. 2.1 Indigenous peoples of the Arctic [map] (free to use: http://www.grida.no/graphicslib/detail/demography-of-Indigenous-peoples-of-the-arctic-based-on-linguistic-groups-major-groups_bbd8)

Gwich'in, Hän, Kaska, Sahtu [Hare], Tagish, Tlicho [Dogrib], Tutchone,) and the Innu. The Russian Federation is homeland to over 40 Northern Indigenous groups, including as well as the Sámi and 'Eskimosy' (Inuit/Yuit), the Nentsy, Khanty, Mansi, Selkup, Evenki, Even, Dolgan, Yukaghir, Chukchi, Aleut, Itelmen, and numerous others. These people vary widely in language and culture. Within some of the more widely distributed peoples, sub-groups have strong place-based identities.

Who is Indigenous is not a simple question. As well as being culturally diverse, Indigenous peoples differ in terms of their legal status and levels of self-governance. While international norms call for the right of self-identification, Arctic countries employ a variety of definitions. Indigeneity in Alaska, according to US legal protocols, is based on blood quantum. Speaking Sámi, or having a parent or grandparent who spoke it, serves as a criteria for determining who has the right to vote in the Sámi Parliament, in Norway, Sweden and Finland. The Russian Federation legally recognizes a group of "Indigenous numerically small peoples of the North". Criteria for groups to be recognized as such include "living in the regions of the North, Siberia and the Far East on the territory of traditional occupancy of their ancestors; maintaining traditional ways of life, economy and trades; numbering less than 50,000 persons, and considering themselves distinct ethnic communities" (Obshchix 2000). The numerically larger Indigenous Sakha (Yakut), Komi and Karelian peoples, each of whom number over 50,000 individuals, are not categorized as 'Indigenous' under this definition and thus are not the subjects of the specific legal protections that we describe below for Russia's "numerically small peoples of the North".

Added to this diversity of definitions are different state approaches to counting Indigenous populations within their boundaries. The Fennoscandian states do not collect information on ethnicity in their censuses, and the Russian Federation recently ceased to require this information as well. Greenland considers anyone born in Greenland a 'Greenlander', irrespective of ethnic identity. Thus it is impossible to give an absolute answer to the question of "how many Indigenous people are there in the Arctic?"

The Arctic Indigenous population tends to have a higher birthrate than its non-Indigenous counterpart. Unfortunately, infant mortality is also higher and life expectancy lower. Indigenous populations in some parts of the Arctic experience significantly higher levels of suicide and homicide. Rates of tuberculosis greatly exceed those in the south, in both the North American and Russian North, though not in the Fennoscandian North. The average life expectancy of Indigenous northerners in both Alaska and the Russian Federation is over a decade less than that for non-Indigenous northerners. (In Russia life expectancy for both groups is about a decade less than that in Alaska.) Many of the Indigenous peoples in the Russian Arctic have seen absolute decrease in their numbers over the past decade, due to declining birth rates and high mortality rates.

Indigenous cultures have undergone tremendous transformation, under the influence of state education policies (including those of language repression), the influence of exogenous religions, sedentarization, and forces of globalization. Traditional family structures have changed, as have socio-economic activities.

Arctic First peoples are commonly typecast as hunters, gatherers and reindeer herders, dependent on subsistence and living off the land. Such land- and sea-based activities still have great cultural significance for many, and ties to the land are often said to a defining attribute of Indigenous identities. Yet increasing numbers of Indigenous persons are part of the wage-earning labour force, as teachers, lawyers, musicians, manicurists, heavy machine operators, etc. Many now pursue ‘traditional activities’ as secondary pursuits or enjoy benefitting from the subsistence activities of their relatives. In northern Canada and Alaska, compensation payments for land title extinguishment have provided investment capital for Indigenous entrepreneurs, who have started a whole range of businesses, from guide-outfitter/tourism businesses to construction companies to airlines (Nordregio 2011).

While many of the North’s small rural communities are predominantly native, Indigenous peoples increasingly live in urban centres. They migrate for better educational opportunities, for employment prospects, or sometimes for access to social services (Christensen 2013). Migration is gender-biased, with Indigenous women moving away from small, rural settings in greater numbers than men – who remain involved in ‘traditional activities’ to a greater degree (Heleniak 2014).

Finally, it merits underscoring that many individuals of Indigenous heritage in the Arctic are of mixed heritage and have ‘mixed identities’. And whether of mixed heritage or not, it is common to have multiple identities. Identities are of course constructed – and reconstructed over time. Moreover, they are contextual, and often strategic, depending on the social, cultural and political milieu in which the person finds herself (see Schweitzer et al. 2014). Given forces of colonialism, globalization, rural-urban migration, socialization, ethno-political empowerment, to name a few, a person may choose to invoke different aspects and scales of her identity (e.g. Tlicho, Irish, northern, Dene, Canadian, Indigenous) – and/or may have such an identity inscribed upon her by others. This reality of course further complicates addressing the question ‘Who is Indigenous’ and quantifying Indigenous populations in the Arctic.

2.2 Self-Governance and Political Participation

The United Nations Declaration on Indigenous Peoples adopted by the UN General Assembly in 2007, lays out the rights of Indigenous peoples to culture, language, identity, health, education, employment and other critical issues (UNDRIP 2007). Article 3 recognizes Indigenous peoples’ right to self-determination: “to freely determine their political status and freely pursue their economic, social and cultural development.” Article 4 affirms their right “to autonomy or self-government in matters relating to their internal and local affairs,” while Article 5 protects their right “to maintain and strengthen their distinct political, legal, economic, social and cultural institutions.”

Arctic Indigenous groups self-governed for centuries. However, new forms of governance were imposed upon these groups following their encapsulation into the

various Arctic states. They were often treated as ‘wards of the state’ with very little power to make decisions about their lives and lands. Resistance to such domination, while ever present, grew in strength over the past half-century and since the 1970s the Arctic’s Indigenous peoples have made significant gains in both self-governance and in political participation at the national and international level. Devolution of power has been a trend across most of the Arctic in the past quarter-century. Greenland has increased its autonomy from Denmark, achieving ‘Home Rule’ in 1979, and ‘Self-Rule’ in 2008. Nunavut became a reality in 1999, separating from the Northwest Territories and becoming a separate territory within Canada. While Greenland and Nunavut governments are public governments, they are also *de facto* Indigenous governments, given that the majority of the population is Inuit in both cases.

Where the proportion of Indigenous population is less, institutions of self-governance at smaller scales have arisen. In Canada’s Yukon Territory, 11 self-government agreements have been concluded, nine of them under the Yukon Umbrella Final Agreement negotiated among the Federal and Territorial governments and the Council of Yukon First Nations (then the Council of Yukon Indians). In the Northwest Territories, the Tlicho Agreement (effective as of 2005) provides for self-government powers, as well as speaking to land and resource issues. The Inuit of Labrador (Canada) signed a land claims and self-government agreement in 2005. Poelzer and Wilson (2014) observe that the responsibilities of such Indigenous governments are more similar to those of territories than municipalities, as they often include jurisdiction over health care, education and other domains that are usually reserved for provincial/territorial governments in Canada.

In the Russian Federation, Indigenous self-governing powers increased in the late 1990s and early 2000s, with the seizing of power by sub-federal governments during Moscow’s weakened state and the establishment of sub-federal laws regarding indigenous rights in some areas (prior to federal laws). Legal reforms allowed for greater Indigenous self-governance, at least on paper, and in a few cases this was realized. ‘National’ (i.e., native) counties and districts were formed in some parts of the Russian North (some of them re-established on the basis of native counties that had existed in the 1920s–1930s, and then been dissolved in the late 1930s). These administrative units were originally established (at least putatively) to recognize and empower Indigenous groups, allowing for their language, traditions and culture to be protected and practiced in official institutions. Three key federal laws on Indigenous rights, including to territories, passed in 1999, 2000 and 2001 (Fondahl and Poelzer 2003). However, since the mid 2000s, some of the autonomous (native) okrugs [districts] have been abolished, their territories merged into larger units. For instance, the Evenki and Dolgan-Nenets (Taymyr) Autonomous Okrugs (created to recognize the Evenki, Dolgan and Nenets peoples), were subsumed by the Krasnoyarsk Krai [Territory] and no longer exist. Interestingly, the two hydrocarbon-rich autonomous okrugs, Yamalo-Nenets Autonomous Okrug and Khanty-Mansi Autonomous Okrug (created to recognize the Nenets, Khanty and Mansi peoples), have successfully resisted such merging. Khanty-Mansi Autonomous Okrug, moreover, established an Assembly of Representatives of Indigenous Northerners, a special body within the legislation of the district (Kryazhkov 2005).

Another facet of the New Arctic is the innovative power-sharing arrangements of various types, such as co-management regimes, established to ensure that Indigenous peoples have greater influence in decision-making. These types of agreements have been especially prevalent in the area of resource management, where such collaborative management decreases conflicts over resource use, and improves the likelihood of sustainable management. Indigenous involvement in local and regional resource governance has increased markedly in Canada and Alaska. Less progress has been made on this front in the Russian north (Forbes and Kofinas 2014).

Innovation in Indigenous political participation in the Arctic is noteworthy at the international level. The creation of the Arctic Council in 1996, as a high-level inter-governmental organization to promote environmental cooperation and sustainable development, revolutionized the landscape of Indigenous political participation at the international level as described later in the book in the chapter 22 by Nord. It did this by including Indigenous groups (Permanent Participants) at the table along with state representatives at the ministerial level. The Permanent Participants are the key organizations that either represent Arctic Indigenous peoples straddling more than one international Arctic state boundary (Aleut International Association, Arctic Athabaskan Council, Gwich'in Council International, Inuit Circumpolar Council, Sámi Council) or represent numerous Arctic peoples within one Arctic state (Russian Association of Indigenous Peoples of the North, Siberia and the Far East/RAIPON). While the Permanent Participants do not have voting rights, they can otherwise fully participate in Council's Working Groups and activities and wield substantial influence in terms of Arctic Council decisions regarding priorities and projects.

Of course, capacity remains a significant hurdle for Indigenous northerners across all levels of political participation, from local co-management regimes to the level of a ministerial meeting of the Arctic Council. This includes financial capacity and human capacity, in terms of both time and skills sets. Indigenous governments and non-governmental organizations involved in political processes are regularly overwhelmed by demands made on them, operating on inadequate budgets and with limited and overtaxed personnel. Still, it is fair to assert that significant gains in terms of Indigenous self-governance and political participation characterize the New Arctic.

2.3 Rights to Land and Resources

The United Nations Declaration on the Rights of Indigenous Peoples declares that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired” (UNDRIP 2007, §26). Indigenous rights to land and resources is a fundamental issue in the Arctic, in that land and resources lie at the heart of both cultural and material wellbeing for Indigenous northerners. Many Indigenous peoples still heavily rely on the harvesting of biological resource – Arctic fauna and flora – for their subsistence needs. Strong ties to the land are repeatedly invoked as a key element of Arctic Indigenous

cultural identity (AHDR 2004; ASI 2010). The International Labour Organization's Convention 169 (ILO 169), while also speaking to indigenous rights to land, has only been ratified by two Arctic states, Denmark and Norway. Thus, lack of recognition and unresolved questions of territorial rights have been major hindrances to the economic and cultural wellbeing of these peoples.

A rich source of hydrocarbons, minerals and fish, the Arctic is seeing increased interest in development, due to both to growing global demand for such resources and, in some areas, increased accessibility (or anticipation of such) related to climate change. Arctic tourism is also projected to grow over the next decades. These activities and their associated infrastructure compete with traditional land use, encroaching on the territories used for hunting, reindeer herding, and fishing. They contribute to habitat fragmentation, deleterious for Arctic fauna, and facilitate access by outsiders with concomitant increases in sports hunting, poaching, destructive ATV activity, etc.

Indigenous peoples in the Arctic are not reflexively opposed to developing the Arctic's resources. Indeed, in some cases, conservation initiatives that might be assumed to benefit Indigenous peoples can in fact disempower them (see Case 2.1). Rather, Indigenous peoples demand a role in the decision-making over what projects advance on their traditional territories, and how these are realized, and they want to benefit from such development. UNDRIP calls for free, prior and conformed consent regarding development on Indigenous peoples' lands, and the rights of Indigenous peoples to develop their priorities for such land and use (UNDRIP 2007).

Case 2.1: Access Rights in King Cove, Alaska

The Arctic has seen a significant expansion of parks and other types of 'nature reserves' in the past several decades. Such areas are set aside to preserve the 'natural beauty and environments' of the North. Yet "natural" is a term often defined by those in positions of power (Robbins 2004). Many consider parks success stories of preservation of the natural (as opposed to 'cultural') landscape — though parks usually contain cultural features such as roads, and the wildlife within their boundaries is managed. The fact that Indigenous northerners have used, thrived in and actively managed these environments for 1000s of years is problematic to the common, romanticized view of northern nature as "pristine" and "untouched".

One example of the erasure of human needs in "protected" lands can be seen in the community in King Cove, located at the end of the Alaska Peninsula. King Cove's residents are fighting for road access to an all-weather airport located 10 miles away in Cold Bay. Having this road would allow community members safe and reliable transportation, especially for medical emergencies. However, it will take an act of the U.S. Congress to grant

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Case 2.1 (continued)

permission because the road will run through Izembek National Wildlife Refuge, a protected area created by federal legislation.

Two laws in particular constrain how Native people in Alaska are allowed to interact with the landscape: the Alaska Native Claims Settlement Act (ANCSA 1971) and the Alaska National Interest Land Conservation Act (ANILCA 1980). Under ANCSA, Indigenous Alaskans were granted 44 million acres of land and a monetary payment of \$962.5 million in exchange for lands lost (Arnold 1978). The monetary payment was made to newly created corporations of eligible Native people (as defined by the State). ANCSA extinguished aboriginal land title and eliminated ‘Indian Country’ status in the state, and the sovereignty inherent in that status. Aboriginal hunting and fishing rights were also extinguished, though still recognized and protected by the State of Alaska and the Secretary of the Interior (Case and Voluck 2002).

ANILCA set aside 79.3 million acres for conservation, and redefined hunting and fishing rights for rural users, under provisions in ANCSA that allowed the federal government to set aside land for “national and public interest” (Case and Voluck 2002:288). Importantly for Alaska’s Indigenous residents, Section 803 of ANILCA established subsistence protections for both Native and non-Native residents in rural Alaska (Case and Voluck 2002:289). That is, the subsistence rights of *all* (not just indigenous) rural residents in Alaska were recognized. Further, ANILCA changed the designation of certain lands from ranges to refuges (e.g. the Izembek National Wildlife Range to Izembek National Wildlife Refuge) and limited the ways in which people were allowed to hunt, fish and be present on the landscape. Restricting access to resources and managing for a limited set of species or interest group(s) over others may potentially change the landscape and directly affect the ways people are able to subsist and survive in their environment.

In terms of the Izembek National Wildlife Refuge, in response to King Cove’s request for a road, in 2009 US Congress approved a land swap that would have increased the amount of refuge land by over 61,000 acres in exchange for a 206 acre easement through the refuge for the access road (Aleutians East Borough 2009). However, in December 2013, the United States Secretary of the Interior Sally Jewell rejected this land swap. The Aleut people in King Cove, along with the local Tribes, Native corporation and city government, filed suit against the federal government to reverse Secretary Jewell’s decision, on the grounds that the Secretary did not meet the Trust Responsibility of the United States with the respect to the Alaska Natives and American Indians. As of mid- 2014, the State of Alaska filed a Motion to Intervene in support of the plaintiffs from King Cove. This ongoing struggle illustrates the complexities of land and resource management involving Indigenous peoples and others (“stakeholders”) across multiple jurisdictions.

Land claims in the North American context have helped secure Indigenous peoples' rights to their lands and territories, but at a considerable costs. To date, most land claims agreements have involved Indigenous peoples extinguishing their claims to large portions of their traditional territories in return for legally confirmed property rights to small portions. Under the Alaska Native Claims Settlement Act in 1971 Indigenous groups extinguished their rights to 321 million acres of land, in return for recognition of rights to about 44 million acres, and a compensation payment of \$96.2 million. Some point out that this means that government obtained unencumbered rights to the 321 million acres for approximately \$3 per acre. Clauses in the Inuvialuit claims (1984), Nunavut claims (1999) and other land claims agreements have involved similar provisions of extinguishment. As noted above, the compensation payments have allowed some communities to successfully invest in building businesses and improving their economic situation.

In the Russian Federation, Indigenous land rights have taken a different course. After the fall of the Soviet Union, the Russian Federation began to revise its legislation, as necessary for developing both democracy and a market economy. An early Russian presidential edict (1992) called for the allocation of lands to Indigenous persons for the pursuit of traditional activities and a law to enable this. The Russian Constitution of 1993 guaranteed the rights of Indigenous peoples 'in accordance with universally recognized principles and norms of international laws and treaties.' (§69). It was almost a decade before federal laws on Indigenous rights were adopted, but in several of Russia's provinces and republics (e.g., Sakha Republic (Yakutia), Buryat Republic) regional legislation preceded the federal. Such regional laws were often based on draft versions of the federal legislation that was circulating for comment. These regional laws, and eventually federal legislation, allowed Indigenous '*obshchinas*' (often translated 'communities' or 'communes') to be established and granted territory for the pursuit of traditional activities such as hunting and reindeer herding. *Obshchinas* are formed by a group of persons, predominantly Indigenous, who wish to pursue traditional activities and need rights to a territory to do so. *Obshchinas* range in size from a family to a whole village, and their land allocations run from thousands to millions of hectares. Also, in the period before 2000, other federal laws that were focused on resource management – laws on forestry, fauna, the continental shelf, etc. – regularly contained clauses that guaranteed priority use by Indigenous persons of the resource and protected their access.

In 2000, a federal law on Indigenous *obshchinas* was adopted (Ob obshchix 2000). It stipulated the granting of land to *obshchinas* 'in perpetuity' and without any charge (rent), though the land was not owned by the *obshchina* (Kryazhkov 2013).

Another law, in 2001, directed the creation of Territories of Traditional Nature Use, which would be mostly off limits to industrial development. *Obshchina* territories could be granted within these Territories of Traditional Nature Use. The Territories of Traditional Nature Use could be established at the federal, regional or local level.

However, the laws are mainly 'declarative,' with little detail on how to move forward and few mechanisms for implementation and enforcement. In term of the 2001 law, no federal Territories of Traditional Nature Use have yet been established,

and a few regional ones that have been established have been since annulled. Moreover, laws passed in 2004 rescinded the rights of Indigenous people to receive *obshchina* lands ‘in perpetuity’ and without cost — agreements are now usually for 25 years, and involve rents (Kryazhkov 2013). Many *obshchinas* do not have the ability to pay the rents, and thus have lost their rights to the territories granted to them.

At the same time, a requirement for “ethnological assessment” — in addition to environmental assessment — makes it harder for development projects that will disrupt traditional resource use to occur without the agreement of, and benefits to, Indigenous peoples, at least theoretically. This requirement, called for in the 1999 Law “On Guarantees of the Rights of Indigenous Numerically Small Peoples”, needs to be explicated in a law on ethnological assessment (O garantiyakh 1999). While no such law has yet been adopted at the federal level, Sakha Republic (Yakutia) recently passed such a law (Ob etnologicheskoy 2010). Unfortunately the implementation of such legal protection is often uneven (see Case 2.2).

Case 2.2: Addressing Cultural Damage Due to Industrial Development in Siberia

Industrial development has increased throughout the Russian North. Negative effects of such development for Indigenous peoples’ traditional activities include decreases in reindeer pasture and hunting grounds, declining populations of furbearing species and fish, the pollution of water sources, land and air. One of the ways to address such conflicts is ‘ethnological assessments’ (*ethnologichskay expertiza*), which, combined with environmental assessments, assess the scale of damage that an industrial project potentially will inflict on a group and the compensation that should be paid for losses incurred.

The idea is to estimate the social, economic and cultural costs of development, such as impacts on language and way of life, as well as the environmental costs, in order both to provide the basis for working to minimize the effects of development on Indigenous cultures, and to provide compensation for such losses when they cannot be avoided (Novikova 2008).

The methods that have been developed for ethnological assessment provide a quite accurate tool in terms of evaluating potential economic losses, based on calculations of daily income gained from traditional activities, the temporal duration of the disruption, and the areal extent of land and resources influenced. However, methods have not yet been perfected for effectively calculating the costs of cultural disruption.

Moreover, among Russia’s northern regions so far only the Sakha Republic (Yakutia) has adopted a law “On Ethnological Assessment in Places of Traditional Habitation and Traditional Economic Activities of the Peoples of the North of the Republic of Sakha (Yakutia)” (Ob etnologicheskoy 2010). A federal law has not yet been adopted.

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Case 2.2 (continued)

How has the implementation of such ethnological assessments proceeded? In 2007, when the Eastern Siberian Pacific Ocean (ESPO) pipeline came through the traditional territory of six *obshchinas*, a law on ethnological assessment did not yet exist. However, based on the 1999 Law “On Guarantees of the Rights of Indigenous Numerically Small Peoples” (O garantiyakh 1999) that called for such assessments, a compensation of four million rubles was paid out – but only because of the intervention of the Republic’s president. Payments for losses of biological resources in the Aldan Region along a 250 km stretch of pipeline were evaluated at only 150,000 rubles. The payment was then made to the Aldan Region’s budget, not to the Indigenous villages and *obshchinas* (Sleptsov 2013).

In 2012, the first ethnological assessment under the new (2010) republican law was carried out. The Kankunsk Hydroelectric project on the Timpton River directly affects the activities of eight Indigenous *obshchinas* in the Aldan and Neyungri Regions of Sakha Republic (Yakutia). A preliminary evaluation of the influence of the construction on the cultural environment was carried out by “Energotransproekt”, an institute involved in energy and transport science and development, on behalf of the company responsible for the construction of the hydroproject (Rosgidro). An Expert Commission, with representation from the Association of Indigenous Peoples of the North of Yakutia and the Union of Nomadic *Obshchinas* recommended that the conclusions of Energotransproekt’s assessment be rejected, arguing that these conflicted with the existing laws on the rights of the Indigenous peoples. Nevertheless, based on the assessment of materials and documents, the Kankunsk hydro-project was approved by a governmental decree on 17 August 2012.

Across the Arctic we see the increase in Indigenous peoples’ ability to share in decision-making over resource development, although the landscape of political power is definitely an uneven one. As noted above, co-management has become increasingly widespread as a means to ensure that Indigenous concerns are taken into consideration when managing land and resources. Innovations such as ethnological assessment in Russia also provide means to (hypothetically) ensure that Indigenous peoples have a voice in decisions that affect them and are compensated for any cultural and social as well as economic losses that development projects bring. Legal advances in the protection of Indigenous rights have increased notably in all areas the Arctic in the last decades.

Yet the interpretation and implementation of such legislation too often leave Indigenous peoples in a precarious, disempowered position. As exogenous demands for Arctic resources increase, will increased legal rights and protections protect the

interests of Indigenous peoples to decide on what transpires on their lands? Whether Indigenous interests are respected and protected in fact as well as on paper will be a major moral yardstick for Arctic countries.

2.4 Traditional Knowledge

Traditional knowledge is another great concern for Indigenous peoples in the Arctic: both its maintenance and inter-generational passage, and its application to decision-making. Indigenous people underscore that traditional knowledge is not static – it is continuously updated, based as it is on on-going observation, experience, experimentation, application and adaptation. Traditional knowledge plays a role in self-governance and the capacity to effectively manage lands and resources. As Indigenous peoples experience a political resurgence, they are demanding that traditional knowledge be considered along side ‘western scientific knowledge’.

Its continuance has been challenged by a whole set of colonialist forces including assimilatory processes, changes in family structure and co-residence patterns, sedentarization, and time spent on the land. Yet as traditional knowledge is vulnerable to loss, it is also increasingly accepted by non-Indigenous people as a valid and valuable source of information. Certainly there is growing respect for and interest in the potential contributions that traditional knowledge can make to informed decision- and policy-making in the North, especially (but not only) in the area of resource management.

There are major obstacles to the integration of traditional knowledge and scientific knowledge. These include skepticism and cultural biases of some scientists as to the value of traditional knowledge, as well reluctance of policy makers to relinquish control. Moreover, the epistemologies and ontologies underpinning these different systems make them difficult to integrate, and often lead to the continuation of privileging western scientific knowledge.

Traditional knowledge is encoded in the language of Arctic peoples. Whether through the rich and nuanced terminology related to animal characteristics and behavior, plant morphology, or landscape features, language expresses human-environment links and interactions. Yet the situation of Indigenous languages in the North has been termed “dire” (Schweitzer et al. 2014). Although Arctic languages have received significant attention in recent years, many are under grave threat. The Arctic Biodiversity Assessment notes that 21 Arctic languages have become extinct since the 1800s, with 10 of these extinctions since the 1990s. Twenty-eight more are ‘critically endangered’ (CAFF 2013). This has significant implications for the transfer of traditional knowledge. It should be noted that there are positive stories of language maintenance and revitalization as well in the Arctic: for example, over 86 % of those living in Greenland, whether of Inuit heritage or not, speak Kalaallisut (which became the sole official language in 2009). Such cases provide for cautious optimism, but major resources *and* political resolve will be required to stem the decline of most Arctic languages.

Numerous initiatives in the North work to enhance the use of traditional knowledge. For instance, in Alaska, the Alaska Native Knowledge Network was created not only to compile information on traditional knowledge, but to help make it accessible to ‘outsiders’, including government agencies, for use. In Canada, the Government of the Northwest Territories has established a Traditional Knowledge Policy, which stipulates that “aboriginal traditional knowledge is a valid and essential source of information about the natural environment and its resources, the use of natural resources, and the relationship of people to the land and to each other, and [the GNWT] will incorporate traditional knowledge into government decisions and actions where appropriate” (GNWT 2005). It notes that “traditional knowledge should be considered in the design and delivery of government programs and services”. Likewise the Nunavut government has publicly stated its intent to be directed by Inuit Qaujimanituaqangit, or Inuit traditional knowledge (Arnakak 2002). In the Russian Federation’s Khanty-Mansi Autonomous Okrug, legal protection has been provided to some forms of traditional knowledge (Newcity 2009), but it is fair to assess that in general less progress has been made in terms of the recognition and intent to incorporate traditional knowledge into governance and resource management regimes in the Eurasian North than in North America.

2.5 Conclusion

We have focused our discussion on three areas of major concern to Arctic Indigenous peoples: self-governance, land and resource rights, and traditional knowledge. Climate change of course exacerbates the challenges to the transmission of traditional knowledge, the ability to self-govern, and the capacity to benefit from rights to land and resources. A number of Arctic communities are already being relocated, due to climate change (e.g. Shishmaref, Kivalina, and Newtok, Alaska). Changes in sea ice affect hunters’ access to marine resources, while changes in land-based ice can wreak havoc on reindeer husbandry and other traditional terrestrial-based activities. Transmission of traditional knowledge is made more difficult as it becomes harder to pursue inter-generational experiencing of land-based activities, due to safety concerns, increased difficulties of access, or other issues.

Added to this, in what is referred to as ‘double exposure’ are the forces of globalization, such as increased exogenous demand for Arctic resources and the infliction of exogenous value systems and languages through mass media (cf. O’Brien and Leichenko 2000). Together these physical, economic and cultural forces contribute to the weakening of local cultural systems.

In spite of these corrosive forces there is a growing recognition of Indigenous rights. We have witnessed over the past quarter-century a remarkable renaissance of Indigenous self-governing institutions. We have seen a notable growth of legislation that protects Indigenous rights to their homelands and resources. Traditional knowledge is increasingly recognized as both a valid and crucial source to inform policy- and decision-making. Indigenous peoples in the New Arctic certainly face

challenges. While what the next decades will bring is unpredictable on all fronts, Indigenous peoples will face new challenges with increasing powers and resources to self-determine their future in the New Arctic.

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