

Who Matters in the Arctic?
The Rise of Permanent Participants in the Arctic Council and International Affairs

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Abstract

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The Arctic Council is a collaborative forum of member states, Permanent Participants, and Observers. It has created many outputs that have attained high levels of global visibility and shaped state agendas. While the Council has evolved since its inception in 1996, the political influence of its Permanent Participant actors is under-explored. How do Permanent Participants, as less resourced Arctic actors, promote their interests and exert influence on the Council's outputs? The answer affects how we think about the Arctic Council as a producer of meaningful outputs and norms in the Arctic, as well as a vehicle for Indigenous mobilization. I propose that the ability of Permanent Participants to express interests and exert influence within the Council has surpassed many initial representative and theorist expectations. I analyze two cases in which I propose that Permanent Participants have engaged in unexpected strategies to insert their interests in Council outputs: influencing the content of the 2009 *Arctic Marine Shipping*

Assessment and the 2013 *Observer Manual*. Each of these texts was developed within the Arctic Council but went on to impact the broader political landscape of the Arctic, affecting both which forms of knowledge actors recognize and which behaviors external actors must adopt to be welcomed into governance spaces and even establishing the basis of regional socialization. Together, these cases demonstrate unanticipated influence by the Permanent Participants over Arctic Council outputs, shaping the face of the Arctic's policy and politics, while reflecting a long-trajectory approach to Indigenous internationalization.

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List of Abbreviations

AAC	Arctic Athabaskan Council
ACIA	Arctic Climate Impact Assessment (2004)
AEPS	Arctic Environmental Protection Strategy (1991)
AIA	Aleut International Association
AMSA	Arctic Marine Shipping Assessment Report (2009)
ARCUS	Arctic Research Consortium of the United States
BP	British Petroleum
CCU	Circumpolar Conservation Union
GCI	Gwich'in Council International
ICC	Inuit Circumpolar Council
IGO	Intergovernmental Organization
ILO 169	International Labor Organization Convention No. 169
IPS	Indigenous People's Secretariat
ITK	Indigenous and Traditional Knowledge
NGO	Non-governmental Organization
NSIDC	National Snow and Ice data Center
RAIPON	Russian Association of Indigenous Peoples of the North
SC	Saami Council
SDWG	Sustainable Development Working Group
UNCLOS	United Nations Convention of the Law of the Sea
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WWF	World Wildlife Fund

Chapter 1. Introduction: Who Matters in the Arctic?

I find in the Arctic we have a real voice to make the world a better place. Cooperation with international partners will always include the Indigenous Peoples, as we have always championed the human dimension of the Arctic.

Stephanie Meakin¹

The Contemporary Arctic

Among many non-Indigenous policymakers and diplomats, the start of the Arctic's current political era is broadly marked by a series of events clustered in the last two decades of the Cold War, which signaled a heightened global interest in the Far North. From President Nixon's references to Arctic cooperation in his 1971 *National Security Decision Memorandum* and the United States' *Arctic Science Policy* paper in 1984, to President Gorbachev's pro-Arctic cooperation Murmansk speech in 1987 and the ratification of the multilateral *Arctic Environmental Protection Strategy* in 1991, major states indicated openness to international cooperation in the Arctic. These were some of the first times that Arctic great states signaled to their nation-state peers that the formation of regional organizations and governance forums was desirable. Yet even before this, the concept of a circumpolar Inuit nation—and need for circumpolar politics—was introduced by Inuk politician Eben Hopson (Hopson 1976). Policy and scholarship discussion on the Arctic frequently reflects a discourse of *interconnectedness*. In the Far North, political issues and geophysical changes are inextricable, as are the concerns and activities of states, Indigenous organizations, and regional organizations. Similarly, the contemporary politics of Permanent Participants in the Arctic Council is part of a longer process of Indigenous internationalization.

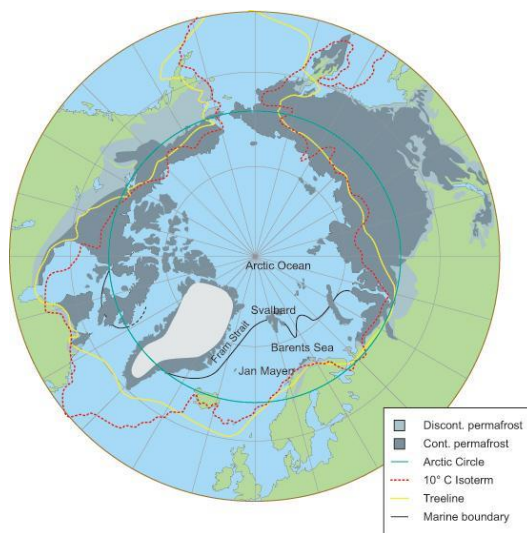
¹ Inuit Circumpolar Council, Canada Office. Presentation given on January 29, 2020.

The creation of the Arctic Council in 1996 is often viewed in international affairs as heralding a new era in Arctic politics, realizing the earlier great state signaling. The Arctic Council is certainly important as an international forum that has gained a reputation as arguably the most influential organization comprising the “Arctic governance mosaic” (Young 2005, 9).

Defining the Arctic

The Arctic is commonly defined as the region above the Arctic Circle, the latitude above which the sun does not set on the summer solstice, and does not rise on the winter solstice (66° 34' N). Other common definitions are the *Tree Line*, where the frozen landscape is limited to shrubs and lichens, and the *10° Celsius Isotherm*, any high latitude locations where the average daily summer temperature does not rise above 10° Celsius (Polar Institute 2019).

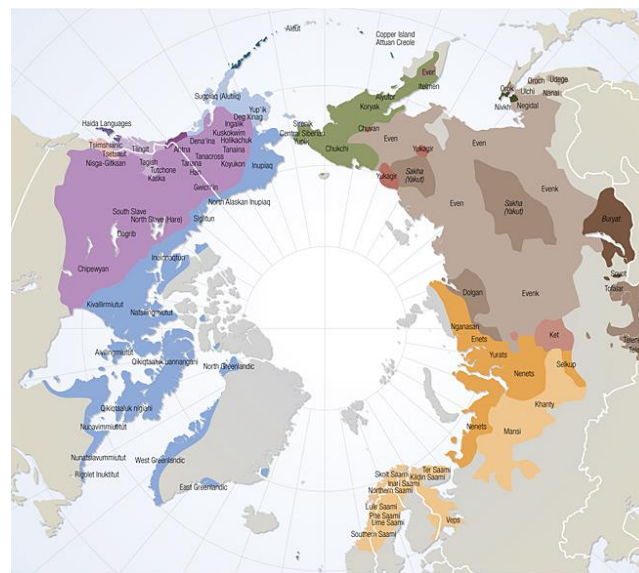
Image 1.1. Map of Dominant Definitions of Arctic Territory (Polar Institute 2019)



These scientific definitions arise from the North American and Nordic scientific traditions, two composite bodies that had largely historically excluded Indigenous knowledge (Cameron 2012). Circumpolar Indigenous definitions of the Arctic, meanwhile, may not distinguish between sea ice and land (ICC 2008), or may extend beyond the Arctic Circle (Josefsen 2010). Historically, the Arctic’s geographical and scientific classifications have been framed by actors south of the

Arctic Circle. There is extensive literature on the evolution of Arctic imaginaries,' which may be summarized into three understandings. First, since the 1500s, the Far North has largely been externally imagined as a cold, desolate, and remote hinterland (Peck 2012). Second, as states became more engaged with the culture and politics of the Arctic, outsider interpretations of the region became less static, marked more by “a confusion” of trying to reconcile their sovereign territories and the Arctic’s historical reputation as a wilderness (Fjellestad 2016, 229). Third, an increased awareness of climate change and Indigenous voices are revealing the Arctic’s complex social, political, and cultural realities that are shifting how the Arctic is defined (Steinberg et al. 2015). These Indigenous voices, and what they reveal, has been critical for our contemporary understanding of the Arctic as a *political region*. Many regional theorists believe that the Arctic has come to be recognized as singular, cohesive, *connected* region in global affairs in large part due to the “space-making” efforts of its Indigenous residents: making the Arctic understood as an interconnected region (Ingimundarson 2014; Keskitalo 2007, 188; Osherenko and Young 1989). Indeed, the delineation of the Arctic overlaps significantly with Indigenous ancestral lands.

Image 1.2. Map of Arctic Indigenous Peoples’ Ancestral Homelands (Arctic Centre 2019)

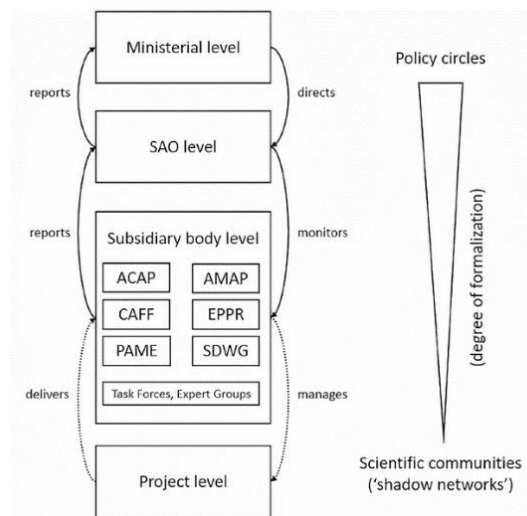


The resulting understanding is that of a complex circumpolar region where *interconnectedness* manifests in the political, security, economic, and social spheres.

Governing the Arctic: The Arctic Council

The Arctic Council is a forum that presents a relatively novel arrangement among Arctic organizations: the inclusion of states, Indigenous organizations, intergovernmental organizations (IGOs), and nongovernmental organizations (NGOs). It consists of the eight countries with territory in the Arctic, six Permanent Participants, and thirty-eight Observers. Permanent Participants have full participation in Council spaces; hold veto power; and may participate in all meetings, set the forum agenda, and create projects (Arctic Council 1998, secs. 4, 5, 12, 19, 26). Observers can attend Council meetings (unless uninvited) and make comments with state permission, and they may be removed from the Council. Most of the substantive work of the Council takes place in its six Working Groups. Each Working Group has a specific mandate that guides its projects and is staffed by representatives of member states, Permanent Participants, and admitted Observers.

Figure 1.1. Institutional Structure of the Arctic Council (Dodds 2020)



The mandates—and thus the nature of the work carried out by Working Groups—demonstrate the Council’s purpose to facilitate and coordinate action on environmental issues and sustainable development beyond its mission statement (Koivurova and Vanderzwaag 2007). The mandates reveal a focus on research (e.g., “promote,” “exchange,” and “provide advice”), which provide the data and knowledge foundations for the forum’s consequent policymaking (and policy shaping) work (Koivurova and Hasanat 2009; Smith and Sharp 2012). The forum’s mission itself advocates the inclusion of Permanent Participants in all facets of the forum. Focusing on non-zero-sum issues moves away from topics that may be considered the exclusive purview of territorial states and encourages non-state actors to be full and active participants without threatening state territorial or national sovereignty. The substantive work of the Council occurs through projects via Working Groups and task forces. To accomplish goals, member states and Permanent Participants sponsor projects (Rottom 2015). Since the Council’s inception, Working Groups and specific Council projects have expanded the forms of data considered and collected, encompassing and validating both Western *and* Indigenous/Traditional knowledge (ITK).² Beyond Working Groups, Permanent Participants may work on projects through task forces and expert groups. A number of empirical studies on Permanent Participant engagement in the Arctic Council have focused on the frequency with which Permanent Participants are represented in Working Groups, or how much funding Participants have contributed to Working Group projects (Haavisto 2001; Knecht 2017). However, these studies tend to examine a narrow scope of the potential activities of Permanent Participants—which have limited resources and staff compared to states—by focusing on only one venue in which they may exert influence on

² The latter of which includes oral histories, storytelling, and traditional ecosystem and resource management.

Council outputs: reports, assessments, policy recommendations, and binding agreements that are produced for regional and global audiences to promote and facilitate cooperation.

Both state and Indigenous players are Arctic actors, resulting in interactions between players with vast power and territorial disparities. The current dominant view of scholarship on the Arctic Council acknowledges the significance of Indigenous representation in the Council, given their historical marginalization by states. At the same time, while the role of these Indigenous Permanent Participants in the Council's operations is well defined, their behavior within the Council is under-addressed. There is a modest though compelling body of literature that discusses the role of Permanent Participants in the founding of the Arctic Council; yet, to date, very little literature has analyzed how Permanent Participants' political agency is expressed through its activities in the Arctic Council, or how their behavior fits within a longer, progressive narrative (Axworthy and Dean 2013; Koivurova 2010a; Tennberg 2017).³

In this work, I propose that not only do Permanent Participants meaningfully influence the content of reports, recommendations, and assessments that come out of the Arctic Council, but that they also use engagement strategies far beyond theorizing taking place during the first third of the Council's existence, advancing their interests in these outputs *beyond* the forms of political engagement detailed in the Arctic Council's rules and procedures. The strategies that Permanent Participants use to exert influence on the Arctic Council's outputs were not anticipated by early Arctic Council theorists or representatives, and demonstrate how Indigenous nations can exert soft law influence in international deliberative spaces, even those headed by nation-states. Ultimately, exerting influence in international organizations may be an effective

³ Work focusing on Permanent Participants in the Arctic Council is done by both Indigenous and non-Indigenous authors. I note how my own academic and personal affiliations may affect the research process and analysis in Appendix 1.1. *Researcher Positionality Statement*.

internationalization strategy for Indigenous Peoples in regions where soft law governance is strong. Shaping regional norms and commensurate socialization trends may be a potential stepping-stone to another hard law goal of some Indigenous nations: being recognized as equal subjects of international law and rights as nation-states (Christie 2011; Gillo-Whitaker 2019; Watt-Cloutier 2016).

As the Permanent Participants are non-state actors, there often seems to be more scholarly interest in using political theory to explain how they gained membership in the Council, rather than examining their activity *as* members (Aalto, Dalby, and Harle 2003; Chater 2015; Heinamaki 2009). Yet, the political behavior of Permanent Participants since 1996 is just as important for our understanding of intra-organizational influence as it is for understanding the interests and capabilities of the Permanent Participants as they project into the future. As a central pillar in Arctic governance, the Arctic Council operates ideologically, materially, and discursively to reproduce and maintain its investment in the Arctic as a space for Arctic actors. In order for the Permanent Participants to affect the content of the ideological norms and material outputs that come out of it, they must demonstrate a real ability to affect which decisions are made in a region that is expected to undergo significant physical, political, and economic changes in the coming decades. Indeed, Inuit Circumpolar Council representative James Stotts understands well that, “Participation is one thing. Having influence is another. What good is participation when no one listens to what we have to say? The term *meaningful engagement* has a different meaning for member states than Permanent Participants” (Stotts 2021).

Main Questions

In responding to this work's research questions, and transitioning into the literature review in the second chapter, I will show how scholars and organizational representatives have placed varying weight on the formative events and member activities that shaped Arctic Council's evolution. Those who focus on the role and responsibilities of Permanent Participants also note that negotiations leading to the creation of the Arctic Council were imbued with Indigenous voices that directly impacted the rights and responsibilities of Permanent Participants. However, the behavior and political engagement of Permanent Participants after the Council's establishment have been the focus of far fewer inquiries, despite the importance of the fact that how we approach the behavior of Permanent Participants informs our understanding of their intended influence and real capabilities. For instance, early work on Permanent Participants hypothesized that they would use the channels of participation open to them in the Arctic Council (Working Groups and Ministerial deliberations), but that their impact would be mitigated by their limited funding and small staffs (Bloom 1999; Arctic Council 2000). Twenty-five years later, though, is this still the case? The reflective work of Permanent Participants indicates that they *themselves* believe this is no longer true (Griffiths 2009; Josefsen 2010; Mack 2018); but there is little research exploring the empirical basis of this belief: Permanent Participants exert influence by contributing to the development of Council recommendations and other outputs. This gap leads to my first question: How do Permanent Participants, as less-resourced actors in the Arctic Council, promote their interests and exert influence on the Council's outputs? Of the intra-organizational venues for influence available to Permanent Participants, little is known about which options are actually *utilized* by Permanent Participants, especially within the context of them being less-resourced actors in the Council.

Further, a foundational, yet disputed inquiry surrounding Permanent Participants, is what kind of power they exert on Arctic Council outputs, whether in the form of reports, recommendations, research agendas, or assessments. Early theorizing on the Arctic Council envisioned Permanent Participants acting through channels clearly outlined in the rules and procedures: speaking at Ministerial meetings, participating in Working Groups, and selectively funding task forces (Nuttall 2000; Rosborou 1996; Schneider 1996; Young 2012). The possibility of Permanent Participants meaningfully affecting the content of Council outputs seemed unlikely after having witnessed the many challenges associated with establishing a Permanent Participant classification in the first place. For instance, the United States and Russia had vocally campaigned against Permanent Participants having real Council influence, and repeatedly tried to weaken Permanent Participant status to be closer to that of Observer, who must obtain state permission to participate in or fund Working Groups (English 2013). The de facto veto Permanent Participants held in the consensus-operated forum was already a meaningful victory. Even before the close of the Council's first year, scholars had already begun to hypothesize how the de facto veto could translate to real compulsion; there was little interest in speculating on future behaviors outside those of the yet-untested procedures. After all, Permanent Participants were not great powers in the Arctic, but little actors. They lacked the finances, material resources, and staffing of member states. It would be a risky venture for such organizations to go outside of conventional forum pathways to attempt to shape the content of the Arctic Council's outputs.⁴

⁴ See Appendix 1.2 for the charting of three Permanent Participant-headed projects developed through a 'conventional' output pathway: solely within Arctic Council Working Groups.

As the Arctic Council established itself as the predominant regional forum in the Arctic, major events in the region, as well as organizational changes faced by the Council, have not only changed the questions people ask about the Arctic Council, but changed how people think about Permanent Participants. At the Council's founding, and even in the early 2000s, few could have imagined how Permanent Participants would indeed create their own policy papers that would overcome tremendous competition to inform the *Arctic Marine Shipping Assessment* (2009) (AMSA), which would go on to shape reforms made to hard-law shipping codes and binding agreements, or how they would likewise conduct a multi-year oral history collection to submit as traditional knowledge data for the *Arctic Impact Climate Assessment* (2004). Fewer still would have anticipated the fact that they would effectively obligate Observers to commit to Indigenous consultation before undertaking Arctic extraction projects, encoding this obligation into the Council's *Rules of Procedure*.

While these initiatives were successful, such strategies were not without cost; and those Permanent Participants who were involved risked significant expenditures, labor, and resources that the Council itself could not fund or officially support. Yet, without guarantee of reimbursement or eventual recognition, several Permanent Participants *did* develop and use these independent knowledge products to create major Arctic Council outputs, which have gone on to have real and significant impacts on state shipping and transit policies (Brigham 2016), as well as on the benchmarks that states use to measure the effects of climate change over time (Forcers 2011; Mitchell 2019; Riedlinger and Berkes 2001). Ironically, while, "It is easy to dismiss [Arctic Council] products of this kind as paper contributions that have little bearing on what happens in a region like the Arctic," their impact is real; so ignoring that effect, "would be a mistake" (Young 2005, 47). These reports play a role in framing and highlighting issues on the

Arctic agenda. In the process, they have captured the attention of the Arctic states, including the United States, which normally shuns regional involvement (Brigham 2016; Young 2005).

Backed by the legitimacy and normative power of the Arctic Council, the reports exercise influence through a socialization process in which member *and* non-Arctic states participate.

Beyond these political dynamics, scholarship has likewise under-addressed the development and effect of Indigenous knowledge codification and application. Until recently, for instance, the idea that Permanent Participants might be able to affect the content of Council outputs, especially if the content went against the interests of member states, was not widely supported in regional scholarship. Even as the body of scholarship defending this premise has grown in the past decade, actual empirical explorations of direct influence are sorely lacking. Researchers have tested how frequently Permanent Participants are represented in Working Groups (Knecht 2017), the frequency with which their representatives support specific behavioral norms during Ministerial meetings (Graczyk et al. 2017), and the timing of when they use their de facto veto to eschew environmental initiatives that do not incorporate Indigenous consultation (Poto 2017). Each of these studies examines engagement *within* specific spaces.

Even so, a gap remains in the literature, suggesting the need to identify, trace, and illuminate the other strategies that Permanent Participants have used to affect the *actual* and *thematic content* of major Council Outputs. Currently, there is a wealth of scholarship tracing the effects Arctic Council outputs have had on the content of NGO reports (Burke and Bondaroff 2018; Oak 2014), state shipping and natural resource policies (Bouffard 2017; Heininen 2016; Zysk 2016), and the development of international and regional norms (Graczyk et al. 2017; Stokke 2013; Young 2012). Identifying how Permanent Participants inject their interests into Council outputs, then, illuminates a marginally explored link in the chain from their interests to

measurable impact. Moreover, it reveals the real capabilities of Permanent Participants, moving us away from their portrayal as disadvantaged players on the world stage (Mack 2018). While Permanent Participants do face a resource discrepancy as compared to member states, better identifying their actual strategies and how they use them to influence Arctic Council outputs illustrates fascinating organizational growth, and an unexpectedly successful trajectory, despite limitations in their organizational resources. This influence is all the more surprising in light of the negative effects that recent climate change has on community wellbeing.

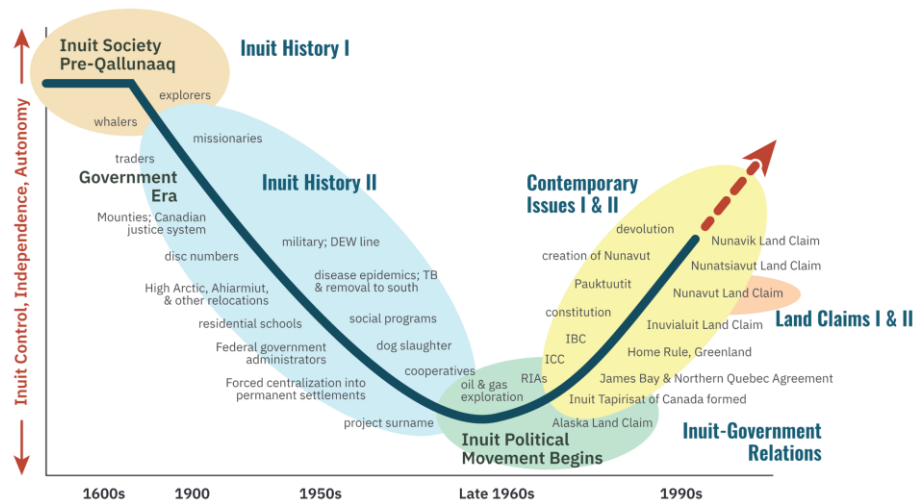
After identifying the strategies through which Permanent Participants exert organizational influence, it becomes important to identify the *content* that Permanent Participants strive to incorporate into Council outputs. Just as the Arctic Council's mission evolves, its members' priorities shift to reflect the expanded breadth of issues up for discussion. These considerations lead to the second question: Which Permanent Participant interests and priorities are present in their Arctic Council engagements? The Arctic Council has various policy dimensions, of which the most discussed are human, environmental, and commercial (Heininen 2016; Ron Huebert 1998; Koivurova and Hasanat 2009; Young 2016). These dimensions, though, are not isolated, overlapping significantly with one another; so it is worthwhile to consider which interests are being asserted by Permanent Participants, and what kind of treatment they give them. Further, the overlapping nature of these dimensions allows for fluidity over time as the Arctic Council works to address multifaceted issues. While Permanent Participants have vocally highlighted the human dimension of the Arctic since the Arctic Council's inception (Cameron 2012; Griffiths and Kuptana 1991; Kuptana 2013; Mack 2018; Simon 2009), scholars still need to consider which specific strategies and frameworks Permanent Participants have worked to leverage through Arctic Council proceedings themselves. Has the

nature of their priorities remained relatively similar over time, for instance? Or has the content shifted in response to regional events, as have scholarly curiosities about the Arctic Council, as well? The answers to these questions affect how we think about the Arctic Council as a producer of meaningful outputs and behavioral standards in the Arctic, as well as a vehicle for Indigenous political thought in the Arctic. Additionally, future discussions may benefit from current scholarly considerations of intra-organizational influences in the Far North.

A Longitudinal Approach to Permanent Participant Capabilities

As Permanent Participants are the only members of the Arctic Council to have a specifically designed status, there often seems to be more concern about how their membership in an international organization was finally attained after over fifty years of internationalizing efforts. Perhaps even more significantly, this internationalization is just as vital to Indigenous narratives as it is to our own understanding of their projected interests as global players. The prevalence of an advancement discourse in Permanent Participants' inner-Council and public communications reflects increased participation in international diplomacy. As such, scholarship should recognize the longer time frame that accompanies an Indigenous understanding of trajectory-building, even when studying contemporary political events. I draw from the framing work of Nunavut Sivuniksavut, an educational organization founded in 1985 that uses historical and political materials to teach Inuit history, politics, and land claims to its youth. At the center of its curriculum is the Inuit story, "a model of how things in [the Inuit] world in the north came to be" (Nunavut Sivuniksavut 2020, 1). The resulting model, *Unifying the Inuit Story*, depicts the Inuit story from pre-contact to the present.

Figure 1.1. Unifying the Inuit Story (Nunavut Sivuniksavut 2020)



This history-based framework effectively articulates the long-history approach to Indigenous internationalization: the process by which Indigenous nations came to participate in the modern international community and which is not always represented in regional governance scholarship. Indigenous-centered scholars and practitioners are more likely to look back to the mid-1900s—even before the founding of the Inuit Circumpolar Council (ICC), Saami Council, or Russian Association of Indigenous Peoples of the North (RAIPON)—to identify the roots of circumpolar thinking, a way of thinking about the Arctic as an interconnected region rather than a space in which multiple sovereign nations undertake their own activities (Eidheim 1974; Griffiths and Kuptana 1991; Gulløv 1979; Hopson 1976; Kuptana 2013; Osherenko and Young 1989). At the core of circumpolar thinking—and perhaps what makes it a theme that frequently surfaces in Arctic Indigenous political discourse—is a sense of interconnectivity. This can resonate with circumpolar nations, where cultures and ways of life are spread out across multiple nation-states and continents (Griffiths and Kuptana 1991; Broberg 2021). Consequently, for Permanent Participants such as the Inuit and Saami, circumpolar thinking is closely intertwined with the strategy of internationalization. If mobilizing with members of your own nation requires

adopting transboundary framing and logistics as a consequence of the dominant international law framework, then internationalization is not just a strategy to gain recognition in the international community; it is a necessary step to achieve the simple goal of being represented as members of a common, yet geographically dispersed nation.

Contemporary internationalization among Arctic Indigenous nations emerged out of broad political movements in the 1960s (i.e., a decade focused on by many scholars of Indigenous international mobilization, including Henriksen 2008; Josefsen 2010; Mack 2018; Tennberg 1996). While a great deal of rights-securing processes and organization happened before the 1960s, some of the pivotal moments most frequently linked to later Indigenous activity in the Arctic Council happened in the 1970s. The creation of associations like the ICC, Saami Council, and RAIPON in the latter half of the 20th Century all began as domestic, organization-forming mobilization. As the associations grew, they developed international networks with both their transboundary ethnic contemporaries (e.g. the Inuit of Canada and Greenland) and other Indigenous associations. Moving from interactions with the state at a domestic level to compel changes in state behavior as members of the international community was an intentional process of internationalization that Indigenous associations viewed as empowering: a position articulated by both Permanent Participant representatives and Indigenous scholars (Jull 1999; Koivurova 2010b; Niezen 2000; Poto 2017; Simon 1985).

Internationalization is considered a viable rights-assurance strategy in other regions, as well, taking place when domestic and international laws are under-representative of Indigenous needs (Moreton-Robinson 2015). A rich body of literature examining Indigenous internationalization in Central and South America communicates a belief that international forums are ideal spaces for challenging contested meanings, especially those that relate to

Indigenous traditions, histories, worldviews, and aspirations (Escárcega 2010). As Indigenous activists, diplomats, and representatives advanced their needs in international organizations, they have learned to represent themselves and their interests strategically to legitimize claims for justice and rights (Dahl 2012; Escárcega 2010). By negotiating concepts used by nation states within international spaces, they bypass potentially obstinate ward states to shape global discourse on human rights and environmental issues in beneficial ways. In the later 20th Century, Central and South American Indigenous Peoples increasingly organized politically, establishing national and international political presence to advance specific interests (Mauceri 2004), a timeline that mirrors what was occurring in the Arctic. The theorizing borne of Arctic and American contexts align with Kymlicka's broader theorizing on minority internationalization: international organizations can strongly influence how state-minority relations are framed and resolved, endorsing certain models of accommodation. However, Kymlicka suggests that current practices are full of inconsistencies as a result of regional and actor contexts (Kymlicka 2018), a phenomenon illustrated by the discrepancies between and among Arctic and Central American nation-states in their Indigenous rights track records.

In regions where international law was underdeveloped, such as in the Arctic (Koivurova 2013), Central America, or Africa (Oduntan 2005), internationalization was a process where Indigenous associations proactively sought rights assurances through organizational recognition and membership (Koivurova and Heinämäki 2006; Dove 2006). At the same time, they influenced the new governance networks to favor soft-law structures rather than hard law. This inclination towards soft agreements predating the Council has been adopted by the Council itself, with Permanent Participants especially partial to its continuation (Axworthy and Dean 2013; Graczyk and Koivurova 2014; Griffiths 2009; Griffiths and Kuptana 1991). There is a tendency

for Permanent Participants to consider their member status to be a natural continuation of their long-term rights trajectories. For the Inuit Circumpolar Council, membership could be imagined as another event on the aforementioned Inuit story trajectory. As a result, just as membership in the Arctic Council is a continuation of earlier internationalization, Arctic Council membership is itself a springboard allowing further rights assurance. While this trajectory is developed from an Inuit context, the progression-based message that it articulates resonates with other Permanent Participants, including RAIPON and Athabaskan nations (Greaves 2020; Khan 2018).

Throughout the process of charting Aboriginal rights, campaigns for Indigenous rights have been documented between the 1870s and 1970s (Attwood 2005), adding a body of valuable literature, including detailed analyses of colonialism throughout historical, political, and legal treatment of Indigenous sovereignty within the framework of international sovereignty, rights, and law (Koivurova and Heinämäki 2006; Thuen 1995; Whyte 2017). This historical literature illustrates how Indigenous sovereignty claims have challenged conceptualizations of state sovereignty and—in a few instances in cases in Australasia, Canada, and the United States—how Indigenous Peoples have worked to modify state rights through domestic and *international law*. The cases provide insight into the pragmatics of exercising Indigenous sovereignty outside of domestic politics. The limitation of the literature lies in its assignment of *rights* as a metric for Indigenous sovereignty, keeping to a conceptualization of power within a hard law framework set and ratified by states (Sambo Dorough 2015). Using the work of the Permanent Participants to analyze the relationship between Indigenous sovereignty expression and state activity outside of the ward state/Indigenous nation relationship extends the scope of the existing literature by encouraging us to think about Indigenous sovereignty and influence differently.

Research Implications

This research sits at the intersection of Arctic studies, organizational politics, and Indigenous studies. As a whole, this project enhances our understanding of the Arctic Council and its participating actors. When we consider the literature on the Arctic Council, we see that scholars both recognize its many functions, as well as develop assertions about what they consider to be its primary, or most notable function. Scholars see the Council as a policy-making body (Young 2005), research body (Stokke 2013), soft-law body (Koivurova 2008b), and a normative governance body (Heinamaki 2009). The Arctic Council is a multifaceted forum: one that can serve as a platform for Indigenous organizations. It also addresses a debate in the literature on the Council's Permanent Participants. Earlier literature debated whether Permanent Participants would indeed have full participation in the Council (Bloom 1999; McIver 1997), which evolved to see Permanent Participants as minor, yet important, contributors to a fundamentally state-centric forum (Young 2005), then as actors whose presence granted the Council normative legitimacy (Koivurova 2010a). It speaks to the evolving ways that Arctic and Indigenous scholarship has thought about Permanent Participants, assessing their power as insiders who are seemingly able to compete with states for influence and providing insights on ways that Permanent Participants influence Council outputs—outcomes that are both unexpected and indicate a high value transfer from interests to outputs.

Beyond Arctic scholarship, notable work has emerged from Indigenous studies in the United States and Canada identifying and challenging International Relations' focus on the Global North's Euro-American peoples and perspectives (Whyte 2017; Coulthard 2014). Expanding the concept of who the actors of consequence are in International Relations facilitates a process of transcension, an opening of definitions that is illustrated through the field's gradual

opening from *state*-based sovereignty to *nation*-based sovereignty (Barkin and Cronin 1994; Shadian 2014). In turning our focus to the Arctic, a space recognized as a singular region in International Relations in large part *due* to the “space-making efforts” of circumpolar Indigenous Peoples (Ingimundarson 2014; Keskitalo 2007, 188), we expand our lens on actors of consequence in a way that encompasses *inter-nationality*. We do so with the belief that even non-state nations can inform hard or soft law development (Koivurova 2013), defining core concepts that make up the basis of international agreements or rights (Schlosberg 1999), and defining classes of actors (Dove 2006). In *The White Possessive*, Moreton-Robinson proposes several theoretical and empirical strategies to extend the analysis of International Relations to encompass Indigenous understandings of sovereignty. Among Moreton-Robinson’s suggestions are 1) including textual analysis of representations of Indigenous sovereignty claims and decisions, 2) analyzing government policy and international law concerning Indigenous sovereignty and land rights, and 3) critically evaluating representations of Indigenous sovereignty within political science (2015; 37). In line with the methods and subjects selection advocated by Moreton-Robinson, studying the Arctic from the perspective of Indigenous organizations expands the scope of International Relations while enhancing our deep regional understanding.

This work contributes to the consequent discussion of which activities Permanent Participants engage in as actors within international fora. Little scholarship has yet been completed linking the internationalization and subsequent organizational behavior of the Permanent Participants. One of the few projects to empirically analyze Permanent Participant influence in the Council is a large-n qualitative study by Knecht in 2017, wherein he tracks member attendance in Arctic Council Working Groups over time. In the conclusion of his paper (one of the first major organizational studies articles to focus on the Arctic Council), he notes

that while his work was intended to address the lack in large-n research on Permanent Participants, future research on influence in the Arctic Council should “focus on participation and commitment,” examining under what conditions actors (especially Permanent Participants) participate in Arctic Council meetings and the strategies they use to successfully influence negotiations and processes (Knecht 2017, 222). These are inquiries where significant gaps in our knowledge remain. By highlighting the intentionality behind Permanent Participant engagement in the Arctic Council and the resulting outputs, Knecht believes we can better “understand how different participation across actors groups and policy areas influence institutional effectiveness and actor impact on agendas and policy formation” in the Arctic Council, while also clarifying what is meant by “different participation” (2017, 222).

Finally, this research furthers the body of descriptive and in-depth literature on the Arctic Council’s Permanent Participants. An extensive (and still growing) body of research examines the broad roles and activities of these Permanent Participant organizations in the Arctic Council (Tennberg 1996; Gamble 2015). Select scholars have written extensively on the political activity and mobilizations of specific organizations, such as the ICC (Axworthy and Dean 2013; Fabbi 2012; Fabbi 2015; Keskitalo 2007; Shadian 2014; Wilson and Smith 2011) and the Saami Council (Keskitalo 2007; Minde 2001); because this scholarship was directed at the political impacts and activity outside of the Council, its focus emphasized regional- and national-level participatory politics (Mack 2018; G. Wilson, Alcantara, and Rodon 2020). Conversely, this project focuses on the impacts of these actors within the Arctic Council, contributing to the literature connecting this participation to longer internationalization efforts by the actors. There has been a call in the region’s scholarly community to “more deeply investigate the importance

of the institutional aspects of [the Arctic Council as a boundary organization] and how they impact the organization's identity and internal activity" (Gustafsson and Lidskog 2018, 38).

The need for increased scholarship in this area is all the more evident now, due to the way that the Arctic is often considered a bellwether for climate change effects. Because the geophysical (and consequently social) effects of climate change are first noted in the Arctic, the findings of this region's studies stand to inform conversations about Indigenous internationalization elsewhere. Indeed, Watt-Cloutier suggests that the combination of Indigenous Traditional Knowledge (ITK) and lived-experiences-as-data means that research on examining Arctic climate change can serve as a model for integrating orally transmitted and lived data into projects in other regions (2016). Similarly, Jennings (2020) states that when cases of successful braided knowledge—multiple ways of ecological knowledge existing or recognized in tandem—are highly visible, it paves the way for braided knowledge to be accepted in other contexts. I agree with these authors that even as mobilization and solutions may respond to context-specific climate issues, the frameworks and rights assurance checks that emerge to address these issues may be more broadly transferrable. Moreover, due to the Arctic Council's central role in knowledge accumulation of the region, the Council is considered a "cognitive forerunner" in identifying governance challenges (Knecht 2020, 29), and is a "catalyst" for political cooperation (Young 2012, 167). Even if the Council were to disband, its existence will have affected the way Arctic Indigenous nations attempt to exert influence in international venues.

Outline

This dissertation uses in-depth content analysis methods to address my two research questions. First, how do Permanent Participants, as less-resourced actors in the Arctic Council,

promote their interests and exert influence on the Council's outputs? Second, what interests and priorities are present in Permanent Participants' Arctic Council engagements? I study the engagement of Permanent Participants in the Arctic Council within the context of a longer narrative of internationalization and through empirical case study. The introduction sets up the context of the Arctic Council's significance in regional governance, introduces its key players, and presents a long-view approach to Indigenous mobilization and politics in International Relations that sets the foundation for a review of scholarship on Arctic governance.

Chapter 2 positions my research questions within existing literature on the Arctic Council and regional governance. Just as theorizing on the Arctic Council has evolved in response to major regional developments and the Council's evolving structure, so have the questions that scholars ask about its members' interests and behaviors. I develop my process-tracing framework on how Permanent Participants have historically injected their interests into Arctic Council outputs, and conclude by framing my research design and methodology choices.

Chapter 3 investigates my thesis of Permanent Participant influence over Arctic Council outputs by presenting a case wherein the Inuit Circumpolar Council meaningfully affected the content of the *Arctic Marine Shipping Assessment* (AMSA) Report (2009). The chapter presents a mixed-methods content and text-as-data analysis of AMSA and the ICC's *The Sea Ice is Our Highway* (2008). The similar presence and treatment of the major themes between reports demonstrates narrative fidelity, illustrating how Permanent Participants project influence beyond pathways initially illuminated in the Arctic Council's charter. Most striking—and likewise supportive of my thesis—is the way that the two texts not only articulate similar shipping threats and benefits to the Arctic ecosystem and peoples, but give remarkably analogous treatment and text space to the threats and benefits.

Chapter 4 uses a second case to investigate my thesis of Permanent Participant influence in the Arctic Council. Using archival research from the Arctic Council, ICC, and the Saami Council, I trace the demands Permanent Participants advance to prevent their marginalization by Observers. I trace recommendations and demands from their emergence in the *Sovereignty Declarations* (2008, 2009) to their ratification and structural adoption in the Arctic Council's *Observer Manual* and *Rules of Procedure* (2013). Shaping the obligations that Observers must adhere to is an important accomplishment for Permanent Participants, showing a concrete way in which they bind state, NGO, and IGO behavior by taking advantage of regional norms.

Chapter 5 summarizes my analysis of the two case studies and discusses the findings' implications. While path dependency proposes the idea that Permanent Participants are constrained in exerting influence after the Council's initial structural design in 1996, process-sequencing better explains patterns in Permanent Participant behavior and accomplishments. I discuss the value of the mechanisms through which Permanent Participant interest and value injection into Council outputs: they not only shape the actual content of Council outputs, but the outputs themselves meaningfully shape state, IGO, and NGO behavior in the Arctic.

Chapter 6 summarizes and concludes my analysis, based on in-depth tracing of Permanent Participant influence processes. While my empirical cases are explored in the context of a regional organization, their results have implications for the transferability of Indigenous sustainability discourse to other international spaces as external interest in the Arctic continues to grow. The findings also have implications for how other Indigenous nations engage in internationalization as a strategy for greater participation and rights assurance at the global level.

Chapter 2. Actors, Organizations, and Theorizing in the Arctic

Our pledge to you all is that we need to safeguard the unique work of the Arctic Council. We need to continue to cooperate as one Arctic family learning from each other and respecting each other. The Saami Council underlines that knowledge and the respect for various ways of knowing is the foundation for policy development and decision making in response to the impacts of Arctic change. The Arctic Council as a consensus-based model is instrumental in addressing these changes. A true strength of the model is that it requires that we really work to understand each other's positions, perspectives, and histories.

*Áile Javo*⁵

Introduction

In this chapter, I survey literature on the Arctic Council since its founding to articulate how its mission, capabilities, and member composition have expanded over time. In examining the literature on the Council, two things become apparent: first, major regional events have shaped what kind of questions people ask about the Council; and second, most theorizing on the Council tends to approach the organization from a path dependency lens. I ultimately argue that process-sequencing is a lens that better explains the Council's trajectory reversals and non-state member capabilities. Empirically testing the explanatory potential of process-sequencing also aligns with recent calls in the literature to conduct more empirical testing of the Council *and* its members. I begin this chapter with a brief overview of important actors and institutions in the Arctic, transitioning into my project's thesis: that the capabilities for Permanent Participant influence in the Council has surpassed what was originally considered possible by practitioners and regional political scientists alike. I conclude the chapter by introducing two cases and the research design choices each entails.

⁵ Javo 2015, 2.

Actors in the Arctic: Major Players and Their Interests

A great deal of contemporary activity in the Arctic is driven by economic interest, especially economic opportunities opened by climate change (Cameron 2012). Table 2.1 offers an overview of some of the actors and institutions in the Arctic.

Table 2.1. Major Arctic Actors by Category

Institutions	Governance Organizations					
		Arctic States	Indigenous Actors			
				Non-Arctic States	Organizations	Companies
Akwe Kon	Arctic Economic Council	Canada	AAC	China	ARCUS	BP
ILO 169	Barents Euro-Arctic Council	Denmark	AIA	India	CCU	ConocoPhillips
Polar Code	International Arctic Forum	Finland	GCI	Korea	Greenpeace	Gazprom
Spitsbergen Treaty	Nordic Council	Iceland	ICC	Singapore	NSIDC	Oshkosh
UNCLOS	Northern Forum	Norway	RAIPON		UArctic	Rosneft
UNDRIP		Russia	SC		WWF	
		Sweden				
		USA				

Institutions govern the region by establishing behavioral rules, norms, and expectations. Many international law institutions that are global in scope still have particular salience in their application to the Arctic given its geographical makeup of oceans, seas, and coastlines, such as the United Nations Convention on the Law of the Sea (Loukacheva 2009). Governance organizations cannot bind actors as institutions do, but seek to encourage cooperation among actors through common non-zero-sum ventures: activities that benefit all participants, such as environmental protection, joint research ventures, or search and rescue training. These organizations are made up of member states, which collaboratively seek legitimacy and influence to set norms to better advance organizational missions, thereby tending to center on the environmental, research, and economic interests shared by members. They can compel members

to adhere to the behavioral norms embraced in the organization's mission through the desirability of benefits conferred by membership. If a member fails to follow the organization's norms or rules, they can be shamed by the organization and its members for their noncompliance, possibly losing opportunities to share in organizational knowledge or resources.

Arctic states have multifaceted interests, including taking full advantage of all resources within their territorial claim, and, when possible, expanding their claims. Their security interests are typically heightened by territorial claim concerns. Because of the challenges of communication and monitoring in the Arctic, securing coastlines and borders is a concern. States also emphasize their human security interests: the health, social wellbeing of their northern peoples (Hossain and Cambou 2018). *Indigenous actors* also balance social, security, and economic interests, but with a typically heavier emphasis on environmental protection and cautious development than do states (Poto 2017). An emphasis on sustainability as a guiding principle in all Arctic dimensions is rooted in the area's history as ancestral homeland for Indigenous actors (Sambo Dorough 2019b), many of which organize into associations and Permanent Participant organizations to advance their interests. Both states and Indigenous actors have, since the 1980s, advanced the legal dimension of Arctic governance at the domestic, inter-state, and global levels.

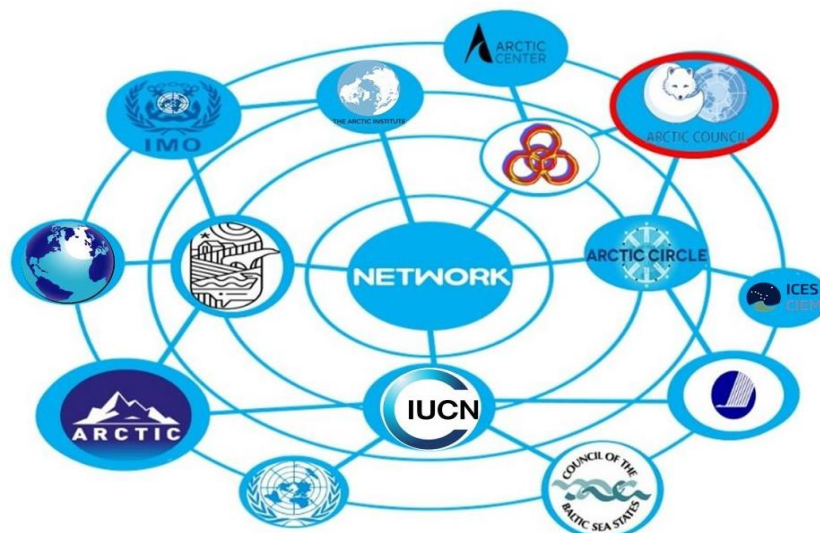
Non-Arctic states are those without Arctic territory or exclusive economic zones, but which are interested in gaining footholds in the region in order to secure a voice in decision-making, often with a goal of economically profiting from participation in natural resource industries or shipping opportunities from a global transport corridor along the Northern Sea Route. *Organizations* have diverse interests and focal points. For instance, many Arctic organizations are academic or research-oriented, collecting and analyzing data on the region and

its processes. Organizations do not have states as members, but may find interests in common with organizational missions. Finally, companies of note in the Arctic tend to belong to the oil and gas extraction industry, drawn to the Far North to profit from vast untapped natural resource reserves. State-run companies may consider forging economic ties a first step in gaining greater state presence in the Arctic. Among these varied actors, a great deal of thought has centered around and on the Arctic Council, given its roots in legal institutions and its linkages to state, Indigenous, and organization actors, despite the diversity of interests between actors.

Theorization on the Arctic Council

The Arctic Council is a forum for states and Permanent Participates to engage cooperatively. Diplomats, politicians, and scholars alike note that there are many issue-areas in the Far North that actors are tempted to resolve through posturing or military action (Gorbachev 1987; Hammond 2018). Still, “something about the Arctic Council as a cooperative forum promotes the use of consensus decision-making” (Heininen 2011, 34); the *source* of this “something” varies according to the framework used in approaching the Arctic Council. The Arctic Council is one of many Arctic organizations, demonstrating a diversity of regional voices.

Image 2.1 The Arctic Governance Mosaic. Image by author.



At the same time, the Arctic Council is the largest forum, and it is frequently considered to be the most influential of the governance organizations (Borgerson 2013; Heininen 2016; Young 2005).

There is a great deal of empirical and theoretical literature on the Arctic Council that seeks to understand its role in international governance (Heinamaki 2009; Koivurova 2010a; Kolas 2013; Shadian 2016). To illustrate the frames through which scholars have viewed the Arctic Council, some scholars see the forum as a non-policy-making research forum with an environmental mandate (Bloom 1999; Fenge 2012). Others see the Arctic Council as a normative precedent-setter in Northern governance, whose members voluntarily join to create a standard of conduct that establishes both permitted and unacceptable behaviors in the region (Exner-Pirot and Murray 2017; Heininen 2016; Young 2012). Still, others view the Council as a soft-law forum that crafts international norms within its mandate (Charron 2012; Koivurova and Hasanat 2009; Koivurova and Heinämäki 2006; Huebert 2014; Ronson 2011; Stokke 2013; Tennberg 2017). Beyond these perspectives, there are scholars who think of the Council as a facilitating space for a network of actors (Steinberg and Dodds 2015), or as a historical forum whose growth is facilitated by domestic political concerns aligned with climate interests (English 2013). While this is not a comprehensive list, it demonstrates some of the major ways people have approached the Arctic Council, placing emphasis on different functions.

What links this scholarship is an interest in the normative compulsion harnessed by the Arctic Council and the implications of the forum's multiple tiers of actors; however, the way that scholars view the emergence of the Arctic Council in relation to broader political phenomena has implications for the meaning and generalizability they ascribe to it. I consider the ways social and political theorizing on the Arctic Council has changed over time, both as the Council's longevity increases, and in response to meaningful events and changes to the Council's mandate.

Perhaps the best recognition of the Council's evolution are the member speeches given at the opening of the Council's 2021 Ministerial meeting, recognizing the forum's 25th anniversary. Fourteen of the sixteen speakers referenced the "unexpected," "unanticipated," and "impressive" growth of the Council, which was "not unlike the difference between a baby and a 25-year-old" in regard to its interest and capability expansion (Koford 2021; Gundbrandsson 2021; Retter 2021; Rasmus 2021). As the Arctic Council evolves, the literature focusing on it responds with new questions, by revisiting older questions that have renewed relevancy, and testing theories.

Early Theorizing on the Arctic Council

Early work on the Arctic Council and the importance of Permanent Participants was spearheaded by Oran Young, whose work on the Arctic region was predated by an interest in international regimes, particularly whether regimes "matter." Upon arguing their relevance in determining outcomes in International Relations (depending on whether they are able to establish themselves and legitimate the formal and informal rules they impose), he turned his attention to study how they are constructed, negotiated, and implemented (Young 2005). Focusing on the past three decades, Young argues that the Arctic shifted from a Cold War geopolitical theater to a region of cooperation. During the first years of the Arctic Council, research centered on the novelty of the forum, questioning whether a loose network of governance and normative mandates was superior to the comprehensive and legally binding regimes seen elsewhere in the world (Haavisto 2001; McIver 1997). Indeed, the Arctic Council processes and structure differed significantly from other arrangements envisioned by research on other regions' regimes.

Many scholars looked at state interactions to explain the origins of the Arctic Council, starting with the Finnish response to Gorbachev's 1987 proposal that the Arctic must become a zone of peace. In proposing the structure of the Council, Canada and the Nordic countries

preferred a strong, flexible organization that could take action on a wide range of issues (Fenge 2013; Chater 2016b). Meanwhile, the United States and Russia preferred a less formal council that would focus on carrying out targeted action on a few priority areas (English 2013).

Established in 1996, the Arctic Council emerged as a forum with an emphasis on environmental protection and sustainable development—initially narrower than the Nordic states would have preferred, yet with a more flexible charter than the great states desired.

In his comprehensive analysis of the Council's formative years, Chater suggested that the most important question to consider when analyzing these discussions was “why states allowed Indigenous Peoples' organizations to become Permanent Participants” (Chater 2015, 247). States needed to consider whether to include Indigenous organizations, as well as determine what their role would be. Chater says there was “no debate” that Indigenous organizations would be involved, though he differs from earlier scholars as to why there was no debate (2016a, 247; Koivurova 2008b). Further, Chater aligns with Heininen (2016) and Young (2010), believing that Permanent Participants secured their role in the Arctic Council by virtue of their earlier participation in the *Arctic Environmental Protection Strategy* (AEPS 1991). Meanwhile, others place greater emphasis on the work of the ICC, Saami Council, and RAIPON as active agents in promoting the Permanent Participant classification as a meaningful contributory power (Bloom 1999; Fabbi 2015; Kingsbury 1998; Nuttall 2000; Scrivener 1998). Proponents of the latter view note that the Arctic Council was not designed to be a legal body. Its consensus- and recommendation-based structure was intentional, as a soft law approach was believed to be a better strategy in hearing regional voices and dealing with actors of varying backgrounds, sizes, and standing in international law. They point to documentation during the Council's forming to support the intentionality that went into securing power for Permanent Participants and a soft-

law structure (Arctic Council Panel 1991; Griffiths and Kuptana 1991; Koivurova and Vanderzwaag 2007).

The Arctic Council that emerged is the only international forum to grant Indigenous Peoples' organizations a role that is comparable to states. Indigenous Peoples' organizations, called Permanent Participants in the Council, have similar rights to states, but cannot vote on Council decisions that are made through its consensus-based, decision-making model. Several scholars argue that their ability to lobby states to withhold support creates a de facto veto, creating influence over many issues, and, "for all intents and purposes," an equal seat at the table (Josefsen 2010; Sambo Dorough 2017b, 82).⁶ However, the de facto veto relies on a receptive audience, and a history of its application does not show a consistent track record (Chater 2015).

During the Council's early years, Permanent Participants enhanced its operational efficiency and drew global interest to the new forum. In 1994, these same Permanent Participants took part in creating the Indigenous Peoples Secretariat, an internal body supporting Council secretarial and logistical functions (English 2013). The Secretariat supported the three initial Indigenous members, and when three new Permanent Participants were admitted, the Secretariat underwent its own expansion to accommodate the new members. This support allowed Permanent Participants to better leverage direct communications with non-Arctic actors (e.g., UNDRIP, the Baltic Council, the Nordic Council) and participate at international conferences on relevant topics (e.g. maritime and climate change), bringing attention to the Arctic dimension of political and climate cooperation. They leveraged opportunities when Indigeneity and Indigenous Peoples were topics of international attention, such as during the United Nations' International

⁶ It is important to acknowledge that organizations such as the ICC enjoy particularly esteemed reputations within the Council because of their engagement, diplomacy, and willingness to collaborate (Sambo Dorough 2017, 83).

Decade of the World's Indigenous Peoples (1995-2004). These early promotional efforts by Permanent Participants strengthened the Council's legitimacy.

In a mutually beneficial process, *the organization is important to Permanent Participants* because it is charged with promoting cooperation on issues vital to Indigenous Peoples (e.g. environmental and sustainable development), while *the Permanent Participants are important to the Council* because they provide a conduit between Arctic communities, the Council, and governments. One limitation that stands out in the early literature on the role and influence of the Permanent Participants is that it left development and funding of independent Permanent Participant endeavors (projects in which member states would marginally participate) largely unexplored. Consequently, this oversight limited the implications that could be drawn from earlier literature to broaden understanding of non-state actors in International Relations.

The Arctic Council in the 21st Century: Evolution of Thought

By the turn of the century, the Arctic Council's initial track record had demonstrated it to be an organization effective in environmental research and knowledge dissemination. While the United States and Russia were initially concerned with having a narrow mandate in the initial discussions, the breadth of the projects in Working Groups suggested the narrow mandate had not lasted long. Writing shifted to reflect the reality of the first few years of the Council's actual operation, with some writers asserting that Indigenous groups "participate in all aspects of the Council's work" (Bloom 1999, 712). Thinking on the still-growing Council was shaped by the opening of its mandate and its expansion to new observers in 1998.

Scholars became interested in the concept of organizational trajectory in two ways. First, policy and research-minded scholars pointed to the expansion of the Council's mandate to consider how this led the forum as a whole to become the largest governance forum in the Far

North (Keskitalo 2004; Young 2005), as well as what expansion meant for the relationship between member states (Fenge 2012; Munk-Gordon 2012; Tuomioja 2006). Second, scholars, policymakers, and practitioners looked back to circumpolar political movements of the 1960s to link Indigenous internationalization of the ICC, Saami Council, and RAIPON to the final form of the Arctic Council (Henriksen 2008; Josefsen 2010; Mack 2018; Tennberg 1996). While a great deal of Indigenous rights-securing processes and organization happened across the globe in the 1960s and 1970s, the creation of organizations like the ICC, Saami Council, and RAIPON in the latter half of the 20th Century signaled intentional internationalization efforts. The Permanent Participants first used an internationalization strategy to engage in transboundary activism and organization-forming. After organizations were established, they developed cross-group linkages, illustrated through the 1973 Arctic Peoples' Conference in Copenhagen. That was the first time representatives of Canadian, Greenlandic, and European Indigenous nations met at an international conference organized for themselves, by themselves (Jul 1999). While discussing land claims and transboundary organization strategies, they requested that the governments of each of their territorial states recognize their rights as peoples to participate in international negotiations with a status fully equal to nation-states. The nations then continued this trajectory to gain and maintain membership in the Arctic Council. In both cases, internationalization was based on the premise that they had just as much right to participate in international organizations, deliberative spaces, and decision making as nation-states, being inherent rights-holders and stakeholders party to the Arctic's (and globe's) physical and political changes (Kuptana 2014; Simon 1985).

From circumpolar Indigenous mobilization pre-1990s through the forming of AEPS, and during the first five years of the Arctic Council, internationalization for the Arctic Council's

Indigenous organizations consisted of developing their institutional knowledge and expertise. They engaged in international teaching/mentoring relationships, and strengthened their claims as legitimate (if not comprehensive) representatives of their many nations on the world stage (Christie 2011; Haavisto 2001; Patrick 2003). Scholars focusing on the activity of Canadian and Scandinavian actors in creating AEPS and transitioning to the Arctic Council noted how the ICC, Saami Council, and RAIPON worked together and presented a united front in negotiations on the structure of the Arctic Council, its mandate, and the role of Indigenous organizations. Of notable interest is the attention scholars and journalists paid to Permanent Participants' efforts to gain the right to participate in setting the Arctic Council's agenda. In particular, the ICC lobbied Canada to support the inclusion of Indigenous organizations in the AEPS. Mary Simon, former ICC Canada president, actively campaigned with Canadian officials to organize meetings between Canadian foreign affairs officials and ICC members to maintain Indigenous membership in the transition from AEPS to the Arctic Council (Axworthy and Dean 2013; Klein 2014; Simon 2002). Many Indigenous-centered scholars credit the ICC's work as directly influencing the structure of the Arctic Council (Axworthy and Dean 2013; English 2013; Tesnberg 2010). As a result, Indigenous Peoples' organizations successfully lobbied for their own inclusion in the Arctic Council. These groups wanted to be members and viewed international cooperation and interaction as necessary to accomplish their goals (Axworthy and Dean 2013; Bloom 1999; Griffiths 2009; Scrivener 1998). These works seek to contextualize Permanent Participants in the Arctic Council: their inclusion is not a distinctive break from earlier Arctic politics, but part of a prolonged rights-asserting story.

Through this scholarship, another perspective on the novel nature of the Arctic Council solidified. This particular outlook is critical because it constitutes a shift in which Permanent

Participants began to matter in the ways that they contribute *to* and benefit *from* the norm of soft governance in the Arctic. Whether scholars argue that the initial membership of the Permanent Participants was due to the allowance of states (Chater 2015; Koivurova 2008b), or due to extensive lobbying and campaigning by the organizations (Aalto, Dalby, and Harle 2003; Broderstad 2011; Martello 2008; Selin and Selin 2008), the latter's membership in the Council is a meaningful position that imparts influence. The presence of Permanent Participants results in a Council that placed greater emphasis on soft law, consensus, and non-territorial measures of security (e.g. environmental security, health, and livelihood) than what would be expected by a state initiative-driven organization (Koivurova 2010a; Kolas 2013). A common narrative invoked at the time was that one cannot talk about the Far North without involving Indigenous Peoples (Gamble 2015; Penikett 2017). This is particularly the case when discussing problem-solving along the Far North's human and social dimensions. From the Council's early years, the ICC, Saami Council, and RAIPON participated in the Sustainable Development Working Group (SDWG) more consistently and actively than any of the other Working Groups. Even though some member states had advocated for the Council's narrow mandate, the SDWG focused strongly on the social and human dimensions of the Arctic and prolifically produced research and projects on these topics since the Council's inception. Permanent Participants have consistently made up a large portion of the Working Group body, participating in one of the spaces anticipated by early theorists and practitioners in the Council.

Whether Council spaces were anticipated by early members or not, the general consensus of Permanent Participant representatives and many Indigenous scholars was that Permanent Participant status was a source of strength (Kuptana 2014; Mack 2018; Meakin 2020; Simon 2010). Among these scholars, Koivurova is particularly prolific. Though Young predated

Koivurova in hypothesizing how soft, non-binding governance advantages non-state actors, Koivurova pioneered thinking on how the Permanent Participant class fit within International Relations theory and the implications their organizational roles have for the application and development of international law (Heinamaki 2009; Koivurova 2010b; Koivurova and Heinämäki 2006; Stepien, Koivurova, and Tervo 2008). Koivurova's argument was that the presence and activity of Indigenous organizations prompted a reevaluation of international law's applicability to the Far North's specific socio-political situations. Indigenous organizations are thus *intentional* drivers of change. Similarly, Loukacheva (2009) framed the Arctic Council as a space carved apart from the weaknesses of international law where Indigenous Peoples could consequently pursue their interests without needing state approval, given their limited legal capacity. Both arguments rely on the durability of soft governance in the Arctic; however, the way they imagine flows of influence and enabling structures differ.

A subset of the work that examined inter-state dynamics during the Council's founding argued that small states believed they would benefit from the inclusion of Indigenous Peoples' organizations in the Council: the greater number of small actors would make it harder for great states to unduly influence others into consensus on undesirable projects (Nord 2015; Byers 2010; Simon 2009). Other scholars remained critical of the idea that the Council's small state and non-state members could support one another. Wilson Rowe argued that relative hierarchies have developed between state and non-state actors as well as among states themselves, even while state actors will always have an authority advantage over non-state actors in the Arctic Council (2018). The topic of hierarchy soon became a defining theme in theorizing on the Arctic Council as the organization underwent a re-evaluation of its actor classes and the admittance of Observers.

After the Nuuk Ministerial

By the 2010s, the Arctic Council was regarded as the region's dominant organization by virtue of its age and legitimacy within the global community. The transformation that surpassed initial expectations is well captured by Young: "Despite a rather inauspicious beginning, the Arctic Council has emerged as a prominent player in Arctic affairs... [its effectiveness] has exceeded the expectations of many who were present during its inception" (Kankaanpää and Young 2012, 1). Scholarship on the Arctic Council was not only shaped by the organization's continued presence and legitimacy, but also by transformative events of the early 2010s. The roles of Observers were clarified, new admittance criteria established, and Council Permanent Secretariat formed at the Nuuk Ministerial (2011) and affirmed at Kiruna Ministerial (2013). Within the same period, there was an explosion of new non-regional Observers admitted to the Council. The rapid changes to the Council led to new lines of inquiry regarding the Council, while nuancing older questions presented in the literature.

The inclusion of many Asian states (whom some argued sought observership for purely economic benefits; Lackenbauer et al. 2018; Hunter 2018) prompted a rethinking regarding Permanent Participants. Older questions had centered on *how* the Permanent Participants gained their status in the Council and whether they could exert real influence within it. Having identified empirical cases where the Permanent Participants exerted influence (Gamble 2015; Griffiths 2009), new works questioned whether Permanent Participants' status and influence was under threat from the new state observers (Chater 2016; Graczyk 2013).

Throughout this history, scholars who have considered the Arctic Council's consensus-driven agenda and environmental mandate among its strengths remained optimistic that Permanent Participants status and participation in Working Groups would not be negatively

impacted by the inclusion of non-Arctic state Observers, nor by the significant number of Observers being added to the Council, given the precedent of collaborative work that had been established while Permanent Participants held a respected place in the Council (Fenge 2012; Ingimundarson 2014; Williams 2012). Koivurova rated Permanent Participant influence highly, writing, “the fact that the Council has accorded a unique role for the region’s original occupants has certainly served its legitimacy and also contributed to a new way of perceiving how Indigenous Peoples should be involved in international policy making” (Koivurova 2010b, 151). This position suggests that the Council’s tenure and environmental mandate combined to enhance its legitimacy as the region’s preeminent governance forum among Arctic and non-Arctic actors alike. Additionally, Indigenous inclusion *itself* promoted the forum’s legitimacy to external actors, as Permanent Participant membership reinforced the Council’s dedication to cooperation on non-zero-sum issues. Other theorists, though, presented a path-dependence argument: only a total restructuring of the Arctic Council’s rules and procedures would create an opportunity for Observers to exert real influence (as members may deny Observers participation in, or funding of, Working Groups) (Byers 2010; Steinberg et al. 2015).

In addition to discussing structure, theorists pointed to how the Council had clearly—and consciously—taken on a human dimension that was compatible with soft law and amenable to Indigenous rights (Cameron 2012; Dushkova, Krasovskaya, and Evseev 2017; Hossain and Cambou 2018). The Sustainable Development Working Group (SDWG) has been shaped by shared priorities identified by Permanent Participants and supported by member states. While the United States was initially wary and opposed to an overly broad Council agenda, the project efforts of the SDWG demonstrated an increase in scope from science and the environment to clearly include human security. As the Council mandate expanded, so did the body of research

on the mandate's evolution and its real impact; the narrow mandate of the Council was dismissed by many by the 2010s. Whether the Council was perceived as a collaborative forum with an environmental mandate (Bloom 1999; Fenge 2012), as a normative precedent-setter in Northern governance (Heininen 2016; Young 2005), or as a soft-law forum (Charron 2012; Huebert 2014; Koivurova and Hasanat 2009), there was broad consensus that the Council had expanded to consider the environmental, safety⁷, and human dimensions of the Arctic. This shift was intentional, and some writers drew parallels between this evolution and the directed efforts of the Permanent Participants to gain status in the Council (Griffiths 2009; Koivurova 2010a; Koivurova and Vanderzwaag 2007).

Internationalization: A Global Strategy

As the discussion on the Arctic Council has shown increased interest in Permanent Participants' internationalization over time, we must also recognize that this interest was facilitated by broader scholarly interest in Indigenous internationalization efforts that were taking place across the globe. Internationalization—moving from interactions with the state at a domestic level to acting as members of the international community as an intentional process—is a strategy that many Indigenous Peoples view as empowering (Jull 1999; Koivurova 2010b; Niezen 2000). Internationalization is valued as a strategy because of its use of a “boomerang effect:” compelling states to ensure Indigenous rights through external, international pressure, rather than trying to compel change through a state's own domestic colonial structures (Keck and Sikkink 1998, 22). In general, Indigenous Peoples have not demanded secession from states, but have instead requested that states recognize and secure their rights within the structure of the

⁷ Safety is separate from military security in the Arctic Council mandate. Safety includes joint search and rescue operations for personal and commercial craft, training, and technology development.

nation-state. While Permanent Participants were building transboundary connections and becoming the first Indigenous nations to gain membership in an international organization, other tribes and nations across the globe were finding other ways to implement internationalization strategies tailored to their own political and geographic contexts.

Within the global Indigenous rights movement, internationalization surged as a strategy when leaders across multiple countries began to partner transnationally in a common struggle for rights recognition. For a number of Indigenous Peoples, their first attempt to directly participate in the international community was the United Nations, and their first encounter with the United Nations was with its human rights mechanisms. Jens Dahl, a nonindigenous participant in the International Work Group for Indigenous Affairs for 18 years, writes extensively of the meaning of United Nations attendance for many Indigenous Peoples:

It was within [the United Nations forums] that a particular Indigenous space emerged. It was a highly frustrating or desperate situation that pushed people to make the long journey, both geographically and culturally, from their communities to the polished floors of the United Nations, where all the world's governments have a seat. At home, they had tried all legal and political means to ensure they were treated as equal citizens, to get their civil, political, economic, and cultural rights recognized, but in vain. They had knocked their heads against a brick wall and there was no other way forward except to appeal to the international community. (Dahl 2012, 2)

Through their dynamic interactions over time, both the “global wave of Indigenous movement” and states engaged in a “new social construction” within the United Nations and regional organizations (Lightfoot 2008, 84). A new supranational identity of indigeneity emerged out of this process, informed by the discourse coming out of varied contexts, including, but not limited to, Latin American, Australasia, and North American Indigenous movements. Moreover, among certain segments of the global Indigenous population, this became a new global layer of Indigenous identity.

In Latin America, the subjectivity of definitions that centered on Indigeneity and self-determination was addressed in many by the groups' internationalization strategies. In Bolivia and Ecuador, for instance, government attempts during the second half of the 20th Century to develop national identities that rallied around the national interest of developing extractive industries came at the expense of excluding Indigenous Peoples' interests (Merino 2018). In response, Indigenous Peoples across Latin America organized transnationally to overcome assimilation policies, forming transnational unions, ethnic federations (especially in the Amazon basin), and creating the Indian Council of South America. This kind of self-determination expressed at the transnational level led, then, to greater self-determination internally, and contributed to a greater nuancing of Indigenous terminologies within global discourse. Moreover, the Indian Council of South America was a major campaigner for protections of ITK through the World Intellectual Property Organization, and for the adoption of ILO Convention 169 in Central and South America, resulting in disproportionately higher levels of regional adoption of the Convention (Tockman and Cameron 2014).

Similarly, in Mexico during the 1970s, there was a pervasive domestic effort to present images of a distinct Mexican identity to the international community, although this image excluded ethnic and Indigenous groups (Hilbert 1997). In response, Mexican Indigenous intellectuals and activists, alongside other Latin American Indigenous Peoples, actively participated in the creation of the UN's Working Group on Indigenous Peoples (WGIP) in 1982. This was the UN's forum's way of addressing the widest breadth of issues with the greatest number of Indigenous Peoples represented. The forum was a unique effort, even within the UN, offering Indigenous participants the possibility to express problems on a regular basis, and voice opinions on how these problems should be solved (Muehlebach 2001, 416). While it is important

to note that this forum offered no real decision-making power, many Indigenous delegates still conceptualize their presence as a transnational political and cultural strategy engaged in multiple issue-area fronts. Indeed, some consider the WGIP to be one of the first major creations of an Indigenous place in the international community (Escárcega 2010; Lightfoot 2008; Muehlebach 2001), the result of an internationalization strategy of place making.

Building on this precedent, Mexican activists used the WGIP to encourage other states to condemn Mexico's discriminatory domestic practices while strategically campaigning for specific definitions of Indigeneity and ITK that aligned with domestic communities' own understandings (Escárcega 2010). It was through these efforts that the Indigenous term of self-determination came to differ from the decolonization movement that followed World War II: the right of peoples to negotiate their political status and representation in the nation-states in which they live, rather than as secession (Lightfoot 2008).

More recently, in the Australasian context, a significant body of work examined how Indigenous anti-colonial research methodologies expanded from academic and domestic spheres. Indigenous methodologies, initially focused on returning knowledge ownership back to Indigenous communities, has expanded to study and promote decolonizing research and extraction practices at the global level (Van Krieken 2012). The "rich field of Indigenous Australian intellectual theorizing" also significantly shaped global discourse on Indigeneity and colonialism (Richardson 2003; Rigney 1999, 110). In particular, definitions of racism and imperialism developed in the decolonial Australian academic sphere were exported to international deliberative spaces by critical race and Indigenous scholars to form the common language used when developing consultative and self-determination frameworks. Māori rights gains and pro-ITK discourse contributed to the creation of the UN's Inter-Commission Task

Force on Indigenous Peoples, shaping global opinion to consider “Indigenous ecological knowledge [to be] an asset of incalculable value” (IUCN 1997, 35).

Together, these cases tell the story of a sweeping movement, beginning in the 1970s with Australian, New Zealand, Latin American, and Canadian Indigenous Peoples leading activism at the international level, and likewise increasingly leveraging internationalization strategies in order to become players within the international community. As the cases detail, this shift particularly increased during their participation in the UN during the 1980s and 1990s, asserting Indigenous rights under an international human rights framework. Indigenous movements in all cases leveraged international campaigns of international opinion (Lightfoot 2008, 88). These states’ desire to be recognized internationally as good stewards of human rights appears to have enabled significant changes among Indigenous rights in many countries by the early 2000s.

Regardless of the region where Indigenous Peoples use internationalization as a strategy, proponents of soft law assert that the strength of this approach lies in the way it empowers Indigenous Peoples to control their rights narratives. Specifically, it enables Indigenous Peoples to own their transition from *objects* to *subjects* of international law (Avango, Nilsson, and Roberts 2013). In cases where international law was underdeveloped, such as in the Arctic, internationalization was a process in which Indigenous organizations proactively sought rights-assurance in specific areas (Dove 2006; Koivurova 2013a; Koivurova and Heinämäki 2006). Underdeveloped international law is not a condition for internationalization, but signals the fact that the Indigenous actors may benefit from leveraging the language of soft law—norms, legitimacy, and socialization—that color which internationalization strategies are used.

Pervasive Questions and Present Scholarship

Recently, Arctic scholarly thinking has been shaped by the proliferation of hard-law issues in the Arctic, such as sea delimitation, contested waterways, and natural resource rights, all of which have been heightened by the social and physical consequences of climate change. These issues have serious implications for both the Council and Indigenous internationalization. In the face of such contestation, the Arctic Council is exceptional and surprising because of its continued existence and success in implementing binding agreements and policy-shaping outputs *despite* a system of geopolitical uncertainty and unclaimed territories that should favor hard-law governance and definitive hierarchies between states and non-state players (Ronson 2011). In the face of increasingly contested issues, some scholars are critical about the ability of the Council to retain its current form (Escudé 2016; Exner-Pirot 2013). Furthermore, while the activities of Indigenous Peoples are usually seen as confined to the local level (Fraser 2018; Munk-Gordon 2012), they increasingly exercise power at national and global levels. A growing number of studies acknowledge this upscaling at the transboundary (Dove 2006; Koivurova 2008a) and regional (Shadian 2014; Tennberg 2005; Wilson and Smith 2011) levels, though many studies still concentrate on Indigenous political strategies and activism within state borders (Barker 2005; Lawrence and Larsen 2017; Loukacheva 2009).

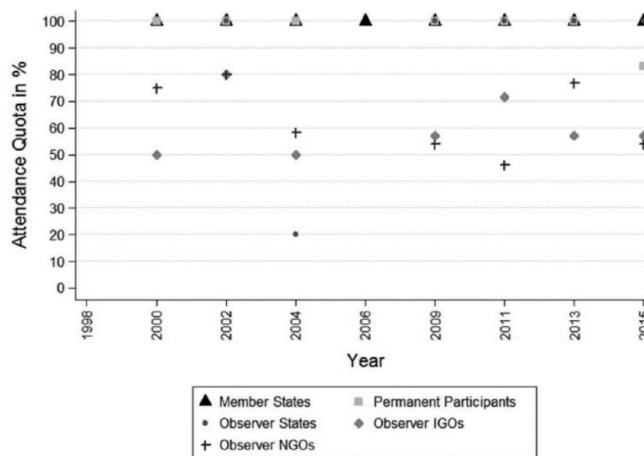
Transboundary theories are those conceptual areas where we see specific strategies and case studies of Indigenous internationalization detailed. Keck and Sikkink's boomerang model is the foundational theory articulating how actors previously limited to the domestic sphere bypass the state to speak directly to international audiences, gaining support for their causes from an international community that can shame the host state into changing its domestic behavior (1998). This was a strategy frequently used by Inuit and Saami activists through the 1960s and

1970s.⁸ More recently, Bennet proposed a “jumping scales” model (2020, 54). Specific to the Arctic Council context, the model details how Permanent Participants bypass territorial states to draw up agreements for resource extraction and research projects with non-Arctic states according to their own consultation and remuneration specifications. Only once those agreements meet Permanent Participant approval, though, are they presented to territorial states for their review and decision-making (Bennett 2020). In this case, Permanent Participants utilize their existing position in an international forum to engage in bilateral relationship-building with non-Arctic states; however, the model only focuses on the development of individual agreements and does not encompass the possibility of Permanent Participants implementing systemic requirements for consultation or funding. Therefore, in a similar transboundary mindset, I examine intra-organizational interactions. Just as an internationalization strategy can leverage discursive spaces and bilateral relationships, so, too, can it take place in the inner spaces of international organizations.

The importance of intraorganizational studies is twofold. First, they reveal the actual behaviors and capabilities of Indigenous organizations. Second, they reveal where scholars *believe* behavior matters in the Council. To illustrate: a 2017 study sought to present a “comprehensive picture” of Arctic Council member, Permanent Participant, and Observer engagement in the forum (Knecht 2017, 213). To that end, the author developed a dataset on representative attendance in Working Groups and Ministerial meetings over seventeen years.

⁸ The Alta Dam conflict is an excellent case of Saami utilizing the boomerang model. Saami activists went outside of the Norwegian state to gain international sympathy for their cause, with activists speaking at the United Nations, and even soliciting the New York Times to write a series of articles on the conflict.

Figure 2.1. Stakeholder Participation in Arctic Council Ministerial Meetings, 1998-2015 (Knecht 2017, 215)



Throughout all these years, Permanent Participants were more frequently represented across Working Groups and Ministerial meetings than Observers. What the figures do not readily show, though, is the breakdown of participation among the six Permanent Participants or thirty-six Observers. Instead, what the figures represent provides a vital assumption about Permanent Participant activity. The implication is that these highly structured Working Group and Ministerial spaces were the sole places where presence mattered. Knecht, though, is not the only one to limit analysis to these spaces; as it is, the limited body of quantitative work on inner-Council likewise considers other options. Whether discussing boomerang, scale-jumping, or inner-organizational transboundary theories, all these approaches have a central commonality: they leverage key features of soft law environments. Each believes that norms and socialization can be leveraged effectively to compel Arctic and non-Arctic actors to alter their behavior in ways they would not otherwise to maintain their footholds in the region, and thus the opportunity to advance their interests (Koivurova 2010). However, another perspective on transboundary theories is concerned with Indigenous efforts for their nations to be recognized as equal subjects of international law and rights as nation-states. The realization of this outcome would also lead to

the expansion of the field of International Relations. For instance, Gordon Christie argues that it is only through hard law that real, long-lasting rights assurance could be gained (Christie 2011); however, Indigenous internationalization strategies that secure soft law and socialization clout can still be valuable (Barkin and Cronin 1994).

Similarly, as noted by Koivurova (2013b) and Greaves (2016), scholars concerned with the Council's state-serving functions believe that real strides can be made with realistic recommendations that strengthen existing soft structures, (i.e. supporting transparency and funding research programs). These efforts are fulfilled by strengthening Council powers and enabling its members. Moreover, the support for such suggestions demonstrates that studies on Permanent Participants and intra-organizational processes are both informed by and inform larger-scale governance studies (Keskitalo 2007).

Even after all this evolution of normative and empirical thought, however, some gaps still remain in the literature. For instance, compelling normative and empirical work has rested on the defined roles and responsibilities of the Permanent Participants outlined in the rules and procedures. A great deal of the scholarly literature understands the Arctic Council as an evolving forum and has repeatedly sought to characterize the nature of the evolution and what this means for the Council's capabilities, its mandate, and the abilities of its participants. As the literature focusing on the Arctic region has evolved, asking new questions and explaining the expansion of the Council, the interest in one particular question remains just as strong as it was twenty years ago: How do norms and socialization allow non-state actors to influence and compel others? The body of literature would be served by a continued exploration of how the Permanent Participants actually engage within the Council. Different strategies, after all, may lead to differing effectiveness in influencing others.

Thesis

International Relations scholar Andrew Chater argues that some states were compelled to support the inclusion of Indigenous Peoples in the Arctic Council for lobbying reasons, as well as to enhance their own normative reputations. He argues that there are five defining features of the contemporary Arctic Council: 1) its mandate is growing to include economic issues, including the ways in which physical changes make the Arctic more accessible to potential resource extraction and shipping; 2) its policymaking role is growing; 3) its institutional power is becoming more bureaucratic, as illustrated through the creation of the permanent Council secretariat in 2011; 4) an increasing number of Observers wish to join the Council; and 5) *it is unclear if the role and behavior of Permanent Participants is evolving in the Council* (2015, 76, emphasis added).

We know that the interests that Permanent Participants pursue in the Arctic Council have expanded over time, as their involvement in projects on environmental issues has expanded to also encompass projects addressing the human, policy, and commercial dimensions of the Arctic (English 2013; Gamble 2015; Nord 2015). Yet the actual engagement patterns of the Permanent Participants in the Arctic Council remain under-addressed. If we posit that the Arctic Council is a space where Permanent Participants promote their interests, then the next step is to identify potential processes that Permanent Participants use to transition from promoting interests to injecting influence. As the Council is active in producing knowledge and policy-informing outputs (reports, assessments, policy recommendations, and best practice frameworks), we may anticipate the fact that Permanent Participants may attempt to play a greater role in affecting the content of these outputs. In response, I argue that the political engagement of Permanent Participants within the Council has surpassed many initial Arctic Council representative and

theorist expectations in its success expressing interests and exerting influence outside of initially defined Council procedures. As such, I expect that not only have Permanent Participants influenced the content of reports, recommendations, and assessments that come out of the Arctic Council, but that they also develop new structures and strategies—processes not outlined in the Council’s rules and procedures, and therefore outside of participation in Working Groups and speaking in Ministerial meetings—to inject their interests into these outputs.

There is precedent suggesting that the Arctic’s organizations and forums are spaces where behavioral innovation occurs, even if such thinking has been limited to state actors. In a recent publication, Knecht argues that Asian state Observers are “experimenting with novel ways to harness informal channels for the horizontal coordination of their Arctic endeavors,” concluding that despite these efforts, the eight Arctic states and six Permanent Participants are careful to preserve the Arctic’s epistemic-scientific knowledges as ‘their’ domain, yielding a politics of exclusion (2020, 21). Concurring with his proposal that Asian Observers are seeking “new pathways” to assert their influence in the Arctic, Bennett looks at how these Asian states have sought bilateral, collaborative partnerships with Permanent Participants outside of the Council’s confines (2020, 31). According to Bennett, these arrangements demonstrate the rise of multi-stakeholder diplomacy and delegitimization of the idea that diplomacy is the sole domain of the state. Still, Knecht and Bennett focus on novel initiatives undertaken by states not necessarily existing within Council spaces. While their framing legitimizes novelty as a process necessitating interrogation, their focal point choices (states) mean that gaps still exist in understanding Permanent Participant initiatives. After all, these external forms of cooperation do not replace the primary interactions among Council members (Dodds 2020).

A decade after the Arctic Council's inception, a growing body of scholarship recognized an ability of Permanent Participants to exert influence beyond tokenism, though the extent of this ability remained uncertain. In 1999, U.S. State Department policy-maker Evan Bloom agreed and wrote that Indigenous groups "participate in all aspects of the Council's work" (Bloom 1999, 712). Later, John English argued the forum is state-centric, though he says the "lobbying and pressure" of Indigenous Peoples' organizations has "had some impact" on Arctic governance (English 2013, 176). Both writers suggest that beyond their legal rights and status, the Permanent Participants have limited pathways to politically engage (and thus exert influence) in the Council: when they convince a state to veto an undesirable policy, or to reverse an earlier veto. Such theorizing does not anticipate that Permanent Participants would achieve the ability to inject interests that go against those of great states into major Council outputs. Certainly, at various times, states have resisted the Permanent Participants, as the United States and Russia did when opposing the creation of the special Permanent Participant status at the founding of the Council, as well as when the Permanent Participants argued for the Council to adopt *Recommendations for the Integration of Traditional and Local Knowledge* (2015).

Arctic Council reports, recommendations, and declarations become and perpetuate norms that shape state and non-state behavior in the region (Graczyk et al. 2017; Koivurova and Heinämäki 2006; Stokke 2013). Multi-stakeholder diplomacy within the Council has academic and policy relevance; most writings on the Council tend to be state-centric, focusing on interstate geopolitics. This project responds to this state-first view of Council influence, being itself rooted in a hypothesis that actors *other* than state members can seriously affect the content of its outputs. If we suspect that Permanent Participants do shape the content of Council outputs, we would look to see if reports, assessments, and policy papers reveal trends such as 1) a greater

spatial dedication to Permanent Participant interests than that given to other contributors, or 2) the treatment of issues more thematically similar to that of Permanent Participants than that of state members, especially when attention or particular treatment of an issue leads to policy or behavioral recommendations that are against the interests of states. It is well accepted that Council reports, assessments, and policy recommendation outputs frequently go on to shape state research agendas, establish compelling best practices for environmental protection, and even inform binding law (Arctic Council 2015; Young 2005; PAME 2011). Thus, if Permanent Participants do get their interests into final outputs, their concerns are more visible to a global audience, as well as in a position to potentially inform subsequent, more binding decisions made by states at the international and domestic levels.

Approaching the Arctic through a post-Westphalian framework sets us up to encounter a puzzle: while we would find it unexpected that Permanent Participants have special status in the Arctic Council, we would be skeptical that the Participants are able to seriously affect the content of outputs. In other words, member states will still dominate what norms are disseminated. Chater argues “great state diplomats and major Arctic International Relations theorists would not anticipate Indigenous non-state actors to be influential global actors, yet in a post-Cold War Arctic, the very possibility of Permanent Participants holding influence is greater than ever before” (Chater 2016b, 241). After all, the Arctic Council exemplifies what Karkkainen calls “post-sovereign governance”: problem-solving arrangements that are non-exclusive, and post-territorial (2004, 473).

I propose that we can actually identify some of the ways Permanent Participants have injected their interests and agendas into outputs of the Arctic Council, specifically AMSA (2009) and *Observer Manual* (2013). A large body of Arctic scholarship approaches the Arctic Council

and Indigenous associations from a state-dominant framework. This theoretical approach minimizes Indigenous voices and paints an inaccurate picture of the capabilities of the Indigenous Permanent Participants within the Council. Scholars who have focused on intra-Council expressions of influence have argued that a more complicated portrait of non-state actors' influence becomes visible when we look at these inner workings (Heinamaki 2009; Keskitalo 2007; Koivurova 2010b, 2013b). It seems that in this case, expanding the scope of who is an actor of consequence in International Relations involves contracting our focal lens.

Empirical inquiries into member behavioral patterns in the Arctic Council have overwhelmingly focused on Arctic states (Knecht 2016; Lackenbauer 2014; Wehrmann 2017). The conclusions from these works are that organizational influence happens in specific, structural pathways which are still set by state preferences (Chater 2015; Martello 2008; McIver 1997). Empirical evidence and clear process tracing of the Permanent Participants changing their engagement strategies—and intra-organizational insights explaining such changes—nuance our understanding of what are perhaps the most prolific and intriguing actors in the Arctic Council. Empirical research illustrates three concrete cases where Permanent Participants exerted influence: 1) when Permanent Participants lobbied to be included in the Arctic Council (Graczyk and Koivurova 2014); 2) when Permanent Participants allied with small Arctic states to compel the United States to support a mandate centered on sustainable development, and later a strong human dimension (Chater 2015, 68, 73); and 3) when Permanent Participants influenced the content of the *Arctic Climate Impact Assessment* (Arctic Council 2006; Chater 2015).

When Permanent Participants practice unexpected forms of political engagement, it lends strength to the argument that their influence is not limited to times when the Council Chair is

amenable to Indigenous voices.⁹ Such findings demonstrate the changing nature of intra-organizational behavior, and contrast path-dependence institutionalists who argue that actors in an organization (including non-state rightsholders) become locked in when rules are established. Unless rules can be rewritten or the organization's structure updated, members have little ability or incentive to attempt to engage in innovative behavior, such that lock-in may arise from participants who adapt their behavior to existing rule sets in the expectation that these will endure, or from cognitive biases that make actors loath to contemplate reform as long as existing arrangements yield "broadly tolerable" outcomes (North 1990, 76).

Path Dependency, Process-sequencing, and Organizational Reversals

This thesis rests on the assumption that two activities are possible in international organizations. First, members of international organizations may seek out pathways to ensure that their interests are represented in organizational outputs, despite the possibility that their resources will be wasted if the attempts are not successful. Second, these strategies may be appealing enough to be attempted by historically marginalized members of an organization, despite being significantly under-resourced as compared to state members and lacking historical representation within international spaces. Both of these assumptions suggest that there are some disincentives for Permanent Participants to seek out alternative structures within the Arctic Council. The existing rules and procedures of the Arctic Council (pre-2013) were already beneficial to Permanent Participants; they provided many opportunities to promote particular projects while vetoing others (ACIPS 2008; Mack 2018; Sambo Dorough 2017). Given that there are so many available and good—if still flawed—options available to Permanent Participants to

⁹ The Arctic Council Chair is set on a rotating basis, with a new Arctic nation taking over Chairmanship every two years.

engage in the Council, it becomes a puzzle why Permanent Participants would engage in untested ways that have no guarantee of providing returns for the extensive time and material inputs dedicated. In other words, there is little reason for this risky behavior, as Permanent Participants could invest resources only to result in fewer returns than conventional pathways.

This puzzle can be better understood by looking to the institutional theories of path dependency and process-sequencing¹⁰, each of which holds different assumptions about structural barriers and member capabilities while attempting to explain intra-organizational behavior. Both socio-political theories have origins in comparative-historical analysis of the development and persistence of institutions (cultural, political, and social). The general linear model previously dominant in historical-institutional inquiry was met with the theoretical challenge that sequence matters, which gave rise to the wave of thinking that would produce path dependency and process-sequencing (Abbott 1990). Sequence matters proponents argued that political outcomes are more contingent on previous actions and structural factors such as historical timing or the order of relevant policy or political events than previously believed. Within this theoretical orientation, two conceptions of historical sequencing emerged, with a great deal of work developed in the early 1990s. Path dependency came to be embraced in economics to explain how suboptimal outcomes could become locked-in and persist (Yanow 1996). It then spread to social-political literature to explain “historical processes that observers have found to be highly contingent in origin and inertial in nature” (Howlett and Rayner 2006, 3). It has since become associated with institutionalist forms of political analysis. Process-sequencing, meanwhile, gained a greater foothold in policy analysis and organizational studies.

¹⁰ This is differentiated from the *process tracing* methodology, which is employed in Chapter 4’s case study and detailed more in depth later in this chapter’s *Research Design* section.

Proponents of it argued that it did not assume irreversible sequences and did not rely on random initial conditions to set trajectories in motion (Mahoney 2000).

While originating in historical inquiry studies, each conception draws from ideas in evolutionary biology. Evolutionary biology suggests evolutionary processes proceed in a stepped (or punctuated) equilibrium fashion, and also pays attention to initial contextual and environmental conditions that affect subsequent development (Gould and Eldridge 1977). The idea of punctuated equilibriums, or critical junctures that have meaning, was based in part on analogies based on work in evolutionary biology, but fit observations policy scholars made with respect to the generally incremental nature of policy making. This still allowed for the “period possibility” of rarer substantial policy changes or alterations (Howlett and Rayner 2006, 244). Both path dependency and process-sequencing have come to be leveraged by political and policy scholars for their promise in analyzing the trajectories of institutions and organizations. However, they differ in the importance they place on random conditions at the starting point of trajectories, what consequences are possible when organizations encounter critical junctures, as well as the likelihood or possibility of organizational trajectory shifts.

A path-dependency approach emphasizes decisions made during political junctures or moments of opportunity that lock-in organization and member options. Process-sequencing approach brings into focus the possibility of shifting organizational direction, or even bringing about reversals, within a historical trajectory (Broschek 2010). Recent scholarship on Indigenous multi-level mobilization has begun to test how well each of these two approaches fit specific institutional cases. In *Nested Federalisms*, Wilson, Alcantara, and Rodon conduct extensive process tracing on the founding and progression of three self-governing Inuit regions in Canada to ultimately argue that process-sequencing best explains the trajectory of Nunatsiavut’s

development, which differs from the trajectory of Nunavik and the Inuvialuit Settlement Region's development (2020). After considering each of these approaches, I argue that process-sequencing best reflects the progression of the Arctic Council as an organization and its members' behavior.

Path Dependency: What We Would Expect

Historical institutionalists and organizational scholars in International Relations have developed two different, yet complementary approaches to explaining the emergence and functions of political organizations. The path dependency approach emphasizes the fact that decisions made by actors during critical windows of opportunity (especially those made at the founding of organizations; Mahoney 2000) are moments where options for direction and structures are at least relatively open and contingent. Once these choices are made, however, the organizations and policies are put into effect and become locked in, especially as positive feedback entrenches actors in particular strategies (Peters, Pierre, and King 2005).

Scholars employing this approach argue that once organizations and structures are established, they tend to become locked-in and path-dependent, encouraging actors to behave in certain ways or face the consequences. Although changes can take place in the future, they are likely to unfold incrementally. Path dependency also emphasizes the significance of critical junctures: events and decisions that lead to political developments and trajectory-setting decisions. For the most part in the scholarly literature in Arctic governance, the recognized critical junctures of the Arctic Council are the establishment of AEPS (1991), the transition from AEPS to the Arctic Council (1996), and the ratification of the *Arctic Search and Rescue Agreement* (ASRA 2011), which was the first legally binding agreement to come from the Arctic

Council (Haavisto 2001; Huebert 1998; Graczyk and Koivurova 2014; Molenaar 2012; Young 2005).

Each of these moments represent a solidification of organizational structure, and a specification in the Arctic Council's mandate, expertise mobilization, and organizational knowledge. Path dependency proponents would contend that another name for this specification is "narrowing": a narrowing of opportunities as a result of the organization deciding which issues deserve expert and material resources. The organizational path gradually emerges, creating a pull towards established actions by self-reinforcing increasing returns. Path dependency, while rarely formally mentioned in scholarly literature in Arctic governance, is a framing frequently applied. Arctic governance studies show an overwhelming assumption that once a norm is backed by key actors in the Arctic mosaic, or an organization's formal structures are determined, they are locked in permanently (Chater 2016; Wilson Rowe 2018; Østhagen 2018). We can see these assumptions play out in some scholars' treatment of Permanent Participants status in the Arctic Council: while their position is unique, their status is merely the legacy of their role in writing the *Arctic Environmental Protection Strategy*. In other words, they stood on the stage and voiced their desires at a crucial point, and consequently enjoy unprecedented—yet static—member status in an international organization (Chater 2019; Gamble 2015). Given that early events create the most powerful lock-in in path dependency, and the Council underwent no structural frictions or revisions to its structure or member capabilities its first fifteen years, we would expect Permanent Participants to hold extremely similar rights, responsibilities, and engagement options at the time as they did at the Council's founding (Mahoney 2000).

Table 2.1. Examples of Permanent Participant Powers and Rights from Critical Junctures

AEPS	Arctic Council Founding	Search and Rescue Agreement
Unique status of 'Permanent Participants'	Ability to staff Task Forces, Working Groups	Working Group reports as evidence ¹¹
Ability to reject Observer applications	Ability to speak at Ministerial meetings	De facto veto on agreement content
Full consultation rights in negotiations and decisions	Ability to present documents to SAOs and Ministerial meetings	
	De facto veto	
	Ability to propose projects	
	Ability to fund projects over 50%	

It is worth acknowledging that the lock-in anticipated by path dependency is capable of bringing about positive consequences. For example, the special status of Permanent Participants, locked-in at the Council's founding, is a safeguard of Indigenous status in the Council, particularly as the United States and Russia have suggested they would attempt to decrease Permanent Participant influence, were such measures possible (Burke and Bondaroff 2018; Watt-Cloutier 2016). Yet there are risks associated with lock-in. As discussed previously, some scholars and policymakers advocate that the Council become a hard law institution: one that makes binding agreements. Each shift the Council would undertake toward a binding structure would create another lock-in that would make it more difficult to return to its previous soft-law, normative structure (Escudé 2016; Wilson 2016). Young is particularly wary of this possibility, saying that such a progressively binding structure would reduce Permanent Participants influence because they are not privileged state actors (Young 2012, 2016).

But what is the perception expressed by Permanent Participant representatives in the Arctic Council? Repeatedly, Indigenous representatives and staff articulate belief in a

¹¹ SDWG is a Working Group with the highest proportion of Indigenous-led and concerned projects, and regularly submits its reports and benchmarks to Task Forces and SAOs.

progression of Indigenous influence, using language such as *creativity*, *innovation*, and *determination* in their contributions to both the Council and broader Arctic community engagement (Fondahl, Filippova, and Mack 2015; Griffiths 2009; Hammond 2018; Kuptana 2014; Mack 2018; Meakin 2020; Sambo Dorough 2019). Path dependency anticipates actors being more likely to become knowledgeable agents, adept in utilizing existing pathways efficiently, rather than taking risks on projects or engagements that expend significant material or expert resources, though success remains uncertain (Mahoney 2000). As such, there is value in considering this alternative framing: the idea that under-funded and under-resourced groups are actually capable of influence—and even shifting directions—within an organizational trajectory, even long after the window for early critical junctures has passed. Path dependency says lock-ins become stronger and more powerful with the occurrence of positive feedback, as the actors learn the rules of the game and select their strategies accordingly. Yet the ICC and Saami Council have gone beyond becoming knowledgeable agents in navigating the Council’s structure and rules (Abbot 1992); they have strategically capitalized on frictions to spark new windows of opportunity that are receptive to their efforts to exert influence (Lieberman 2002). This dynamic suggests that there is something else at work, likely the fact that Permanent Participants matter more for Arctic outcomes than imagined by many early institutionalist theorists and state representatives (Chater 2015¹²; Chater 2016; Koivurova and Vanderzwaag 2007).

Process-sequencing: An Alternative Approach with Relevance

Process-sequencing considers the possibility of shifting directions, or even reversals, within the trajectory of history (Howlett and Rayner 2006; G. Wilson, Alcantara, and Rodon

¹² Chater’s extensive interviews with individuals who were state representatives during the early years of the Council corroborate the common-held belief that Permanent Participant status was more tokenized than meaningful.

2020). Such reversals can take place as the result of frictions that exist between multiple layers or players of a particular organization (Lieberman 2002) or from recurrent patterns of institutional change that are embedded in an organization or its surrounding context. The successes of Permanent Participants in meaningfully shaping the content *and* issue framing of major Arctic Council outputs suggest that the Arctic Council's structure is not as binding as previously thought. This model has risen in prominence in political science as an alternative to path dependency or narrative models, as it has the potential to offer a better explanation for the creation and development of national political institutions, as well as political ideas, discourses, and paradigms (Lieberman 2002; Lindner 2003). Likewise, this approach appears more closely aligned to the actual empirical record of changes found in many countries and public policy sectors (Baumgartner and Jones 2002; Howlett and Rayner 2006).

Proponents of process-sequencing argue that it has advantages over the path dependency model, as it “provides a plausible way to represent and account for historical trajectories, it builds social actors and multiple causal timelines into explanatory accounts, and it offers a richer sense of how earlier outcomes shape later ones” (Haydu 1998, 341). Sequence does matter. However, this particular theory does not find all sequences to be irreversible; and, unlike path dependency, it does not rely on randomized initial conditions to set an organization's trajectory in motion. Instead, from this perspective, reiterated problem-solving within an organization may lead to real shifts and changes in trajectories. In other words, process-sequencing stresses the fact that events during an organization's existence can matter for trajectory just as much as early lock-in events (Mahoney 2000), and it likewise de-emphasizes the arbitrariness of environmental conditions at an organization's founding (Abbott 1992). Further, this approach affirms ways that

organizational members' reflections on structural development (whether negative or positive) affect their behavior (Lindner 2003).

As such, this perspective better captures intra-organizational Council behavior. Lock-in assumes that Permanent Participants would only be able to veto projects and develop recommendations in Working Groups, since these are venues to inject influence afforded to them in the Council's initial *Rules and Procedures*. Yet, in the past fifteen years, the Permanent Participants have ensured that major Council reports take into account the human dimension of the Arctic, rather than just economic factors, as Arctic policy tends to draw heavily from the data and recommendations of Council's reports. This shift has led policies to be more holistic in their treatment of the region, meaning that they emphasize the interconnected nature of the Arctic's many dimensions¹³ and the multi-dimensional characteristics that problem-solving must take (Brigham 2013; Watt-Cloutier 2016). Additionally, they have ensured Observers commit to Indigenous consultation before undertaking Arctic extraction projects, which was unanticipated.

In process-sequencing, change takes place in a series of steps, as organizational paradigms are constructed and destroyed. One way that this happens, best articulated by Baumgartner and Jones (2002) (i.e., focused on the United States domestic policy arena), is punctuated equilibrium. In this model, incremental change and periods of atypical dynamics join to form an overall stepped or punctuated equilibrium pattern. Change takes place as an irregular, stepped function when relatively prolonged periods of stability are broken up by occasional periods of change. Within the context of an organization, this means that routine periods of non-innovative behavior, when members utilize existing processes and resources, are interspersed by atypical behavior that involves new activities. These activities "represent a sharp break from how

¹³ Economic, environmental, health, human, security.

processes were developed, conceived, and implemented in the past, but are still rooted in '*the same general or member-specific concerns or problems*' (Howlett and Rayner 2006, 16, emphasis added). Similarly, Howlett and Rayner (2006) suggest that, while it is more common for punctuation to happen in subsystem equilibriums, at the systemic or regime level, things tend to be more stable. This perspective implies that, for the Arctic Council (i.e., a major, but single organization in the mosaic that makes up the Arctic governance system) reversals *are* possible, and are more theoretically likely, especially when combined with member persistence.

In the Arctic, it seems not only to be the case that understandings of sovereignty are evolving (Branch 2011; Whyte 2017), but also that understandings of organizational constraints are shifting in to consider organizational structures less static than previously anticipated. After all, Permanent Participants are coming up with new ways to assert their interests, with a particular boom of activity after a decade-long lull post-Council creation.

At the Council's founding, and even through the early 2000s, few stakeholders could have imagined that Permanent Participants would create their own policy papers that would compete with over 200 other actors to inform the content of the *Arctic Marine Shipping Assessment* (2009), or conduct a multi-year oral history collection as traditional knowledge data for the *Arctic Impact Climate Assessment* (2004). Such strategies required those Permanent Participants who were involved to expend significant costs, labor, and resources that would not be funded or institutionally supported by the Council. Yet Permanent Participant referenced and used these intra-organizational products in the development of major Arctic Council outputs, which would go on to have real and significant impacts on state shipping and transit policies and the benchmarks states use to measure the effects of climate change over time.

Regional and International Implications

Examining the political engagement after the Arctic Council's establishment is the next step in a critical analysis of the human dimension of the Arctic. In order to demonstrate the fact that the Permanent Participants' political engagement does go outside the Council's initial procedures, we should look for 1) an increase of participation within the venues for participation outlined in the Arctic Council regulations, 2) the emergence of new forms of engagement and influence that go beyond those outlined in the Council rules, or 3) a combination of the two over the course of the Arctic Council's tenure. Both behaviors would be notable in the face of the Arctic Council's mandate on Permanent Participant roles remaining unchanged since the transition from AEPS to the Ottawa Declaration in 1996 (i.e., showing that unexpected forms of engagement are not triggered by structural change or an expanded mandate).

The Arctic Council portrays itself as an open forum where the participation of historically marginalized peoples is lauded, but there is a serious lack of examination of their engagement as Permanent Participants within the forum. The findings of this research may inform Indigenous communication strategies, as well as the way that Indigenous nations and other historically marginalized groups can shape the inner workings of international organizations. The narrow framework of mainstream International Relations (with assumptions of state-centrism, agency, compulsion, and territoriality) suggests that the Arctic is an anomaly for resisting traditional power politics, necessitating the need of regionalizing work to apply theories with consideration for regional and cultural identities and historical relationships (Keskitalo 2007). Instead of treating the Arctic as a passive region experiencing the effects of climate change, the political agency of Indigenous Peoples is integral to the collaborative space that addresses this issue.

Clearly, then, seminal literature has looked at how the Arctic Council as an entity has evolved over time (Koivurova and Vanderzwaag 2007; Griffiths 2009; Chater 2015). The redefining of the rights and responsibilities of Council Observers (i.e., which was done in 1996 and repeated in 2013 to clarify the classification and its obligations) has prompted a small yet notable body of work on the expansion of non-Arctic state Observer responsibilities and participation in the Arctic Council (Chater 2016a; Wehrmann 2017; Mitchell 2019). Far less has been done on the Permanent Participants' political engagement (though notable work that *has* spoken to their engagement includes Fabbi 2012; Tennberg 2010; Watt-Cloutier 2016). There is clearly more at play within the forum than Permanent Participants locked into participation only in Ministerial meetings and Working Groups, as Permanent Participant representatives vocally assert (Eegeesiak 2014; Fondahl, Filippova, and Mack 2015; Griffiths 2009; Meakin 2020). Their own agendas, policy statements, memos, and speeches indicate that they believe their role is still unfolding, and their "place at the table" is a position of strength, not a token seat (Koivurova and Heinämäki 2006, 107; Rohr 2014). Advancing the scope of circumpolar Indigenous influence in the Arctic Council beyond the establishment of their unique Permanent Participant classification and *de facto* veto recognizes their meaningful contributions.

Finally, the body of scholarship on the Arctic Council and its members can benefit from works that further expand our in-depth descriptive data of the Permanent Participants. Enhancing the depth of knowledge on these Indigenous actors can be theoretically and practically beneficial for the ICC and Saami Council, especially for the post-1980 internationalization period. In both cases, qualitative political research contributes to existing policy and quantitative research to be a resource for the Permanent Participants themselves (Christie 2011; Fabbi 2012; Josefsen 2010; Plaut 2012; Shadian 2014; Wilson, Alcantara, and Rodon 2020; Wilson and Smith 2011).

Examining how the Permanent Participants politically engage is a meaningful critique of the mainstream state-first approach to the Arctic Council and a bridge between the internationalization literature focusing on the Saami Council and Inuit Circumpolar Council before the 1990s and the current, smaller body of work on Indigenous agency in the contemporary Arctic Council.

It is my hope that this project will contribute to internationalization literature's discussion on hard and soft rights assurances. For instance, Christie argues that it is only when Indigenous nations are recognized as equal to states by international law and rights that meaningful change can be made in international law and policy development (2011). Therefore, recognition under international law is a significant victory, and would represent an important securing of rights for Indigenous nations. However, I argue that the gains Permanent Participants make in a soft law environment are also meaningful. As I proceed through the two cases and discuss their implications, I argue that the results that Permanent Participants have brought about can be considered stepping-stones toward later equal recognition under hard law. Further, I aim to speak to internationalization literature through this bridging effort, which ties the normative and structural achievements that Indigenous actors make in soft law systems as part of a strategy focused on the goal of securing hard law recognition. Already, we can see how internationalization strategies from Indigenous Peoples across the globe have contributed to the broader discursive shift from stakeholder to rightsholder in international and climate change dialogue. This progress has taken place in tandem with the expansion of who is considered a subject (rather than object) of international law, representing a critical decentering of International Relations.

Finally, influence over soft governance measures can likewise be stepping-stones to hard law recognition, especially because the subtle shifts that a growing international organization can experience as it expands may emerge through exerting indirect power over the events of a region, thereby reshaping the playing field on which regional actors engage. In this way, Christie recognizes the “fair amount of indirect power” accorded to Indigenous Peoples in the Arctic Council (2011, 335); and one of the phenomena that I attempt to illustrate through my cases is that a fair amount of indirect power may be formalized and become more direct pathways of power for historically marginalized actors.

Research Design

I propose two cases of distinctly different Permanent Participant efforts to influence Arctic Council outputs: the Inuit Circumpolar Council effort to shape the content of the Arctic Council’s AMSA (2009), and the Inuit Circumpolar and Saami Councils’ attempts to implement meaningful constraints on Observer behavior in the development of the Arctic Council’s *Observer Manual* (2013), *Observer Application* (2013), and revisions to its *Rules of Procedure*. These effort processes are distinct from one another and the behavior outlined in the Arctic Council’s rules and procedures, which identifies options for Permanent Participants to directly contribute to the Council’s agenda and outputs through 1) campaigning or lobbying for particular activities during Ministerial meetings, 2) funding or proposing projects in Working Groups, 3) funding or proposing projects in Task Forces, or 4) using their de facto veto in forum decision-making (Arctic Council 1998, secs. 4, 5, 12, 19).

Illuminating these processes and determining the scope of Permanent Participant injection into Arctic Council outputs is heuristically valuable, expanding our knowledge on the tentatively identified relationship between Permanent Participant status and contributions to

major Council outputs. Not only does this process shed light on the relationships between organization members, but it also provides further insight into how unexpected expressions of influence emerged, thus modifying existing generalizations on the powers and behavior ascribed to actors (Stake 2010). In the case of the Council, these are the Permanent Participants. The case studies provide insight into the political agency of Permanent Participants within the Arctic Council, challenging generalizations made of their limited behavioral repertoire and limited ability to meaningfully affect Council content (Chater 2015). Collectively, the cases investigate both Permanent Participant political engagement within the forum, and the degree to which their interests are incorporated into significant outputs, part of a larger collection with common characteristics. In line with Stake's (2006, 2010) recommendations for multiple case study analysis, engagement variation across cases creates a more compelling interpretation (2010, 49), grounding the precision and validity of findings by specifying where, how, and possibly why Permanent Participant influence continues to occur, even under different engagement strategies.

Qualitative case studies can be limited by a variety of factors; some relate to methodological issues of validity and generalizability, while others relate to the ethics and quality of the individual researcher. The researcher is the primary instrument of data collection and analysis. Consequently, researchers must be aware of biases that could affect the final product. To this end, document analysis is supplemented by selectively-engaged-in participatory observer and semi-structured interviews with individuals representing the Inuit Circumpolar Council and Saami Council, domestic Indigenous policymaking and analysis organizations, and regional Indigenous organizations, among others. Further potential limitations of case studies involve issues of validity, and generalizability. Yet the strengths of case studies take into account the human dimensions of these political processes. Ultimately, case study was the best option for

this project due to the needs of Arctic Council scholarship and how they mesh with the strengths of case study research. Following is a modified table elaborating the fit of content and thematic analysis-driven case study on the Arctic Council (Flyvbjerg 2006, 219–45).

Table 2.2. Critiques and Responses to Content and Thematic Analysis

Critique	Restatement/Strength
General knowledge is more valuable than context-specific knowledge.	Context-dependent knowledge is incredibly valuable given the lack of scholarship or case knowledge of the Permanent Participants as actors unto their own right behaving within the Arctic Council.
One cannot generalize from a single case, limiting social science development.	The force of a single example is underestimated. The Permanent Participant status was unprecedented in international organizations. This innovation has been identified as a potential pathway toward policy and research influence for other Indigenous actors.
Case studies confirm researcher preconceived notions.	Bias tendencies are no greater than other forms of methodology. Interviews with embedded partners support responsible research.
It is difficult to summarize case studies into general propositions.	Reality is difficult to summarize. Analyzing actor behavior across multiple cases increases the validity of conclusions.

The value of context-specific knowledge on actors' interests and behavior in the Arctic Council for political scientists and sociologists is well-recognized (Nuttall 2000; G. Wilson and Smith 2011), and its presence sorely lacking when it comes to Permanent Participants (AAC 2007; Fondahl, Filippova, and Mack 2015).

In both cases, I use qualitative content analysis to examine textual archival data. This strand of textual analysis uses “careful, detailed, systematic examination and interpretation of a particular body of material in an effort to identify patterns, themes, biases, and meanings” to summarize large amounts of qualitative data (Berg and Lune 2012, 349) and is effective in answering descriptive research questions as it provides a data-driven analysis of the text, allowing researchers to draw inferences directly from the text (Schreier 2012). The method

works best with inductive coding frames, but it can also be applied deductively. The procedures consist of several iterative phases built on a basis of deductive-inductive coding: initial work, category development, first coding, category compilation, creation of sub-categories, second coding, and analysis and presentation of results. Coding frames must adhere to the principles of unidimensionality, exhaustiveness, saturation, and mutual exclusiveness (Schreier 2012).

Qualitative analysis does not prescribe a right or wrong hermeneutical interpretation of textual data; instead, it recognizes the quality standards of textual analysis are based on coherence to a systematic and rule-governed process. The quality of the analysis rises and falls on the researcher's ability to document the analysis process by clearly outlining and articulating procedures, and accurately implementing said procedures.

Foundational Document Model Theory

In order to explore the relationship between Permanent Participant products, texts, and contributions with final outputs published by the Council, I draw from the foundational document model. This analysis intentionally takes a more inclusive, heterogeneous approach to uncover the major ideological elements in a major output's foundational and contributory texts, then uses the contributory texts' ideological content to analyze subsequent documents' framing efforts (Briant Carant 2017). The analysis is intended to be a continuation of ideology studies with specific application for the framing tradition within social movement theory (Holland 2014). Exposing the ideological elements within contributory documents, and using those elements to analyze framing and frequency of issue-areas, answers the elusive question: How can one link the ideas within frame presentations to larger ideologies and interests? When the ideological elements of a text are thematically and systematically revealed, a clear connection emerges between interactions of a text along its construction process. As such, I utilize the

foundational document model in both cases, as each explicitly involves a chain of development encompassing Permanent Participant-developed contributory texts and outputs.

Further, I work to answer the first research question, “How do Permanent Participants, as less-resourced members of the Arctic Council, promote their interests and exert influence on its outputs?” by examining the pathways from expressed member interests to final output content. Ultimately, I argue that investigating the pathways within the two case studies allows us to identify and more deeply articulate the strategies that Permanent Participants have employed. Content analysis of texts along an output’s development examines the pathway from expressed member interests to final output content. Instances when maintained content from historically marginalized actors is included supports a prediction of sustained influence. The pathways used to carry these interests through are the unanticipated *strategies* not foreseen in the Council’s early years of operations.

Table 2.3. Case Contributory and Output Texts

	Contributory Material	Final Output
Case 1	<i>The Sea Ice is our Highway</i> (ICC, 2008)	<i>Arctic Marine Shipping Assessment</i> (2009)
Case 2	<i>Saami Rovaniemi Declaration</i> (SC, 2008) <i>A Circumpolar Inuit Declaration on Sovereignty in the Arctic</i> (ICC, 2009) <i>A Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat</i> (ICC, 2011)	<i>Observer Manual</i> (2013) <i>Observer Application</i> (2013)

In order to analyze the relationships between foundational, contributory, and resulting texts, I use a critical thematic analysis. This methodology has become an influential branch of content analysis. Current thematic analysis scholars see this analytic method’s emphasis on language and framing as critical to the foundational document model because textual persuasion is a rhetorical tool intended to secure a measure of dominance, power and social control (Clarke

and Braun 2013; Koteyko and Atanasova 2016). With the use of these categories, foundational document analysis enables researchers to isolate and thematically assess the transfer of ideological and interest content. The model is an analytical tool for mining ideological elements that are buried in a primary and contributory text, and for comparing elements that reappear in subsequent framing presentations. This model reveals to what extent issue and need presentations are narratively faithful to a foundational text, or texts. Consequently, this strategy is fitting in working to answer my second research question, “What interests and priorities are present in Permanent Participants’ Arctic Council engagements?” as the cases examine different contributory and final texts over two periods of engagement (2007-2009, 2008-2013). Similarities or overlap in Permanent Participant interests would support the argument that certain interests are of a higher priority than others, especially when such repetition is accompanied by indicators of urgency or importance from supplementary Permanent Participant communications.

Research Design: Case 1

In my first case, I conducted a text-based and narrative content analyses of AMSA (2009) and its Inuit Circumpolar Council contributory text, *The Sea Ice is Our Highway* (2008), in order to examine the transfer of both themes *and* their treatments from the contributory document to the final output. Narrative analysis seeks to make sense of a process through richly described themed findings. In this case, it is the process by which ICC interests are injected into Arctic Council outputs, and how this influence process fits within a broader understanding of Indigenous rights assertion. Analyzing these two reports necessitates reading along the grain, seeking to understand a text as the writers intended and comprehend what they sought to communicate, rather than analyzing it from the point of view of a receiving audience. This also means acknowledging the political hierarchy existing among Arctic Council actors that

structured what was worth recording and what content made it into the reports and not treating these documents as authoritative facts. Analysis of these major documents is supported by conducting supplemental interviews with Arctic Council and Permanent Participant representatives and reviewing Arctic Council meeting minutes (see Appendix 3.1 for references).

Frequentative Analysis

I began with a frequentative analysis of *The Sea Ice is Our Highway*, identifying its major themes with a frequentative text-as-data analysis of AMSA's key findings and *Human Dimensions* chapter. A direct text comparison analysis between *The Sea Ice is Our Highway* and AMSA presents an initial view into 1) the frequency with which unaltered and unmodified Permanent Participant inputs appear in the Council document, and 2) the collocation of Permanent Participant perspectives. In other words, it would be concerning to find that all the Inuit contributions appear in one short, token section. The initial quantitative picture provides a foundation for the consequent, larger content analysis. There were eleven instances of text directly transferred from *The Sea Ice is Our Highway* to AMSA. While the text drawn from *The Sea Ice is Our Highway* spanned the entire report, all but one of these blocks of text were transferred to a case study excerpt in AMSA's *Human Dimensions* chapter: "The Sea Ice is Our Highway: Canadian Inuit Perspective on Transportation in the Arctic" (AMSA 2009, 126-127). The single other direct text transfer appeared in Chapter 8's recommendations (Council 2009, 133). There are no other direct text transfers. Concentrated Permanent Participant input is initially concerning; such trends typically signal cherry-picking content, or the application of contributor perspectives on a single, isolated issue to give the *appearance* of integration, while in reality, limiting potentially challenging input to a minor theme (Herzog, Handke, and Hitters 2019). These frequentative findings set the stage for my subsequent thematic analysis.

The Sea Ice is Our Highway Thematic Analysis

The Sea Ice is Our Highway is divided into three sections that cover 1) the history of the Inuit and their nomadic tradition, 2) the linkages between nomadism and traditional diets today, ‘Inuit sustainability’, and local economies, and 3) the challenges facing Inuit from increased Arctic shipping. The ICC report classifies its own content into three overarching themes that are interwoven across its cohesive narrative:

Tradition and Adaptation is defined by continuity. The causes for Inuit adaptation have evolved from responding to nature to responding to man-made disruption.

Standard of Sustainable Use is marked by long-term thinking. Any standard of sustainable use must be able to be continued for thousands of years; a great deal of Arctic policy that emerges from states does not fit this criterion. This section also deals with the consequences of unsustainability, and scale of impact to local economies.

The Sea Ice is Our Highway is marked by linking geophysical and oceanic features with human practices and behavior, including hunting, fishing, and associated practices (e.g. making sealskin garb and handicrafts (ICC 2008, 23).

I sought to break these themes down further into distinct framings. In particular, I coded *The Sea Ice is Our Highway* into themes that characterized or depicted the nature of interactions between shipping and northern peoples (Appendix 3.2). Further, in order to go beyond simple content description, I used axial coding, wherein initial, open coding (which breaks codes into discrete parts) is followed by examining codes in relation to one another. Codes are grouped by the frequency of their appearance and the treatment they are given in the text, with these axial, or central, codes becoming elevated to thematic categories (Corbin and Strauss 2006, 57), which established a thematic baseline for *The Sea Ice is Our Highway*. The emergent themes traced out

the spheres of life affected by increased shipping and I cross-checked these findings against other scholarship on these texts to enhance findings validity. The initial thematic list was cross verified with textual keywords from this literature in order to focus on *communication of meaning*. Additionally, I noted any text that was partnered with *urgency* language, including keywords such as *call for, must, necessary, necessity, need, recommend, urge, urgent, and vital*, which denote an author-assigned higher level of importance for specific issues (Clarke and Braun 2013; Herzog, Handke, and Hitters 2019). The report uses urgency language to begin and close the policy paper, “urging” and “strongly cautioning” those “making plans regarding the Arctic to remember who has been living [there] for thousands of years, and who will continue to live [there] for thousands more” (ICC 2008, iii, 27). Urgency language signals a hierarchy of importance within the themes. Urgency language also facilitated the identification of top threats and benefits associated with shipping within *The Sea Ice is Our Highway*.

AMSA Narrative Analysis

I followed this work with a narrative analysis of the *Human Dimensions* chapter to determine whether the themes, threats, and benefits presented to Indigenous Arctic communities are treated with similar understandings as they were in the ICC report, evaluating the degree of narrative fidelity from one text to the other. An output has narrative fidelity if its content is narratively faithful in its framing and treatments to its primary source texts (Shenhav 2006). For a widely disseminated organizational output to represent the interests and needs of a subset of actors, such as ethnic groups, its message or frame must reflect a substantial degree of narrative fidelity with the texts of the sub-groups. Narrative fidelity, according to Pfaff (2005) and Shenhav (2006), is a relatively straightforward standard of judgment to evaluate the resonance of framing across a time period or process. The methodology tests the faithfulness of an output to

its foundational or contributory texts. Narrative analysis revealed there *is* a remarkably high degree of thematic narrative fidelity between *The Sea Ice is Our Highway* and AMSA.

Research Design: Case 2

In my second case, I combined content analyses and process tracing to support my argument that the Inuit Circumpolar and Saami Councils shaped what Observer constraints were formally encoded into the Arctic Council's structure. I first conducted a content analysis on three independently developed Permanent Participant policy papers: the *Saami Rovaniemi Declaration* (2008), *A Circumpolar Inuit Declaration on Sovereignty in the Arctic*, (2009), and *A Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat* (2011). While the declarations were not developed solely to address the issue of Observers, they *were* developed for the purpose of articulating Indigenous needs and informing future Council deliberations, including those on the issue of Observers. These texts were used as references by a Council Task Force to incorporate Permanent Participant concerns and minimize duplication of effort as its staff worked to develop an Observer Manual and application.

Consequently, I conducted thematic text and content analyses of the Saami and Inuit Declarations to identify their major interests, concerns, and prescriptions. Checking the emergent codes through interviews with Permanent Participant staff offered greater reliability in identifying which values in the declarations were most important to Permanent Participant authors. Thereafter, I conducted a content analysis of the *Observer Manual*, *Observer Application* and the revisions to the *Rules of Procedure*. A textual content analysis determines the distribution of Permanent Participant interests within these documents, and distribution shows which issues Indigenous input is included within the new rules and illuminates concentrations and contentious topics. The conditions that Observers are required to support

Indigenous participation and rights demonstrate where Indigenous influence has been exerted in a binding or persuasive manner. I ensured thematic analysis validity by relying on key words in the *Observer Manual*, Observer applications, and the *Rules of Procedure* manual, and by closely examining the issues as Indigenous People intended (e.g., Saami Council advocacy for an Arctic stewardship program over sustainable investment) and then referencing those intentions.

Finally, I concluded this text-to-text comparison with a comparative content analysis of these interests against the requirements placed upon Observers in the *Observer Manual* and *Rules of Procedure*, and against the nature of the questions potential Observers must provide long-form answers to in their Observer applications. The comparative content analysis reveals which interests, prescriptions, and demands are included in organizational requirements.

Process Tracing

More remains to be analyzed after evaluating whether interests and prescription in the sovereignty declarations were also in the new Observer materials. Beyond that, I was also curious as to how Permanent Participants presented these independently developed prescriptions through Council deliberations on the Observer issue. After all, a Task Force was formed to create *Rules of Procedure* amendments, and Permanent Participants staffed the development of the *Observer Manual*—not just provided the Inuit and Saami Declarations as reference texts. Therefore, after coding the Permanent Participant declarations, I traced the themes and priorities as expressed by ICC and Saami Council representatives in intra-organizational communications from 2008 to the publishing of *Observer Manual* and *Rules of Procedure* revisions in 2013. This analysis comprised materials from the Arctic Council, Inuit Circumpolar Council, and Saami Council archives, specifically, interviews, meeting minutes, reports, presentations by both Permanent Participants and Senior Arctic Officials (SAOs), and Ministerial meeting reports (see

Appendix Table 2.1 for documents included). The documents spanned 1,052 pages among thirty-three separate texts, which were also supplemented with interviews where possible. Familiarity with circumpolar Indigenous internationalization scholarship facilitates Lowe's (2015) strategy of reading across the interests and themes of the documents. In other words, familiarity with the common threads and challenges in circumpolar internationalization scholarship from the Russian, North American, and Nordic contexts allowed me to check the accuracy of my analysis findings against closely related bodies of community-reviewed knowledge. This triangulation check against findings supports validity.

The wealth of descriptive text available during this period allowed me to use the Analysis of Determinant of Policy Impact (ADEPT) approach to organize and chart the flow of Permanent Participant interests from the first Permanent Participant expression of concern over "the Observer issue" (2008) to when a structural response was implemented (2013). Based on long-lived social science models on determinants of human action and impact tracing (Manninen and Raimo 1976), ADEPT was developed in the early 2000s to analyze how interests manifest and interact in health and social policy. The approach focuses analysis by emphasizing four determinants for operationalization when analyzing policy: goals, obligations, resources, and opportunities. The framework spread to institutional studies in policy and political science because of its effectiveness in identifying interventions to the status quo and their consequences (Bergeron 2017). The framework nuances earlier structure/agency theorizing (Rütten and Gelius 2011), tracing organization member interests through policy and project development.

The model critically analyzes how members talk about opportunities, looking for indications as to whether they are capable of seizing on them. It assumes that members face unique barriers in maintaining their interests through policy development across all four

determinants, but their strengths transfer well across determinant areas, especially if they have normative authority (Bergeron 2017). Some notable applications in international policy and politics have been studies of state bureau interest competition in health policy implementation across multiple EU states (Schow 2017), cross-national assessments of European policymaker interests as policy determinant (Entman 2004), and engagement of volunteer organizations in larger social welfare promotion projects (Simonsen-Rehn et al. 2006). This approach is effective in policy development analyses, as it is useful in identifying potential levers of influence and illuminating specific party interests as they thread through policy deliberations in qualitative studies (Rutten, Gelius, and Abu-Omar 2011). Identifying and tracing Permanent Participant sovereignty goals within the Arctic Council, obligations, material and expert resources, and opportunities detects focal points and salient conversations. The analysis reveals the rise, fall, and the resiliency of interests as they were advanced from 2008 to 2013, when the Observer Manual was published; and thereafter, I summarize Permanent Participant treatment of each issue from its emergence to the 2013 Observer rule codification.

Conclusion

Throughout this work, critical thematic analysis developed alongside frame theory so as to unravel the textual perpetuation of group interests. Indeed, critical thematic analysis has advanced useful concepts like discourse community and intertextuality that bring attention to the various ways text and context persist along a texts' development. My case studies, each of which examine the interest and needs transference from contributory Permanent Participant texts to Arctic Council outputs, contribute to this model by systematizing the concept of narrative fidelity. By using contributory documents in my thematic analysis, policy analysts can seriously examine ideological content within organizational processes, movements and significant texts.

The model enables researchers to get a fuller understanding of the storied nature of discourse and to discover the ideational elements that create potent outputs and framing.

In presenting my findings, I draw on concepts from the field of Indigenous methodologies, particularly the work of Tuhiwai Smith (2012), exploring policy and research that has spread through the international community with a highlight on the notion of *connectedness* through this process. Throughout the case studies, a consistent message of interconnectedness is present in Indigenous participatory and organizational engagement. The two case studies demonstrate how Indigenous-influenced outputs take on new dimensions and significance when circulated to a largely non-Arctic international community. As a field of study, Indigenous methodologies examine epistemologies, methods, and questions that focus on Indigenous Peoples and matters, with the intent it be used for their own purposes (Chilisa and Tsheko 2014; Kovach 2009; Tuhiwai Smith 2012). This emphasizes the importance of dialogue, and is also influenced by the work of post-colonial and critical race scholars who have drawn attention to the way power operates in archives, public document analysis, and organizational text analysis, and how it influences the decisions researchers make in the process of theme identification and communication of meaning (Stoler 2009). Drawing from Trouillot's (1995) argument, I examined the production of history *through* analyzing the production and content of meaningful communications, allowing us to discover how the exercise of power makes some narratives or interests possible while silencing others (25). Finally, outputs of the Arctic Council merited examination, as well, because both are objects wherein power relations are inscribed; and they are thereby declarations of influence unto themselves.

Chapter 3. Narrative Fidelity and Sea Ice Policy: The ICC and AMSA

During the early years of the assessment... [The Permanent Participants] wanted a seat at the table for both the policy work and the science assessments. There was no doubt in my mind that we had something critical to offer. It came down to what we mean when we talk about science. Science is a body of knowledge and a way of knowing based on rigorous observation. By this definition, the hunters who crisscross the ice and snow and embody centuries of observation are scientists. When they describe what is happening to their landscape, the world needs to listen.

*Sheila Watt-Cloutier*¹⁴

Introduction

In this chapter, I argue that the injection of *The Sea Ice is Our Highway*'s content into AMSA was a way that the ICC successfully disseminated its interests to regional and external audiences. I do so by providing compelling evidence that there is a remarkably high degree of thematic narrative fidelity between the ICC's *The Sea Ice is Our Highway* and AMSA, particularly in their treatment of the human dimensions of the Arctic. Beginning with a brief background of the origins of AMSA, I show how the Inuit Circumpolar Council came to develop and contribute their report, *The Sea Ice is Our Highway*, to the project, and why the report was so anticipated by regional and global actors alike. Then, I discuss the major reasons why narrative fidelity was not anticipated in this case: previously solicited Inuit input had only made it into projects at a tokenized level; the report incorporates topics at odds with the interests of member states, which had previously blocked input that threatened their interests; and the ICC *and* over 185 other actors sought to contribute (frequently at-odds) reference materials to AMSA. Having concluded the previous chapter with an outline of my research design, I thereby present the results of my thematic analysis of *The Sea Ice is Our Highway*, explaining the themes and comparing the distribution of the themes among AMSA's chapters and key findings

¹⁴ Watt-Cloutier 2016, 199.

(highlighting issue importance). Noting four topics where narrative fidelity is particularly high between the two texts, and two topics where there is a divergence, I argue that, while there are points of divergence, they are few, and their relatively limited nature does not diminish the significance of the areas where there is fidelity.

From there, I detail the aftermath of AMSA, covering four concrete, tangible ways that AMSA's content impacted other actors: by shaping the content of regionally binding agreements, influencing the development of state regional strategies, and shaping the content of several domestic resource extraction consultative frameworks. These consequences of AMSA are corroborated by other literature in the field; and I conclude my own analysis by discussing the content and implications of the four primary ways through which *The Sea Ice is Our Highway* persisted into the AMSA: validation of ITK in filling knowledge gaps, similar identification of threats and benefits, how actors are ascribed different characteristics when it comes to sustainability, and a prioritization of Indigenous consultative frameworks and initial/identified features such a framework should include. Ultimately, the ICC took advantage of a window of interest about a particular issue, and made an intentional effort to develop a fully independent report that was also a novel dataset of Inuit knowledge and perspectives and a policy document on sea ice and migration. The multifunctionality of *The Sea Ice is Our Highway* demonstrated efficient use of ICC resources, and resulted in ripples of influence that were particularly unanticipated given past performance.

The Purposes of AMSA and *The Sea Ice is Our Highway*

During its 2004 Ministerial meeting, the Arctic Council called for the Protection of the Arctic Marine Environment Working Group to conduct a comprehensive Arctic shipping assessment (AMSA) to study the effects of expanded marine activities on Arctic peoples,

animals, and the environment, and to identify gaps in shipping data. The report, the first such shipping assessment for the circumpolar region, was to be created with Canada, Finland, and the United States as lead countries, in collaboration with the Emergency Prevention, Preparedness and Response (EPPR) Working Group and the relevant Permanent Participants (Council 2009, 2). The AMSA study followed two high-profile Council reports: the *Arctic Climate Impact Assessment* (ACIA 2005), which established ongoing rapid and severe climate change in the Arctic as a common data point for the international community; and the *Arctic Marine Strategic Plan* (2004), which outlined the Council's goals for protecting the Arctic marine environment. Both of these reports held sway among decision-makers and policymakers. By establishing a common bank of sea ice and climate change information, ACIA had become the knowledge platform upon which the key findings, prescriptions, and research opportunities of AMSA would be built. AMSA's central focus is ships, particularly their uses, their potential impact on people and marine environment, and their infrastructural requirements under the Arctic Council's mandates of environmental protection and sustainable development (AMSA 2009, 2). The three states heading AMSA (Canada, Finland, and the United States) had distinct Arctic agendas; and the United States, in particular, stood against the prospect of Arctic Council reports becoming policy-influencing documents. The United States' opposition is noteworthy, particularly because its resistance to developing reports with explicit policy-obligating implications and recommendations in the past had been staunch and influential enough to prevent such content from being developed or published in the past (as had happened with ACIA).

To this end, the Permanent Participants were called on to provide Indigenous knowledge in creating the report. Former ICC Canada President Duane Smith stated that the Arctic Council's member nations had previously "not been ready" to support projects which would

ensure Indigenous knowledge was “properly collected” (George 2012, para. 3). This time, though, Permanent Participant contributions were solicited as “relevant” input (Arctic Council 2009, 2); and at the Sustainable Development Working Group’s invitation, the ICC wrote an independent report on an Inuit perspective on sea ice and shipping: *The Sea Ice is Our Highway*. The independence of the report was dually noted in its introduction:

Governments and industry have for decades used [the same Arctic that is our ancestral homeland] for their own benefit. Sometimes they consult with us. In contrast to such consultations, this report comes on the initiative of ICC Canada and is intended to frame the dialogue from an Inuit perspective. (ICC 2008, 1)

The Sea Ice is Our Highway went on to become incorporated into Chapter 6 of the Arctic Council’s 2009 AMSA report, *The Human Dimension of Shipping*; and ASMA was approved at the Council’s 2009 Ministerial meeting. Since then, both *The Sea Ice is our Highway* and AMSA have been cited in many state and NGO Arctic reports and documents (Brigham 2016). In this way, the consolidation of *The Sea Ice is Our Highway* as it transitioned from a freestanding report into AMSA’s Human Dimensions chapter is a process of interest and concern, as AMSA was a policy document negotiated by the eight Arctic states, compiled over the course of fourteen town hall meetings across Arctic communities, thirteen major workshops, and contributed to by over 200 experts. Therefore, it is viewed as a baseline assessment, a policy document, and a strategic guide for Arctic and non-Arctic actors (Brigham 2010); and it is considered one of the Arctic Council’s most significant outputs (Berger 2015; Hasanat 2012; Spence 2017). Moreover, identifying Permanent Participant contributions—both in issues incorporated *and* their treatment—is to identify not only a case in which a Permanent Participant exerted influence on Council outputs to an unexpectedly high degree, counter to the interests of great states, but also to locate a linkage between Permanent Participant contributions and affected state behavior. Elaborating on the link between *The Sea Ice is Our Highway* and AMSA

illustrates how the Permanent Participants went beyond simple Working Group and Ministerial discussion engagements to creating independent materials that influenced a major Council output. Further, the AMSA's seventeen recommendations can be condensed into three themes:

Table 3.1. AMSA Recommendations by Theme (Source: Arctic Council 2009, 6–7)

Recommendation Theme	Specific Recommendation
Enhancing Arctic Marine Safety	Identify areas of common interest with international organizations.
	Support efforts of the International Maritime Organization to update international standards for marine vessels.
	Develop uniformity of Arctic shipping governance.
	Strengthen passenger ship safety in Arctic waters.
	Develop an Arctic search and rescue instrument.
Protecting Arctic People and the Environment	Ensure engagement with Arctic communities to ensure their coordination with the shipping industry.
	Survey and remain updated on Arctic Indigenous marine use.
	Identify areas of heightened ecological and cultural significance.
	Identify specially designated Arctic marine areas.
	Identify protection strategies against invasive species.
	Enhance oil spill prevention.
	Engage with international organizations to address impacts on mammals.
Reduce air pollutants and emissions.	
Building Arctic Marine Infrastructure	Develop physical infrastructure in Northern ports and communities.
	Develop a comprehensive Arctic marine traffic system.
	Develop circumpolar environmental pollution response capabilities.
	Invest in hydrographic, meteorological, and oceanographic data.

Given the broad nature of AMSA and its policy recommendations, the narrative fidelity of ICC interests and values as they carry over from *The Sea Ice is Our Highway* to AMSA communicates the growing influence of Indigenous actors in International Relations.

If I am correct in hypothesizing that *The Sea Ice is Our Highway* was a creative way for the ICC to inject its political interests and concerns into a major Arctic Council output, then we should expect there to be high narrative fidelity between the issues brought up in the Inuit report and presence and treatment of those issues in AMSA, specifically in the *Human Dimensions*

chapter. Such fidelity would be surprising—and thus worthy of attention—for three key reasons. First, while Inuit input had been solicited, historically, solicitation had not led to increased integration in final reports. While the previous ACIA report took into account the human dimension of persistent organic pollutants in the Arctic, Permanent Participants were heavily disappointed by what they felt was a minimal integration of Indigenous perspectives in the final report (Nilsson 2009; Watt-Cloutier 2016; Arctic Council 2004). Previous reports such as *Heavy Metals in the Arctic* (2002), *Acidifying Pollutants, Arctic Haze, and Acidification in the Arctic* (2006), and the *Arctic Biodiversity Assessment* (2007) had solicited and received Permanent Participant reference materials, but had failed to achieve narrative fidelity to these texts, maintaining a state-driven agenda and final content. Second, fidelity comes through on issues that are at odds with the interests of the United States and Russia, including higher industry costs through increased consultation and mitigation activities and increasing maritime vessel activity transparency to enhance cooperative emergency response efforts. Both states wield tremendous financial clout in the Council, and had deterred outputs that threatened their interests (especially the United States as a project head; Baev 2018; Østhagen 2018); they would certainly not wish industry-constraining or expense-raising content to be further legitimized by joining the growing body of Council, which was advancing norms and recommendations for external audiences.¹⁵

Together, these first two points are particularly relevant for how path dependency theorists would predict the outcome of this case. For path dependency, early decisions have stronger lock-in effects, and such precedents do matter. As the Council debated the scope of its

¹⁵ The United States and Russia repeatedly demonstrated shutdown efforts in response to external-facing outputs (Bouffard 2017; Brigham 2013; Chater 2016; Watt-Cloutier 2016). They have not shown as stringent shutdowns when it comes to projects and reports developed strictly within Working Groups, though, as such outputs are typically for inner-Council reference, and have far less external impact (Ron Huebert 1998; Kankaanpää and Young 2012; Parkinson 2010).

mandate and function of its reports in its early years, multiple large state members were adamant that the mandate should remain narrow, and the reports should be limited to *state of the field* content: providing an overview of up-to-date knowledge and gaps on issues, without offering recommendations. This position shaped Council outcomes even a decade later with the publishing of ACIA, as recommendations were written, but ultimately not included in the assessment: a legacy set during early lock-in. Additionally, precedents matter because they establish lock-in of how things are done (Peters, Pierre, and King 2005). Repeatedly through the Council's development of reports, Indigenous contributions were solicited, then subsequently tokenized. With eleven years of this pattern entrenched, proponents of path dependency would predict a similar series of marginalizing events to play out in this case.

Finally, the ICC was not the only group to submit reference texts and data to AMSA. Over 185 international maritime and associated fields experts, sixteen government and independent organization contributors, as well as the previously highlighted town halls and Working Groups, all participated in developing the report (Arctic Council 2009, 13, 192). The result was an evaluation process encompassing a tremendous number of contributory texts, data, and solicited materials from varied stakeholder perspectives and interests. There was no guarantee ICC interests would be maintained in the face of such competition, especially as interests were both varied and frequently (though not necessarily) mutually exclusive (Brigham 2013).

There are two ways that the injection of *The Sea Ice is Our Highway's* content into AMSA was a creative way for the ICC to perpetuate its interests for external audiences while still taking place within Arctic Council spaces. First, we must recognize the unprecedented degree to which ICC conducted data collection and invested in developing *The Sea Ice is Our*

Highway: no previous Permanent Participant report had been as extensive (or costly) to produce (George 2012). The Arctic Council had merely requested a reference material that could inform the writers of the Inuit perspective—the manner and content of this report was unspecified. The ICC took advantage of the clear signal that this was an issue-area that the Council was willing to listen on, and developed a report that not only spoke to Inuit views toward shipping and sea ice, but also acted as a novel dataset of Inuit knowledge and perspectives, and could stand alone as an independent Inuit policy document on sea ice and migration. The creative multifunctionality of *The Sea Ice is Our Highway* demonstrated efficient use of ICC resources, opening a breadth of implications unexpected by the Arctic Council states.

Second, historically, solicitation of reference materials on major Council assessments and reports had not meant that such materials would make it into outputs, whether materials were developed independently, or (more frequently) among Permanent Participants within Working Groups. What differs with *The Sea Ice is Our Highway* was the active and consistent push by Permanent Participants to get fully independently developed content carried through to the final product. The dedicated, intentional drive is witnessed through meeting minutes, progress reports, and archived recommendation submissions. There was a distinct articulation from Permanent Participants that AMSA was going to be *the* report wherein they would have their interests injected at an unprecedented level. Moreover, they were determined to see AMSA succeed where ACIA had not, and contain policy recommendations (Eamer et al. 2013; George 2012; ICC 2014, 2013; Simon 2002). Other than its size, though, little about AMSA's early development suggested that this report would go any differently than previous outputs. The main distinguishing factor, then, was the determination of the ICC to have this document be the report that saw their interests extensively represented. AMSA was hotly anticipated by external

audiences, and for the ICC to be able to point to a sea ice policy paper that also was a submission to AMSA illustrates the effectiveness of leveraging a multidimensional independent material in an unexpectedly multifunctional way. The ICC went beyond submitting a report, to advancing its content into the final assessment, which then opened up the opportunity for them to recommend particular practices for adoption in the *Polar Code* (a binding code that they would otherwise lack direct links to influence), and in state strategy documents. While state actors have been “historically less accommodating” toward an idea if it seems to be only coming from a Permanent Participant¹⁶, they are more likely to adopt a framework or take into account a form of knowledge if it is already in an assessment’s recommendations or key findings, as this is one of the places where new norms and regional expectations emerge (Escudé 2016). States seeking to develop positive reputations are incentivized to be early adopters of these norms.

In 2008, it was a well agreed-upon standard that Permanent Participants would develop their reference materials for assessments and reports within Working Groups. There was no doubt that this *was* an established process: Working Groups contained experts, as well as major spaces where cooperation and research took place, and were funded well by members, observers, and IPS funding. The barrier for Permanent Participants was that once things were developed and submitted, they often became tokenized. Therefore, in order for the ICC to create a multifunctional document, especially without the financial support of Working Groups, was an unexpected deviation from the established pathways and Council structures.

Prior submissions that were submitted to the Council via a formal pathway lead us to not expect a high interest transfer. Few people are aware of the content of Permanent Participant contribution materials for the *Heavy Metals in the Arctic* (2002), *Acidifying Pollutants* (2006), or

¹⁶ Elle Eira, interview by author, Seattle, May 22, 2018.

Arctic Biodiversity Assessment (2007); and one must dig *deep* into the Arctic Council archives to find these contributory submissions. *The Sea Ice is Our Highway*, for instance, was not just a contribution. Rather, hindsight has shown that the ICC has utilized its policy and research multifunctionality many times after AMSA's publishing in 2009: as a policy document on the Inuit position on mobility/migration/sea ice, and as a position paper submittable to other states for domestic campaigning. Therefore, multifunctionality was a meaningful result of the ICC strategy. As the ICC conducted its own in-depth dataset, it bore all costs, logistics, and provided expertise. The report did draw some data from some pre-existing 30-year studies, but it also conducted extensive interviews and case studies. In other words, the ICC leveraged the same starting point and final destination in the AMSA-informing process (solicitation and submission), but likewise found an alternative (one that was more costly, expertise-intensive, logistical, and potentially fatiguing) pathway that fit needs better.

***The Sea Ice is Our Highway* Theme Descriptions**

Using frequentative text analysis and axial coding, along with taking into account the focal points highlighted by urgency language, I identified six themes within *The Sea Ice is Our Highway* that organize and communicate distinct ways that the text communicates how shipping in the Arctic interacts—or will interact—with Northern/Indigenous ways of life. The themes themselves are value neutral, capable of containing activities that both benefit and harm. Rather, they focus on the idea of shipping as an intervention that highlights friction points that undergo negotiation in response to change. Throughout the process of creating thematic categories from the text, I used interviews to critically check my interpretations and understanding of each

document, which aided in developing thematic categories true to Permanent Participant intentions:¹⁷

Cultural Malleability encompasses discussions of adaptation and the adoption of new practices by Inuit. Historically, Inuit culture has undergone changes, adopting new practices in response to environmental variations. Today, similar adaptations and modifications take place, even if the events prompting these shifts are drastic or take place on a shorter time scale than previously. Assertions within this theme state that Inuit culture will, ultimately, survive, as adaptation is part of their way of life.

Cultural Fidelity speaks to the preservation of Inuit culture. While culture and people may adapt, it is also defined by continuity; being the same at the core. There are immutable components of Inuit culture. Consequently, fidelity concerns itself with the perpetuation of practices and movement over time, encompassing the content and modes of transmission, including stories, instruction, or supervised trial and error. Assertions that Inuit “will always be,” “still depend,” or “will do whatever it takes to continue” all speak to the ways in which Inuit culture requires a level of fidelity to its foundations.

Globalization as Intervention addresses the ways that communities and geophysical features are disrupted by increased shipping and its associated resource extraction, transportation, and infrastructure development. Disruptions and new trends may be environmental or social, and encompass the negative (e.g. disincentivizing hunting and gathering, creating breaks from the past), and the positive (e.g. prompting new infrastructure development).

¹⁷ Particularly vital in this process were my interviews and discussions with Dalee Sambo Dorough (2019), Aleqa Hammond (2018), Tony Penikett (2019), Elle Eira (2018), and Stephanie Meakin (2020).

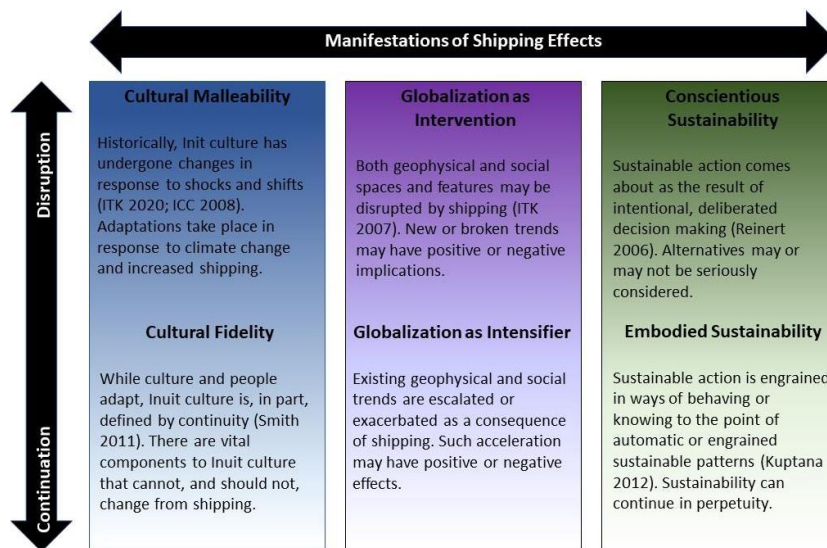
Globalization as Intensifier addresses the way existing community and geophysical processes are enhanced, escalated, or exacerbated by increased shipping and its consequences. The existing social and environmental processes' acceleration may be concerning (e.g. the exponential increase of ballast pollution) or promising (e.g. reinvigorating local economies).

Conscientious Sustainability comprises intentional decision-making by both Inuit and non-Inuit actors to incorporate sustainable practices. Alternatives to sustainability may be tempting or undesirable. Decisions made in the interest of Indigenous Peoples may or may not align with those of states or nongovernmental associations.

Embodied Sustainability, conversely, covers cases in which sustainability is natural, an inherent value or practice. Embodied Sustainability frequently emerged in discussions on Inuit practices "living in harmony" with the natural order. Embodied sustainability can be practiced in perpetuity, rather than for fifty or 100 years. It is not the result of well-made decisions, as it is with Conscientious Sustainability, but has become ingrained in Inuit culture, establishing validation through longitudinal presence.

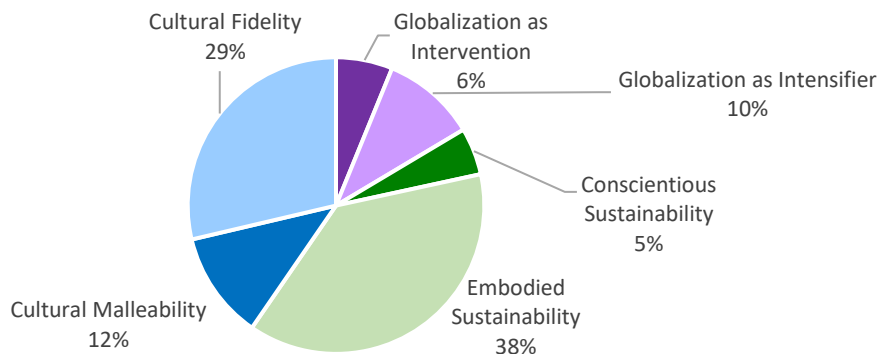
It is important to note that, while the six themes pair into three linked narratives (Cultural Impact, Globalization, and Sustainability), the themes within do not fall on a mutually exclusive spectrum. Different consequences within a single narrative can emerge from interactions with Arctic shipping at the same time. Just as shipping increases community access to herding-helping technologies such as ATVs (demonstrating *Cultural Malleability*), community resistance to adopt other technologies, such as GPS, may demonstrate *Cultural Fidelity*. Similarly, globalization may be an *Intervention* by making whale hunting impossible in an area, but may be an *Intensifier* in the same community by strengthening incentives for residents to sell handicrafts.

Image 3.1 Analysis Themes of *The Sea Ice is Our Highway*. Image by Author.



The Sea Ice is Our Highway's content can be coded among the six themes; and interviews and discussions with Permanent Participant representatives and staff further reinforced the centrality of the Cultural Fidelity and Embodied Sustainability themes. While Inuit culture was described as being inherently adaptive, partners were adamant in clarifying that there are still consequences that would prove harmful for *Inuit Qaujimaqatuqangit* (Inuit knowledge) and ways of life. Currently, the rapid changes taking place across the globe are happening even faster in the Arctic (Sambo Dorough 2019a). Events that change the geophysical foundation of the Arctic result in a shift in the traditions and practices that facilitate survival (Hammond 2018). Coded in its entirety, the spatial breakdown of *The Sea Ice is Our Highway* reveals a high emphasis on decision-making and problem-solving that is based on principles of Embodied sustainability and Cultural Fidelity.

Figure 3.1. Thematic Distribution of *The Sea Ice is Our Highway* Content



With these themes and urgency language as focal points, I turned to consider the thematic transfers to AMSA, looking at insights where narrative fidelity was particularly important to accurately portray specific situations, settings, meanings, and nuances.

Using the Coding Scheme to Analyze AMSA

The next step of the process was to identify the appearance and treatment of *The Sea Ice is Our Highway's* key themes within AMSA. The presence and treatment of these thematic categories is a good indicator of what degree Permanent Participants can project their specific interests, concerns, and prescriptions into a major Council output. There are several places in AMSA where the themes manifest: chapters, key findings, and *The Sea Ice is Our Highway* excerpt contained in Chapter 6. Each category has a different function, just as each chapter addresses a different dimension of shipping. The report is designed to be circumpolar in breadth, taking into account shipping practices, infrastructure needs, and Arctic impact (AMSA 2009, 11). The chapters are organized to provide geographical and historical background for the region, and context for the subsequent social, economic, and environmental analyses.

Table 3.1. AMSA Chapter Organization and Summarized Findings (AMSA 2009, 4-5)

Chapter	Topic	Main Topics
1	Arctic Marine Geography, Climate, and Sea Ice	Establishes a foundation for the certainty Arctic sea ice is decreasing in thickness and presence.
2	History of Arctic Marine Transport	Details history of Arctic marine transportation.
3	Governance of Arctic Shipping	UNCLOS provides a fundamental framework for Arctic governance, but there are no uniform standards for shipping.
4	Current Marine Use and the AMSA Shipping Database	Nearly all Arctic shipping is destination, but there are significant gaps in shipping data.
5	Scenarios, Futures, and Regional Futures to 2020	Arctic natural resource development and regional trade drive Arctic marine activity.
6	<i>Human Dimensions</i>	<i>Marine shipping may have positive impacts on Arctic communities, but residents express concern for social, cultural, and environmental effects of expansion.</i>
7	Environmental Considerations and Impacts	The most significant environmental threat from shipping is oil spills. Mitigation is a critical strategy moving forward.
8	Arctic Marine Infrastructure	There is a general lack of Arctic marine infrastructure, and gaps in data exist, affecting navigation.

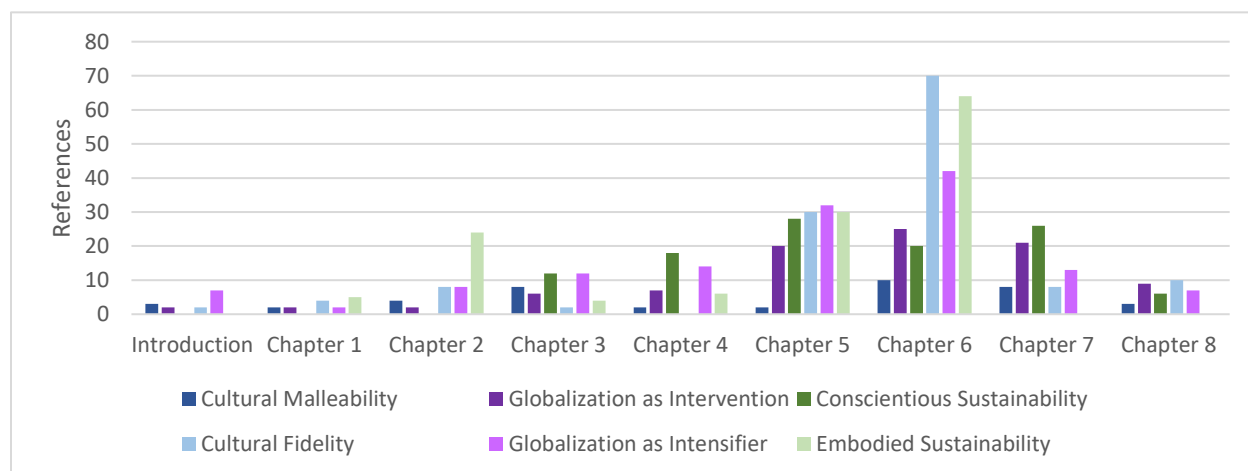
Because chapters are divided thematically, some have greater relevance to the sociocultural interests presented in the Inuit report. Each chapter concludes by presenting key findings, comprising succinct assessments of the current viability of various practices, key concerns and issues that require careful monitoring or consideration, and recommendations for future decisions. AMSA's sixth chapter, *Human Dimensions*, for instance, focuses on Indigenous and Arctic community interests and inputs to the report. Its texts, research opportunities, and key findings focus on social, cultural, and economic dimensions of Arctic shipping, suggesting potential socio-cultural benefits and detriments of increased shipping. It is within this chapter that an abbreviated version of *The Sea Ice is Our Highway* is presented. The abbreviated text entirely consists of excerpts drawn from across the text, and informs the chapter's characterization and prioritization of threats and benefits to Arctic communities (PAME 2011).

Incorporation and treatment of Indigenous interests in the non-Human Dimension chapters and key findings provide a benchmark to measure against when looking at Permanent Participant contributions in Chapter 6, a chapter explicitly designed to integrate their consultations.

Arctic Marine Shipping Assessment Chapters

As anticipated, Chapter 6's *Human Dimensions* contains the most references to contributory themes. Chapter 5, *Scenarios, Futures, and Regional Futures to 2020*, also includes case studies of Indigenous and Arctic resident concerns involving shipping disruptions to their community lives and livelihoods. Similarly, Chapter 7, *Environmental Concerns and Impacts*, focuses primarily on potential negative impacts of shipping on the environment, reflecting globalization concerns. Environmental harm leads to real human consequences that impact a community's survival. Throughout the chapters that lacked explicit Indigenous consultation (Ch 1-5, 7-8), three noticeable themes emerge. First, chapters consistently contain more references to Conscientious, rather than Embodied, Sustainability. That is, while shipping is inherently risky, AMSA asserts many effects from shipping disturbances can be "effectively mitigated through the use of best practices and management measures" (AMSA 2009, 146). This assertion further anticipates a theme apparent in Chapter 6, a distinct divergence in how sustainability is defined.

Figure 3.2. AMSA Chapters, Thematic Issue Area References

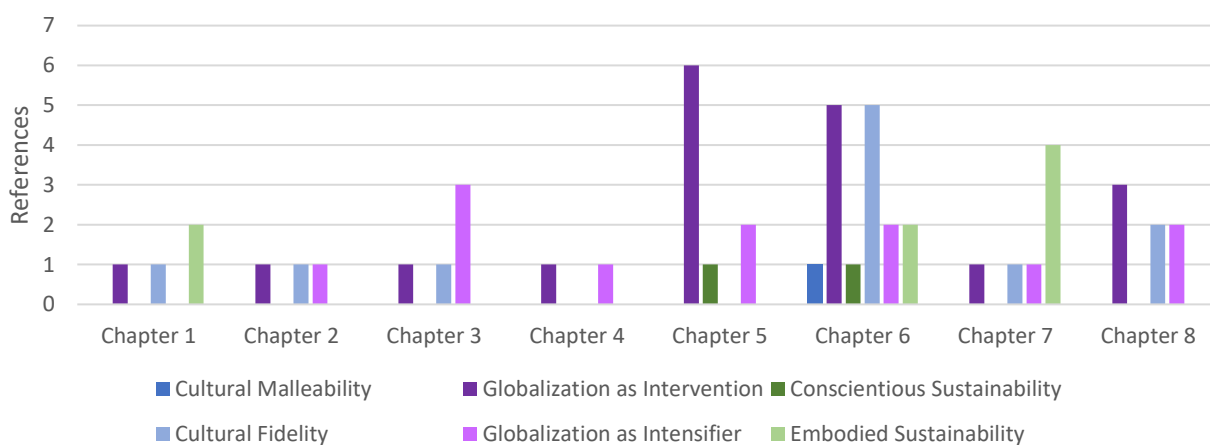


Second, the Cultural Malleability of Indigenous Peoples is referenced in every chapter. The text-as-data finding suggests that an Indigenous capacity to adapt—and for culture to evolve while still being valued and unique—is a privileged narrative in AMSA, an implication supported by deeper thematic analysis of chapter content, and contextualizes subsequent chapter findings. Third, ways that Indigenous communities benefit *and* experience harms from globalization appear in all chapters. This pattern is a promising frequentative finding, initially showing that the negative effects of increased shipping are not disregarded in AMSA. However, a frequency analysis alone cannot speak to the treatment of concerns, necessitating thematic analysis.

Key Findings

Each AMSA chapter concludes with seven to twelve key findings that summarize the main takeaways of each chapter. Here especially, concerning problems are reiterated, particularly promising activities are restated, and potentially transformative data or knowledge are showcased.

Figure 3.3. AMSA Key Findings, Mentions of Thematic Issue Areas



As the graph indicates, there is a fairly consistent appearance of Globalization as Intervention and Intensifier, which suggests that, among the issue-areas, there are supposedly always consequences for Indigenous Peoples, necessitating a subsequent analysis of the treatment of

threat and benefit consequences. There are also numerous mentions of activities that may be environmentally, economically, or socially disruptive and are clearly presented *as* potential.

There is broad agreement that oil spills are the greatest threat to the Arctic from shipping (AMSA 2009, 135), yet AMSA's treatment of this danger is largely hypothetical:

Oil spills could have effects on the animals, and therefore, the health and well-being of the Inuit (113).

In the case of an oil spill, there is an increased risk to the animals (136).

The possibility of oil spills is a major concern and hunters are especially concerned about potential disruption of marine species and their hunting practices (5).

The potentiality treatment towards disasters is not a minimization of the real dangers of increased shipping; rather it is cohesive with a major common thread between the reports, which focuses on negative effect mitigation through Indigenous consultation.

Human Dimension Chapter

While elements of *The Sea Ice is Our Highway* manifest across AMSA, the *Human Dimensions* chapter was specifically developed to communicate Indigenous concerns (AMSA 2009, 14). Therefore, it is most valuable to understand which concerns and prescriptions actually make it into the chapter, as well as their treatment. After all, alignment of topics does not mean alignment of emphasis or treatment (Mcbeth et al. 2007; Shenhav 2006). It is possible for both documents to identify the same benefits of increased shipping to rural Indigenous communities (e.g. lower cost of goods and more jobs), yet to treat the benefits differently. While the ICC characterizes these benefits as part of "the adapting process...which Inuit always have done, and will keep on doing" (SIOH 2008, 8), AMSA treats them as equalizers that demonstrate "shipping [does] not appear to be a cause of great hope or fear, but rather as an additional factor that would influence the future of Arctic communities in various ways" (AMSA 2009, 130). AMSA

identifies eleven distinct effects that shipping has on Indigenous and rural communities.

Separated into positive and negative effects, their comparison to the ICC report shows fidelity:

Table 3.2. Top Shipping Threats Articulated in Texts

<i>The Sea Ice is Our Highway</i>	<i>AMSA Chapter 6</i> (AMSA 2009, 130-134)
Oil spills	Oil spills
Inability to influence major developments/governance infringement	Inability to influence major developments
Disruption to hunters	Ship traffic disruption to hunters
Caribou migration disruption	Caribou migration disruption
Marine migration disruption	Marine migration disruption
Limitations to human movement	Social disruption
	Lack of response capability

Table 3.3. Top Shipping Benefits Articulated in Texts

<i>The Sea Ice is Our Highway</i>	<i>AMSA Chapter 6</i> (AMSA 2009, 130-134)
Increased jobs and wages	Created jobs
Opportunities to sell handicrafts and art	Opportunities to sell handicrafts and art
Community supplying and infrastructure	Community supplying and infrastructure
	Lower shipping costs to rural communities

In order to trace out these insights, I conducted two forms of textual analysis for Chapter 6: first by coding the ICC text's themes, and then by tracing the major effects of shipping articulated within the chapter. A key aim of this policy analysis was to assess threat and benefit coherence in the procession from *The Sea Ice is Our Highway* to AMSA; and the resulting systemic content analysis, particularly the AMSA's *Human Dimension* chapter, indicates that there is high narrative fidelity between the texts in the following areas:

- 1) recognizing gaps in regional data, and the need to create structures to fill these gaps (especially with ITK),
- 2) recognizing fears over the holistic consequences of oil spills,

- 3) detailing the intrinsic connection between tradition, diet, and survival,
- 4) suggesting that state and industry actors are more inclined to demonstrate
 Conscientious sustainability, while Indigenous actors are more likely to demonstrate
 Embodied sustainability behavior¹⁸; and,
- 5) prioritizing the overriding need for consultative planning in Arctic development.

Even with the high narrative fidelity, there are some minor ways that AMSA skews the weight given to certain shipping consequences. Notably, AMSA dedicates more space to the benefits of increased shipping to Indigenous communities, and dedicates a greater proportion of its text to Indigenous cultures' traditions of adaption rather than traditions of preservation. Ultimately, I argue that, because these spatial discrepancies do not translate to policies advancing Indigenous adaptation (rather, concrete frameworks for shipping and infrastructure consultation are advanced), they do not seriously undermine the overall narrative fidelity.

Narrative Fidelity Findings

A text has narrative fidelity if its content is faithful in its framing and treatment of its primary source texts. When evaluated in the context of its contributory texts, AMSA's *Human Dimensions*, therefore, should possess similar stories, values, and treatment of shipping issues as its ICC contributory text in order to have considerable narrative fidelity. The first issue-area where there is significant fidelity between the ICC's policy document and the final iteration of AMSA is recognition of the gaps in Indigenous and regional knowledge and data. *The Sea Ice is Our Highway* stated that its scope would not "provide comprehensive data on current Inuit use of sea ice, as such information is not yet available" (SIOH 2008, 2). This knowledge gap is echoed

¹⁸ Both kinds of sustainability, developed in the thematic analysis of *The Sea Ice is Our Highway*'s portrayals of different kinds of sustainable behavior, are shown in Image 3.1.

in AMSA, especially as the report states that, while tremendous efforts were undertaken to collect environmental, shipping use, and shipping route data, there is a lot of data yet to be collected:

As more ships venture into the Arctic, the demand for data will continue to increase... predicting exactly how various developments in shipping will affect Arctic communities is difficult at best, with insufficient information. Researchers cannot anticipate all information needs when conducting studies in advance. (AMSA 2009, 128)

The report states that more data must be collected to make well-informed decisions on shipping, particularly as states attempt to implement sustainable shipping. In particular, AMSA echoes this need while also proposing that, as shipping increases, researchers and policymakers will have more opportunities to track and collect data from the additional vessels. The lack of coordination among Arctic states, though, as well as difficulty in gaining data on individual craft use, complicates the process of further collection (AMSA 2009, 72). In contrast, where AMSA does stand out as compared to its predecessor (ACIA) is through its explicit calls to use ITK as data, because knowledge of how and why marine shipping matters to Arctic communities is neither “comprehensive nor exhaustive” and its insistence that stakeholders must consider “what additional work is needed to be able to prevent, mitigate, or otherwise manage shipping to reduce negative impacts and maximize potential positive benefits” (Arctic Council 2009, 125).

Most importantly, AMSA affirmed that such knowledge would need to come from communities and include Indigenous and lived knowledge. This recommendation is very different from the mindset policymakers brought into ACIA, which contended that Indigenous knowledge was only anecdotal (Brøndbo 2016). Now, Indigenous knowledge was being intentionally sought out by soliciting the ICC to create the contributory policy paper. Most apparent in the *Human Dimensions* chapter is the divergence from the large number, heavily qualitative studies on shipping use and purposes contained in Chapters 3-5 and 7-8, including

data in the form of interview excerpts, summarized findings from Arctic community focus groups, and narrative case studies from across the Arctic's regions. The cumulative result was the validation of lived experiences, both individual and community, and precedent for the use of oral histories as legitimate data. In this way, ITK became formalized and was included as data upon which a major Arctic policy and knowledge output is built. This shift is particularly vital, as the incorporation of ITK further supports the holistic framing advanced by *The Sea Ice is Our Highway*. Further, the holistic treatment of shipping centers in AMSA's *Human Dimensions* chapter, as Permanent Participant and Indigenous community contributors identified nearly 120 factors that could shape the future of Arctic marine activity by 2050.

The fidelity of Indigenous knowledge gaps and needs from contributory texts to final report is the result of previous Permanent Participant efforts with ACIA. Permanent Participant representatives, particularly from the ICC, Aleut International Association, and Saami Council, struggled to get ITK included as a legitimate form of data in the report, just as they have struggled to overcome Arctic Council bureaucracy, or to utilize interpersonal lobbying to have ITK included as a legitimate form of data in the report (Fondahl, Filippova, and Mack 2015; Simon 2017; Watt-Cloutier 2016). Because ACIA incorporated ITK as knowledge, there were far fewer barriers to ITK subsequent inclusion in AMSA. The result is that *The Sea Ice is Our Highway*, and consequently the *Human Dimensions* chapters, focus heavily on interviews and case studies. *The Sea Ice is our Highway* may not have involved intensive qualitative studies, but that does not delegitimize its contents; in the words of ICC Greenland Lene Kielsen Holm, "participant observation *is* the primary methodology" (ICC 2013, 54). Indeed, the chapter repeatedly reiterated the need to fill further knowledge gaps through community contributions

and the consolidation of narrative histories, further legitimizing these forms of data (AMSA 2009, 128, 130, 133).

The second issue-area where there is significant fidelity between *The Sea Ice is Our Highway* and AMSA is concern over the consequences of oil spills. AMSA's Chapter 7 looks at the consequences of oil spills from a purely environmental perspective, but the *Human Dimensions* chapter takes a much deeper look into *why* spills are of such concern. The effects go beyond environmental issues, including social, economic, and cultural impacts. This inclusivity is a major way that narrative fidelity is achieved, as AMSA affirms that "Arctic residents think about shipping, not by itself, but in a broader context of economic, environmental, political and social change" (AMSA 2009, 13); and it is likewise a break from earlier reports of the Arctic Council, including the *Integrated and Sustained Arctic Biodiversity Plan* (2008), *Arctic Oil and Gas Report* (2007), and even the *Arctic Marine Shipping Assessment Scenarios Pre-report* (2007), which focused exclusively on environmental consequences of oil spills. A focus on the human dimensions of oil spills is a concrete example of *The Sea Ice is Our Highway's* Confronting Global theme, including aspects of oil spills such as preparedness versus prevention, which will be discussed later.

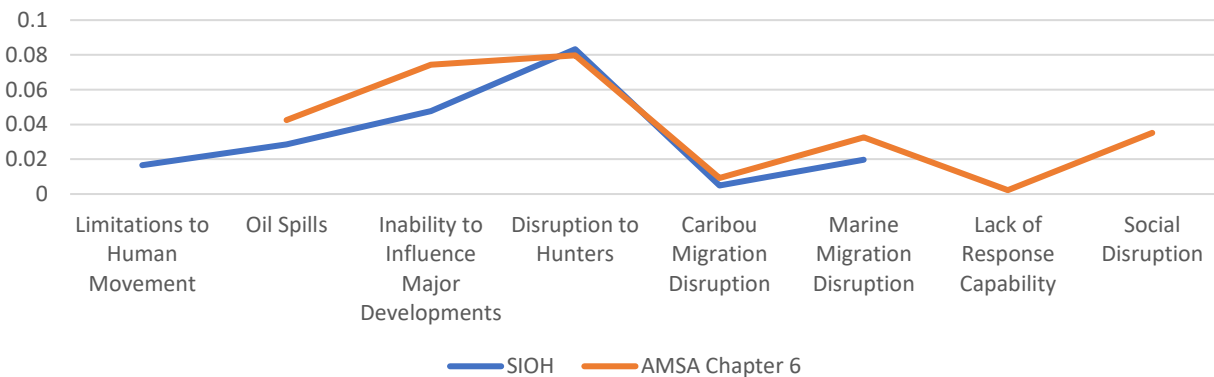
The cohesion between the two reports in their holistic treatment of oil spills (a disaster with social, environmental, economic, and health consequences) may seem basic, but represents a notable break from how many past Council assessments and reports treated oil spills. Previously, reports from the Protection of the Arctic Marine Environment (PAME) and Emergency Prevention, Preparedness, and Response (EPPR) Working Groups had discussed oil spills unidimensionally, as a solely environmental issue. When issues are siloed into separate

categories in organizational framing, it makes problem-solving more difficult.¹⁹ Fear over the consequences of oil spills links closely to the next narrative that carries over from the ICC contributory texts to the final output. That is, the recognition of the intrinsic connection between tradition, diet, and survival.

AMSA repeatedly asserts the importance of country food²⁰ for Indigenous diets, both in terms of survival and the cultural aspects of diet. There is significant focal fidelity in the text's focus on the effects of increased shipping on animal migration and hunting, which has direct implications for the health of the animals that make up traditional diets. The broad nature of what it means for something to be essential transferred from *The Sea Ice is Our Highway* to AMSA. An essential practice may be one that contributes to an individual's survival, a community's survival, or a culture's survival (ICC 2008). There are multiple layers to what is considered essential, the nuances of which do not always translate well from Indigenous primary texts to organizational documents (ICC 2013). The discussion in Chapter 6 regarding diet referenced both survival and the centrality of diet in perpetuating Inuit culture. The chapter did not draw a hierarchy between the two functions of traditional diet. When more than 95% of some communities' total subsistence harvests are marine-based resources (Arctic Council 2009, 108), survival practices also have great cultural importance, echoing the warning of the ICC: "hunters are going to adapt, but they cannot survive without healthy animals to eat" (130).

¹⁹ Inuit Circumpolar Council staff member. Interview by author. Montreal, October 4, 2019.

²⁰ Traditional Inuit food, including game meats, migratory birds, eggs, fish, and foraged foods. Environmental and socioeconomic changes have threatened food security, making country food difficult to harvest.

Figure 3.4. Text Dedicated to Threats from Shipping in Analyzed Texts (percentage)

AMSA's acknowledgement of the potential effects that oil spills have on animal life is not particularly surprising. What *is* surprising is that AMSA trends mirror those of *The Sea Ice is Our Highway*, dedicating similar textual space to these issues, rather than minimizing or tokenizing such threats. This is a major way that the ICC report includes human dimensions in its presentation of environmental issues within Chapter 6, and it differs from the purely environmental discussions of Chapter 7, *Environmental Considerations and Impacts*, which does not take into account the human dimension of pollution and waste. Naturally, therefore, threats such as oil spills, noise pollution, and waste disposal are not just environmental issues, but represent all-inclusive threats to the Arctic. The holistic addressing of spill consequences is a major way in which *The Sea Ice is Our Highway* influences the *Human Dimensions* chapter.

Another area of fidelity between the texts is an emphasis on sustainability, whether via the areas Conscientious or Embodied. These two categories represent two ways that sustainability is characterized within *The Sea Ice is Our Highway*. The report provides extensive examples and varied case studies of sustainable behavior, simultaneously denoting the cases' inherent, reflective, or deliberative qualities, both in explicit terms, as well as through the descriptive qualities assigned to the cases. While the ICC does not use the terms Embodied or Conscientious as explicit labels, the theme titles are drawn from the adjectives it uses to

implicitly categorize examples of sustainability in the report.²¹ Narratives of the Conscientious sustainability theme frame sustainability as a choice. Choices may arise between more vs. less sustainable actions, sustainable vs. unsustainable actions, or may introduce the question of whether to adopt mitigating behaviors (Higgins-Desbiolles 2009); and they may be complicated by social, economic, or environmental factors. Alternatively, Embodied sustainability themes characterize sustainability that is central to a way of life or embodied in one's nature. These general characterizations of different kinds of sustainability are present in North and Central American environmental stewardship literature (Corntassel and Bryce 2011; Cotterell et al. 2020; Delgado-Serrano, Escalante, and Basurto 2015), as well as resource consumption literature (Watkins, Aitken, and Mather 2016).

While both characterizations of sustainability are contained within *The Sea Ice is Our Highway*, there is an overwhelming emphasis on Inuit practicing *Embodied* sustainability. Moreover, the text explicitly self-characterizes Inuit traditional knowledge and ways of life to be “about continuing to be able to use the land and sea the same way our ancestors have done for thousands of years” (ICC 2008, 27), and *The Sea Ice is Our Highway* demonstrates a keen attention to *Embodied* sustainability, something inherent to the Inuit mentality, or way of life:

It is the Inuit position that any action or intervention that affects their land must protect the environment, wildlife, and therefore the Inuit people in such a way that they can continue to live off this land for thousands more years. This is the standard of sustainable use that they insist upon. (SIOH 2008, 6)

Behaving in ways that allow people to continue their traditions “in perpetuity” is part of Inuit culture (ICC 2008, 6). Yet within the ICC text, there are also some examples of Conscientious sustainability in Inuit communities across the Arctic. Land claims agreements contain negotiated

²¹ Another word used to describe anecdotal examples of sustainability resulting from intentional decision making in the face of multiple options is *deliberative* sustainability (ICC 2008, 14).

standards of sustainability, communities place hunting caps on monitored species, and towns negotiate with companies to balance industry and growth:

We deal with the shipping companies. Consider Tuktoyaktuk on the Beaufort Sea coast. We have done some things where, after freeze-up, the ships are not allowed to come into the harbor... usually we do have a say on whether ships can use the area, but times are changing and every year we approve applications to come into the harbor later and later. They wanted to do that the year before last, too, but we had to say no. (Chucky Gruben, qtd. in SIOH 2008, 12)

On the whole, the text communicates the ICC's consideration of Inuit culture to be inherently sustainable, a trait state and industry actors do not embody (Dove 2006).

Applying the Embodied and Conscientious Sustainability themes from *The Sea Ice is Our Highway* to examine AMSA's nineteen case studies, we see that AMSA does tend to characterize sustainability behaviors along these two portrayals. The fourteen cases of state/industry sustainability portrayed thirteen cases of sustainable development coming about as the result of Conscientious sustainability, while one case showed sustainable development brought about because the sustainable option was in line with actor commitments, and presented as the only moral option; alternative options were not valid options because of their negative environmental effects. Of the five case studies examining Indigenous actors²², decisions and explanations for behavior were universally explained as part of tradition or part of inherent commitments to ancestral homelands and ways of life. The result is that both texts implicitly ascribe certain sustainability characteristics to state/industry (i.e., Conscientious) and Indigenous (i.e., Embodied) actors.

In this way, AMSA presents Conscientious sustainability through examples of voluntary initiatives and deliberative decision-making, wherein state and industry actors choose self-

²² Note that these are case studies examining Indigenous actor behavior; some of the state-centered case studies involved Indigenous stakeholders who were affected by outcomes, but not decision makers.

imposed industry guidelines and national laws and regulations, even as these regulations range from “exceedingly stringent controls” to “considerably more flexible management techniques” (AMSA 2009, 99). As the prior descriptions of the narrative themes emerging from analysis explain, neither Conscientious nor Embodied sustainability is superior to one another. Each one simply reflects a different way of thinking about the roles of intent, impact, options, and agency in sustainability. Theorizing on sustainability narratives suggests that each understanding—Conscientious and Embodied—has different strengths and applications; it is just important to avoid drawing a strawman hierarchy between the two (Strand, Freeman, and Hockerts 2015; Simon 2002).

AMSA does present some cases representing Embodied sustainability, though the theme is almost exclusively linked to Indigenous Peoples and case studies. In doing so, AMSA reveals a trend in ascribing characteristics to actors. While its content does not yet explicitly suggest either Conscientious or Embodied sustainability is better, its choices and framing of case studies is revealing of more pervasive biases, including the fact that Indigenous actors tend to be associated with embodied, or inherent practices of sustainability, while state and industry actors are associated with a form of sustainability that emerges from deliberative decision making. In doing so, it implicitly advances the continued perception of these actors in such ways.

While AMSA contains a self-imposed divergence in who practices which type of sustainability, does this mean that there is narrative divergence between the texts? In order to answer this question, we need only look back to the ICC’s own characterizations of desirable sustainable behavior and sustainability practiced by Inuit. In considering this divergence, we need to take care not to fall into the trap of ascribing any diverse group of peoples as inherently sustainable. ICC report writers act as representatives of the circumpolar Inuit communities, and

as such, any published materials must undergo considerations by state leaders and elders. If we return to the thematic breakdown of *The Sea Ice is Our Highway* (Figure 3.1), we see that sustainability behaviors practiced and valued by Inuit fall within both Embodied and Conscientious categories, but emphasize the former. Both texts advance the stance that there are multiple forms of sustainability.

The self-ascription of a sustainability reputation within *The Sea Ice is Our Highway* has been a tactic used in Indigenous internationalization strategies for decades. States, NGOs, and other interested international community members have demonstrated that they will, if not checked, delineate sustainability and indigeneity in highly essentialist ways that do not necessarily reflect Indigenous needs (Dove 2006). Consequently, the internationalization strategies of Indigenous nations—from North America to Australasia, and from Latin America to Scandinavia—have often dedicated significant time and resources to advancing core sustainability criteria and definitions in their interactions with regional and international bodies. Indigenous representatives from Mexico attending the United Nations Working Group on Indigenous Peoples through the 1980s and early 1990s have been showcased by scholars and activists alike for their success in shaping the United Nations' discourse on sustainability. The representatives strategically advanced understandings of inherent sustainability and indigeneity that, while arguably not representative of the nuance associated with either, certainly made it easier for Indigenous Peoples to self-define their own indigeneity, and paved the way for ITK language to be brought into select United Nation forums (Dahl 2012; Escárcega 2010).

If AMSA only presents cases of Embodied Sustainability among Indigenous actors, though, what examples of deliberative sustainability does it give, and to whom does it turn to, for case studies? Conscientious sustainability cases include oil spill risk mitigation, investment

decision-making, and quality infrastructure development. All of these categories, though, fall within the domain of corporations and nation-states, which are privileged through their extensive resources available to fund risk mitigation; and the AMSA does recognize the threats associated with increased shipping (see figure 3.4), arguing that “many of these risk factors can be mitigated with the use of highly capable polar ships with experienced Arctic mariners” (Arctic Council 2009, 104). In this way, mitigation is determined by scale, and AMSA explicitly proposes that the quantity of shipping determines whether the effects of shipping are largely beneficial or otherwise (ibid., 129) such that there is a “high expectation” for the adoption of stringent preventative measures and “thorough mitigation and restoration measures in the event of an oil spill (Arctic Council 2009, 175).

In terms of the human dimension, AMSA suggests that the cultural effects of shipping and development may “be generally anticipated to be negative, but this is not necessarily the case” (Arctic Council 2009, 132). Environmental impacts and exposure to outside influences can cause cultural loss, but tourism can boost local cultural awareness and greater economic well-being, facilitating cultural program investment. Mitigation is practiced through intentional efforts to channel resources into local economies, which can be funneled into cultural programs and projects. Conscientious sustainability in the human dimension requires more consultation. A risk may have serious consequences, but it may be unlikely to happen because of stringent mitigation. As ICC representatives affirm, conscientious decision-making is needed to ensure that communities experience *benefits*, not just risks, from shipping.

Finally, one of the strongest thematic influences from *The Sea Ice is Our Highway* to AMSA is the prioritization of establishing consultative planning frameworks in Arctic development. Throughout the Arctic Council’s existence, Permanent Participants have expressed

concern about being unable to influence development in the Arctic, particularly economic and infrastructure projects (Arctic Council 2000; ICC 2013; Koivurova and Vanderzwaag 2007). The *Human Dimensions* chapter, along with recommendations from Chapters 2, 4, and 7, present a call for consultative approaches that are adaptive, allowing for adjustments and alterations based on experience and evaluation as changes take place, rather than creating a fixed system, which may be ineffective when unanticipated events occur (Arctic Council 2009, 129). After all, a major theme in the ICC report—along with Permanent Participant communications in Ministerial meetings—is that Indigenous Peoples are adept at adapting to changes. The need for consultation is rooted in the fundamental difference in how Permanent Participants and state/industry actors think about sustainability. State and industry actors seem to consider sustainability to only be the minimization or mitigation of negative environmental effects, yet *The Sea Ice is Our Highway* clearly says that if something cannot be done in perpetuity, it is not sustainable:

In recent times, many people in business and government and universities have begun to speak about sustainability. They speak about sustainable development, for example, which seems to mean different things to different people... The point is simply this. As a people who have lived in harmony with our ecosystem for thousands of years, we have a very different concept of sustainability. For us, an action that can continue for ten or twenty, or even fifty years before its damaging effects are seen does not qualify as sustainable. A way of doing things... that could continue for hundreds and thousands of years... for it to meet the Inuit standard of sustainability. (2008, 22)

In the face of uncertainty, a collaborative management approach is identified in both reports as a *requirement* for Arctic organizations to harness positive benefits of change while mitigating negative impacts (ICC 2008, 27; Arctic Council 2009, 128). Increased shipping can supply communities with building materials and store goods, which would bring about a “welcome reduction” in the high cost of living in the Arctic, but “only with careful monitoring and conscientiousness” (Arctic Council 2009, 126). In both texts *change* was framed as a value-neutral event, containing no references to benefits or harms, but as something that could bring

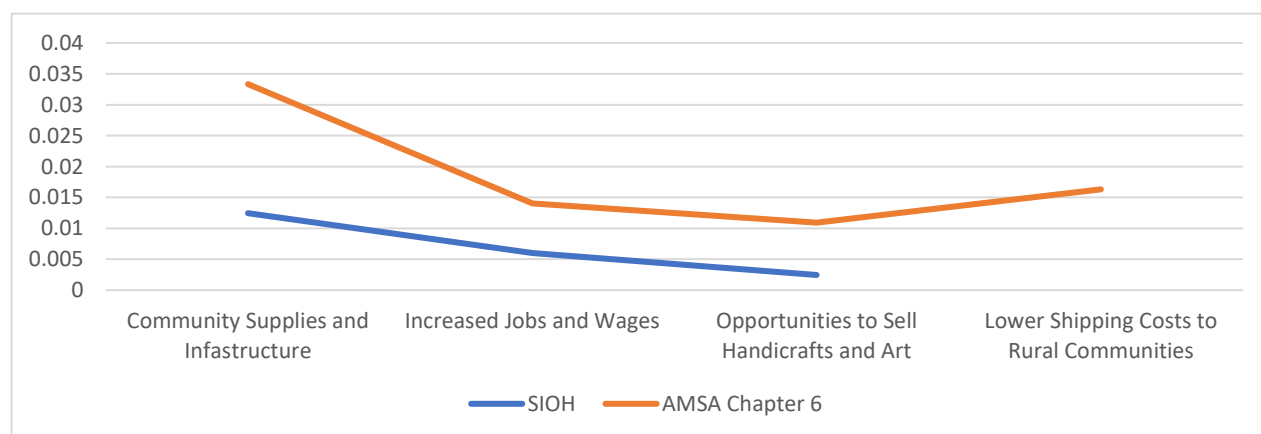
either depending on how much planning goes into decision-making. The ICC clearly states through their report that change without consultation would be very unlikely to organically bring about any positive effects to communities (ICC 2008, iii).

Narrative Divergence Findings

Just as texts may have narrative fidelity to their foundational and contributory documents, as well as to organizational narratives and values, there may be thematic elements that do not transfer into a text's final form. These narrative threads that fail to make the final document are just as worthy of attention as themes that do get transferred but take on different framing or treatment compared to the original documents (also known as a narrative skew; Entman 2004). It is important to note that as *The Sea Ice is Our Highway* content went through deliberation and incorporation processes, ultimately making it into AMSA, there is a surprising and significant degree of narrative fidelity. In the two cases where there is less fidelity, the same issue-areas are discussed, but make up significantly different textual space, and are given a narrative skew compared to their treatment in *The Sea Ice is Our Highway*.

The first point of narrative divergence is the increased attention that AMSA dedicated to the shipping benefits for Indigenous communities compared to *The Sea Ice is Our Highway*.

Figure 3.6. Text Dedicated to Shipping Benefits in *The Sea Ice is Our Highway* and AMSA (percentage). Figure by author.



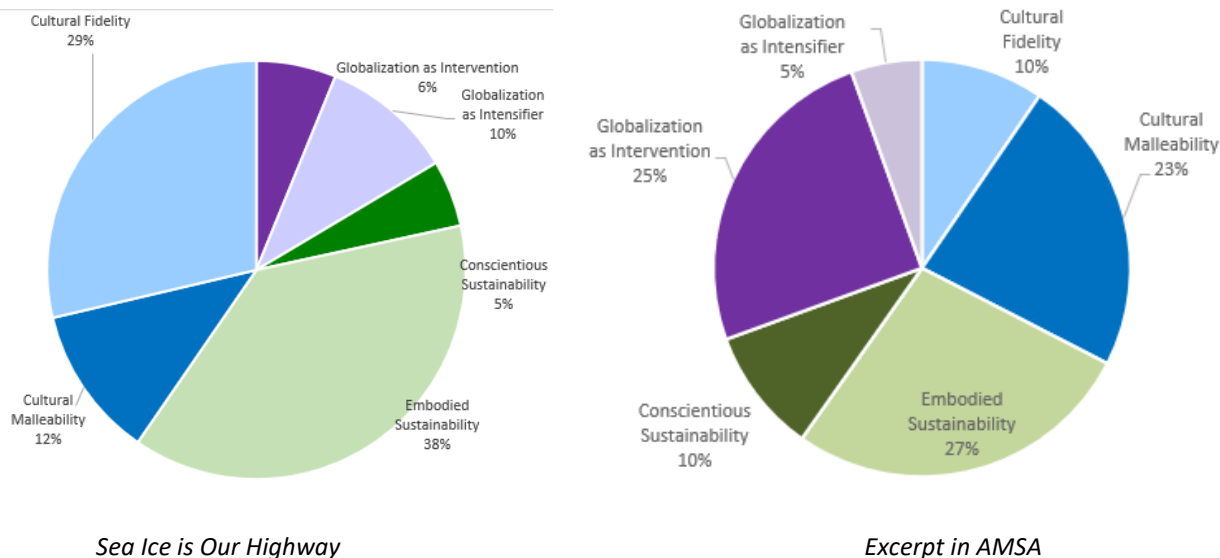
Both texts agree that benefits exist; however, AMSA spends more space discussing a greater number of potential benefits.

In addition to spending a greater proportion of its text discussing the benefits of increased shipping, Chapter 6 characterizes the economic benefits with more vivid language. Benefits are overwhelmingly focused on re-supply and job growth (the latter of which further contributes to the growth of community infrastructure). These “vital and lucrative” consequences can reduce the high cost of living in the Arctic while being a critical relief for households that rely on earnings to supplement sustenance hunting and foraging (AMSA 2009, 79, 129). There are also tangential, universal benefits from increased data production: predicting weather patterns, identifying ecologically sensitive areas, and facilitating a more stable legal framework. Taking in AMSA’s *Human Dimensions* chapter without preceding document context, the presentation suggests shipping in the Arctic is economically balanced. While the ICC discusses the same benefits, it more adamantly clarifies that benefits are *not* a guarantee, but are wholly dependent on consultation and pre-planning. Additionally, the benefits that *are* discussed in the report are presented conditionally: benefits are unlikely to be conferred to communities from shipping unless Indigenous consultation is consistently and rigorously employed. In other words, the ICC says there is nothing wrong with identifying benefits, so long as the benefits are not skewed to draw attention away from threats or overstated. Yet AMSA does both.

The second thematic divergence takes place in a short yet important part of Chapter 6: *The Sea Ice is Our Highway* excerpt; that text is directly incorporated is not a guarantee that ICC messages and intent are presented with fidelity. A thematic analysis of *The Sea Ice is Our Highway* and its related excerpt reveals the fact that the amount of space dedicated to each theme—and thus the importance and prioritization of each theme—varies between the text in its

entirety and the excerpt in AMSA. Each text was coded adhering to the principles of unidimensionality, exhaustiveness, and mutual exclusiveness (Schreier 2012).

Figure 3.7. Thematic Distribution of *The Sea Ice is Our Highway* and AMSA Excerpt



The excerpt places a greater emphasis on Indigenous adaptation while minimizing tradition preservation, or fidelity. There is an over-emphasis on *Cultural Malleability* in the excerpt that is not present in *The Sea Ice is Our Highway*, which dedicates more text than its excerpt in AMSA discussing the importance of maintaining Inuit culture, traditions, and ways of life. Though this excerpt is only a small portion of the *Human Dimensions* chapter, how the ICC's work is selectively prioritized in AMSA is revealing and shows where improvements can be made in maintaining narrative fidelity, such as in the treatment of Cultural Fidelity versus Cultural Malleability. The discrepancy is worth noting, but it does not negate the broader findings of narrative fidelity that exist from the contributory text to AMSA.

Table 3.4. Text Space Dedicated to Theme in *The Sea Ice is Our Highway* and AMSA (%)

	Cultural Malleability	Cultural Fidelity
<i>Sea Ice is Our Highway</i>	12%	29%
AMSA	23%	10%

When discussing Cultural Fidelity, it is important not to conflate this with cultural staticism, the fallacy that a practice can only be considered traditional if it existed pre-contact (Henderson 2006). Cultural staticism has a long history of being used as a discursive tool by colonial states and societies to harm Indigenous Peoples, dismissing natural social changes. At the same time, it is also dangerous to over-emphasize cultural malleability by saying Inuit have a long history of adapting, and can therefore adapt to future changes.

Fidelity to cultural practices is affected in numerous ways by increased shipping in the Arctic. Included are promotion opportunities for people to sell handicrafts and engage in practices that alone would not provide sufficient income, or, alternatively, poor sea ice and busy waterways may deter people from continuing traditional practices. Similarly, shipping affects cultural malleability, as its presence could highlight how caribou migration is facilitated by ATVs, but could also show how water travel with GPS becomes increasingly adopted as sea ice patterns become inconsistent and old landmarks disappear. Neither cultural fidelity nor malleability is inherently superior to the other. They are both aspects of life that may be affected by shipping. To illustrate, while there is a long history of cultural immobility that harms Indigenous Peoples²³, it is an error to uncritically adopt the perspective that Indigenous Peoples have a long history of adapting, and therefore will adapt to whatever may change in the Arctic (Douglas 1994; Patrick 2005; Sambo Dorough 2020) while presenting an inaccurate assessment of climate change. It becomes clear that the real issue is when cultural fidelity and malleability are presented with disproportionate weight vis-à-vis the other, as over-weighting on one or the other fails to capture reality.

²³ Most clearly seen in the court cases of multicultural colonial states (Australia, Canada, New Zealand, and the United States) that based rulings on the premise that protected Indigenous traditional rights are defined by the point up until their societies came into contact with settlers and colonial powers (Youngblood 2006).

The implications are dismissive of the fundamental tenets of Inuit (and circumpolar Indigenous) cultures, which are tied to the realities that the Arctic is vulnerable to climate change and environmental impacts of shipping. In affirming that “[the] entire [Inuit] culture and identity is based on free movement on the land and sea,” the ICC states that there are limits to cultural malleability (AMSA 2009, 126). While Inuit have resolved to adapt to the changing climate and thinning ice as best as they can—and show considerable confidence they will succeed—the ICC states that it is less sure about what increased shipping may mean for the future (ICC 2018).

The Aftermath of AMSA

Empirical work affirms that AMSA became an important and influential document by compelling countries to establish specific rules on activities that disturb marine life within their national jurisdictions (Moore et al. 2012), shaping the strategic guides of multiple Arctic stakeholders as a policy document (Brigham 2013), and facilitating regulatory advances in the UN International Maritime Organization (Stokke 2013). As stated by Young, “It is easy to dismiss [Arctic Council] products of this kind as paper contributions that have little bearing on what happens in a region like the Arctic. But to do so would be a mistake” (Young 2005, 47). These reports have played a major role in framing and highlighting issues on the Arctic agenda, and are major contributors to the Council’s expansion from its original, narrow mandate against the protests of the United States, Denmark, and Russia (Koivurova and Vanderzwaag 2007; Senior Arctic Officials 2016)²⁴. In the process, they have captured the attention of the Arctic states, including the United States, which normally operates as an actor that shuns formal

²⁴ Of which, Russia and the United States threatened to walk away from the Council when other members began their attempts to expand the Council’s mandate and introduce policy recommendations (Chater 2015; English 2013).

regional entanglements (Brigham 2016; Young 2005). Moreover, AMSA has acted as a benchmark for those desiring to measure changes in the Arctic actor behavior over time.

Within the Arctic Council, we can trace AMSA's actual, direct influence on subsequent forum projects and declarations. In 2011, the Arctic Council published the *Community-Based Monitoring Handbook: Lessons from the Arctic* report, which contained best practices and recommendations for researchers to incorporate Indigenous, traditional, and local knowledge in research and policy. Two years later, reflecting on the strengths and weaknesses of AMSA, the ICC held a workshop in March 2013 entitled, *A Circumpolar-Wide Inuit Response to AMSA*. Its proceedings, minutes, and final report were hosted on the ICC and Arctic Council online archives, totaling 143 pages. The workshop brought together Inuit citizens and representatives from across the Arctic to respond to AMSA, which "put forward many recommendations that we Inuit wanted to understand and respond to" (ICC 2013, 5). The ICC took great interest in AMSA's recommendations, and the Nuuk Declaration in 2010 gave rise to a four-year directive to ICC, a specific mandate which called upon the ICC executive council to be "actively involved in promoting the implementation of the recommendations of AMSA, especially those provisions that aim to protect Inuit seas and coastal zones" (ICC 2012, sec. 33). The ICC's deliberations and subsequent report were incredibly valuable for analysis triangulation, providing additional and direct insights on whether Inuit representatives believed AMSA had captured the spirit of *The Sea Ice is Our Highway's* messages from those who had been involved in the drafting process. The response affirmed that Arctic shipping cannot be separated from international Arctic governance, and that Inuit must play a greater role in the Arctic Council (ICC 2013, 6).

ICC representatives noted that they were pleased with the drastic increase in state-funded land- and sea-use documentation studies by Canada, the United States, Finland, and Russia, as

well as the Inuit community-led processes to document land use in the event of future ownership disputes. This advances AMSA and *The Sea Ice is Our Highway's* shared goal of filling in data gaps. The United States and Canada, in partnership with AIA, ICC, the PAME Working Group, and Korea Maritime Institute, would go on to fund the development and testing of the *Arctic Marine Indigenous Use Mapping: Tools for Communities* in 2016, an open-source software for coastal Indigenous communities to develop scientifically justifiable maps of Indigenous marine use to inform state and organizational policies. Former Senator Charlie Watt noted that while he was pleased with the continued consultation *in practice*, he was also disappointed there was no concurrent Inuit consultation on international continental shelf law (ICC 2013, 22). Additionally, the ICC believed AMSA could have used more meaningful engagement with traditional knowledge when establishing standards for ship operator training (as AMSA relied on large-n data on southern operators in those chapters), and was concerned about the number of voluntary sustainability measures in shipping. The foremost concern was oil spills. AMSA, the ICC asserted, dedicated far too much space on spill response preparedness rather than *prevention*. This prioritization of prevention is consistent with *The Sea Ice is Our Highway*.

A repeated point made in the ICC proceedings and final report was the rhetorical and substantive importance of *The Sea Ice is Our Highway* due to its creation independent of the Arctic Council. Independence facilitated more intensive, accurate, and relevant work (ICC Chair Greenland Alfred Jakobsen qtd. in ICC 2013, 59). Duane Smith also praised the project's independence. Were the report to be developed in a Working Group, it would have opened the possibility for the content to be moderated or negotiated with other Working Group members. As it was, *The Sea Ice is Our Highway's* findings reflected the formal Inuit leadership's position, as well as the direct contributions of real community members. Finally, the ICC emphasized that

policymakers need to understand that ice, land, and water are all the same in Inuit tradition. This distinction preceded the ICC initiative to charter what would become *The Sea Ice Never Stops* (SINS, 2014), a follow-up report to *The Sea Ice is Our Highway*.

The 2014 *The Sea Ice Never Stops* was designed as an ongoing contribution to AMSA, filling in previous gaps in Indigenous and land/sea use data, further articulating the ICC's position on the human dimension of sea ice, and including input from Inuit across the globe (as the 2008 text was limited to Canada). The document details that "due to resource and time limitations, [earlier] work focused on interviews within Canada" and that *The Sea Ice Never Stops* updates and expands on the earlier report's content with material on the United States, Greenland, and Russian regions of the Inuit homeland (ICC 2014, 4). It takes into account literature published after 2008 on sea ice from public policy and natural and social science disciplines to "frame the [sea ice] dialogue from an Inuit perspective and to discuss the issues related to land and sea ice use as [Inuit] see them" (ICC 2014, 4). As with its predecessor, the report contained a disclaimer that its content did not necessarily reflect those of the Arctic Council or Sustainable Development Working Group. Whereas the ICC report was an independently conducted, yet Arctic Council solicited, endeavor, *The Sea Ice Never Stops* was a full ICC initiative from inception to publication. In addition to contributing to (and later critiquing) one of the Council's most widely influential reports, its content has since gone on to affect the recommendations of non-Arctic Council organizations and agreements, including the 2015 updates to the *Arctic Offshore Oil and Gas Guidelines*, which is a non-binding baseline that sets standards for binding state-level oil and gas extraction, and waste management.

Within the Arctic Council, AMSA's *Human Dimensions* content led to parallel human dimension sections in the legally binding *Arctic Search and Rescue Agreement* (2011), *Arctic Oil*

Spill Preparedness and Response Agreement (2016), and the *Agreement on Enhancing International Arctic Scientific Cooperation* (2017).²⁵ The *Status on Implementation of the AMSA 2009 Report Recommendations* (2017) evaluation reviewed how AMSA's recommendations had been implemented and incorporated into these three subsequent agreements. When evaluating these agreements, we can see the clear presence of human dimension themes. Specifically, the traditional diet needs identified in *The Sea Ice is Our Highway* are present in these subsequent agreements, testifying to AMSA's influence on international agreements.

Combining the findings of *Status of Implementation of AMSA* with a policy tracing approach of AMSA itself, there are several significant consequences where AMSA shaped the content of binding agreements and codes, as well as state Arctic strategy documents. In 2010, The International Maritime Organization (IMO) updated its *Guidelines for Ships Operating in Polar Waters*. Yet even more significant was its later implementation of the *Polar Code* in 2017. The *Polar Code* covers maritime safety, environmental requirements, and draws from AMSA's large-n and Indigenous data (Assembly resolution A.1024(26)). The code can be considered a first step in ensuring safe ship operations (for ships and regional communities alike) in the Arctic waters, especially as its adoption is an unprecedented achievement in the governance of polar shipping, and its enforcement applies to ships sailing under all flags. While the IMO had been working for nearly two decades to develop the *Polar Code*, it was not until AMSA's release that the *Polar Code* incorporated standards of safety when operating in proximity to vulnerable coastal communities or considered impacts on traditional livelihoods (Schopmans 2019).

²⁵ Canada, Iceland, Finland, Norway, Russia, Sweden, and the United States were signatories to all three agreements.

Image 3.2. Actor Strategies that Incorporate AMSA-Reflective *Polar Code* Standards (United States 2013; EPSC 2019)



The *Polar Code*'s adoption to the IMO brought a host of complications. Sambo Dorough critiques that there were few options for direct input by Arctic Indigenous Peoples. Some IMO individuals did identify and reference risks posed by shipping to Arctic Indigenous and local communities (Sambo Dorough 2017b, 98). Several scholars argued that more effort should have been made to engage Indigenous Peoples, particularly those with strong maritime backgrounds. ICC leadership had not made an active effort to contribute directly to the IMO's new code due to limited organizational time and resources, and the inherent disadvantage of engaging procedural reform in a space that centers heavily on state and power-driven processes (Sambo Dorough 2017b, 98). The ICC also trusted the Arctic states to negotiate a constructive and meaningful *Polar Code*. Given that there was not consistent or extensive direct involvement by Arctic Indigenous Peoples in international treaties and agreements, the high degree of Indigenous input into AMSA indicates a positive trend wherein consultation policies build upon one another.

At the state level, there are numerous state-led reports, surveys, and studies crediting AMSA as a foundational document²⁶. For brevity's sake, I consider binding texts and projects that entailed large financial commitments of states to better illustrate AMSA's real, behavior-

²⁶ From both Arctic and non-Arctic states.

altering influence. Sweden (2009), Canada (2010), Russia (2012), and Finland (2016) all became signatories to the *Ballast Water Management Convention (2004)*, an internationally binding treaty requiring states to follow standards for the management of ballast water to control the spread of invasive organisms. The spread of invasive species through shipping can cause serious disruption to traditional diets (Reo et al. 2017). SAO meeting minutes indicate that AMSA data influenced the convention's considerations of invasive species and waste management (SDWG 2009; SAO 2010, 2011, 2016). Similarly, Iceland adopted 2010 regulations banning ballast water release within its jurisdiction, a major way through which invasive species are spread. The regulation is based on the convergence of large-n studies and traditional knowledge, including the same stipulations as the *Ballast Water Management Convention*.

In addition to binding itself through the aforementioned three Arctic treaties, the United States committed itself to recognizing Indigenous interests domestically. Based on AMSA's recommendations, the U.S. Bureau of Ocean Energy Management, Regulation and Enforcement funded expansive studies and surveys of Alaskan Arctic marine area uses²⁷. These studies departed from previous domestic projects by the heightened degree to which they focused on Indigenous sustenance activities, an aim that had previously been delegated to underfunded community bodies (Sidorova 2019). The U.S. Coast Guard developed guidance for tribal consultations and created a full-time Tribal Liaison position to broaden consultations with tribal governments (Executive Order 13175). The adoption of these domestic measures in the United States is remarkable given its earlier reluctance to treat Arctic Council outputs as policy documents.

²⁷ See for example Stephen Braund and Jack Kruse's annual assessments of sustenance bowhead whaling, and Michael Galginatis's 2009-2014 OCS Studies.

Both path dependency and process-sequencing argue that sequence matters. Meaningful events and critical junctures set trajectories and expectations. However, the frameworks diverge in their belief of *when* important junctures take place, how strongly early precedent-setting binds later behavior, and whether organization members can leverage periods of friction to broadcast their needs (Peters, Pierre, and King 2005; Howlett and Rayner 2006). Proponents of path dependency would look to the numerous cases where Permanent Participant materials had been tokenized or not integrated into Council outputs and anticipate this trend would continue with ACIA or AMSA. Moreover, they would find it particularly compelling that the United States and Russia had, many times during the Council's first five years, kept Permanent Participants from making policy recommendations or utilizing ITK in regional assessments, establishing a trajectory early on (Chater 2016b; Sidorova 2019). Yet AMSA ended up being a critical juncture of its own: a convergence of global interest in a particular issue-area created friction, during which Permanent Participants made a concentrated effort to break the pattern of material submission and tokenization, meshing well with the predictions of process-sequencing. Once AMSA was published, it itself became a focal point whereby sequence mattered: its status as the first assessment on Arctic shipping gave it a special legitimacy and validity to many Arctic and non-Arctic actors alike (Brigham 2013). In other words, AMSA *as a final output* was a result of trajectory shifts brought on by Permanent Participants during frictions, even as AMSA *as a first assessment* gained a trajectory of its own. For every state domestic policy paper it informed, or the binding agreement section on consultation it shaped, its legitimacy grew.

Conclusion

There are four primary ways through which the interests and framework of *The Sea Ice is Our Highway* were injected into AMSA. First, both reports call for the continued application of

ITK in filling data gaps. In this theme, ITK continues to be legitimized as a valid and useful form of knowledge, illustrating a specific example through which the regional norm canon continues to evolve. As AMSA is also meant for external audiences, the Council's incorporation of ITK signals support for existing international law (UNDRIP and ILO).

Second, there is remarkably similar identification of the potential threats and benefits associated with shipping. There is especially similar textual space dedicated to, and treatment of, threats between the two reports. However, while the potential benefits of shipping are almost identical between the texts, AMSA spends, on average, twice as much space discussing the benefits. It also tends to frame the benefits through a mitigation lens, suggesting they can offset the threats of shipping. *The Sea Ice Is Our Highway*, meanwhile, recognizes the benefits, but separates them from threats, communicating that the two kinds of consequences must be evaluated on their own merits. One should not be used to undermine or skew the other.

Third, both reports perpetuate generalized portrayals of what kinds of sustainability are associated with state, industry, and Indigenous actors. A thematic analysis of *The Sea Ice is Our Highway* revealed that the numerous anecdotal examples and case studies of sustainable behavior are characterized in one of two ways: as behaviors that are Embodied, part of traditional ways of thinking or behaving that “are internalized, or engrained through culture”²⁸, or as behaviors that are Conscientious, those requiring deliberation or a weighing of options in the face of appealing potential benefits. The tendencies of the texts to perpetuate portrayals of these actors matters. Perception of these actors' inherent inclinations to one kind of sustainability or another has the potential to cause friction, or to highlight the value of having diverse actors at the table where decisions are made. Friction can emerge when different members of an organization are drawing

²⁸ Norwegian Saami rights activist Marianne Hansen, interview by author. Video call, August 3, 2018.

from different definitions of basic concepts, or cannot agree on a common vocabulary to use (De la Cadena 2007). At the same time, the idea that Indigenous Peoples embody unique knowledge, skill sets, and histories can be leveraged as a strategy by the groups themselves. Scholars of Central and North American Indigenous mobilization literature have identified cases where nations leverage their connection to unique knowledge and practices to participate in decision making. The argument is that their unique, “irreplicable”²⁹ perspectives to problem-solving discussions diversity the problem-solving process, to everyone’s benefit (Delgado-Serrano, Escalante, and Basurto 2015; Riedlinger and Berkes 2001; Waterman, Lowe, and Shotton 2018).

Such an emphasis on diverse perspectives and ITK connects to the fourth major similarity: a call to prioritize Indigenous consultation. While AMSA focuses on shipping and related industry consultation, it is understood that this is a microcosm of the ICC’s broader goal of consistent and structuralized consultation measures. When tracing the impact of AMSA in the decade since its publication, there are multiple ways that it led to concrete frameworks for Indigenous consultation being adopted through mandatory and voluntary measures. The later *Community-based Monitoring Handbook* (2011) drew from AMSA’s practices in collecting data, and recommendations for community consultation, to present the first standardized framework for researchers to incorporate ITK in projects. The handbook contained concrete best practices for community compensation, and for evaluating whether communities are experiencing research fatigue, or are susceptible to research fatigue (and if so, discouraging research in that community).³⁰ Domestically, Canada, Finland, and the United States increased funding for land

²⁹ Elle Eira, interview by author. Seattle, May 22, 2018.

³⁰ Community fatigue is a pervasive problem among communities that are solicited to be partners with resource extraction, infrastructure development, and research. Marianne Hansen, interviewed by author. Video, August 3, 2018.

and sea use documentation studies, implementing new departmental and ministerial policies that required documentation and mapping projects to include Indigenous uses.

Looking at past Council report precedent as a predictor for future cases, such a high degree of transfer from *The Sea Ice is Our Highway* to AMSA would be unexpected. While Permanent Participants were called on to provide reference materials for past assessments, the content of the materials seldom made it to the final reports. Even in cases where interests and recommendations did persist into final reports, it was usually tokenism, limited to a pop-out box taking up a fraction of a page. Combined with the many (frequently influential) stakeholders also providing reference materials to the AMSA committee, there was little guarantee that the content of *The Sea Ice is Our Highway* would be incorporated to such a high degree. Yet, now that it has, this case suggests initial support for the underlying thesis, that the political engagement of Permanent Participants within the Council has surpassed many initial representative and theorist expectations outside of initially defined procedures.

Even a punctuated equilibrium, which attempts to suggest *when* members will try to inject their interests through new pathways or create frictions, could not have predicted the extent of the ripple effect. Taking this alternative path led to greater in-group control over self-ascription (Dove 2006) and regional validation of a data collection and analysis methodology that demonstrated Indigenous values of direct community data and lived experiences (Ross et al. 2010). Additionally, the multifunctionality of the ICC Report, and its continued use as a dataset and reference, is an important outcome. Innovative behavior can fit user needs better, while also lending additional support to a lens of process-sequencing. When members of an organization can try new pathways thirteen years after an organization's founding, we can see that they are

not just dependent on initial conditions set at the founding of an organization. We can see that they are agents who engage creatively with existing systems.

More broadly, the narrative fidelity has implications for sustainability and development discourse in the Arctic. With AMSA, ITK understandings of sustainability gained presence in a major global report, a precedence that has since been used as a platform for articulating the value of ITK and Embodied Sustainability to non-Arctic actors (Bennett 2020; Lackenbauer et al. 2018). Indigenous understandings of sustainability, especially in perpetuity, have become visible narratives not only in regular Arctic Council operations, but also in global communications. AMSA provides a globally visible example of a desirable outcome discussed in environmental justice and Indigenous studies theory: multiple ways of knowing existing in tandem, intended for international audiences (McClymont Peace and Myers 2012; Reo et al. 2017).

The ICC put forward an unprecedented, concentrated effort to see its report integrated into AMSA. As AMSA was the first report of its magnitude to come out of the Arctic Council— notwithstanding its status as the first ever regional shipping assessment and its global audience— ensuring ICC interests were incorporated meant they would be disseminated to a global audience. The Permanent Participant thus took the unique opportunity to advance their interests.

Chapter 4. Capitalizing on Friction: Value Transfer from Inuit and Saami Declarations to the Arctic Council's Observer Manual

What we here are presenting today is not an Inuit Nunaat declaration of independence, but rather a statement of who we are, what we stand for, and on what terms we are prepared to work together with others.

*Aqqaluk Lyngø*³¹

Introduction

In this chapter, I use a second case to investigate my thesis that Permanent Participants can exert real influence in the Arctic Council by examining how they contributed to the development and content of the Council's binding 2013 *Observer Rules and Manual*. Because socialization and norm following are powerful in the Arctic's soft law environment, this case tests whether non-state actors are able to obligate observers (and would-be observers) to adhere to regional norms, even if doing so prevents them from fully realizing their efforts to gain politically or economically in the Arctic. Specifically, I process trace a case where the Inuit Circumpolar and Saami Councils leverage these mechanisms to safeguard their status against observers otherwise capable of marginalizing them. Drawing on archival research from the Arctic Council, ICC, and the Saami Council, I identify the key demands made by the Inuit Circumpolar and Saami Councils, tracing these demands through Council meetings through 2013 in order to determine which interests made it into the Council's formal requirements. Through this process, I find that many independently developed Permanent Participant demands were carried into Council deliberations and *were* formalized into structural Observer requirements. Finally, I discuss the impact the new structural rules have had on observers and would-be

³¹ ICC Vice Chair for Greenland (Inuit Circumpolar Council 2009b).

observers, as well as a divide in the literature on whether these behavioral requirements will result in a backlash from non-Arctic states.

History and Case Context

Until 2013, there was no Observer manual to guide or standardize the roles and rights of Observers in the Arctic Council. The 1998 Rules and Procedures contained no metrics or themes by which Observers would be evaluated for their admittance or continued membership in the Arctic Council.³² While representatives acknowledged that members used many unwritten (English 2013; Koivurova and Vanderzwaag 2007), subjective standards to judge potential Observers, the entirety of the Council's formal criteria was limited to three lines in the *Rules of Procedures*: Observer status was open to 1) non-Arctic states, 2) inter-governmental and inter-parliamentary organizations, and 3) non-governmental organizations (Arctic Council 1998; art. 36). When the Council began formalizing admittance and rules in 2011 due to rising numbers of interested actors, the Council put a hold on increasing the number of Observers until member states and Permanent Participants could address questions about the quantity of, and role for, Observers (Graczyk and Koivurova 2014, 228). As Senior Arctic Officials (SAOs) deliberated on the role of Observers, Permanent Participants repeatedly voiced concern over what increasing the influence or number of Observers would mean for their own influence and rights. Interpersonal politicking came to a head when the Council's Indigenous Peoples Secretariat formally called for a Council-wide response to the Observer question that included structures to keep Observers from wielding disproportionate influence over Permanent Participants, as well as standardized, objective metrics to evaluate Observer behavior (IPS 2008).

³² The only references to Observers in the 1998 *Rules of Procedure* outline who the status is open to (art 36), when Observers may attend meetings and submit materials (art. 37-8), when Observers must submit delegate lists for Ministerial meetings (art. 20), and what materials must be submitted in an Observer application (Annex 2).

Clarifying the role of Observers became a multi-year process for the Arctic Council, culminating in the adoption of the *Observer Manual for Subsidiary Bodies* (2013), a new, standardized Observer application form and process, and Observer-specific amendments to the *Rules of Procedure* (2013) at the Kiruna Ministerial meeting. Creating new criteria for Observers was a big change for the Arctic Council, resulting in clarity and precedence for its future relationships with non-Arctic states (Steinberg and Dodds 2015). It was vital that Permanent Participants played a meaningful role in the creation of Observer requirements; doing so ensured they would have long-term influence over which Observers are allowed in the Arctic Council.

The sudden increase in Observer applications was the result of organizational benefits, environmental factors, and economic interests (discussed in-depth in the *After the Nuuk Ministerial* section, p. 32). Organizationally, Observer status confers many opportunities to actors, including bilateral partnerships, domestic industry and knowledge development, and real-time insider insights into Arctic policy development. The opening Arctic contains economic benefits; recent estimates find the region holds about 13% of the world's undiscovered oil, and 30% of undiscovered natural gas reserves. Littoral states look to opening waterways, many already developing icebreakers that can power through thinning summer sea ice. All through the large number of incentives to gain Arctic footholds, the Arctic Council remains the most desired, legitimate way for non-Arctic actors to broach the Arctic arena. Permanent Participants were most concerned about the increased role—and number—of non-Arctic states and what it would mean for the existing standard of soft-law governance in the Arctic, which favors Permanent Participants more than hard-law governance. Additionally, there was concern that the Arctic Council's agenda would become skewed if Observers provided greater funding than actual members. Several AIA, ICC, and Saami Council representatives argued that increasing the

number of Observers threatened the special status of Permanent Participants (Chater 2016a; ICC 2013; Koivurova 2013a; SDWG 2009; Watt-Cloutier 2016), while many state member representatives believed the conditionality and regular review of Observers would be enough to protect Permanent Participants (Gamble 2015; Graczyk and Koivurova 2014). Despite differences, most Permanent Participant representatives saw the need for Observer role clarification as an opportunity for Permanent Participants to influence and shape the long-term Observer admittance criteria. Permanent Participants used existing organizational documents—which articulated their regional interests, commitments, calls to action for states, and provided the basis for their sovereignty claims—as reference materials in the creation of new Observer obligations. Three documents, the Saami Council’s *Saami Rovaniemi Declaration* (2008), the Inuit Circumpolar Council’s *A Circumpolar Inuit Declaration on Sovereignty in the Arctic* (2009), and *A Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat* (2011) were specifically drafted in response to the growing outside interest in the Arctic. These documents, later among the primary documents consulted by the Arctic Council when determining the nature of Observer constraints, affirm Indigenous participation in discussions of the Arctic’s future, serving their purpose as reference materials for new Observer requirements and shaping organizational discourse (Doran 2011).

Koivurova analyzed Inuit Circumpolar Council and Saami Council efforts to use the Arctic Council’s procedures and customary law to protect their rights (2010). In his soft governance framework, declarations and policies are effective tools for Indigenous organizations to affirm their position with Arctic Council actors and, more broadly, establish their central role in Arctic governance discourse. In this second case, I gauge how the Inuit and Saami Councils shaped which criteria potential Observers must adhere to in their acknowledgement of

Indigenous rights and status to remain in the Arctic Council. Both the Inuit and Saami Councils drew heavily from their own sovereignty declarations in creating their Observer obligation platforms. This suggests two things: first, that the interests and needs they are safeguarding are valued by on-the-ground community members; and second, like *The Sea Ice is Our Highway*, the demands put forward by the Permanent Participants were unfiltered by negotiations with other actors. In both cases, that Permanent Participant materials and staff featured so heavily in the creation of Observer constraining materials was a signal that even member states support a membership hierarchy that firmly established Permanent Participants over Observers.

Who Answers “the Observer Question?”

When the Indigenous Peoples Secretariat laid the foundation to resolve the ‘Observer question,’ it intimated that such a solution would necessarily need to include the Council’s Indigenous members, as they were the most likely to be marginalized by Observers (IPS 2008). The call to action informed which documents and resources went into the problem-solving. Combining a thematic analysis across Arctic Council, ICC, and Saami Council archives, with process tracing of the Council’s Ministerial, Senior Arctic Official, and Working Group spaces from 2008 to 2013 demonstrate which Permanent Participant interests were sustained throughout a prolonged negotiation process, and how the Permanent Participant representatives advocated for their incorporation in structural deliberations. Overall, we can see there was a remarkable degree of terminological fidelity from Permanent Participants for formalized Observer rules to the *Observer Manual*. Not only are the adopted requirements for Permanent Participant consent and consultation set up in a clear binary for evaluation, but their broad scope means that Observer respect for Permanent Participants is not limited to economic or environmental areas, it can also be evaluated—and responded to—according to its social and cultural dimensions.

“They Should be Held Accountable”: The First Permanent Participant Proposal

Even before the founding of the Arctic Council, ICC and Saami Council representatives regularly met for their respective summits. Reports resulting from these meetings were not considered representative declarations, rather internal affirmations of priorities, interests, and goals. In the mid-2000s, the Arctic Council was undergoing an expansion. Not only were non-Arctic states, NGOs, and IGOs seeking to gain Observer status within the council, but they were also doing so in increasing numbers. As the Council admitted some and denied others, it simultaneously underwent another internal shift with the expansion of the Indigenous Peoples’ Secretariat (IPS) function. The IPS was initially established in 1994 under AEPS to provide support functions to Permanent Participants and raise the profile of the Arctic Council globally.

In April 2007 and May 2008, Senior Arctic Officials and Permanent Participants met to discuss Council participation and the role of Observers, which were key elements to improve the effectiveness and efficiency of the Arctic Council (SAO 2007). SAOs recommended that Ministers “review, under the guidance of the SAOs and Permanent Participants, as per Section 4 of Annex II of the Rules and Procedures, request information necessary to facilitate the first [Observer] review, including Observer reports of recent contributions to the work of the Arctic Council and engagement of its Permanent Participants” (SAO 2008, 36). Permanent Participant representatives collaborated on a statement specifically proposing that Observer status be reviewed every four years. This was the first proposal for Observer-specific guidelines to reach SAOs and Ministers, yet rather than advancing a broad position to SAOs and Ministers, they first turned internally to develop specific recommendations (SAO 2011). As Council concern grew over the lack of rules surrounding Observer admittance and behavior, Permanent Participants developed specific proposals and association stances, developing a fully prepared platform by

the time the Council was prepared to codify rules. Their reference documents were accepted without dilution or negotiation by member states, preserving Indigenous concerns.

In November 2008, the Indigenous Peoples Secretariat's *Memorandum of Understanding* (2008) clarified its role within the Arctic Council as “[enhancing] the capacity of the Permanent Participants to pursue the objectives of the Arctic Council, and help the Permanent Participants to develop their internal capacity to participate in the Arctic Council” (ACIPS 2008, 3).

Importantly, in this memorandum the IPS sub-body called on state members to reaffirm their continued support of the Secretariat and its role, and also commit to advancing ways and means by which Permanent Participants engage to the fullest extent in council activities. The call to secure full Permanent Participant involvement arose from the acknowledgement that Observers could cause an upset in the Council's state/participant/Observer balance. This was the first time that the Observer threat appeared in IPS documentation. The memorandum was submitted to the Sustainable Development Working Group (SDWG) for its annual report to the SAOs as reference material, with the introduction:

The Observer question and its impact on the Permanent Participants is an ongoing issue and needs to be taken into account in the SDWG's strategic planning work. The roundtable approach seems to be a good way to scope the major issues. Socio-economic monitoring and measuring seem to be the major preoccupations. Some kind of structure is required to monitor these issues over time. (SDWG 2009)

The Indigenous Peoples Secretariat laid the foundation for what was needed to resolve its self-identified Observer question, calling for 1) structural changes that would restrict Observers from disrupting Arctic Indigenous communities or exerting disproportionate influence over the agendas of Permanent Participants within Council proceedings; 2) standardized measures to evaluate Observer behavior; and 3) measures that focus on social and economic impacts of

Observers' agendas. Despite identifying these proposals, a specific means of binding Observers was not identified beyond proposing a formal change to the Council's structure.

The Primary Documents

The Saami Council

In 2008, at the 19th Saami Conference in Rovaniemi, Finland, the Saami Council released its *Saami Rovaniemi Declaration* (2008). This declaration asserts Saami culture, sovereignty, and self-determination while also calling for prescriptions (broad and specific) for international organizations and Arctic states to better facilitate Saami self-determination. The declaration, explained by Saami Council representative Gunn-Britt Retter, was to put forward concrete acknowledgements and recommendations that, once adopted, could ensure “full and effective participation of Indigenous Peoples in international decision-making, [as] what is missing really, is moving from recognition of soft law to implementation, because that’s where the conflicts are” (UArctic 2008, 1). In order to analyze this declaration (and the following two ICC declarations), I combined participant interviews with thematic coding using *urgency language*, *specificity of prescriptions*, and *frequency* to identify the Declaration’s highest priority content.

The Saami Council dedicates the first quarter of the declaration to establish the identity, history, and self-determination of the Saami people. Saami cultures are rich, living, and constantly evolving, and they are best understood as Indigenous Peoples who have lived in their traditional homeland since time immemorial. Through the right of self-determination, the Saami may freely decide the uses of their natural resources, and under no circumstances shall be deprived of their means of subsistence. Because of their Indigenous status, Saami have the right to establish and control their own institutions, whether political, educational, or ecological (S. Council 2008, sec. i.). After discussing the establishment of the Saami peoples and nation, the

declaration progresses through a series of thematically organized sections: land, waters (including sea water), natural resources, and self-determination; cultural heritage; and implementation. While each section focuses on particular stages of self-determination, they are further divided by issue-areas (e.g. subsistence hunting on land, followed by subsistence hunting on sea), while common actionable priorities are woven throughout the entirety of the document. These priorities, marked by their declared urgency, specificity of address, and frequency of address, show what steps the Saami Council identified as necessary for self-determination.

After identifying the initial priorities from the *Saami Rovaniemi Declaration*, I completed a findings report and positionality statement, which I shared during member-check interviews with Saami political leaders, representatives, and scholars, strengthening the findings' validity. Checking my textual analysis and interviews against findings present in rigorous international politics and empirical studies on Saami and Inuit helped me further triangulate my methodological focus, thereby confirming these group priorities.³³ The resulting priorities are not listed in order of importance, but do demonstrate the span of the declaration's concerns.

First, there is a declaration over the centrality of natural resources for Saami culture and survival. Land, and its management, are established as the declaration's central focus, and all calls to states and external actors ultimately advance the underlying principle that the Saami have a "right to consent and not to consent to competing activities in such areas" (Saami Council 2008, sec. 1.2). Its foundation draws from the UNDRIP's minimal universal standards for protecting traditional practices and homelands (Bankes and Koivurova 2013), and the Akwe Kon Guidelines, World Bank, and International Finance Corporation in establishing its demands'

³³ Baer 2010; Bankes and Koivurova 2013; Chater 2019; Gamble 2015; Gamble and Shadian 2013; Graczyk and Koivurova 2017; Myntti 2010; and Spence 2013.

scope and precedence in international agreements. Rooting the Declaration in existing international law prompts compliance by parties increasingly interested in Saami homelands.

Second, the *Rovaniemi Declaration* not only calls on the states where Saami reside to facilitate Saami self-determination, but presents specific prescriptions for states to take. While this calls for states to adopt domestic measures (such as timely remuneration and upholding land management agreements), there is an international component as well. States are called on to be partners and defenders of the Saami in the face of external actors who interact with the Saami, within a state's territory, or conduct Arctic affairs that affect Saami peoples. External measures also include behaviors that states should adopt in international organizations in which both states and Saami are members. Table 4.1 distinguishes between state domestic and external measures.

Table 4.1. Saami Rovaniemi Declaration Prescriptions for States

Domestic	External
Ratify the Nordic Saami Convention (Finland, Norway, and Sweden) (i.12)	States must coordinate cross-border planning so cumulative effects of industrial developments on Saami territories can be assessed and managed (1.9)
Pass national environmental legislation requiring social impact assessments to be in line with international standards (1.8)	In cases of resource extraction and management conflict between Saami and non-Saami, the state shall side with Saami (1.14)
Remunerate Saami communities for past injustices (1.6)	
Establish a regulatory framework for industrial activities in Saami homelands (1.7)	

The language shifts from treating Indigenous nations as wards to partners, while still acknowledging the power discrepancy between the states and Saami nation. The shift is particularly interesting, as the Arctic Council is not explicitly mentioned in the Declaration, though it is the only international organization where the partner dynamic is fully realized. Prescriptions can be divided into two categories: those that call on states to establish codes of law or binding procedures, and those that further embed normative governance in the Arctic

(Graczyk et al. 2017). Binding measures are primarily domestic, while prescriptions that legitimize norms advantageous to Indigenous nations are external (Koivurova 2010b).

Third, and in line with the evolving sovereignty approach, the declaration has specific prescriptions for non-Arctic actors, particularly state industries and private sector actors, that shall be upheld when operating in Saami ancestral homelands.

Table 4.2. Saami Rovaniemi Declaration Prescriptions for International Actors

State Actors	Corporations
Penalize private sector actors under their jurisdiction who fail to adhere to terms of consent (3.26)	Prohibited from entering Saami territories prior to outlining in detail the corporation's human right obligations to Saami (2.13)
Disallow national or jurisdictional industries from entering Saami territories prior to providing detailed plans to obtain communities' consent (2.17)	Provide economic compensation for costs associated with consent procedures (2.22)
Commit to respect Saami rights to not consent (2.14)	
Climate adaptation strategies, laws, and treaties must incorporate traditional Saami knowledge equally with other forms of science (1.10; 2.23)	

While corporations are mentioned several times in these prescriptions, the language and framework in which state and corporate third parties are treated are remarkably similar to the language used for Observers in prior Saami Council documents (SAO 2006; SAO 2007).

International actors are instructed to maintain ongoing dialogue with the Saami rather than the states where Saami reside. The specific prescriptions are steps to ensure Saami are full partners in international organizations. Though the Arctic Council is not explicitly named, multiple prescriptions are clearly fulfilled only by the Council, and considered to be implicitly understood to be about the Council by Saami representatives (Saami Council 2008a; UArctic 2008): the adoption of climate adaptation strategies and treaties among Arctic states and Indigenous Peoples associations, and having organizational clout to shame actors that do not respect Saami

communities' right to withhold consent. Like the previous section, prescriptions can be roughly divided into binding and norm-enhancing prescriptions.

Finally, the Declaration articulates *when and how consultation with Saami shall take place*. Much attention is paid to this particular prescription, as it spans across multiple Declaration sections. While the states where Saami reside are obligated to consult with the Saami, this articulation is also directed to nation-states and non-state actors that oversee activities affecting the Saami. It is noteworthy that the Saami Council does not reject industry work or investment in ancestral lands, but rather asserts self-determination over its land and natural resources, which includes *freely determining* how to expend and extract resources (Council 2008, 1.1-3). In the details of how actors shall initiate, propose, conduct, and follow-through industrial activities with the Saami, I highlight the discrete, specific requirements for external actors:

1. Projects should be evaluated to ensure they are in line with UNDRIP, Akwe Kon Guidelines, World Bank, and IFC international environmental legislation and standards.
2. Projects should be evaluated according to the environmental frameworks of the respective nation-states in which they are operating.
3. Free, prior, and informed consent for industrial activities must be gained before actors enter Saami territories.
4. Activity proposals shall discuss potential effects and risks based on traditional knowledge, as well as other forms of science.
5. Proposals must outline in detail a corporation's human rights obligations to Saami, and how they plan to obtain consent before entering Saami territories.
6. Proposals must detail how a corporation will compensate Saami communities for costs associated with consent procedures.

7. Companies must commit to honoring Saami communities' right not to consent.
8. Finally, remuneration to Saami shall compensate those communities for the intervention.

It should be understood, however, that remuneration is not in lieu of careful planning, but an additional assurance against missteps (Council 2008).

These steps will be compared with the Inuit Circumpolar Council's recommendations and the 2013 *Observer Manual*. Overall, there is a reaffirmation of concern regarding Observer-Permanent Participant dynamics found in the 2008 *Memorandum* within this 2009 Declaration.

The Inuit Circumpolar Council

In 2009, preceding the Arctic Council's Ministerial meeting in Tromsø, Norway, the ICC released a *Circumpolar Inuit Declaration on Arctic Sovereignty* (2009). Drafting was initiated at the Inuit Leader Summit in November 2008. Over the next six months, the Declaration was developed through a series of workshops with circumpolar Inuit communities to address the increasing focus on *Inuit Nunangat*, the Canadian Inuit homelands (Inuvialuit Nunangat, Nunavut, Nunavik, and Nunatsiavut). ICC Chair Patricia Cochran said the purpose of the document was to "address important questions—Who owns the Arctic? Who can traverse the Arctic? Who has rights to develop Arctic resources?—from the position of a people who know the Arctic intimately...by making this declaration, we are saying to those who want to use Inuit Nunaat for their own purposes, you must talk to us and respect our rights" (ICC 2009b, 1).

The Declaration's content is divided into three sections: establishment of self, establishment of terminology, and call to action. Each section contains foundational necessities for Inuit self-determination, as well as priorities for Inuit sovereignty to be realized on the international stage. The last section is directed to a broad international audience, containing prescriptions specific to states, organizations, institutions, and corporations.

In the first section, establishment of self, the ICC advances several similar, yet differentiated, definitions of Inuit. The Inuit are presented as 1) having lived in the Arctic from time immemorial; 2) a people; 3) an Indigenous People; 4) an Indigenous People of the Arctic; 5) citizens of Arctic states; and 6) Indigenous citizens of Arctic states (ICC 2009a, secs. 1.1-1.6). The six-fold nuanced wording highlights the many layers at which Inuit operate: they are simultaneously citizens of Arctic states, protected peoples of Arctic states, and protected peoples under international law. Their multiple layers of protection mean that their superimposed states *and* external states have obligations to them in ways that are not necessarily consistent or standardized from one facet of Inuit identity to another (Wilson, Alcantara, and Rodon 2020). For example, while Inuit are a protected Indigenous minority group in Canada, Greenland, and the United States, Indigenous classifications in Russia operate much differently. Classification as an Indigenous minority is highly legalistic: groups may be too large or too small, meaning that some groups (including the under 2,000 Inuit estimated to be in Russia) are rejected from special protections or rights under the law. Moreover, Inuit, as well as other Indigenous Peoples, may have very different experiences as citizens of even neighboring Arctic states: of the circumpolar states, only Denmark and Norway have ratified ILO Convention 169 (Josefsen 2010).

The second section, establishment of terminology, serves as a foundation for future international conversations. It uses the same terminology as other international agreements, including the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action, the Human Rights Council, the Arctic Council, and the Organization of American States. This consistency establishes a common vocabulary and legitimizes the Declaration by rooting it in existing international law (Koivurova 2013b). Here, sovereignty is a

concept “without a fixed meaning...sovereignties overlap and are frequently divided within federations in creative ways to recognize the rights of peoples” (ICC 2009, sec. 2.1). Sovereignty must be understood in its realization of self-determination, not necessarily independence.

Exercising the right to self-determination means developing innovative and creative jurisdictional arrangements (sec 2.3) to promote harmony with neighbors and seeing other states and international actors as peers. Note Sections 2.4 and 2.5 in the declaration:

2.4 International and other instruments increasingly recognize the rights of Indigenous Peoples to self-determination and representation in intergovernmental matters, and are evolving beyond issues of internal governance to external relations. (See, for example: ICCPR, Art. 1; UNDRIP, Art. 3; Draft Nordic Saami Convention, Art. 17, 19; Nunavut Land Claims Agreement, Art. 5.9)

2.5 Inuit are permanent participants at the Arctic Council with a direct and meaningful seat at discussion and negotiating tables. (See 1997 Ottawa Declaration on the Establishment of the Arctic Council)

The ICC *Declaration on Sovereignty*, like the Saami *Rovaniemi Declaration*, is based upon precedents set in international law. The ICC uses both a common terminology, which is extremely important when dealing with normative governance (Makarychev and Yatsyk 2017), and asserts its declaration’s legitimacy by linking it to normative international forums. International organizational support is identified as a critical means to exercising self-determination, with the Arctic Council identified as a model in incorporating Inuit material and ideological contributions (ICC 2009, sec. 2.5). In addressing climate change and sustainable economic cooperation, Section 3.8 states, “regional institutions that draw together Arctic states, states from outside the Arctic, and representatives of Arctic Indigenous Peoples can provide useful mechanisms for international exchange and cooperation” (ICC 2009, Sec. 3.8). The Arctic Council, best known forum of this description, fits the bill excellently.

Interestingly, little textual space is given to identify pressing issue-areas (e.g., resource sovereignty or land management). Instead, a macro approach is taken to address an overarching need: Inuit must be full partners in international institutions and organizations. This premise is the foundation upon which the Declaration's calls to action are based, as nearly all prescriptions are directed toward facilitating the ICC's established place in international organizations:

Table 4.3. ICC Declaration of Resource Sovereignty Prescriptions for States (ICC 2009)

Domestic	International/Organizational
Adopt existing international instruments (1.4)	States must accept the presence and role of Inuit as <i>partners</i> in the conduct of International Relations in the Arctic (3.3)
Achieve standards of living for Inuit that meet national and international norms and minimums (3.11)	Inuit consent must be obtained for projects in the area of environmental security, resource development, militarization, commercial fishing, shipping, human health, and social development (3.5)
Respect the international doctrines they have signed (3.13)	Coordination is to take place between states and industry to arrest the growth in human-generated carbon emissions (3.9)
	Incorporate ITK into international protocols and treaties (3.10)
	Refrain from industry activities that diminish the health and sustainability of Arctic communities (3.12)
	Adopt multi-level governance systems that transcend state agendas on sovereignty (4.2)

The ICC's recommendations are less specific than those of the Saami Council, yet more focused on asserting their legitimacy as international actors in a way equal to states in international organizations. From there, the ICC calls for organizations to adopt structures and policies that no longer privilege well-resourced states that have benefited from treatment as "the only actors of consequence" in International Relations (Chekel et al. 2018; Keskitalo 2007, 188).

3.3 The inextricable linkages between issues of sovereignty and sovereign rights in the Arctic and Inuit self-determination and other rights require states *to accept the presence and role of Inuit as partners* in the conduct of International Relations in the Arctic. (emphasis added, ICC 2009. sec. 3.3)

Instead of mere admittance to international organizations, the ICC consistently calls for partnership, as Inuit contribute unique knowledge, an appropriate emphasis on sustainability, practitioner expertise, and nuanced understandings of sovereignty to international organizations.

3.6 As states increasingly focus on the Arctic and its resources, and as climate change continues to create easier access to the Arctic, Inuit inclusion as active partners is central to all national and international deliberations on Arctic sovereignty... inclusion of Inuit as active *partners* in all future deliberations on Arctic sovereignty will benefit both the Inuit community and the international community.

3.7 The extensive involvement of Inuit in global, trans-national and indigenous politics requires the building of new partnerships with states for the protection and promotion of indigenous economies, cultures and traditions. *Partnerships* must acknowledge that industrial development of the natural resource wealth of the Arctic can proceed only insofar as it enhances the economic and social well-being of Inuit and safeguards our environmental security.

4.2 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.

4.3 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.

This persistent partnership language came at a time when the ICC was extremely concerned with its capabilities being diluted or marginalized by a well-financed state (ACIPS 2008; Nilsson 2009). The ICC cannot be a partner if it is marginalized. ICC Vice Chair Duane Smith said that provisions in the Declaration “make it clear that it is in the interests of states, industry, and others to include us as partners in the new Arctic, and to respect our land claims and self-government agreements” (ICC 2009b, 1). In the last section, the ICC adds a note: that industrial development should only take place if industry actors can show how their activity will enhance northern communities. This is an established step in a checklist for would-be actors in the Arctic that

mirrors steps four and five of the Saami *Rovaniemi Declaration*'s industry checklist, and as we will see, will become a central tenet of the new *Observer Manual*. After looking at the two foundational Permanent Participant declarations, we see that the ICC places an emphasis on participation in international governance and relations, best summarized by Section 4.2:

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. (ICC 2009)

This section clearly articulates the ICC's vision of having Indigenous nations being recognized as actors who may interact with other state and non-state players within international spaces. They challenge the idea that engaging in international disputes and cooperation are activities that can solely be undertaken by states. Not only can Permanent Participants be actors of consequence in global policy and norm-making, but they should be brought into the decision-making fold by virtue of the unique knowledge, experiences, and stakes they embody. This acknowledgement is in line with an expansionist application of International Relations, which emphasizes progression in who may be considered legitimate actors in international politics, rather than a more static state-based sovereignty perspective (Barkin and Cronin 1994; Tennberg 2017). In their sovereignty declaration, the ICC proposes three fundamental features that justify the trans-national Inuit nation's fit in international relations: 1) that contemporary challenges transcend states' traditional territorial monopolies; 2) that they already participate in normative and soft law development; and 3) they have significantly shaped the climate, sovereignty, and rights vocabularies used globally to classify Arctic actors and phenomena (Koivurova 2010; Koivurova 2013; Tennberg 2017). In each of these cases, the ICC does not try to destabilize or

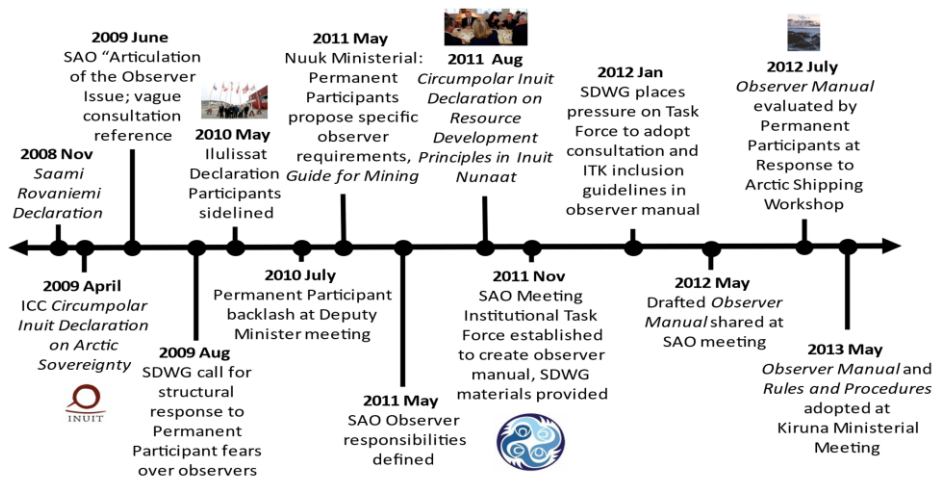
shift critical International Relations lenses; instead, they demonstrate specific efforts to expand existing definitions and frameworks to better encompass the Arctic's range of actors.³⁴

Meanwhile, the Saami Council is more specific in its prescriptions, requiring external actors to gain consent before operating in Saami territories. While this is still an International Relations issue, a focus on activity taking place at home mirrors the ICC's mantra: *sovereignty begins at home* (Hammond 2018; Kuptana 2013). In both cases, there is emphasis on developing specific systems for gaining Permanent Participant consent, as well as ensuring that Permanent Participants are in places to ensure consent procedures, is likewise important.

The Permanent Participants' declarations were in response to a growing concern over Observers becoming more powerful than Permanent Participants, as the number of Observer applications began to increase annually in the mid-2000s (Knecht 2016). While the declarations are independent undertakings, they are not isolated or insular. They were disseminated to the Arctic Council as the operating principles the Permanent Participants would subsequently operate under, and would not compromise or negotiate on. They expected the Arctic Council to enforce them, as these documents rely on the binding power of Arctic regional norms. This clearly articulated, standardized process for outsiders to seek consent is supported by an international organization and over three decades of Arctic norms to support the process.

³⁴ One such example of expanding definitions was the concentrated effort to shift from "stakeholder" language in natural resource extraction to the use of "rightsholder" language. The shift in terms better recognized the non-economic consequences and stakes of extraction.

Image 4.0. Timeline of Observer Manual Development in the Arctic Council. Image by author.



Second, while the Permanent Participants *could* retain their declarations as independent documents, doing so would prevent them from using Arctic Council, Indigenous Peoples Secretariat, or Working Group funds, expertise, or logistical support. The presentation of both declarations to the Arctic Council after all stages of development had already taken place was significant, as it removed an opportunity for the declarations to undergo elite capture or funding capture, either by smaller Permanent Participants or (potentially more concerning) by member states (Cruikshank and Argounova 2000). Permanent Participants gained organizational clout and the authority to permit or block specific Observer behavior. The development of these foundational powers grew and can be tracked through Arctic Council meetings and negotiations.

Articulating the Observer Issue

The Arctic Senior Officials' *2009 Report to Council Ministers* reported that 2009 saw the largest number of applications for Observer status to date (SAO 2009). In a meeting that took place a day after the ICC released its *Declaration on Resource Sovereignty*, it was apparent in the mixed tone that there were conflicting attitudes toward Observers. Early comments by state representatives communicated that "efforts are needed to ensure opportunities for accredited

Observers to participate...[they] play an important role in informing non-Arctic actors of issues in the Arctic" (SAO 2009, 35). Working Group leaders noted that prior to the meeting they were given instructions by Ministers to engage Observers and invite participation from non-Observers. A SDWG representative expressed concern over how this could be accomplished after acknowledging ICC's position on Observers. Multiple state SAOs shared that the recommendations they had prepared for the meeting were intended to strengthen the engagement of Observers within the existing rules, but they would be re-evaluating the recommendations in light of the ICC Declaration. Ultimately, the meeting highlighted the discrepancy between SAO platforms and Permanent Participant principles. SAOs called for the Ministers to "screen new applications for Observer status carefully" to meet the interests of the Council, members, and Permanent Participants, but no criteria were advanced (SAO 2009, 36).

Up to this point in SAO operations, the treatment of the Observer issue followed a course anticipated by path dependency. Because the Arctic Council's initial *Rules and Procedures* established that pathways to Observership would be determined by members and once admitted, Observers were to participate in advancing the Arctic Council's mandate (through member-approved Working Group participation), path dependency would treat the initial welcoming of Observers as a structural lock-in. With the exception of rejecting Observers that clearly lacked respect for Council norms and operations, the initial *Rules and Procedures* welcomed an expansion of the Council through wide Observership (Graczyk et al. 2017; Lackenbauer 2014). Options for Observers to increase their participation would have to be clarified and communicated, and decisions that bound the numbers of Observers, or constrained their ability to engage in Council operations, were not anticipated by the SAOs. Indeed, from 2006-2009, SAO meetings dedicated significant time to consider how Observers could be better integrated into

Council operations and play a larger role in its projects (Chater 2016; SAO 2006; SDWG 2009). With this background, path dependency would anticipate organizational projects that further advanced Observers' intra-organizational clout would stem from SAO and Ministerial meetings. Instead, based on comments by Permanent Participants, the 2009 SAO meeting saw the start of a reversal in organizational structures that is in line with process-sequencing. The only reference to consulting at the meeting came from a SDWG's call for the Arctic states to consult "Arctic residents, including Indigenous communities, during planning prior to decisions that establish new oil and gas activities, and to identify measures for long lasting benefits for Indigenous communities and other Arctic residents" (SAO 2009, 24).

The SDWG's 2009 meeting was the first intra-Council meeting to affirm the appropriateness of Council spaces to reckon with Permanent Participants' concerns. During the meeting, ICC representative Carl Christian Olsen expressed disappointment over community involvement trends in SDWG (it relied on largely informal interpersonal outreach, lacking systemic engagement options) and requested standardization be considered in the strategic planning process. ICC offered to share a paper it had prepared on the Observer issue and expressed concerns that a proliferation of Observers could diminish the voice of the Permanent Participants (SDWG 2009, 14). The SDWG head agreed that "the Observer question and its impact on the Permanent Participants is an ongoing issue and needs to be taken into account in the SDWG's strategic planning work" (SDWG 2009, 14). At the same time, the group affirmed in its report that Permanent Participants presence, or Permanent Participant-headed groups, are necessary to scope the major issues surrounding Observers and which (if any) responses should be taken. An ICC representative said that a structural response would be needed to address Observer issues in the long run, possibly implemented as a phased approach (SDWG 2009). A

Saami Council representative said that success would lie in the follow-up and discussions by the task force developing a draft strategic plan (ibid. 14). Six months later, the SDWG's recommendations to ministers proposed that Observer checks be developed "through roundtables in the interim with some structural mechanism to be established in the longer term" (SDWG 2009b, 15). Even early on in the process, a structural change was identified and called for.

Setback in Ilulissat and Permanent Participant Backlash

At the next major Arctic Council meeting, the SAOs gathered for their annual communications and outreach meeting in Ilulissat. A subject of much conversation throughout the meeting was the acceptance of China, Japan, Italy, Korea, and the EU Commission as Observers (SAO 2010). Their acceptance shaped the content of the SAO meeting, which focused nearly unilaterally on plans for a biennial symposium for Working Groups and Observers to exchange information, and Observers could highlight their contributions to the Council. While Working Groups expressed mixed views regarding new Observer participation in such symposiums³⁵, the "interesting new development" prompted far less enthusiasm from Permanent Participants (SAO 2010, 6). Minutes show that Permanent Participant perspectives appeared only in the final remarks, in which an ICC representative asked whether the symposium would even facilitate Observer engagement with Permanent Participants. It is striking that less than a year after the SAO meeting, where the Observer threat was articulated, the concern was not merely minimized, but utterly dropped. Whether it was due to the SAO meeting's concurrence with new Observers joining or not, the tone and plans toward Observers changed significantly from the year prior. The agenda regression was a serious setback for Permanent Participants which greatly affected their contributions to the Deputy Ministers' meeting in Copenhagen months later.

³⁵ With AMAP and SDWG noting that they had received unallowed funding offers from Observers.

Early in the Deputy Ministers' meeting, Danish, United States, and Canadian representatives acknowledged that Observer engagement with Permanent Participants was an important topic that needed to be formally addressed (Deputy Ministers 2010, 3), but the topic of Observers was dropped until Permanent Participants shared their reports. In consecutive speeches, combining both prepared and impromptu statements, representatives of ICC, Saami Council, and RAIPON expressed frank disappointment that there was not better engagement with Indigenous Peoples in the strategic planning process of standardizing Observer requirements. James Stotts (ICC) offered to share a paper that the ICC prepared on the cost of inaction to northern communities' environmental, social, and physical health if Observers were not constrained (Deputy Ministers 2010, 7). Stotts suggested that new Observers were guided by "selfish points of view" and that the solutions to many sustainable development problems already lay with the Permanent Participants and member states already sitting at the table:

What's been missing so far is the collective political will of the eight Arctic nations to step up and make the right decisions. [Permanent Participants] have the most to offer, and the most to lose, and must be consulted more than ever. ICC feels its place at the table is not as secure as it was in the beginning. Sometimes we feel like we're on the verge of being squeezed out by non-Arctic countries and organizations. We think the Council needs to get back to its original intent, which was to provide a forum for the Arctic states and Permanent Participants, working together... We fear the Council has become a forum for different groups to advance their own vision of the Arctic...there is a difference between participants and Observers and this difference must be maintained within the Arctic Council. ICC does not support recent proposals [from current Observers] which would dilute the influence of the Permanent Participants. This is counter-productive to the Council's purpose. (Stotts 2010)

Stott's speech was met with mixed reception. Three state representatives who wished to remain anonymous shared during interviews with Chater that they believed Stott's comments to consist of "too much talk" and "too driven by emotionalism" (2015, 114).³⁶ At the same time, Stott's

³⁶ To respect participant privacy, names, positions, and nation-states the representatives belonged to were not provided in Chater's research.

contributions were echoed by Niko Valkeapää (Saami Council), who emphasized that cultural survival depended on Permanent Participants' ability to reject harmful economic proposals. He remained "confident that the Arctic Council is a body that, due to its tri-party partnership, is best able to shape decisions at the international and national levels," and closed with the reminder that as the region's premier organization, the Arctic Council had tremendous sway to back a standard of "good governance and self-determination" (Valkeapää 2010, para. 1-3). Next, Dmitry Berezhkov (RAIPON) shared that while the Arctic Council embodies best practices in harmonization between many Arctic actors, opportunities remain for the Council to be a full-fledged partner in safeguarding the environment and northern peoples' ways of life against external threats.

It is also necessary to preserve and develop systems for regulating economic activity in the Arctic [to preserve traditional activities]. Arctic states need to ensure the participation of Indigenous Peoples at all stages of the creation of such systems: from research to implementation. In this regard, decisions that exclude or do not take into account the views of Indigenous Peoples as permanent members of the Arctic Council are especially dangerous in the Arctic. (Berezhkov 2010)

At the conclusion of the Deputy Ministers' meeting, the chair promised that the concerns expressed would be incorporated in the Minister Report for the Council's next Ministerial meeting. The subsequent report did affirm concerns that a proliferation of Observers could diminish the voice of Permanent Participants, citing the Saami Council's remarks that success would lie in the follow-up, the ability to develop a Task Force, and the speed in which a draft strategic plan could be developed (Deputy Ministers 2010, 14). The takeaway from the Deputy Minister meeting was that Permanent Participants clearly had problems with the Council's trajectory and marginalization of Indigenous concerns at Ilulissat, and they communicated that dissatisfaction bluntly in prepared statements, general discussions, and closing remarks.

Particularly, ICC's call to get back to the original intent of the Council signals a belief in the kind of structural reversal that is possible in the world of historical process-sequencing.

Advances at the Nuuk Ministerial

The year 2011 saw the continuation of important conversations regarding Observers from the previous year, along with poignant criticism by Permanent Participant criticism during the Deputy Ministers meeting. Indeed, the Permanent Participants were busy between the two Council meetings, as minutes from SDWG and from ICC and SC workshops between the 2010 Deputy Minister and 2011 Ministerial meetings reveal the Participants' extensive efforts.

ICC meeting notes and town halls revealed that leadership was dissatisfied with the pro-Observer stance taken by state representatives at the 2010 SAO meeting (ICC Canada 2010; Simon 2011).³⁷ During these meetings, representatives reaffirmed their commitment to produce compelling materials and concrete ways that the ICC (and other Participants) could in practice—not just structurally—have precedence over Observers. It was discussed that these materials, while independently created, could also be used by the ICC in the SDWG, and be presented at future Council deliberations. The archival findings of these nation-level organizational efforts are corroborated by scholars who looked at Canadian actors' concern in the early 2010s over being marginalized by Asian countries, specifically China and South Korea (Lackenbauer et al. 2018).

It is notable that ICC staff identified SDWG as a gateway through which they could introduce independent projects to the Arctic Council. They believed this particular Working Group gave the best returns for inputs and was a space where Permanent Participant perspectives most easily gained footholds, as it was the focus group most concerned with projects examining

³⁷ The United States, Canada, and Denmark were particularly strong proponents of developing Observer-specific opportunities to share research and propose projects (Senior Arctic Officials 2010b, 18).

the human and social dimensions of the Arctic (SDWG 2009, 2010). In fact, it was the SDWG that launched the *Circumpolar Information Guide for Mining* (2011) at the Arctic Council's 2011 Nuuk Ministerial meeting. The biannual Ministerial meetings are important gatherings for the Arctic Council, where members, Observers, and Working Groups present project progress, while SAOs report whether the Council met previously set objectives and recommendations. The *Guide for Mining* was almost unilaterally developed by Permanent Participants within SDWG, and while focused on a single (though significant) aspect of resource development in the Arctic, it is notable for its adoption of best practices in Indigenous consultation *that had previously been articulated* in the *Saami Rovaniemi Declaration* (2008) and *Circumpolar Inuit Declaration on Arctic Sovereignty* (2009). The expansion of these best practices from Permanent Participant declarations to being formally advanced by the SDWG is a noteworthy trajectory. The 121-page guide reaffirms principles common to the SC and ICC declarations, including:

1. Free, prior, and informed consent must be gained before industries enter Indigenous territories or any mining activities are undertaken. (SDWG 2011a, 19, 26, 31)
2. Activity proposals shall discuss potential effects and risks based on traditional knowledge along with other forms of science. (ibid., 40-44)
3. Remuneration shall take place to compensate communities for their interventions as an addition to thorough planning and continued consultation. (ibid., 30-33)

The guide adds additional measures, including:

1. Activity proposals shall discuss how risk mitigation is based on traditional knowledge along with other forms of science. (ibid., 65)
2. Activity proposals must discuss how mining may disrupt traditional community social structures, and how social structure changes will be mitigated. (ibid., 73-75)
3. Distinguishing between proprietary and non-proprietary traditional knowledge, with credit given to communities or experts when proprietary information is incorporated into decision calculi. (ibid., 21-22)

Moreover, the guide contains a surprisingly explicit affirmation of Permanent Participant status:

Arctic governments acknowledge the increasing role and participation of Indigenous Peoples in decision-making processes affecting their individual contexts, culture and land. Furthermore, the Arctic Council supports the active engagement of the Permanent

Participant representatives in its deliberation as key participants of the Council— not as Observers. (SDWG 2011a, 18)

As an Arctic Council document, it is not surprising that the guide explicitly focuses on the Council's work, normative sway, and responsibilities toward its members. Yet it is surprising that the best practices so clearly align with those of the Permanent Participant declarations, that the recommendations are even more specific than the declarations, and that the report contains a directed criticism towards earlier efforts. The interests of Permanent Participants are clearly identifiable in the guide. Even if the guide sets rules for one specific industry, that is one more space where a system of checks has been obligated. After all, if, as ICC representative Kleist shared later at the Nuuk Ministerial, “only the Council has the potential and political will to address issues of relevance to the Arctic people” (Kleist 2011, sec. 1), then for underfunded and thinly stretched Permanent Participants, injections can go on to have great impacts in the region.

The *Guide for Mining* was not the only place where Participant voices were heard at the 2011 Ministerial meeting in Nuuk, Greenland. Permanent Participant SAOs were the first to articulate the need for formal criteria for Observer status. Naturally, the call established an actor hierarchy: “the involvement of Observers should enhance and complement the unique and critical role of Permanent Participants in the Arctic Council” (SAO 2011, 50). Canada, Finland, and Norway proposed a binding agreement be drafted. By the end of the Ministerial meeting, Sweden, then-Chair of the Council, affirmed that an Observer manual would be created during its chairmanship “to guide the Council's subsidiary bodies in relation to meeting logistics and the roles played by Observers” (Von Uexküll 2011 sec. 1). At this point, there are two main items to note about these discussions and commitments. First, was the formalization that Observers must be accountable to Permanent Participants, both in the *Guide for Mining* and the SAO deliberations. Second, and less ideally, no clear mechanism was identified to support or enforce

this hierarchy. Rather, SAOs initially proposed seven principles to be included in an Observer manual. Of these, three explicitly mention Observer responsibilities to Permanent Participants, though their language was vague.

Table 4.4. Initial Senior Arctic Official Meeting Content (SAO 2011, 3)

Observer Responsibilities Identified at the 2011 Nuuk Ministerial
<ol style="list-style-type: none"> 1. Accept and support the objectives of the Arctic Council defined in the Ottawa declaration. 2. Recognize Arctic States' sovereignty, sovereign rights and jurisdiction in the Arctic. 3. Recognize that an extensive legal framework applies to the Arctic Ocean including, notably, the Law of the Sea, and that this framework provides a solid foundation for responsible management of this ocean. 4. <i>Respect the values, interests, culture and traditions of Arctic Indigenous Peoples and other Arctic inhabitants.</i> 5. <i>Have demonstrated a political willingness as well as financial ability to contribute to the work of the Permanent Participants and other Arctic Indigenous Peoples.</i> 6. Have demonstrated their Arctic interests and expertise relevant to the work of the Arctic Council. 7. <i>Have demonstrated a concrete interest and ability to support the work of the Arctic Council, including through partnerships with member states and Permanent Participants bringing Arctic concerns to global decision-making bodies.</i>

In the Ministerial concluding remarks, both ICC representatives gave more moderated comments than Stott's previous criticisms. Kleist identified a particular strength Indigenous Peoples have that states lack: their understanding of the cross-cutting nature of Arctic development:

The Council will have more and more influence in the future, mainly because the Arctic does not have artificial borders, such as the state borders, we know today. There is a need for a more balanced approach to the reality of Indigenous Peoples in the Arctic. It is essential to maintain democratic governance in the Council in order to maintain the inclusiveness and principle of unanimity. (Kleist 2011)

Aqqaluk Lyngé, ICC president from 1995 to 2002, offered a more optimistic view of the Council compared to the prior year's statements, saying the ICC "believe[s] trust between the Arctic States and Permanent Participants has grown and that our views and interests are considered seriously" (Lyngé 2011, sec. 1). Saami Council representative Olav Mattis Eira referenced the

SAO meetings, stated that the formal commitment to an Observer guide was a concrete move that re-established trust between Permanent Participants and state members:

We trust that the member states appreciate our contribution to the work as valuable, and that they will increasingly incorporate Indigenous perspectives when developing national Arctic strategies. We expect that the Arctic states will increasingly cooperate in Arctic affairs through negotiating treaties... The Saami Council therefore underscores that it is of critical importance that the Permanent Participants are allowed to participate as equal partners in such negotiations. If not, the unique partnership between Indigenous Peoples and states developed in the Arctic Council is at stake. (Eira 2011)

AIA representative Arlene Gundersen most directly addressed Permanent Participant expectations of normative fulfillment. Remarking that the Arctic Council is the only forum where Arctic Indigenous Peoples are equal participants in all discussions, the changes it was undertaking—and would continue to experience—to clarify Observer roles would help it become a more efficient body. “But,” she cautioned, “we need to be vigilant that the role of Permanent Participants is strengthened as well” (Gundersen 2011, sec. 1).

A New Circumpolar Inuit Declaration

From its initial *Declaration on Resource Sovereignty*, the ICC consistently pushed to keep its principles at the forefront of its Arctic Council activities. Their consistency demonstrated their importance, including as guiding principles in ongoing transboundary ICC efforts. After the Nuuk Ministerial, ICC reinforced its 2009 declaration with a follow-up document: *A Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat* (2011). Thematically, the declaration reinforced the same focal points, land control and the implementation of Indigenous consultation measures, that had been the aim of ICC during all Arctic Council’s 2010 and 2011 SAO and Deputy Minister meetings. Or, as the document’s fourth section begins: *Inuit must be active and equal partners in policy-making and decision-making affecting Inuit Nunaat* (ICC 2011, sec. 4.1).

Not only does the *Circumpolar Declaration* establish a need for Permanent Participant precedence over industries and non-Arctic actors, but it is also more specific than the 2009 declaration, laying out clear prescriptions of what cooperation with Participants looks like (ICC 2011, article 8). For example, project proposals for industry activities in the Arctic must:

1. Gain free, prior, and informed consent of regional Inuit before any activity takes place. (2.3)
2. Conduct themselves in concert with the UN Declaration with transparency and subject to independent and impartial review. (2.4)
3. Bear the burden of demonstrating that the proposed development is sustainable, and must demonstrate the best available scientific and ITK standards are employed. (7.3-4)
4. Include long-term land use plans that set ground rules and robust impact assessment processes, address cumulative impacts of potential projects, and address all environmental, socioeconomic, and cultural impacts. (8.2-5)
5. Thoroughly plan reclamation and habitat recovery processes. (8.7)
6. Commit to using the highest technologies in the event of spills or contamination. (8.10-11)
7. Compensate communities for regional impacts (only after living standards and fiscal health of regional Inuit are met should public sector revenues contribute to state treasures). (9.5)
8. Maximize Inuit employment at all levels of industry activity. (9.6)

Because the requirement for Observers to respect Permanent Participants outlined by the SAOs is vague, ICC laid out the foundation of what constitutes respect: adherence to this new declaration, as well as its 2009 predecessor. The *Circumpolar Declaration* goes beyond simple expansion and into further detail than its predecessor. In this way it also reinforces the harmonization of the human, social, economic, and environmental dimensions of the Arctic. Threaded throughout its entirety is the message that the physical and mental health of humans cannot be separated from the health of the natural environment (ICC 2011, sec. 6.1), such that it is tempting to discursively segregate consequences into different dimensions while making decisions. Sambo Dorough calls this “issue siloing”, and critiques the practice for giving false impressions that issues in the Arctic are unidimensional (2017, 47). Instead, Meakin, Weiser, and Watt-Cloutier all advocate a *holism* orientation when thinking about Arctic, rights, or

sovereignty issues (2020, 2017, 2016). A holism framework argues that all economic or environmental phenomena (positive or negative) also have consequences for the social and human dimensions of the Arctic; consequently, problem-solving necessitates a multi-dimensional approach. While ICC's prescriptions may be specific, their overall message is holistic, concerned with shifting regional discourse to better take into account the way consequences affect all the Arctic's intertwined dimensions. During a talk with Arctic and Inuit policy students, Stephanie Meakin of ICC Canada explained that holism is an important thread across all ICC efforts. While specific policies and recommendations are present, she found, the incorporation of holism is a larger, ongoing effort to change the way people think about activity in the Arctic (2020).

The declaration also modified how the ICC interprets partner-level cooperation. Specifically, the 2009 declaration focuses on how external states interact with Inuit. Within this context, some of the prescriptions apply to states *and* non-state actors, such as obtaining consent (3.3), and coordinating on limiting carbon (3.9), while others can only be fulfilled by states, such as adopting ITK language in treaties (3.10) or establishing multi-level governance (4.1). The 2011 *Circumpolar Declaration* adds industry-specific prescriptions. Notably, the partner-level language here disappears; instead, a hierarchy is established, where industries must follow Inuit rules and guidelines, just as they must do within nation-states. This is reinforced by Section 3.1, which says that notwithstanding property rights, "There is no free-standing or unqualified 'right' to proceed with non-renewable resource development in Inuit Nunaat. Projects must be scrutinized by Inuit and proved to be in the global best interests" (ICC 2011, secs. 3.1, 6.4). The burden of proof is on industries to meet Inuit requirements; and, like any nation, Inuit have the right to deny private sector developers. It is clear that the ICC's *Declaration* meets and exceeds the specificity of the Saami Council's prescriptions. Observers are explicitly mentioned once in

the declaration, when it declares that no parties are exempt from gaining consent—not state Observers, private sector developers, governments, or public resource management bodies (ICC 2011, sec. i). Observers are specifically identified as non-Arctic actors, requiring them to follow specific procedures to act in the Arctic and Inuit homelands. It continues the narrative from 2008 in establishing a hierarchy of Permanent Participants over Observers.

Using agendas, minutes, and Arctic Council archives from 2008 to 2011, there are regular and repeated references to the *Rovaniemi*, *Resource Sovereignty*, and *Circumpolar Inuit* declarations by SC and ICC representatives regarding Observer responsibilities and maintaining special Permanent Participant status. The declarations are referenced as national policy papers, legitimate and binding just as nation-state Arctic strategy and policy papers (Josefsen 2010; SAO 2010b; SAO 2011; SDWG 2011b). Representatives impressed that a failure to respect the declarations is counter to the Arctic Council’s normative mandate. It also implies that failure to respect them would de-legitimize the Council—a troubling issue during a time when normative governance is under threat (Escudé 2016; Graczyk et al. 2017). AIA and RAIPON representatives also acknowledge these declarations, even though they are not party to them.

These repeated references reflect a lesson that ICC representative Sheila Watt-Cloutier learned from her persistent work integrating Inuit perspectives and policy recommendations into the *Arctic Climate Impact Assessment* (2004): if Permanent Participants are to have structural power above Observers, then specific guidelines and processes must be ready, minimizing the burden of states and smooth all obstacles to *yes* (2016), especially as the declarations’ specific plans and details are thus both practical content *and* valuable focal points for analysis. As Participants have internally developed best-practice requirements in Observer manuals, it supports the premise that these under-resourced Participants have meaningfully shaped policy in

the Council despite being under-resourced members. After all, a de facto veto combined with clear seniority over Observers imparts meaningful power for Participants, which could not have been anticipated at the Council's founding, given that there was no anticipated need to further clarify the relationship between Observers and Participants at the time.

The declarations' emphases on International Relations and external actors does not preclude the challenges that Participants face in maintaining their sovereignty and rights integrity within their respective states. There are many aspects of self-determination that must be negotiated at the national level, and certainly there are many designs available (Wilson, Alcantara, and Rodon 2020). The Arctic Council may not be the best outlet for these issue-areas, as it has no formal binding power over its members' domestic activities³⁸, and normative sway can only go so far to compel member states to adopt national measures through shame and acclaim (Schimmelfennig 2001). Even then, standards may be inconsistently or poorly enforced. For instance, the second ICC Declaration is relevant, as it builds upon the strengths of the first ICC declaration—the identification of international organizations and forums as normative rights-protectors and voice amplifiers—requiring within these forums specific proposals to mandate Permanent Participant consultation. From the 2008 and 2009 declarations, there are numerous instances when permanent Participants have advanced specific recommendations during Arctic Council and SDWG meetings, and when state representatives supported these recommendations after the Participants followed them with even more specific proposals.

SAO and Deputy Minister Deliberations: Observer Requirements from 2011-2012

At the November 2011 SAO meeting, the Swedish Chair mandated that the development of a new *Observers Manual* and associated amendments to the *Arctic Council Rules and*

³⁸ Beyond its few, and specific, treaties since 2011.

Procedures would become the responsibility of the new Task Force for Institutional Issues (TFII). TFII was created to do intensive, short-term work on specific projects that required fast turnaround. Its membership frequently changed to include subject matter experts based on ongoing projects (Chater 2015; Molenaar 2012). TFII was immediately supplied with three kinds of resources: 1) member state and Permanent Participant reference texts, including the 2008, 2009, and 2011 declarations; 2) Observer rule-related work developed in SDWG; and 3) staff consisting of a Permanent Participant majority (SAO 2011, 5). Permanent Participants acted as the subject matter experts, and the task force worked under Chair and Swedish representative Andreas von Uexküll, who acknowledged that the contributions and administrative decisions by member states and Participants were imperative (SAO 2011, 2). Four months later, at a Deputy Ministers' meeting, the Council adopted the TFII recommendation to standardize Observer applications (Deputy Ministers 2012). At the same meeting, the Experts Group of Arctic Ecosystem-based Management, SDWG, PAME, and AMAP all backed TFII's development of an Observer manual that recognized Indigenous oversight, and Deputy Ministers had Permanent Participants nominate non-Council Indigenous experts to participate in TFII's work (ibid).

While SDWG was no longer actively involved in developing the Observer manual, it did continue to develop Observer-related resources, which it passed on to TFII as relevant contributory materials. At its mid-year meeting, SDWG minutes reflected that members had a united sense of urgency and need to cooperate with TFII to develop an Observer manual in time for the 2013 Kiruna Ministerial meeting. "Participants noted there seemed to be a critical agreement to continue on a cross-sectional basis and develop and enforce 'best practices' for common industry sectors among Observers" (SDWG 2012, 1). As such, SDWG committed to

providing resources for TFII on ITK-based monitoring and resource management resources, perpetuating support for ITK in Observer research and industry proposals (SDWG 2012, 2).

Further, by the time that the SAOs gathered for their next meeting in 2012, TFII had completed the *Observer Manual* and *Rules of Procedure* revision drafts, and both documents were slated to be edited by Permanent Participants and finalized (SAO 2012). Chair von Uexküll urged the Council to adopt a statement for the upcoming Ministerial “acknowledging the unique cooperative approach between Arctic states and Permanent Participants,” and identified six practices for the Council to preserve the role of Permanent Participants in the Council (Deputy Ministers 2012, 6–7). Simultaneously, TFII wrote a statement of expectations for Observers treatment of Permanent Participants, incorporating into the *Communication Strategy for Arctic Council for 2012-2016* (Deputy Ministers 2012) to clearly. The Ministers’ statement was preemptive virtue-signaling (Hoffman 2010), sending a powerful message to Observers that the new *Observer Manual* reinforced the Council’s commitment to back Permanent Participants.

Although essentially completed, the *Observer Manual* still needed to be further evaluated at one more non-state Arctic event before its implementation. The Permanent Participant-led *Response to Arctic Shipping Workshop*, hosted by the ICC, was a space for representatives from all Participants to discuss their satisfactions, concerns, and organizational next steps in response to the Arctic Council’s 2009 AMSA Report, the *Observer Manual*, and revisions to the *Rules and Procedures*. ICC President Duane Smith shared during opening remarks that there was great pride in the *Circumpolar Inuit Declaration on Sovereignty in the Arctic* as an output, its quick recognition by the Arctic Council, and how they would judge Observer behavior. Other ICC representatives voiced their belief that such declarations would be particularly effective measures in safeguarding Permanent Participant interests against dilution—a terminology typically

reserved when referencing opposition against Observers (ICC 2013, 13-17), whereas in contrast, Permanent Participants are in a secure position when they set the terms and conditions they are willing to engage non-Arctic players on resource development (ICC 2013, 24).

Implementation: The Kiruna Ministerial

With the *Observer Manual* and *Rules and Procedures* amendments finally evaluated at the *Response to Arctic Shipping Workshop* and submitted to TFII for incorporation (SAO 2013), the new texts were adopted in May 2013 at the Kiruna Ministerial meeting. As is customary at the bi-annual meeting, a declaration on the Council's goals, projects, and accomplishments since its last Ministerial was published. The *Kiruna Declaration* formally recognized "the adoption by Senior Arctic Officials of an Observer manual to guide the Council's subsidiary bodies in relation to meeting logistics and the roles played by Observers" (Arctic Council 2013, 7).

Rules of Procedure

Prior to adoption, minor additions were made in the 2013 *Rules of Procedure* to articulate the functions of the Council Secretariat (e.g., coordination, volunteer support for Working Groups, task forces, and other subsidiary bodies) (Arctic Council 2013, I, art. 39, 42), and Articles 37 and 38, as well as Annex 2, were determined exclusively to focus on Observers. Further, during this process, Articles 37 and 38 saw dramatic expansion, from twenty-seven to 186 words. Moreover, the draft had previously simply mentioned that *ad hoc* Observer status could be granted (ibid, 37) and that Observers could make statements and submit relevant documents at Ministerial meetings at the discretion of the Council Chair (ibid., 38), but now, revisions stipulated that if Observers lost unanimous SAO support, they may not attend SAO meetings and that Observers who behaved "at odds" with the Council's *Declaration* or *Rules of Procedure* would have their status suspended (ibid., 37). Certainly, then, it is notable that, even

before Observer rights and abilities became articulated, rules clarifying how they could be removed had already been laid out, even though, earlier on, removal processes had been completely absent from the 1998 procedures. For instance, Article 38 detailed Observers' five rights in the Council, stipulating that Observers may conduct themselves as follows:

- 1) Engage in Working Groups;
- 2) Attend Council subsidiary body meetings to which they have been invited;
- 3) Make statements after member states and Permanent Participants or submit relevant documents, at discretion of the Chair;
- 4) Submit written statements at Ministerial meetings; and
- 5) Propose projects through member states or Permanent Participants, so long as total financial contributions from all Observers on a project does not exceed funding from member states and Observers, unless otherwise permitted by SAOs. (ibid., art. 38)

Articulating what Observers may and may not do reveals a member hierarchy while resolving a serious gap in the rules that existed for nearly two decades: Observer activities requiring member permission may be gained from either member states or Permanent Participants.³⁹ Even so, this policy articulates no hierarchy between member states and Permanent Participants, though it does reveal a clear power differential between members and Observers.

The second section within the *Rules of Procedure*, Annex 2, likewise sees significant additions in the 2013 amendments. Entirely focused on Observer applications, management, and behavior, the text expanded from 199 to 429 words; and the amendments also removed a list of nine initially accredited Observers who had been grandfathered into the Arctic Council from AEPS. The removal of those initial Observers signaled both that they no longer had a special status among Observers, nor any special immunity. It made clear that all Observers are subject to the same rules, and any can be removed for noncompliance. The next two sections concern timelines and required materials for Observer applications. These largely remained the same,

³⁹ With the exception of statements made at Ministerial, which can only be done with the approval of the Chair.

requiring Observers to provide a description of their ability to contribute to the Council's work, along with new criteria Observers are obligated to follow (ibid. annex 2.2-2.6). In the added criteria, Observers are evaluated on the extent to which they function as follows:

- a. accept and support the objectives of the Arctic Council defined in the Ottawa Declaration;
- b. recognize Arctic States' sovereignty, sovereign rights and jurisdiction in the Arctic;
- c. recognize that an extensive legal framework applies to the Arctic Ocean including, notably, the Law of the Sea, and that this framework provides a solid foundation for responsible management of this ocean;
- d. respect the values, interests, culture and traditions of Arctic Indigenous Peoples and other Arctic inhabitants;
- e. have demonstrated a political willingness as well as financial ability to contribute to the work of the Permanent Participants and other Arctic Indigenous Peoples;
- f. have demonstrated their Arctic interests and expertise relevant to the work of the Arctic Council; and
- g. have demonstrated a concrete interest and ability to support the work of the Arctic Council, including through partnerships with Member States and Permanent Participants bringing Arctic concerns to global decision-making bodies. (ibid. annex 2.6)

These criteria make up the basis for the *Observer Manual*. Like the *Rovaniemi* and *Inuit Circumpolar* declarations, the *Rules and Procedures* compel Observers to adhere to existing regional rules, specifically the *Ottawa Declaration* and UNCLOS, which means Observers are unable to selectively pick and choose which institutions they are bound by just because they want to be involved in the Arctic. Criteria *a* and *c* signal that if Observers wish to be party to the Arctic Council, they must adhere to broader, more binding institutions. Normatively, this should have a broad effect on Observer behavior: UNCLOS speaks to Observer behavior even outside of the Arctic because transgressive behavior outside of the Arctic could threaten a party's Observership. At the very least, this results in a more complicated decision calculus when an Observer is deliberating on what action to take in a situation (Acharya et al. 2018), particularly as potential loss of Observership weighs more heavily as the Arctic increasingly grows in

importance, and having a foothold in Arctic governance is considered increasingly valuable by most major global actors (Chater 2016a; Kaltenborn, Østreng, and Hovelsrud 2020).

Beyond these parameters, three criteria explicitly reference the Permanent Participants. While the seven criteria may seem initially vague, such as requirements to “respect” and have a “political willingness” to contribute to Participant work (Arctic Council 2013, annex 2.6d, e), the criteria communicate tremendous seniority and leeway on behalf of Permanent Participants and member states. This finding is backed by Indigenous representatives who can speak to Arctic governance and Council affairs post-2013. Intra-organizational expectations exist that allow Permanent Participants to point to non-conforming or non-respectful behavior with relative ease (Graczyk et al. 2017). In one humorous exchange, when asked what non-respectful behavior looked like, a Saami activist said that rather than give specific examples, it could be understood the same way U.S. Supreme Court Justice Steward defined pornography: “We know it when we see it.”⁴⁰

Finally, Observer status is subject to regular review. So, not only do Observers know they must account for their actions, but they must also affirm their continued interest in being Observers every four years (ibid. annex 2.5) and must submit their activities and contributions to the Council at least 120 days before every Ministerial for evaluation (ibid. annex 2.4). They are evaluated in accordance with the aforementioned criteria by member state and Permanent Participant committees (Arctic Council 2013b). Thus, the initial vagueness is not a cause for concern. Therefore, the *Observer Manual* provides in-depth criteria for Observers far beyond the 143 words of Annex 2, articulating what is meant by *respect*, and clarifying structural hierarchy.

⁴⁰ Elle Eira, interview by author, Seattle, May 21, 2018.

Observer Manual

This 16-page document has nine sections and three addendums that “guide the participation of Observers” in the Arctic Council’s operations (Arctic Council 2013, 4). The first two sections contextualize the decision to publish a manual and the value Observers add to the Council through expertise, information, and financial resources. The third section establishes the scope of the manual: to facilitate operations and meetings effectively and efficiently.

Section 4 defines all Arctic Council sub-groups. It establishes that Observer status may be terminated when there is not consensus among Ministers (*ibid.*, sec. 4.3) or if an Observer behaves at odds with the *Ottawa Declaration* or *Rules of Procedure*, which will lead to its suspension. It is meaningful that Observer status is terminated under *a lack of consensus* rather than *majority agreement*; under such language, there is no opportunity for members to play favorites, nor for Observers to attempt to qualify their behavior. Consensus-based agreement means tremendous power for Permanent Participants to utilize their de facto veto, for even if one member is dissatisfied, an actor’s Observer status is threatened. Prior to 2013, the lack of clarifying language or organizational procedures on Observer termination meant there was no guarantee that Participants would be involved in the decision. With the *Observer Manual*, Permanent Participant involvement in the evaluation is ensured.

Section 5 affirms that decisions at all levels of the Arctic Council “are the exclusive right and responsibility of the eight Arctic States with the involvement of the Permanent Participants” (*ibid.*, sec. 5). Section 6 articulates the role of Observers: to observe and make relevant contributions primarily in Working Groups, though it is implied that such relevance is determined by members and Participants, as they are the ones that grant continuing permission for Observers participation. Section 7, “Guidelines for Subsidiary Body Meetings,” details what

participation actually looks like for Observers. Observers may propose projects for subsidiary bodies through a member or Participant (ibid. sec. 7.5). Observers may speak on any agenda item, but only when the Chair has opened discussion following the right of Arctic state and Permanent Participant delegations to speak first (ibid. sec. 7.4).

Yet these Observer opportunities come with heavy restrictions, implemented at the discretion of members and Participants. Because of the Council's consensus-based structure, it only takes one Participant or member to withhold consensus, and Observer activities are curtailed. Observers must be invited to meetings (invitations are extended as a norm, but are not guaranteed), although the Chair has the right to cap Observers. Additionally, Participants and members may request documents distributed at meetings be designated as "restricted to Arctic States and Permanent Participants" (ibid. sec. 7.2). Finally, if Observers do not follow the rules, the Chair, after consulting with Heads of Delegation for members and Participants, may direct the Observer delegation to leave (ibid. sec 7.8). Sections 8 and 9 discuss the SAO majority required for amendments and the role of the Arctic Council Secretariat, which may assist Observers by sharing information but may not compromise its responsibility to members.

In addition, the *Manual's* Addendum directs Observer engagement, providing further specification on intersessional communications, meeting participation, and project contributions. If Observers want to fund more than half the budget of a subsidiary group project, they must submit a request outlining Observer capacity to: 1) provide relevant subject-matter expertise; 2) provide a unique value-added contribution to the work of the subsidiary body, specifically to Permanent Participants; and 3) provide the percentage of overall project funding (ibid. 13). The request is evaluated by SAO, six of which represent Permanent Participants.

Observer Application

The nine-page application requires potential Observers to detail their existing relationships with members, Permanent Participants, and Working Groups, and within an informational cover sheet, Observers must include two two-page memos on their:

1. Ability to contribute to the work of the Arctic Council and its conformity with *each* of the criteria listed in the section of the *Rules of Procedure*; and,
2. Specific plans to contribute expertise or financing to the work of the Arctic Council and how the proposed Observer is working, or intends to work, with the Permanent Participants. (Arctic Council 2013a, 3)

Within the scope of the memo, 43% of the criteria referenced in the first section explicitly requires Observers to discuss how they will partner with Permanent Participants (and implicitly requires Observers with poor track records to justify a lack of pre-existing relationships with Permanent Participants, if such is the case). Even so, the second section goes further, requiring Observers to dedicate the same textual space and justification efforts to appeal to the Permanent Participants as a specific class. Moreover, throughout the application process, potential Observers are repeatedly required to answer the question: “What do we bring to the table for Permanent Participants?” Nowhere in the *Rules and Procedures*, *Observer Manual*, or application, though, must potential Observers justify how they will respect or enable member States. The application and evaluation process requires them to articulate the scope and nature of their commitments to Permanent Participants, and submit plans on how *their* presence will enable Permanent Participants.

Sections 1 and 2 include two lengthy questions Observers must answer. If Observer applications give proportional weight to each component of the questions, then at least 50% of their application themes explicitly considers Permanent Participants.⁴¹ If potential Observers can

⁴¹ A and B consisting of 50% each. A relies on six criteria, three of which must be addressed that directly speak to Permanent Participants (25%). B consisting of two considerations: contributing to the 1) work of the Arctic

show they have worked successfully with Permanent Participants in the past, that is advantageous for their application. While the application does not direct Observers to share how they will gain Permanent Participant consent for future projects taking place in their territories, since 2013 Permanent Participants have shared that this is where they apply the broad requirement for Observer respect. If an Observer fails to gain consent, it would be considered a breach of this criteria, and “there would be no doubt” that all Participants and members would reevaluate the violator’s future as an Observer.⁴²

Confirming these safeguards for clarity, Chair Von Uexküll also affirmed that the primary determinant on whether Observer-proposed projects are carried out is whether they have 1) adopted ITK knowledge into their proposal, 2) prioritized funding toward Indigenous communities and experts, and, 3) contain extractive elements that have clearly gained Participant approval (Arctic Council 2013b). Because the ICC has so clearly articulated what is acceptable, there is little ambiguity in determining when it believes that a line has been crossed by states,⁴³ and we can see how players find value in the usage of phrases like *respect* and *recognize* as encompassing language. Combined with a greater clarity in whether the other criteria have been met, broader language allows Permanent Participants to raise objections or concerns over a project’s social or human consequences. These parameters ensure that they are not shut out of conversations when Observers attempt to isolate an issue as a unidimensional economic or environmental problem (i.e., implicitly implying that social/human objections matter less in these deliberations) (Cameron 2011). Further, such language also grants greater flexibility for

Council more broadly, and 2) work with Permanent Participants (25%). While applicants may not dedicate equal space to their conformity with each of the eight total components, they must still *address* each of the eight distinct themes to be evaluated. Applications that lack any of the themes would not be eligible for consideration.

⁴² Aleqa Hammond, interview by author. Seattle, May 22, 2018.

⁴³ Stephanie Meakin, interview by author. Ottawa, January 29, 2020.

Indigenous evaluations when conflict arises in an issue-area not explicitly referenced in the *Observer Manual* or *Rules of Procedure*. Combined with the requirement that Observer behavior must align with international law (Arctic Council 2013, 14), Permanent Participant objections to Observer behavior contrary to international law are strengthened.

Table 4.5. Summary of Permanent Participant Interests 2008-2011. Table by author.

Declaration Interests (2008, 2009)	SDWG Recommendations to Ministers (2009)	Guide for Mining (2011)	Nuuk Ministerial (2011)
Consultation Rights	Yes	Yes	Yes
Community Emergency Funds	No	Yes	No
Funding Caps to Working Group Projects	No	n/a	No
ITK Knowledge Incorporation in Projects	Yes	Somewhat ⁴⁴	Yes
Project and Actor Compliance with International Law ⁴⁵	Yes	Yes	Yes
Project Consent/ Rejection Rights	Yes	Yes	Yes
Reasonable Expert/ Community Compensation	No	Yes	No

⁴⁴ While ITK is not necessitated, actors must distinguish between proprietary and non-proprietary knowledge.

⁴⁵ UNDRIP, Akwe Kon Guidelines, World Bank, IFC.

Table 4.6. Summary of Permanent Participant Interests 2013. Table by author.

Declaration Interests (2008, 2009)	2013 Structural Amendment Texts		
	<i>Observer Manual</i>	<i>Rules and Procedures</i>	<i>Observer Application</i>
Consultation Rights	Yes	Yes	No
Community Emergency Funds	No	Yes	No
Funding Caps to Working Group Projects	Yes	No	Yes
ITK Knowledge Incorporation in Projects	Yes	No	Yes
Project and Actor Compliance with International Law ⁴⁶	Yes	Yes	No
Project Consent/ Rejection Rights	Yes	Yes	Yes
Reasonable Expert/ Community Compensation	Yes	No	No

Sheila Watt-Cloutier, a key player in the incorporation of ITK in the *Arctic Climate Impact Assessment*, suggests that respect for both state and Observers is fundamentally about consultation, a sentiment echoed by Sambo Dorough: “Since first contact, Inuit have been generally successful at not only defining, but continuously re-defining our relations with others” (Sambo Dorough 2019b, 70). One of the key objectives of the ICC’s Principles and Elements for a comprehensive Arctic policy is respect for the rights of the Inuit, which transcend international boundaries. ICC leadership substantively influenced the Arctic Council’s *Rules of Procedure*,

⁴⁶ UNDRIP, Akwe Kon Guidelines, World Bank, IFC.

including the emphasis on consensus. The ICC is unlikely to consent if consultation is not present.

Based on the new content of the 2013 amendments and the *Observer Manual*, Observers who do not explicitly commit to respecting Indigenous interests and rights will not be admitted.⁴⁷ In addition, because Observer status is contingent upon consensus among Arctic member states, as well as a mutual agreement that external entities have not engaged in activities conflicting with the Ottawa Declaration, Observers cannot express symbolic commitments then reverse their position once granted Observer status in the Council (Arctic Council 1998). Every four years Observer status is re-evaluated, providing regular, formal opportunities for Council members to provide commentary and concerns regarding Observer behavior.

The Legacy of Observer Reforms

Decisions on which actors are accepted as Observers are not made lightly. At the 2013 Kiruna Ministerial, in the two days given to deliberate Observer candidates, only four state applicants were covered (and admitted). Non-state applicants had to wait until the subsequent meeting to be deliberated. Permanent Participant staff members and scholars have since shared their opinions that these post-2013 applications were weighted more heavily to Permanent Participant issues than applications of previous years in two noticeable ways. One member said post-2013 applications far more readily discussed Observer willingness to work with Permanent Participants. “At the most basic, the applications went from few mentions of Permanent Participants to multiple references within a single response memo.”⁴⁸ Another scholar shared that the Observer Manual and requirements coincided with Observer applications making more

⁴⁷ The denial of the European Union’s application has been credited to its Indigenous-harming sealskin and whaling bans (Graczyk and Koivurova 2014).

⁴⁸ RAIPON representative, interview by author. Arkhangelsk, May 10, 2018.

frequent references to how they plan to contribute to the Arctic's human and social research. Whereas the applications previously focused on what economic and environmental expertise the Observers could bring to the Council, new applicants began to mirror language that the Permanent Participants had been using the whole time: discussing what they could contribute to problem-solving in the human dimension.⁴⁹

After these Observer constraints were adopted in the Council, Canada succeeded Sweden in the chairmanship. Under this new leadership, Canada's initial mission statement advocated a continued trajectory of enabling Permanent Participants while adhering to the constraints set on Observers. In its first Council declaration, Canada's leadership welcomed and engaged non-Arctic states and interests, "at the same time making it clear just what [was] expected and demanded of them" (Fenge 2012, 65). In practice, the Canadian chair enforced the new rules and norms, not only adhering to the new formal criteria, but also articulated and advanced *informal* criteria which were taken into account when evaluating Observers (Burke and Bondaroff 2018, 349).⁵⁰ Obviously, informal criteria were secondary to the formal rules (the policies of a well-suited Observer cannot offset an inability or unwillingness to work with Permanent Participants). However, the adoption and spread of informal considerations suggests constraining Observers was an effective strategy that quickly extended into informal organizational operations.

Some Permanent Participants themselves lauded the emerging norm for taking a more critical stance toward Observers in the organization. For instance, Gwich'in Council International executive director Bridget Larocque expressed that "the Permanent Participants are

⁴⁹ Professor, interview by author. Arkhangelsk, May 8, 2018.

⁵⁰ Informal criteria are 1) strategy and tactics, 2) the Council's motivating philosophy, 3) Council organizational structure and capacity, and 4) the historical legacy of the external actor in the region (Burke and Bondaroff 2018, 351).

very cautious about some applications, as it is not enough to say that Observers will be sensitive to the needs and rights of the Indigenous Peoples; they also need to show their track record and have reputations” (Stepien, 2017, 215). Reputation is a vague term, though, one that is not articulated or given a basis of evaluation in the *Observer Manual* or *Rules of Procedures*, thus relying on informal criteria. The questions that member states and Permanent Participants pose to Observers illustrate how members strived to make a vague concept more tangible; and the parallel questions that member states considered centered on potential and efficiency in cooperation. Conversely, Permanent Participants’ questions focus on the demonstrated past, attuned to red flags that would indicate potential friction.

Table 5.2. Evaluative Principles Asked by Arctic Council Representatives

Member State Representatives	Permanent Participant Representatives
<i>Can we work effectively with the applicant?</i>	<i>Can we trust the applicant in our forum?</i>
<i>Does the applicant belong here?</i>	<i>How has the applicant acted toward members in the past?</i>
	<i>How actively will the applicant participate in, and support, our work?</i>
	<i>How has the applicant acted toward us in the past?</i>

In this manner, Arctic members maintain control over access to their forum, and applicants who may appear to meet all of the formal criteria can still have their applications rejected (as we will see later in the case of Greenpeace and the European Commission). The perceptions of Arctic members and Permanent Participants, based on histories and interactions, play a role in the evaluation process of applicants. The result, in the words of Burke et al, is that “potential Observers had the delicate task of maintaining their legitimacy with their support base, balanced with the expectations of the Arctic states and Permanent Participants” (2018, 349).

As such, the rapid expansion of Observer criteria from those *formally recognized and encoded* to the legitimization of *perceptions and reputation* gives both member states and Permanent Participants more leeway in making decisions they do not have to defend when rejecting Observers. The legitimization of informal criteria provides an area to explore the otherwise vague Observer criteria of respect, as articulated in the new *Rules of Procedure*. In fact, there is evidence that the Permanent Participants do value the informal considerations—but within the broader context of formal criteria. Moreover, Permanent Participants have reputations as authorities on two of Burke and Bondaroff’s informal criteria: speaking to the Council’s motivating philosophy, and speaking to the historical legacy and justness of the external actor’s actions in the Arctic. Indeed, many Indigenous and non-Indigenous Council representatives agree that “there is no doubt that Indigeneity is intertwined with the Council’s philosophy” (2018, 347), a point further emphasized by an Aleut International Association representative:

It is this special relationship [of] respect between all the [Council actors] and the Permanent Participants that is the heart of the Arctic Council. Without the full and meaningful participation of Indigenous Peoples of the Arctic, the Council becomes just another intergovernmental forum. (AIA 2017, 1)

Additionally, a fundamental thread of the Council’s narrative is that Permanent Participants have been involved since the beginning, and the Council would not be what it is without them (Meakin 2020; Sambo Dorough 2017b; Young 2012). Consequently, Permanent Participants not only use informal criteria to evaluate potential Observers, but are encouraged to do so. This nuance is accomplished through establishing an understanding that they are authorities on evaluating respect and adherence to the spirit of the Council’s mission. Therefore, from a formal criteria perspective, I examine three cases in which Observers were affected by the formal criteria advanced by Permanent Participants and adopted in 2013. In reviewing Observer

applications of NGO, IGO, and state applicants after 2013, the affective power of the new structural criteria is emphasized and legitimized.

In the case of an NGO, Greenpeace has applied for Observer status twice since 2013. While this NGO meets the structural criteria for Observers outlined in the *Observer Manual*, and has disavowed its previous anti-seal hunting and whaling stance for Indigenous traditional practices, it does not have a track record of cooperating with Permanent Participants. The intangible obligation to respect Permanent Participants hinders Greenpeace's Observer ambitions. According to those studying this case, it is not enough for the NGO to have changed its public position. Rather, in order to increase its chance of acceptance into the Council, Greenpeace must establish a measurable, substantive track record of working *with* or advocating *in tandem* with Arctic Indigenous Peoples. In an interview with a state representative in the Council, the individual noted that the Greenpeace application stressed its strong respect for northern peoples' cultures and traditions. However, the deliberation process, which includes input from members and Permanent Participants, disputed Greenpeace's claims, arguing that Greenpeace failed to meet the criteria of having a track record of cooperation with Permanent Participants and lacks concrete examples of respect for Indigenous nations (Burke and Bonderoff 2018, 353). Specifically, respect was evaluated through the question, "*How has the applicant treated us in the past?*" Unsatisfactory answers have led to Greenpeace's rejection each time.

In addition, IGOs have also been affected by the formalized Observer criteria. The European Union's (EU) European Commission submitted its application to the Council in 2013. The Arctic Council, interestingly, did not reject its application, but formally deferred a final decision—a decision that has yet to be made. Many Permanent Participants were particularly vocal about their opposition to the EU's membership for two reasons. First, Indigenous

representatives pointed out that there are already several members of the EU who are Observers in the Arctic Council. For the EU to gain Observer status would mean some states would have double representation (Yuly 2015). Second, many Indigenous representatives are critical of the EU's track record when it comes to Indigenous interests. The EU's 2009 ban on seal products was viewed by Inuit as evidence that the European Commission might not play a positive role in the Council (Meakin 2020). ITK and ICC sued in the European General Court to overturn this decision, with ICC President Duane Smith saying that, throughout previous years, "the EU ha[d] demonstrated more interest in keeping non-Inuit out of the market than finding ways of including Inuit [in the legislation and consulting process]" (ITK 2010, sec. 1). Ultimately, Observer status was not granted, due to a track record of failing to consult Indigenous nations, incorporate ITK in deliberations, or economically enable Indigenous traditional practices.

Even at the state level, we can see how interactions with potential non-Arctic Observers colors the deliberation process. Consider Switzerland: admitted to the Council in 2017, the state was judged to have few expert resources in Arctic science or affairs, few relevant ties to the science cooperation areas favored by Arctic states, and, to some SAOs, had expressed interest in joining the Council over a concerning short period of time (Burke 2017). Yet, Switzerland *was* admitted as an Observer. The basis for this decision had much to do with its track record in supporting global Indigenous Peoples. Internal Council reports show that the SAOs took into account past Swiss solidarity with Indigenous Peoples in other international forums, and had a track record in supporting relevant foundational law (e.g. UNDRIP, UN Framework for Climate Change, and the International Whaling Commission). Also in its favor, the Swiss application detailed how it planned to prioritize scientific cooperation with Permanent Participants, and sought to incorporate ITK perspectives while developing its own expertise (Council 2018).

Such outcomes of having a well-funded potential Observer denied, while a state applicant that prompted skepticism from SAOs has been accepted, are counter to the perspectives that one would expect from a great-state member of the Arctic Council. Some scholars have argued that the economics of Observers and preferences of state members matters more than political and Indigenous considerations (Chater 2019; Guo 2012; Krasulina et al. 2019). This belief, however, is overly narrow, in light of the Arctic's many complexities. In 2008, the idea that it was broadly desirable to have more Observers in the Council so their funding would benefit Council projects was a common assumption. In other words, it was commonly believed that Observer engagement would naturally benefit the Council, and did not require strict rules. Yet, in a matter of six months, the trajectory changed completely. The *laissez-faire* approach was challenged, and increasingly directly opposed as Observer rules began to be drafted. Even ICC representative James Stotts recognized during the 2021 Ministerial meeting that "after that slight setback, the Council has returned to its original mission" (Stotts 2021, sec. 2).

In other areas, some Observers, particularly East Asian states, have voiced concern over the 2013 rules and criteria. China in particular opposes caps to project financing, arguing that the arbitrary caps limit Council achievement. Some policymakers say the rules discriminate against China, even though it is a "near Arctic" state with the same interests and concerns as member states and an "incredible will to cooperate" (Hong 2018, 12). The more vocal critics of Observer constraints call for the creation of a new, Asian-dominant Arctic organization, and that the checks on Observer status make it practically meaningless (Guo 2014). It is unlikely that such an organization will form; even if it should, many prominent voices in Arctic governance are confident it would struggle, as it would lack the legitimacy and normative authority of the Arctic Council (Lackenbauer et al. 2018). Notably, the objectors (i.e., China, Korea, and Japan) are

already Observers, signaling that while they gained membership, they still feel constrained by the regular evaluations. Council judgement still has power over them, and there is a threat in the Permanent Participants playing a role in this judgement, especially under the common perception that China has “rarely been a friend” to circumpolar Indigenous Peoples (Hammond 2018, sec. 3). The Observer rules continue to constrain old *and* new Observers alike, demonstrating durability. Additionally, a strict review system lends the Arctic Council more credibility in its policy toward international stakeholders. The threat of expulsion is an incentive for existing Observers to what role they are able to play in the forum, contributing to Arctic governance. Finally, as Knecht states, regular review shows applicants that Observer status “has a price tag” and requires *sustained* interest, respect, and capacity (Knecht 2015, sec. 2). While no Observer has been expelled from the Council thus far, Permanent Participant representatives have voiced few qualms about demanding continued adherence to formal and informal Observer criteria, even if ensuring so requires a culling of current Observers.

Presently, the Council continues to receive Observer applications. Estonia is the most recent applicant as of November 9, 2020. While Estonia already has many ties to member states in other regional organizations, there is some uncertainty whether it will be admitted, as its appeal largely focused on mutual growth and benefit in clean and smart technologies, with little focus on Indigenous Peoples (Kaljulaid 2020). Indeed, the thirteen Observers that have been admitted since 2013 all demonstrated remarkably comprehensive applications (i.e, twenty-seven applications, including seven states, five IGOs, and one NGO) (Knecht 2020).

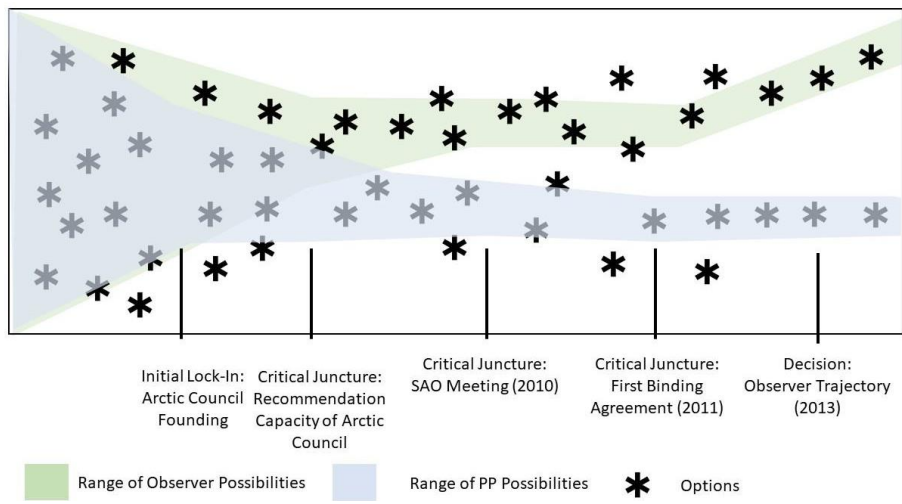
Conclusion

The *Observer Manual* clearly establishes Permanent Participants as partners with member states in making decisions about Observer status, projects, and funding in addition to

their de facto veto and their place in a hierarchy over Observers (Arctic Council 2013, sec. 6.d). The Indigenous Peoples Secretariat laid the foundation to resolve the self-identified Observer question, calling for 1) structural changes that would bind Observers from disrupting Arctic Indigenous communities and exerting disproportionate influence over the agendas of Permanent Participants in the Council's spaces, 2) as-objective-as-possible measures that would standardize evaluations of Observer behavior, and 3) measures that focus on social and economic impacts of Observers' agendas and proposals. These structural changes and measures would become the *Observer Manual*, *Observer Application*, and revisions to the *Rules of Procedure*. Moreover, the Saami Council's *Saami Rovaniemi Declaration* (2009) and the Inuit Circumpolar Council's *A Circumpolar Inuit Declaration on Sovereignty in the Arctic* (2009) were each drafted specifically in response to growing outside interest in the Arctic, and to affirm Indigenous participation in discussions of the region's future. These documents, therefore, served their purpose as reference materials for the new Observer requirements, shaping day-to-day discourse on who should be included in regional deliberations (Doran 2011), and proposing objective and standardized measures with which to evaluate Observers.

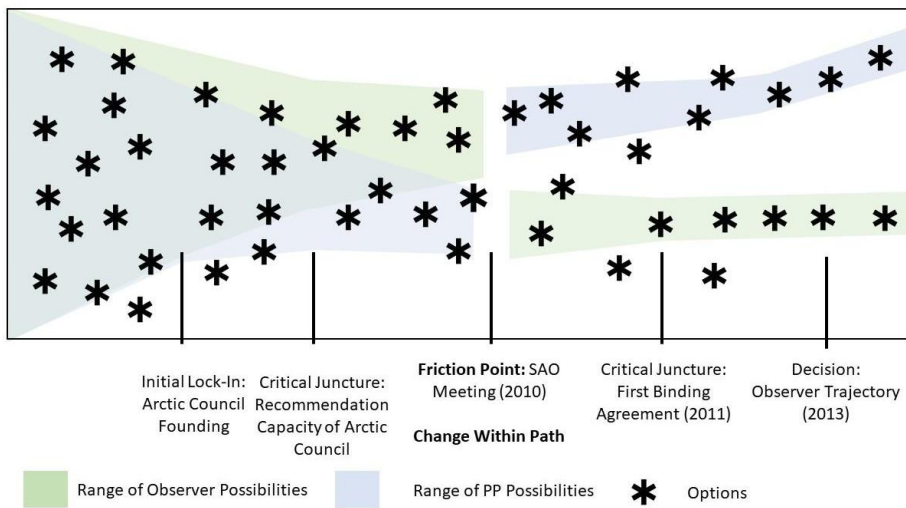
To begin with, a path dependency timeline depicts a progression of chronological events, each locking in organizational options through a dual mechanism of constraining choices and providing incentives through feedback mechanisms. Major events, or critical junctures, in the Arctic Council are points that lock options in. In a sequencing event where states were sole determinators and the Council continued in patterns entrenched during its early years, the critical juncture of the SAO meeting in 2010, where states expressed serious intentions to enable Observers more fully, would have been one more juncture solidifying the and practical measures implemented to empower Observers.

Image 4.1. Path Dependency Possibility Ranges of Observers and Permanent Participants. Image by author.



There is another way to visualize the possibility paths of Observers and Permanent Participants to see the impact of process-sequencing.

Image 4.2. Process-Sequencing Possibility Ranges of Observers and Permanent Participants. Image by author.



Along with critical junctures, there are friction points in which members can leverage to make shifts in otherwise charted trajectories, and do not necessarily have to occur early on in an organization's timeline. From 2010 to 2013, frictions around the emergent Observer question

shaped the Arctic Council's trajectory by enabling and constraining Observer and Permanent Participant members.

Beyond casting light on critical frictions in the Council's timeline, analysis of Council interactions identifies three major Permanent Participant interests maintained throughout this pivotal period. In terms of the primary interests and outcomes from the implementation of the *Observer Manual*, the first traceable thread is apparent in the evolution of their demand for Observers to demonstrate financial ability and expertise to contribute to Permanent Participant work. This demand initially emerged in the first and second sections of the Saami Council declaration, asserting that proposals for non-ward-state activity taking place in Arctic Indigenous homelands must detail financial obligations and contributions. This thread continued throughout workshops, intra-council negotiations, and was included in Observer requirements. It became the basis of justification if Observers were major financial contributors of projects (Saami Council 2008b; Arctic Council 2013, sec. 6.e). Similarly, the ICC's declarations focused on creating clear definitions and firm criteria of what it looks like for Permanent Participants to be partners in international organizations (ICC 2009; sec 3.3-3.5). Council Observership provides incentives for potential Observers to be held accountable for their actions, to stem transgressive industry practices, and to monitor the actions of their national industries and researchers. Observer activities were required to go through Working Groups or, if funded over 50% by Observers, *must* incorporate ITK and Indigenous consent in the proposal prior to approval (Deputy Ministers 2012; Arctic Council 2013a).

Second, Observer applications and project proposals must affirm a commitment to respect and incorporate ITK and consultation requirements in their Council operations. At the application stage, Observers have tremendous incentive to provide real examples of having

partnered with Indigenous communities and leveraged ITK as a form of knowledge. Applicants lacking these experiences would be judged against more subjective informal criteria and opinions held by Permanent Participants (Burke and Bondaroff 2018). Once admitted, integrating Western and Indigenous knowledge into proposals is practically a structural requirement, as the primary determinants on whether proposals will be carried out are if they incorporate ITK, prioritize Indigenous expertise, and gain Participant approval for extraction (Arctic Council 2013b).

Third, and finally, throughout all the efforts Permanent Participants actively promoted a discourse of holism, actively working against the siloing of Arctic issues. A Permanent Participant discourse of holism emphasizes the interdimensional nature of Arctic challenges. More specifically, in the four-year transition from the Observer question to the *Observer Manual*, a holism discourse was used to continuously re-assert the relevance of the Arctic's human and social dimensions, even as member states and Observers attempted to frame issues as unidimensional problems: economic or environmental problems that could be solved through increased funding or gathering environmental experts. This message is consistent with the interconnectedness and braided knowledge analogies that have been part of Permanent Participant discourse from the ICC's early years, establishing the Arctic as an interconnected, coherent region, and its Indigenous and Western knowledge as mutually informative.

Through this case analysis, we have a clear picture of not only specific frameworks and obligations by which Observers were bound through the Council's structural reform (Table 4.5), but also broader interests, including a discursive interest (holism) that carried through interactions, colored discourse, and linked this Arctic context to the global movement of Indigenous internationalization. Holism, or multidimensionality, is a strong theme in Indigenous environmentalisms. It is the framing that an issue is never just one issue, but one part of a web,

where effects reverberate, rather than exist in segregated silos (Wieser 2017). Extraction is not just an economic or environmental issue, but has consequences across dimensions. This is a message that the world's Indigenous Peoples have been trying to have affirmed at the global level throughout their internationalization efforts (Escárcega 2010; Muehlebach 2001; Brøndbo 2016). At the Rio+20 summit, many Indigenous activists and leaders expressed disappointment with NGOs for failing to be good partners to Indigenous nations, and for treating climate change as a unidimensional issue, rather than one with serious cultural and social consequences (Arruda 2012; Frank 2012).

The fact that the Permanent Participants are members of an international organization simply means they have specific communication channels for a particular, attentive audience to leverage within the broader strategy of internationalization. In the Arctic context specifically, it is easier to see how rapidly and widespread climate change effects are felt, as the region experiences more dramatic geophysical changes as a result of the same temperature increases than many other places (Arruda and Krutkowski 2017).

Where this case differs from internationalization strategies used by other Indigenous Peoples, and where we see the long-term impact of the Observer Manual, is how much its success (acceptance and legitimacy among Arctic and non-Arctic actors alike) rests on the power of socialization in the region. This case contains compelling evidence that Observership is desirable, and the loss of it would be undesirable for most Observers. As a result, Permanent Participants leveraged frictions to implement binding structural rules moving forward, while continuing to be able to harness the power of soft law's socialization. The Council's 2013 documents are so legitimate to other regional actors that disgruntled observers have begun discussing creating their own separate Asian Arctic Council. Leaving the feasibility of such an

endeavor for another project, the fact that these controversial discussions are happening shows the strength of the rules and socialization that backs them. As such, some Observers may try to form what would likely be a far-less influential or capable organization than break the Arctic Council's rules (Brady 2021; Lackenbauer 2014). How well other Indigenous nations around the globe succeed in getting international audiences to consider issues holistically may depend on how strong socialization is for the key actors and states within these contexts. Latin American Indigenous Peoples experienced great success in shaping a global discourse of holism that was in their favor through the 1980s and 1990s, yet it remains uncertain whether such a discourse of holism will succeed elsewhere. In Indonesia and Nepal, efforts of smaller Indigenous groups to alter regional vocabularies around forestry and mining to favor a discourse of holism faced significant challenges. The states asserted that because large percentages of their populations were Indigenous, they could not be named and shamed by regional actors for failing to work with their Indigenous citizens (Fischer 2006; Persoon 1998). In such cases, especially where tenured regional organizations are lacking, internationalization strategies counting on socialization to compel major behavioral changes may be limited.

Overall, while specific policies and recommendations are present in the Saami and Inuit Circumpolar Councils, the incorporation of a holism discourse is a larger, ongoing effort to change the way people think about activity in the region, and how actors in the region are socialized to problem-solve. Requiring Observers to show plans to collaborate with, and benefit, Permanent Participants establishes Participants empowerment, and intra-organizational norms and values. A clearer, standardized application process also arguably benefits applicants, who are better able to tailor their appeal to Council values, and have greater trust in the transparency of the system. Given that the Council is inherently a normative forum within which institutionalized

values have long lives (Escudé 2016; Graczyk et al. 2017), the clarification of Observer roles and responsibilities is important for Participants and Observers.

With the codification of Observer rules, we see how structural criteria affect Observers, from shaping what information goes into their applications to how members evaluate their suitability. Even actors of consequence and great international reputation are subject to these evaluations. The findings of this project support preliminary research on how potential Observers represent themselves in applications. Before 2013, to enhance their applications Observer applicants would increase their research activity and demonstrate their capabilities to act in the Arctic (Graczyk 2013). Since 2013, there has been a tendency for Observers to enhance their positions by showing reputations for adhering to existing international law and regional rules, accepting the challenge to appeal to what Gillo-Whitaker calls an “elusive” definition of international legitimacy that applies to both member states and Indigenous nations (2019, 75).

Ingimundarson argues that what needs to be considered in the Arctic “is that [its] multilateral framework is based on various types of sub-hierarchies which reflect the power disparities of stakeholders” (2014, 185) These stakeholders (and their hierarchies) can be viewed from several perspectives: between Arctic great states and smaller Arctic states; the eight Council members and the Indigenous populations; and Arctic Council members and Observers. When we consider stakeholder relationships in this way, the Observer criteria combines with the AMSA’ legitimization of ITK and bolsters intra-organizational and regional hierarchies in favor of Participants in meaningful ways.

Chapter 5: Case Analysis and Broader Implications

I repeatedly had to point out that the right to self-determination is not the same thing as secession. In light of our right to self-determination, Indigenous Peoples must continually exercise this right both within and outside of our Indigenous nations and communities.

*Dalee Sambo Dorough*⁵¹

Introduction

Having examined two cases of Indigenous influence in depth, I now consider the broader implications of Permanent Participant activity in the Arctic Council and the Far North. The structural recognition of Permanent Participant needs within the Council itself *is* valuable, and the importance of the cases continues. The material outputs by Permanent Participant serve the additional function of validating and legitimizing existing pro-Indigenous norms, and suggest that internationalization can be a particularly useful strategy for Indigenous nations on a broader scale, particularly in existing soft law frameworks. This chapter begins by examining the regional implications of each of the two cases in more depth. Thereafter, I discuss the significance of the cases in a warming Arctic and their relevance for sustainability discourse, and link this analysis to the combined implications of the cases for Indigenous communications. The ability of Permanent Participants to capitalize on organizational frictions and spark trajectory reversals suggests the promising ability of Indigenous actors to promote the broader acceptance of ITK as a form of knowledge, to see rights checks implemented in areas where hard law is underdeveloped or under-representative of Indigenous needs, and to potentially have pro-consultation norms and socialization be advances to greater rights assurances codified in

⁵¹ Sambo Dorough 2017.

international law. Regionally, the findings validate the Arctic Council's role as a chief norm disseminator within the Arctic's mosaic of governance institutions.

Case 1: *The Sea Ice is Our Highway to AMSA Transference*

As Chapter 3 detailed, the degree to which the Inuit Circumpolar Council framed shipping, identified concerns, and *prioritized* those concerns within the final AMSA report was significant given the lack of Indigenous perspectives in prior Council outputs. The first report to reflect an active effort to incorporate Indigenous knowledge and solutions was the *Arctic Climate Impact Assessment* (ACIA, 2004). The barriers to incorporating Indigenous contributions to the report were numerous and pervasive, and have been extensively written about by former ICC representative Sheila Watt-Cloutier, a key player in the development of ACIA. The barriers spanned the mundane⁵² and bizarre.⁵³ For instance, Watt-Cloutier ultimately believes that the most significant victory of the ICC in the ACIA was bringing the human dimension into the scientific dialogue on contaminants (Watt-Cloutier 2016, 151). Even so, Indigenous injections into the text were not as extensive as the Inuit would have liked, and much of ACIA's scientific work supported Indigenous Peoples' knowledge, but such work was limited to the supplementary scientific and research texts, not making it into the final policy document (Watt-Cloutier 2016, 202). Watt-Cloutier noted further that this was not the only time Indigenous perspectives and contributory texts were sidelined into less-important, less-disseminated, supplementary outputs:

The ICC, along with other Permanent Participants involved in the assessment discussions, submitted a statement that we wanted included at the beginning of ACIA and

⁵² Intra-Council politicking and ICC struggles to compile comprehensive data while under financial and expert strain (Watt-Cloutier 2016, 205-206).

⁵³ Including the discovery of a mysterious memo seeming to have originated from the US delegation to undermine the ability of ACIA to bind states' climate policies, and communications from Iceland that implied Permanent Participants did not have the right to criticize senior Arctic official decisions to non-Arctic actors. These events were followed by a (eventually overturned) rule that Permanent Participant representatives would not be allowed to be accompanied by technical or political advisors during subsequent Ministerial meetings (Watt-Cloutier 2016, 205-7).

its summary volumes. The statement called on all Arctic States to inject Arctic perspectives into the global debate on climate change and to assist northern Indigenous Peoples to bring their views and recommendations to international institutions that were addressing the effects of climate change. While the Council at first rejected our statement because they felt it was too political, eventually in 2003 they added it to a separate policy recommendations report. (Watt-Cloutier 2016, 204)

This is not to say that the contributions of ICC to ACIA were not important; rather, it emphasizes that Permanent Participants faced serious institutional and interpersonal barriers in having their voices heard—and inputs unaltered—from start to finish. After this disappointing experience, it was ambitious to think that only two years later, when work on AMSA began, things would turn out differently. Yet surprisingly, things did turn out differently, and not because there was significant overlap between the threats and benefits outlined in *The Sea Ice is Our Highway* and *AMSA's Human Dimensions* chapter. There was also similar treatment and volume devoted to the threats and benefits between the texts. This cumulative work, then, reveals something significant about the intra-Council process, and about the preservation of communities' voices and how, through Permanent Participant efforts, the voices were disseminated *unfiltered* to a global audience.

Promising Results in Advancing Indigenous Interests

There is high narrative fidelity between *The Sea Ice is Our Highway* and AMSA in their recommendations for state, NGO, and industry actors. As such, I contend that these recommendations provide the most meaningful fidelity, particularly as narrative fidelity previously faltered within ACIA.⁵⁴ High thematic fidelity matters, given how tempting it would be for state and industry actors to overstate the benefits while minimizing the harms of shipping.

⁵⁴ The strength of the language used for this gap varies among scholars, from claims that ACIA 'failed' to produce Indigenous-responsive recommendations, to ACIA writers 'faltering' and deferring to great state interests at the final stages (Watt-Cloutier 2016; Dushkova, Krasovskaya, and Evseev 2017).

States (particularly Canada, Russia, and the US) are tempted to minimize these threats because their interests are advanced by increased shipping. Indigenous efforts to prevent states from minimizing threats is what makes AMSA particularly compelling and distinguishes it from its predecessor report, ACIA. ACIA contained similar themes to AMSA (e.g. valuing ITK and Indigenous consultation), but did not accomplish specific policy recommendations or provide sufficient articulation of threats, according to Permanent Participant representatives (Nilsson 2009; Watt-Cloutier 2016). For instance, Sheila Watt-Cloutier detailed the difficulty of accomplishing fidelity: for the first decade of the Council, there was no expectation of its outputs having narrative fidelity with Permanent Participant contributions, and sustaining long-standing state-dominated rhetoric in international politicking (Watt-Cloutier 2016).

Further, there is one recommendation with particular significance: the call for standardized, increased consultation with Indigenous communities. This insight applies not only to Arctic Council-sponsored projects, but also to projects where states and industries have partnered. Each report advocates consultation, but advances different justifications for consultation; and the ICC text recommends consultation from a historical sovereignty perspective: modern sustainability practices have largely been created without Indigenous consultation, necessitating consultation in the present (ICC 2008, 3). AMSA likewise recommends consultation as a safeguard against future uncertainty: “[I]n the face of uncertainty about what activities will take place...a collaborative management approach and careful planning are required to identify and respond to negative impacts, and identify and harness positive benefits” (Arctic Council 2009, 128). The benefit of consultation, articulated in each report, is that it is an adaptive process, allowing for research, extraction, or resource project adjustments and alterations based on experience and evaluation as changes take place, rather than

creating a potentially ineffective fixed system (Arctic Council 2009, 129). Additionally, consultation allows both researchers and practitioners to develop more accurate, long-lasting methods for studying the combined effects of shipping and balancing multiple actor objectives (Cameron 2012; Christie 2009; EEC 2017; Fraser 2018, 2020; Kingsbury 1998; Waterman, Lowe, and Shotton 2018). This is the kind of holism advocated for by the ICC: fidelity in issue recognition, and actionable recommendations.

Fidelity in threat identification and recommendations has bigger implications that speak to potential barriers faced by Indigenous representation in international organizations. A common concern when studying Indigenous representation, activism, and rights-based struggles taking place within colonial spaces and structures (using colonial tools) is that potentially Indigenous elites lose connection to their communities, or their efforts fail due to elite capture, when elite minority intermediaries compromise community wants (Moreton-Robinson 2015; Platteau 2004). There is some critique among scholars of Arctic Indigenous politics that, just like any other minority or ethnic movement, there is the risk of elite capture. In this vein, Cruikshank and Argounova traced how Sakha elites communicated their Indigenous nationality to national audiences in ways that were inconsistent with non-intelligentsia Sakha wants (2000). Similarly, Ferguson looked at how elite Sakha tend to have different opinions about language socialization and bilingualism than that of other Sakha parents, a divergence which favors the former when developing local education policy and curricula (Ferguson 2015). The divergence that results from elite capture is concerning, particularly if Permanent Participants on the Arctic Council propose and back projects and rules that, while not necessarily harmful to Indigenous communities, are not explicitly supported by the Indigenous communities.

Permanent Participant organizational structures, however, are designed with an emphasis on participatory politics chain of representation, with representatives supporting ideas, projects, and priorities vetted by local leaders and elders, who in turn represent their communities' wishes (Eegeesiak 2016; ICC 2013). Among Inuit communities, there is strong confidence that their needs are communicated and advocated by their representatives in the Arctic Council. Few believe that their Arctic Council representatives behave as elites, or are not true to the needs of their constituents (Wilson 2019). ICC representatives themselves were clear that *The Sea Ice is Our Highway's* content was directly from Arctic communities. The collection itself was an intensive two-year process, and great efforts were taken to ensure the final text represented real perspectives, experiences, and data from communities. There was—and is—a very real understanding of *The Sea Ice is Our Highway* as a participatory community document (ICC 2013). Because this structure of interest transmission so heavily protects community interests—and because narrative fidelity from community-level inputs to organizational outputs is so high—we have high confidence that community shipping interests were represented by Permanent Participant elites. Still, inputting data and contributory texts into the final AMSA report is a contained process: the actual aftermath of AMSA demonstrates the deep impact of contributors. A combination of frequentative text-as-data and qualitative thematic analysis reveals promising findings about narrative fidelity and divergence as Indigenous interests are disseminated to a global audience through innovative intra-organizational behavior. The second case, the development of the Council's *Observer Manual*, further shows how even non-regional actors are affected by the outputs the Council develops.

Case 2: Influence Over Observers

To begin, it is important to note that admission to the Arctic Council is the first step in a process for Observers to participate in regional affairs. For Observers to make a difference and have their voices heard, they must attend and make use of available mechanisms in Council meetings (Knecht 2016). The admittance of many new Observers to the Council in May 2013 was a focal point for analysis and commentary; China had submitted its Observer application in 2007, but was not accepted until 2013. Similarly, South Korea had engaged in Arctic research and development activities for over a decade by 2013, but was not admitted until after that year's Observer clarifications. This case illuminates a four-year period in the Arctic Council, as Senior Arctic Officials' deliberations over Observers has been widely unexplored in public and academic discourse, (Knecht 2016b). The *Observer Manual* and its contextual discourse on stakeholder responsibilities are valued focal points. The structural formalization is one piece in the Council process to be resilient for the challenges of 21st Century (Dodds 2020), setting positive incentives for integrating non-Arctic entities into the Council's structures (Knecht 2016b), and safeguarding the unique Permanent Participant status. From a structural point of view, the *Observer Manual* makes organizational sense because it clarifies an operational gray area and makes the Observer application process and duties more transparent and standardized. The rules ensure that all components of the Arctic Council (including Working Groups and Task Forces) adopt similar approaches in their logistics and Observer roles (Fenge and Funston 2017, 18). In a traditional, structural approach to the Council, this is where we could stop our analysis of the importance of the amendments, but as we have seen, the importance of these amendments lies not only in what they *do* structurally, but what they reveal about who can affect structures.

Through this process-tracing case study, we learn that Permanent Participants are able to wield organizational clout and affect the Arctic Council's structure and development processes at critical times. Before 2013, the seminal example of Permanent Participants affecting the structure of the Council was their inclusion as founding members of AEPS, then maintaining their unique status and rights through the transition into an entirely new structure: the formal forum of the Arctic Council rather than just a strategy document. This is an example of significant International Relations success, as the transition could have very easily not been favorable for Indigenous associations, given the opposition (and great-state status) of the United States and Russia (Ron Huebert 1998; Graczyk and Koivurova 2014). In 2013, we would expect structural changes to come slowly because of the organization's past seventeen years of entrenchment. It is hard for organizations to change trajectory when they have established paths, compared to when members exert significant effort and resources to establish precedents at the founding of an organization. Once Permanent Participants had identified the Observer issue to the Council, a gap in the Council's initial structure, they created friction, making it possible to shift away from an established pro-Observer trajectory that many state members assumed would become reality.

While the desire for organizational reversals by Permanent Participants can be expected, the degree of success in implementing a reversal is certainly unexpected. The majority of Observer rules are structural and procedural, limiting Observer capacity to function without the knowledge and approval of the Arctic states, restricting the degree that Observers can fund projects and when they can speak at meetings (Arctic Council 2013a). Indeed, Knecht argues that those who anticipate Observers may try to influence the power structure and agenda of the Arctic Council actually overestimate Observers' ability to influence decision-making due to the stringency of the rules (2017). In the end, the Permanent Participant-Observer hierarchy

communicates an important finding in how actors of consequence are determined. For the Arctic Council, whether an actor matters is not determined by their statehood, but *whether they are an Arctic actor*. This demonstrates how core International Relations concepts are expanding to include more players. There is a sense of belonging that is based on knowledge and historical presence in the region, rather than actor size, capability, or statehood. This dynamic has two practical implications: one organizational and another international. At the organizational level, the structural hierarchy combined with normative signaling secures Permanent Participant status over Observers to ensure they have rights checks and consultation obligations in place, even when the Council chair rotates to another member state that is not supportive of Indigenous rights. At the international level, the Arctic Council sets a precedent in mixed-actor membership. While there are numerous domestic and trans-national Indigenous organizations in Indigenous Latin American and Australasia, any future mixed nation- and nation-state forums would likely be modelled after the forum that has continued with such integration (Krasulina et al. 2019).

Beyond organization-specific Permanent Participant influence, this case has implications for path dependency versus process-sequencing in international organizations, as well as implications on the capability of non-state actors to instigate and facilitate organizational reversals. When considering these implications, we should look back to the 2010 SAO meeting, as several conversations that captured a situation where Permanent Participants sought to implement a reversal. State representatives signaled eagerness to see Observers better equipped to participate in the Council's operations more fully, a position that Permanent Participants fiercely criticized, taking it as renegeing on the Council's commitment to safeguard Permanent Participant status. States wanted to increase the number of Observers and see them become more influential. In a state-controlled forum subject to path dependency, expansion made sense. The

Arctic Council was regularly admitting additional Observers; expansion furthered its legitimacy and increased its funding. Previously, the Arctic Council had not planned to place a cap on the number of members. The attitude up to that point had been welcoming of qualified Observers, especially since safeguards ensured they would not financially overpower member states. This orientation is in line with path dependency: decisions made by leading actors during critical periods are crucial for the trajectory of an organization and its members, as they constrain options and create feedback loops. State actors had clearly been introduced to the Observer issue by Permanent Participants, but the meetings in 2010 signaled that states planned to go on a continued path of expansion under loose Observer guidelines (Burke and Bondaroff 2018).

Permanent Participants then intervened, prompting an organizational reversal anticipated by process-sequencing. Participants from all represented Indigenous associations called for *returns* to the Council's original vision and structure. To be clear, the language of Permanent Participant representatives need not necessarily have used exact *reversal* language to demonstrate process-sequencing, though the fact that this phrase and its synonyms were used frequently from 2007-2013 highlights the anti-path dependency nature of Indigenous efforts. Reversals, or course corrections, can come from friction. As memos, speeches, and intra-Council communications demonstrate, there were numerous frictions. As a result of this tremendous and pointed backlash, states reaffirmed their commitment to safeguard the unique Permanent Participant status and fast-tracked the previously-called-for *Observer Manual* revisions. The intention—to create constraints on Observers when there were none, and to change foundational documents and rules despite seventeen years of institutional inertia and path establishment—and the language was remarkably in line with a message of reversal:

We think the Council needs to *regroup* and *refocus*. It needs to *get back* to its *original* intent, which was to provide a forum for the Arctic states and Permanent Participants,

working together, to provide good sound advice to our countries on Arctic policy in the areas of environmental stewardship and sustainable development. We think the Arctic Council, including its Working Groups, needs to *reset* how it goes about fulfilling its mandate. The Council needs to *get back* to its *original intent*. (emphasis added, Stotts 2010)

The resulting changes were the formalization of Observer evaluations, obligations, and criteria, the same kind of shifts that process-sequencing says is possible.

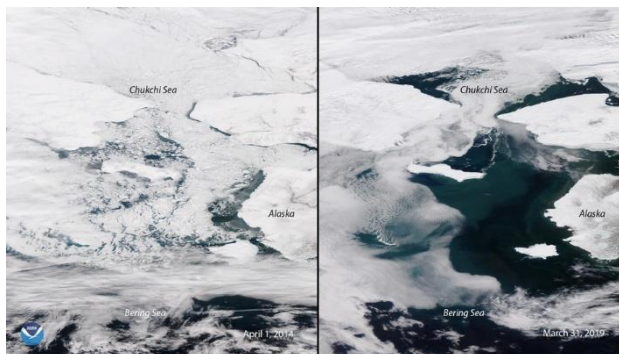
The concept of process-sequencing interacts interestingly with the Inuit story articulated by Nunavut Sivuniksavut (Figure 1.2), which visualizes the Inuit story depicting a loss in power and autonomy through the late 1960s. It then undergoes a reversal that leads to the formation of the ICC, ITK, political power of local councils, and the autonomy of Nunavut (Nunavut Sivuniksavut 2019). Both internationalization and path dependence carry assumptions of linear progress; but process-sequencing, just like the Inuit, illustrates that power and influence are more complicated and dynamic. Not only are organizations able to reverse trends, but under-resourced actors have the ability to implement and affect reversals, which can *result in greater* autonomy and control.

Broader Implications: Sustainability and Significance for a Warming Arctic

Having considered the implications of the two cases for Permanent Participant capabilities, I begin by considering why influence within the Arctic Council is meaningful for members in the long-term, as the Arctic experiences drastic changes. The Arctic is warming and melting, and it will never be as it was ten, fifty, or 100 years ago, but this does not change the fact that Permanent Participant influence matters if (or when) the Arctic melts. Any conversation on why inner-organizational behavior matters in a bellwether region must include significant input from Permanent Participant representatives, Indigenous political and interdisciplinary scholars, and

community leaders and activists who have worked with—and on behalf of—northern communities.⁵⁵

Image 5.0. Chukchi Sea Ice Cover, 2014 and 2019 (NOAA 2019)



Few Arctic policy and organizational practitioners believe that the Arctic’s warming nullifies the value of Indigenous representation. Permanent Participants find the warming Arctic an issue of great concern, as well as a source of hardship and tragedy, but not a reason to surrender.⁵⁶ Instead, the prospect of the future strengthens their resolve to have meaningful decision-making power and direction, both at domestic and international levels.

The determination to gain representation and organizational clout, and to establish precedents in international norms and law is rooted in the belief that when things become more dire in the future, and competition threatens cooperation, Indigenous Peoples will have representation. This preparedness mentality frames the connotations of a changing Arctic for the importance of this project’s findings. Indeed, former Greenland Premier Aleqa Hammond places this preparedness as a central theme of her political platform:

It is about us. It is about us taking charge, and feeling ownership of all the decisions being made for the generations ahead...according to scientists, the North Pole will be ice

⁵⁵ This chapter does not include quotes from all interviews on the topics of political representation and climate change. I would especially like to thank Aleqa Hammond, Marie Eira, Whit Fraiser, Stephanie Meakin, and Tony Penikett for their considerations, insights, and beliefs shared in conversations that significantly informed this chapter.

⁵⁶ Stephanie Meakin, interview by author, Ottawa, January 29, 2020.

free within our lifetimes. [This] tells you a little bit about the picture of the Arctic as we head in that direction, that what happens now affects the world my grandchildren will live in. The decisions I make now as a politician today will have an influence on the conditions my grandchildren will have. It follows for me that I will make decisions for their sake today. (Hammond 2018)

This sentiment is echoed among Canadian Inuit. The ICC representative's words that opened this paper amplifies this theme: “[I]n the Arctic [Inuit] have a real voice to make the world a better place. Cooperation with international partners will always include the Indigenous Peoples, as we have always championed the human dimension of the Arctic” (Meakin 2020, sec. 2). In a sense, this perspective reflects the Cultural Malleability that Inuit and Saami tout, that they are peoples who evolve, adapt, and survive, and will continue to do so in the future (Cocq and DuBois 2020; Hammond 2018; Josefsen 2010).

Implications: ITK and Holism Discourse

ITK and Indigenous understandings of sustainability are exceptionally relevant for problem-solving and international dialogue on climate change in a warming Arctic. Given that the Arctic is central to three mechanisms shaping climate change effects across the world—decreasing reflectivity of the Earth (albedo), changing ocean circulation, and release of carbon from thawing permafrost—Indigenous ways of knowing, and the policies built upon them, can still play a mitigation role (Krupnik and Jolly 2002). ITK can play a critical role in what Indigenous scholar Lydia Jennings calls braided knowledge. Knowledge authorities (such as the Arctic Council) can harness multiple ways of knowing, which Jennings (2020) likens to braiding knowledge systems together. Instead of solely focusing on Western science, this approach to knowledge focuses on utilizing Indigenous research processes and embracing and respecting Indigenous knowledge systems within Western spaces.

Historically, braided knowledge was advanced in regional and international forums through previous victories in expanding sustainability definitions to include ITK concepts. Previous efforts to standardize sustainability and research vocabulary from Latin American and Australasian Indigenous activist groups have benefitted Indigenous internationalization efforts across the playing field. Permanent Participants, after all, have benefitted from the sustainability discourse initially advanced in the United Nations Working Group on Indigenous Peoples; and Permanent Forum on Indigenous Issues, despite having very different land and rights challenges than their equatorial contemporaries. The literature on Australian, New Zealand, North American, and Latin American Indigenous Peoples injecting Indigenous terminologies and knowledges into transnational spaces (advancing international rights and agreements to reflect Indigenous values) demonstrate how terminologies evolve to become legitimized and standardized in the international community (Dahl 2012; Escárcega 2010). Similarly, the work of Permanent Participants in the Arctic Council, while originating from a specific geographic and cultural context, builds upon a transnational Indigenous effort to establish a common set of understandings on sustainability that is more attuned to broad Indigenous needs. When successful cases of braided knowledge—such as that established through AMSA’s strong emphasis on the human dimensions of shipping, or the Arctic Council’s requirement for project proposals to integrate scientific and Indigenous knowledges—are visible to the international community, it paves the way for similar efforts to be accepted (Jennings 2020).

Within this context, there are examples in the past decade of how the new opportunities and reality of climate change have shifted international voices away from the previous neglect of and disregard for Inuit and Arctic circumpolar people (Sambo Dorough 2019b). The Arctic Council now requires that funded projects explicitly detail how they will incorporate ITK.

Similarly, smaller Arctic organizations actively seek to advance experts who bring together intersectional experiences and historically undervalued knowledge.⁵⁷ Additionally, discussions of ITK and critical race and indigeneity theories have dramatically influenced the growing field of environmental justice. Together, these examples that bridge academia, diplomacy, and policymaking demonstrates what Sambo Dorough calls an “extraordinary enthusiasm” for Indigenous data and ways of knowing, which has benefitted Inuit (2019, sec. 1).

The May 2021 Arctic Council Ministerial addressed a future event that will have serious implications for the Arctic political landscape: Greenlandic independence. During Greenland’s speaking time, Foreign Minister Pele Broberg stated that Greenlanders walk the line between environmental protection and development of the region, and are uniquely situated to shape the direction of sustainability discourse in the future *when* (not if) Greenland becomes independent:

I cannot stress it enough: it is important for us to gain diplomatic experience and work with partners in the Arctic. This is especially important as we move closer to independence. We bring knowledge, including Indigenous and learned knowledge, to our dealings in the international community. (Broberg 2021)

To this date, there has been concerned speculation about what an independent Greenland would mean for the Arctic Council’s body: Would Denmark lose its member status? Would the ICC represent only Inuit of Canada, Russia, and the United States? Without addressing these questions, Broberg noted that Greenland would be the first—and only—Arctic state to be governed by Indigenous Peoples, and the first—and only—Arctic state to have domestic and foreign agendas built from a foundation of Indigenous and traditional knowledge. The validation of ITK by a governing Arctic state is both a natural extension of the Inuit story, as well as a validation of that body of knowledge in international affairs. States seeking to partner with

⁵⁷ Such as the World Affairs Council, The Arctic Institute, Northern Arctic University’s Arctic programming, and The Northern Institute.

Greenland—to gain a political foothold in the Far North, to economically benefit from shipping routes, or become a natural resource extraction partner—have further incentives to integrate ITK principles into their foreign policy and economic proposals.

The nature of sustainability discourse at the global level continuously evolves (though not always to Indigenous Peoples' benefit). As Dove (2006) writes, modernity has helped to popularize, and threaten, Indigeneity, especially through increased attention on (and periodic fetishization of) alternate environmentalisms, or Indigenous understandings of sustainability. Fundamentally, contemporary global sustainability discourse agrees on the threats of climate change, and is more open to a variety of sustainability perspectives (Richardson 2003). Since the 1960s, circumpolar Indigenous Peoples have been particularly prolific in advancing holistic, ad infinitum sustainability definitions, especially as the options for communication channels opens (Cocq and DuBois 2020). Affirming the value of ITK is common—and increasingly expected—among industries, policymakers, and state leaders. Even if such affirmations are symbolic and values are not actually internalized by actors, the fact that noncomplying actors feel the need to justify their noncompliance matters (Hurd 1999; Goddard et al. 2018). Their justification implies that these noncomplying actors recognize a particular norm has power and legitimacy, and they want to avoid the negative consequences of noncompliance. The proliferation of ITK challenges discourses that blamed local populations for environmental degradation, indicating a global inclination toward an understanding of sustainability that is harmonious with valuing national sovereignty (Koivurova 2013a).

Though ITK is respected in the Arctic Council and has gained a foothold in global sustainability discourse, the incorporation of ITK as contributory data that shapes global law and conventions has lagged. As such, the latter example of ITK being valued in environmental justice

studies shows how Indigenous ways of knowing have already become more relevant with how scholars and activists think of the world, even as implementation has lagged outside of the region. Environmental justice, as it was originally conceived of in international dialogue, was inadequate for circumpolar Indigenous Peoples because it failed to acknowledge broader histories of colonization and Indigenous frameworks of sovereignty. Indigenous Peoples continue to face political circumstances that differ dramatically from other ethnic minorities, as their pre-state connections to ancestral homelands and traditional cultures mean they have a different relationship to the state, as these political relationships are based on alternative treaties, domination, and involve transboundary peoples. The Arctic states' legal and governance systems have failed to recognize Indigenous Peoples' different relationship to land and sea, largely because of state recognition of land as property. In cases where sites are successfully protected, it is based on concepts of Western law (Gillo-Whitaker 2019).

Differentiating a mainstream environmental justice framework from an Indigenous environmental justice framework must, therefore, proceed from the assumption that Indigenous worldviews reflect a different relationship to land. It is a relationship that does not separate people or culture from land, nor creates anthropocentric hierarchies between humans and other species. One could argue that Arctic Indigenous People's understanding of land and sea is much more appropriate for the Arctic than the dominant framework of borders and territorialities. In the beginning of this study, I noted that Permanent Participants have vocally highlighted the human dimension of the Arctic since the Arctic Council's inception. It is of interest to see what specific prescriptions and frameworks Permanent Participants advanced through Arctic Council outputs. After analyzing the two cases, and process-tracing Council deliberations in the second case, we identify a key element of Indigenous discourse: Indigenous Peoples champion a holistic

treatment of the Arctic. Without a holistic lens, actors are liable to disregard the human dimension of Arctic problems, making it challenging to comprehensively problem-solve (Dushkova, Krasovskaya, and Evseev 2017).

The Arctic is defined in many Indigenous and contemporary imaginaries by its interconnectedness. While there is global participation in an enclosed system of feedback, the notion that “What happens anywhere affects everywhere” is a strong refrain in Arctic sustainability discourse (Arruda and Krutkowski 2017; Watt-Cloutier 2016, 98). The message of interconnectedness is in line with holism, a key value that Permanent Participants bring to the Arctic Council. This is evidenced through their human dimension-centered contributions to AMSA and the assertions that they are the Arctic Council actors most capable of problem-solving in accordance with the Far North’s many interconnected dimensions. Stephanie Meakin of ICC Canada explained that holism is an important thread across all ICC efforts (Meakin 2020), but holism discourse is not unique to the Arctic. Recognizing the human dimensions of extraction and development, and challenging the siloing of issues into discrete dimensions in problem solving, are central to Indigenous internationalization campaigns across the globe for decades (Dahl 2012; Kymlicka 2018). In particular, the events of the Rio+20 summit show the centrality of anti-siloing across Indigenous internationalization movements. Indigenous participants clearly communicated that trying to solve the environmental crisis through Western and eco-capitalist strategies would fail because Indigenous Peoples were excluded from the conversation, which simultaneously meant that the social and livelihood consequences of climate change were being underrepresented in the global conversation.

Together, the cases from the Arctic Council inform what we know about the integration of a holism framework in Indigenous internationalization strategies in two ways. First, on a

practical level, the Inuit and Saami Councils advance specific strategies for championing holism and ITK within internationalization efforts. Earlier internationalization efforts in United Nations' forums advanced the value of holistic framing and ITK in normative spaces, while Permanent Participants put into practice specific strategies that advanced ITK as a valid form of knowledge beyond discourse. Through the AMSA report, they proposed specific, measurable knowledge practices to close gaps through the collection and centralization of community data. Efforts undertaken by the Arctic Council, its members, and Observers to build the collective body of region-specific knowledge has since incorporated ITK to a greater degree (including states that have historically been reluctant, such as the United States and South Korea). Moreover, AMSA's policy recommendations, which have gone on to inform the *Polar Code*, show how Indigenous internationalization strategies have moved from the abstract to the concrete when it comes to holism. They identify what kind of projects require community experts, how consultation should be compensated, and what constitutes *meaningful*. The ICC strategy benefitted from the foundational efforts of other nations in establishing an ITK rights-based vocabulary at the global level (Dahl 2012; Escárcega 2010). It also demonstrates how such a foundation is built upon to integrate ITK into formal codes and policies. This suggests that Indigenous nations looking to learn from this case may be more willing to expend resources and expertise on regional projects and issue assessments knowing there is a precedent in these efforts, resulting in formal codes.

Second, the work of the ICC contributes to the long-term, transboundary, multi-actor process of legitimizing ITK and holistic framing of climate change at the global level. In the UN, Indigenous ways of knowing are still limited as valid forms of knowledge at issue-specific forums. The spread of ITK in many regions—Latin America's Indian Council of South America, the United Nations, Southeast Asia, Australasia, and the Arctic—creates a mutually legitimizing

process that enhances awareness, and perceived viability, of an environmental justice framework that embraces multidimensionality of the challenges of climate change. Such a framework is not only more favorable to Indigenous nations, but potentially more beneficial for actors of all classes. Indeed, scholars like Wieser (2017) argue that Indigenous framings, including holism advocacy, are just as much a key for humanity's survival in the Anthropocene as they are a strategy for culturally distinct colonized peoples.

Finally, in order for an environmental justice framework responsive to Indigenous needs to emerge in the international community, there needs to be a strong, widespread legitimization of ITK and holism discourse. While difficult to orchestrate, the resulting framework would provide an understanding of the Arctic that is more sustainable in perpetuity (ICC 2008), better prepared to consider policies in terms of their holistic effects on the social, economic, environmental, and security dimensions (Wilson 2016), and more in line with the reconciliation between colonial states and Indigenous nations sought by the latter (Sambo Dorough 2020).

Implications for Internationalization as a Strategy

Globalization and Communication

Globalization is sometimes discussed as a threat to Indigenous languages, cultures, and traditions (Burke et al. 2016; Grydehøj and Grydehøj 2012; Mazzarella 2004). For instance, Eriksen links globalization and standardization, pointing out that globalization can be a threat to Indigenous Peoples by accelerating the process of colonization, thus increasing the commodification of culture, furthering entrenched inequality, and promoting a loss of identity. These effects occur because globalization provides a “smorgasbord” of cultural practices that are open to be borrowed at will (Eriksen 2015, 294). Certainly, globalization makes Indigenous cultures—and products of Indigenous rights assurance processes—visible to a wider audience,

meaning that potential audiences do not have to go to Indigenous homelands. As DuBois says, globalization “deliberately invites the outsiders in” (Cocq and DuBois 2020, 68), a unidirectional concern that has been an ongoing issue in Arctic/southern dynamics. At the same time, however, globalization in the Arctic is not a one-sided issue. Some facets of globalization have benefitted circumpolar Indigenous Peoples, and have even been sources of strength in the face of climate change. New communication channels—including international organization outputs, policy recommendations, and large-n reports—hold the potential for empowerment, as Indigenous communities use these contemporary forms of communication as tools for social and political transformation of dominant hegemonies (Smith and Ward 2000, 4).

For non-state and Indigenous actors, membership in an international organization not only confers status, but opens up new communication channels and strategies. As an organization’s unique communication channels become accessible, members may take advantage of the organization’s established audiences to spread their messages, use the organization’s outputs and formal communications as new channels to broadcast their voice, and strengthen the appeal of their messages by virtue of the legitimacy of the organization itself (Nasiritousi, Hjerpe, and Bäckstrand 2016). Permanent Participants specifically have benefitted from the new communication channels available through their membership in the Arctic Council. As with AMSA, the ICC leveraged the Arctic Council’s reputation for producing high-quality assessments to enhance audience belief in the rigor and validity of their sea ice contributions. Without this channel available to them, the ICC would have had a far smaller audience for any sea ice policy papers or assessments it conducted independently.

Scholarship on indigeneity and globalization has examined how increased globalization has opened new communication channels for Indigenous Peoples that do not rely on states; a

great deal of this work focuses specifically on how improved telecommunication infrastructure enables Indigenous Peoples, especially in remote areas, to organize participate in transboundary organization and learning (Barnett 1997). At the same time, globalization also leads to the creation of in-person deliberative spaces, like those of the Arctic Council and United Nations forums, which are just as important for Indigenous communication. The idea that organizational membership, like globalization, opens new communication channels for actors expands upon previous work on Indigenous attendance at the United Nations' Working Group on Indigenous Peoples. In their UN participation, Indigenous representatives spoke in a forum where they could speak directly to an international audience and produce reports within the forum, but they lacked opportunities for actual decision-making or policy follow-through at the international level.

The work of the Permanent Participants in the Arctic Council can demonstrate the next practical step for Indigenous interest communication, while presenting an opportunity in internationalization literature. What differentiates the Arctic Council from earlier United Nation endeavors is that Indigenous members of the Arctic Council do have the opportunity to campaign for and manage research, present policy recommendations, and make structural changes after their initial participation. Thus, these cases build upon previous literature (how internationalization opens new communication channels) by demonstrating the value of the channels to Indigenous members because they facilitate interest dissemination, and they are likely to be ardently pursued because they can lead to real change and policy development.

Globalization offers new possibilities to preserve heterogeneity and multiple identities. From this perspective, globalization implies the growth of a common discourse that identifies and highlights formal commonalities between ethnic groups struggling for recognition, calling attention to shared issues of cultural heritage, history of oppression, etc. Future governance in the

Arctic will require difficult choices that address different and sometimes conflicting priorities and consequences of globalization. Threats and opportunities alike will require Permanent Participants to utilize their resources and capitalize on the structural capacities they have gained to influence others. This will be the case whether calling for stricter pollution laws, stringent non-consultation penalties, or ensuring that ports serving ships using new sea routes economically and socially benefit Indigenous and rural northern communities. Participatory processes that enable all organizational rightsholders will more effectively ensure that diverse voices are represented and that all relevant forms of knowledge are included in decisions (APR 2013). Moreover, such approaches facilitate holistic resiliency in the face of complex interrelated changes in the Far North. Even as Inuit face negative consequences of climate change, Hammond believes that the transboundary nation “is going to be an important partner within the new sea routes, and a partner within the geopolitical issues regarding air routes and the possibilities that it will bring for mobility. And it’s very important to know [our] worth as a people of possibility” (2018, sec. 4). In other words, the future brings both threats and opportunities, which together are considered holistically by practitioners. In sum, geophysical changes heighten the need for durable political representation in the present, which will persist into a future that will likely experience heightened tensions and stakes.

Implications of the Combined Cases: Organizations and Sovereignty

Holistically, the findings of these two cases communicate important implications for Indigenous autonomy along three themes: mobilization, rights assurance at the international level, and continuing power narratives. The idea that path dependency is not as sticky as we normally tend to think (especially in international organizations, which are particularly susceptible to stickiness) is an important consideration. Indigenous nations and peoples are

frequently considered underdogs in International Relations. In addition to being comparatively under-resourced members of the international community (Mack 2018), international principles such as sovereignty, rights, and law reflect state-centrism, and rarely align with Indigenous nation needs (Moreton-Robinson 2015; Sambo Dorough 2020). Consequently, the idea that Indigenous Peoples can overcome trajectories initially embedded in—and enforced by—organizational structures is empowering for Indigenous nations (Sambo Dorough 2017b; Tennberg 2005). A case in point is when the United States strongly opposed the ACIA being a policy document or providing recommendations for regional actors. While the report did contain a few minor policy recommendations, United States opposition prevented ACIA from reaching its full, initially planned policy potential; and after AMSA, every report from the Council has contained explicit policy implications, dimensions, and even recommendations.

The Arctic Council is the first international organization to have Indigenous Peoples participate at this level of membership, and due to its acclaim, it will likely not be the last. International organizations and forums are spaces where Indigenous nations can solicit formal and solid public assurances from states and non-state actors that they will respect Indigenous needs and wants outside of traditional nation-to-nation law. Sambo Dorough is skeptical whether full reconciliation between colonial nation-states and Indigenous nations is possible through international law. When tasked to provide an overview of the normative framework needed at the international level to facilitate justice, she said that while a normative framework has been established through UNDRIP, the interdependent minimum standards to assure Indigenous rights articulated within it would have to be validated in regional and international spaces (2015). ICC and Saami Council representatives maintain that consultation is an integral act by which self-determination is realized by Indigenous Peoples. Both AMSA and the Observer criteria reference

the importance of states adhering to UNDRIP, along with other bodies of international law, but it is in organizational projects that the principles of UNDRIP are realized. AMSA is not international law. Its recommendations do not bind states the way UNDRIP does, but AMSA compliance is a tangible expression of organizational values compelling actors to conform even without legal mechanisms. The *Observer Manual* has no relevance for states that have no desire to become Arctic Council Observers, but for those that do, there are consequences to having a track record dismissive of Indigenous rights.

Encoding rights assurance checks in international organizations is also valuable when discrepancies exist among states in their domestic recognition and provisioning for Indigenous needs. The reality in the Arctic is that, while there are norm entrepreneurs among the Arctic Eight, namely Iceland, Norway, and Sweden (Ingebritsen 2006), it is common to identify exceptional performers at the cost of overlooking uneven actor behavior. For example, while Norway has ratified ILO Convention 169, which protects the rights of Indigenous Peoples and obligates a state to higher consultation standards, the other states with Saami population (Sweden, Finland, and Russia) have not ratified it. Similarly, throughout the Canadian Arctic, a range of comprehensive land claim agreements have been negotiated with the Inuit, culminating in the transfer of right and title to lands, territories, and resources. If changes to existing laws or new environmental guidelines are proposed, the Canadian government must consult with Inuit. This bilateral relationship is encoded in law; however, Non-Canadian Inuit, as well as Canadian Inuit outside these protected zones, are not party to these obligations. Increasing external pressures and human rights compliance checks safeguards Indigenous Peoples from adverse policies implemented at the domestic level (Koivurova 2010b; Sambo Dorough 2017b). The

standards espoused by the premier governance organization in the Arctic serve as a benchmark for the practices outlined in existing treaties, agreements, and other arrangements.

The Observer criteria developed in the Arctic Council align with the spirit of the 1977 call for the uniform recognition of rights of Arctic Indigenous Peoples in Canada by Eben Hopson (Hopson 1977). Most of the issues among the array of individual and collective human rights raised by circumpolar Indigenous movements in the 1970s still persist today. Resolution of these issues is uneven, especially for the small nations of the North in the Russian Federation, and the Saami across Scandinavian and the Kola Peninsula. The Arctic Council cannot compel Arctic states to implement domestic policies (though it can occasionally sway and shame with normative power, like with AMSA and ACIA); but it can standardize, set criteria, and reward desirable treatment of Permanent Participants, even by non-Arctic actors. Together, the two cases suggest that Arctic Council outputs—as well as internal frictions that shape its evolution—are part of a more enduring legacy of Indigenous autonomy and political enterprise. The development of normative outputs means its members are empowered to contribute according to their knowledge and reputations on issues, not just by financial or territorial clout.

Even when specifically considering the consultation rights Permanent Participants sought through these strategies, we see an empowerment initiative that fits within an Indigenous-advanced justice framework. The AMSA report and *Observer Manual* do not exist in a vacuum; they are mechanisms toward justice as products of Indigenous needs and knowledge, and are cases in which Participants asserted their right to participate in the development process (Corntassel 2012). For Indigenous Peoples, the starting point for access to justice at every level is “directly related to, dependent upon, and connected to the right to self-determination” (Sambo

Dorough 2015, 5). In each case study, self-determination was not only a guiding principle, but, to an extent, *realized* in the inclusion of their voices in final outputs.

The subsequent compliance with demands outlined in the case studies—whether in the form of Indigenous consultation or the incorporation of ITK into major policy and research documents—aligns with what we know about socialization in International Relations. Socialization helps explain why certain norms resonate in the Arctic. Norms backed by the Arctic Council are legitimized by an authoritative voice and are mutually strengthened by the clout of other canonized norms and the reputations of the states that accept them. The underlying function through which Observers are obliged is socialization; the process is the basis of region building, within and outside the Arctic. There is widespread agreement within Arctic literature that the Arctic Council’s socialization has advanced its legitimacy (Escudé 2016).

While norm production in the Arctic is still in the relatively early stages of establishing a coherent body of social practices for the stakeholders (a process which is lengthy and ongoing), there is convincing evidence (as well as compelling precedence in other regions’ organizations⁵⁸) to trust the power of socialization. Norwegian Admiral Haakon Bruun-Hanssen has suggested that the Arctic is “probably the most stable area in the world” since laws are well-established, and norms followed (The Economist Group 2013, 64). Even among great states, transgressions rarely happen. When Russia planted a flag on the North Pole seabed in 2007, international norms were so entrenched that the action was received as performative, rather than a legitimate threat to the normative, cooperative Arctic Order. Even as Sweden transferred Council Chairmanship over to Russia at the May 2021 Ministerial meeting, there seemed to be little concern that Russia

⁵⁸ The European Union is an excellent example of region-building and socialization (Checkel et al. 2018; Taylor 1996). Additionally, the United Nations illustrates how practices become widespread among states (even if the beliefs behind the actions are not embraced) (Schimmelfennig 2001).

would co-opt the Council. The two biggest discursive spaces where fear over Russian activity emerged were domestic American politics, and Baltic military bodies. Each space noted concern over general Russian militarization in the Arctic, though the referenced infrastructure development fell under the umbrella of domestic practices, and thus dually outside of the Arctic Council's mandate. When it came to things within the mandate, though, even Permanent Participants noted that because of the consensus-based nature of decision-making, Russia would be unable to cause real harm to the Council's human or environmental efforts. While the next two years will be very interesting, there seems to be, at least in the present, little real concern that one actor is capable of upheaving a cooperative forum that has withstood multiple tests of contrary member agendas.

Socialization plays an important role in the Arctic Council as member states and Permanent Participants socialize Observers into "Arctic ways of thinking" through norms and rules of the Council (Graczyk et al. 2017, 125). If Observers fail to socialize—or at least alter their behavior—they risk losing their Observer status. For Observers to be required to recognize Indigenous rights and needs in their application (i.e., "at the ground floor," in the words of Bennet 2020, 56) illustrates how Permanent Participants exert influence on who may participate in the Council. This is a form of political engagement and influence exertion unaccounted for in earlier *Rules of Procedure*, which also safeguards against emboldened states (Charron 2020). The findings of the thematic analysis reveal the areas Permanent Participants have obligated Observers to respect their participation and influence. When faced with an increasing number of Observer applications, the Permanent Participants identified issues of greatest concern and prepared for the possibility of noncompliant Observers. New Observers must recognize the Permanent Participants' unique position within the Council. Consistent with decolonial Arctic

scholars, I contend that Permanent Participant influence in the development of the *Observer Manual* establishes a precedent that matters when addressing future pressing issues as the effects of climate change are felt.⁵⁹

Internationalization Implications from the Arctic

The usefulness of internationalization is in enabling Indigenous Peoples to participate in spaces more fully where actors develop norms, agreements, and eventually international law, moving toward Christie's end goal of hard law recognition and participation (2011). In this research project, Inuit and Saami internationalization strategies entailed attaining—then leveraging—international organization membership. Previous scholarship has looked at how presence in international forums has mattered to Indigenous nations. Organizational membership is the next step beyond forum participation, as it confers real decision-making, agenda-setting, and output-forming authority. Christie argues that until states recognize Indigenous Peoples as sovereign and their interactions with nation-states are within the rule of law—as the ICC called for in its *Circumpolar Inuit Declaration on Sovereignty in the Arctic*—Indigenous Peoples lack substantial progress in International Relations:

Over the last fifteen years, this sort of arrangement [of the Arctic Council] 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. (Christie 2011, 335)

Particularly taking into account the high-impact decision-making capabilities currently held by Permanent Participants—especially the major consequences of some of the structural decisions they were part of—it is clear that they impart meaningful impacts that do not rely on the so-called goodwill of states. This inevitability does not negate the importance of recognition under

⁵⁹ Including, but not limited to, resource rights, sea ice, and waterway access.

hard law, nor is it to say that the measurable growth of the Permanent Participants thus far is sufficient. Instead, this development suggests that the accomplishments of Permanent Participants rest on a historical trajectory of rights assurance and increased participation in the international community that can be built upon, potentially extending into hard law recognition. These normative gains combine with trends from the Australasian, Scandinavian, and North American contexts, suggesting that rights assurances snowball, building upon one another (Baer 2010; Dahl 2012; Sambo Dorough 2017a). Indeed, it is possible there will be an ongoing transition from soft to hard law, even as the divide between the two increasingly appears narrower than previously theorized.

Recommendations developed through soft law typically involve certain characteristics. Soltvedt proposes precision, monitoring, and stakeholder involvement as the three most common characteristics that enhance implementation despite their non-binding character, given their status “in the twilight between law and politics” (2017, 53). When soft and hard law are contrasted, the former is often favored by legal positivism scholars. Similarly, Christie (2011) identifies hard law’s legal obligation to be the crucial element distinguishing law from norms. However, contemporary debates, minority rights-assurance movements, and Indigenous internationalizations appear to nuance this divide. Abbott and Snidal (2000), in particular, critique a binary dichotomy of soft and hard law. Instead, they argue that international law is dynamic and gradient. Specifically, they propose that international law consists of three dimensions: 1) obligation, which binds actors to rules, making behavior subject to scrutiny; 2) precision, which defines those rules unambiguously, allowing for or requiring certain forms of conduct; and 3) delegation, which determines how third parties have authority to implement and enforce the rules. Soft law, then, begins when legal arrangements are weakened along any or all

of these dimensions. Further, from Abbot and Snidal's work, one lesson is particularly relevant for internationalization: softening of the three dimensions of law can take place in various degrees. Consequently, there are implications for how soft law agreements are constructed and implemented. In the case of the Arctic Council's agreements and operations, which are strongly associated with precision, monitoring, and delegation, AMSA itself has been followed up by multiple post-report assessments, in which member states and various interested parties evaluate whether and how the report's recommendations have been adopted. Observers continue to undergo regular and standardized review to maintain their status. Moreover, Council members and stakeholders are actively involved in its operations, including its continuous norm-development functions. Therefore, while the Arctic Council's official hard law operations make up only a small part of its total functions (three binding agreements), and because a hard law future is unlikely for the Arctic (with the possible exception of seabed and shipping law; Young 2015), even its soft law activities share many similar features as those of hard law, with similar regional, international, and domestic consequences. Whenever that is the case, soft law becomes just as important to rightsholders as equality under rule of law, meaning that, while Permanent Participants may primarily engage in soft law or normative endeavors, the obligation, precision, and delegation dimensions of the long-term results suggest a bridge to realize the promise of equal recognition under hard law.

Overall, these cases demonstrate the fact that using gains in soft law environments is arguably a useful strategy for Indigenous actors in contexts where international law is underdeveloped (Gillo-Whitaker 2019; Koivurova 2013; Soltvedt 2017). As such, the Permanent Participant status and activities can be a template for Indigenous Peoples in other places, too, where hard law does not reflect Indigenous needs. Gaining recognition and decision-making

capabilities through soft law is both a specific internationalization strategy, as well as an additional step to equal recognition under hard law, as advocated by Christie. As equal recognition in international law and rights *is* a meaningful goal for Indigenous nations, soft law influence confers its own benefits, and can be taught in Indigenous teaching/learning and mobilization networks to bring other Indigenous Peoples closer to being fully recognized as peers in the international community (Keck and Sikkink 1998). After all, the Permanent Participants are certainly peers in contributing to communal knowledge repositories in the Arctic, and have peer-like capabilities in admitting new Observers (including states) into an international organization. When international law is established, it is built upon the norms that implementing actors have been socialized, which means that actors (especially non-state actors) who participated in constructing the norms participate *beyond* shaping whose behavior is unacceptable and what behavior warrants punishment. Ultimately, the cases here suggest that the normative capabilities and recognition the Permanent Participants have attained are effective steps toward full recognition under international law, as the line between soft and hard law is not as firm as frequently thought.

Limitations and Recommendations

The introduction and literature review identified several areas where this project makes valuable contributions for Arctic scholars and regional policy practitioners, including rethinking the assumptions we make about the Arctic Council's composition and purpose. This project also contributes to in-depth case knowledge of the Inuit Circumpolar and Saami Councils, and enriches how we think about participation within international organizations. The project results, however, are limited in the transferability of specific case knowledge, as well as their implications for direct Indigenous influence over the content of compulsive international codes

or law. First, while the results focus on the compulsive power of norms, examining how structure shapes norms, and how actors capitalize on favorable norms, they cannot impart lessons or prescriptions on the binding agreements the Arctic Council produces. Throughout this project, I have been critical of the universal benefit of binding agreements and law, as 1) most thematically relevant cases are global, not regional in scope (e.g. UNCLOS, UNDRIP), and are thus limiting in their comparability; and 2) there is broad consensus among Permanent Participants and non-Indigenous scholars that hard law governance in the Arctic is undesirable (Heinamaki 2009; Koivurova 2013a). Representatives note that Permanent Participants are dissatisfied with their limited input in binding agreements, arguing that they should have had greater input and influence in light of their status within the organization and regional governments (Sambo Dorough 2017b, 83). There is tremendous value in understanding how Indigenous nations can leverage soft law and socialization to participate in the international community; but, if we agree with Gordon Christie that equal recognition under hard law is an end goal of Indigenous internationalization (2011), we will eventually want to consider direct lines of influence and participation in hard law and governance regimes.

At the same time, many prominent scholars believe that, while three binding agreements have come out of the Arctic Council⁶⁰, a hard-law dominant future is unlikely (Escudé 2016; Wilson 2019; Young 2016). In this line of thinking, there are a few, narrow issue-areas that benefit from hard law systems, such as maritime law and governance; but the development of hard law in those areas by no means implies that hard law will become the governance strategy of choice in the Far North. Nonetheless, even if binding agreements play a marginal role in the

⁶⁰ *Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic (2011)*, *Agreement on Cooperation in Marine Oil Pollution Preparedness and Response in the Arctic (2013)*, and *Agreement on Enhancing International Arctic Scientific Cooperation (2017)*. Permanent Participants are not signatories to any of these agreements.

future of Arctic governance, there is still a “great urgency to integrate and institutionalize the status and rights of Arctic Indigenous Peoples into all existing and future regimes, and an even greater urgency to fully implement robust standards to fully and effectively implement such standards” (Sambo Dorough 2017b, 102). After all, shipping disruptions continue even after AMSA’s release. AMSA was an important step, setting policy recommendations and prompting behavioral changes, but binding treaties could still promote further change within this issue-area, and become more likely to follow after a policy or report precedence has been set.

Similarly, an inability to act as signatories on legal arrangements means that Permanent Participants do not have direct influence over IMO or UNCLOS territorial divisions, as these are determined outside of the Arctic Council. While we saw in the first case that Permanent Participants can indirectly affect IMO guidelines by shaping the regional norms that inform IMO guidelines, more direct pathways of influence are undetermined. The remaining uncertainty—and venue for future research, in practical terms—is how best practices, guidelines, and plans will be implemented and, possibly more important, how will they be codified into standards that compel adherence by all parties.

Second, while this project advances the body of knowledge about the operations and capabilities of the Inuit Circumpolar Council and Saami Council, there remains much that we do not know about the smaller, newer Permanent Participants in the Arctic Council: the Aleut International Association, Arctic Athabaskan Council, and Gwich’in Council International. My study focused on the representatives and activities of two of the larger, more established Permanent Participants. This was an intentional choice, albeit one that does have ramifications for the generalizability of specific Permanent Participant findings and behavioral predictions. As discussed in the introduction and research design sections, Permanent Participants have small

budgets⁶¹ and staffs, and are more prone to being stretched thin (Javo 2015; Mack 2018; Simon 2009). In addition, research fatigue is a serious issue that Arctic Indigenous communities and political organizations experience. As a southern, non-Indigenous researcher, I thought long and critically about the value of including these smaller Permanent Participants focal points in this project. Ultimately, with the invaluable input and deliberations of peers, mentors, and field practitioners, and using a model of engaged acclimation (Cochran et al. 2008; Grimwood et al. 2012), I decided that the potential costs to these organizations outweighed the case knowledge that would result from their inclusion. As I anticipate my future work will build from this project's model to examine the growth of the smaller Permanent Participants, I will need to take into account organizational limitations and follow community-responsive research guidelines. Future research may use the models from this project and the thick case knowledge as a starting point to propose similar intra-organizational studies of the smaller Permanent Participants, but responsible community researchers should be prepared to respect refusal.

Similarly, this project focuses on the operations and perspective of an elite level of Permanent Participant staff: those who represent the Permanent Participants at the international and transboundary level. Moreover, it rests on an assumption that within these organizations and populations, interests are accurately communicated from the local level and retained by elites in a representative manner (Bucken-Knapp 2003). After a study of the organizational models and conversations with practitioners, this seems to be a reasonable assumption based on the sources I have access to, especially as this assumption is affirmed by regional and organizational literature. There is compelling evidence from existing literature and expressed community values that there

⁶¹ With many Permanent Participants relying on funding through grants, such as The Walter and Duncan Gordon Foundation Grant, Oak Foundation Grant, and MacArthur Foundation Grant, for their regular, annual operations.

is both value and needs adherence in the Inuit International and Saami Councils (McClymont Peace and Myers 2012; Northern Workshop 2005; ICC 2013). These organizations pride themselves on their participatory structures and accountability; and the interests and concerns expressed at local levels are sustained at the top levels of operation, and there are community checks with elders to ensure the organizations are going in desired directions.

Throughout this project, I have identified some of the ways Permanent Participants have forged new paths of possibility within the Arctic Council; however, this does not necessarily have predictive power in the Council's future. The aim of this project is understanding past and present behavior, not predicting. That is a reasonable scope as long as the limits are understood. Given how much is still unknown about the operations of the Arctic Council's members, there is tremendous value in comprehension-based scholarship. Presuming that the Arctic Council does not turn into a hard-law body, it is reasonable to believe members—especially Permanent Participants—will continue to leverage regional norms and the power of socialization in adaptable ways. This project does not offer a model for predicting when adaptations would occur. Rather, process-sequencing anticipates occasional punctuations of friction during an organization's operations, but does not predict when they may occur (Mahoney 2000).

A possible situation for punctuation to occur may be due to increased membership of Asian states, which tend to be concerned with maritime opportunities (Lackenbauer 2014; Zysk 2014). The demographic shift could be a point of friction that prompts more innovation on the part of Council members. Moreover, there are other European political developments that, while uncertain when they will occur, are considered inevitable and could easily lead to friction given their potential impact on the Euro-Atlantic political landscape. Two examples are whether the European Union were to become a full Observer, and whether Greenland were to become

independent. Each event would affect the number of times states or Indigenous nations are represented in the Council, which could potentially prompt restructuring.

Similarly, speaking to the distinction between understanding and prediction, this project addresses the incorporation of Indigenous knowledge, but does not necessarily indicate *understanding* of these interests at a global level. The two should not be conflated when considering the implications, especially as emphasizing the ways the globally dominant distributive concept of environmental justice fails Indigenous Peoples, scholars like David Schlosberg note that, too often, Indigenous conceptions of justice—and Indigenous ways of understanding land/sea and human relations with it—are obscured or not recognized at the international level (Schlosberg 1999). Indeed ITK is more recognized, but only in the sense that it is becoming accepted as a legitimate form of knowledge. Too often, the content of ITK, and its value as a unique form of knowledge, remains unrecognized by non-Indigenous actors. AMSA demonstrates an injection of Indigenous concerns and human relations within the otherwise environmental- and economic-centered issue-area of maritime shipping, yet it lacks broader understanding by global players of the mutuality of land and sea as inextricably linked in the Arctic. It is possible for states to adopt policies requiring the incorporation of ITK in projects, or even consultation, even if they have done so out of an attempt to avoid shaming, and not because they have internalized a respect for Indigenous ways of knowing (Checkel et al. 2018).

With a fuller picture of this project's limitations now in mind, I suggest two potential directions for future research that may add to this project and address the gaps that it did not reconcile. First, future research may consider how Permanent Participant resources affect how innovative they can be in their intra-organizational behavior. Currently, it is unknown to what degree material capabilities such as staff, expertise, funding, and infrastructure affect Permanent

Participant ability to reverse organizational trajectories or capitalize on organizational frictions as possible windows of opportunity to express interests. Examining the behavior of smaller Permanent Participants could reveal valuable insights about this connection, as well as the dynamics of intra-Participant hierarchies within the Arctic Council. For now, Permanent Participants rely mainly on their own limited budgets, modest funding provided by member states to the Councils' Indigenous Peoples Secretariat, and funding provided by their national governments, which varies from state to state (Gamble, 2015).

Multiple Permanent Participants have repeatedly emphasized that resource constraints, rather than a lack of desire or commitment, stands in the way of their greater participation in Arctic Council projects. Research examining innovative organizational behavior undertaken by the smaller Permanent Participants can lead to recommendations to address capability and influence disparities among the Permanent Participants, and between the Permanent Participants and member states. In particular, there is a burgeoning body of literature examining how financing of organizations adds value to Indigenous movements. Research on the smaller Permanent Participant capabilities may validate the existence and expansion of such organizations, such as the Álgu Fund, whose mission is to build capacity for circumpolar Indigenous diplomacy. The fund seeks to close the funding gap that impedes Indigenous participation (IPS, 2017). If smaller Permanent Participants are marginalized because of limited funding, increased funding could offer the possibility of making all Permanent Participants more equal members.

Second, research may examine how Permanent Participant-advanced sustainability prescriptions align with global sustainability discourse. In each case, Permanent Participants advanced clear interests and recommendations in line with their own understandings of

sovereignty at the organizational level. They advanced more than specific interests; they articulated specific ways to fulfill their sustainability platforms. A central concern in sustainability and Indigenous studies is the risk of ascribing inaccurate definitions to each concept. For example, definitions can easily be created without actual group input, by ascribing “not” or “other” adjectives to them: *not modern*, and *other* than majority (Dove 2006, 191). Both cases, however, necessitated contextualizing developments and findings within broader Indigenous literature evaluating global discourses and legal institutions on sustainability. The result is that groups’ actual articulated positions identified in this work (especially those uncovered through extensive archival research) can be checked against global developments to see to what extent Indigenous understandings of sovereignty play in dominant global discourses. There is already existing literature to suggest that ITK has greater validity and is valued more than before, especially since noncompliant actors must justify their disregard to the international community (Auer 2000; Richardson 2003). This may also have value in updating Dove’s work in nuancing how understandings of Indigenous and sustainability emerge, and who is in charge of producing these definitions (2006). North American and Nordic Indigenous Peoples generally consider themselves to have tremendous success in maintaining their self-definitions and having strong, comprehensive, unified vocabularies to deal with climate change and sustainability issues (Csonka and Schweitzer 2004; Tennberg 2005). The findings of such an analysis could potentially validate the durability of Permanent Participant influence suggested in this project, while also reconciling the influence of circumpolar Indigenous Peoples compared to their global contemporaries. Each of these potential areas for research keep Indigenous associations the central focus, further contributing to de-centering scholarship that adds value for regional practitioners.

Chapter 6. Conclusion

We live in the Arctic in a time of peace and stability. The representatives around this table represent the generation that has seen the Cold War come to an end. The Arctic Council was developed during that time, a cooperation that we feel is crucial. Most of the Permanent Participants represent an Indigenous People that reside in more than one country. In times of geopolitical instability and changing economies, the Indigenous Peoples' communities will be the first to be negatively affected. Our pledge to you all is that we need to safeguard the unique work of the Arctic Council. We need to continue to cooperate as one Arctic family learning from each other and respecting each other.

*Áile Javo*⁶²

Reviewing the Research Questions

The Arctic Council portrays itself as an open forum where the participation of historically marginalized peoples is lauded, and can be enhanced by literature that further examines its inner workings and members. The findings of this research may inform Indigenous communication strategies, and how Indigenous nations and other historically marginalized groups can shape the inner workings of international organizations. Participating in international organizations is, after all, one way through which Indigenous nations practice a strategy of internationalization, interacting with others in the international community as actors of consequence. Despite a historically narrow framework of mainstream International Relations (i.e., with assumptions of state-centrism, agency, compulsion, and territoriality), the prevalence of soft law systems, normative compulsion, and an expansion of just *who* is an actor of consequence in the Arctic all suggest that the region is an anomaly for resisting traditional power politics. This necessitates the need for regionalizing work to apply theories, considering regional and cultural identities, and revisiting historical relationships (Keskitalo 2007). Instead of treating the Arctic as a passive

⁶² (Javo 2015).

region signaling the effects of climate change, the political agency of Indigenous Peoples is integral to influencing the collaborative space.

This project explores the capabilities of historically marginalized Indigenous members of international organizations by examining the role of Permanent Participants within the Arctic Council. The project began with two guiding questions:

Question 1: How do Permanent Participants, as less-resourced actors in the Arctic Council, promote their interests and exert influence on the Council's outputs? The short answer is that they do so in ways that do not necessarily adhere to the structural processes established by the initial writers of the Arctic Council's rules and procedures. The long answer is that Permanent Participants not only develop independent materials for the Council's workings (i.e., which influence major outputs that are internationally recognized as legitimate outputs), they have found ways to prompt change and cause reversals of organizational rules and procedures.

In Chapter 2, I examined the fit of path dependency and process-sequencing in explaining the engagement of Permanent Participants in the Arctic Council. Process-sequencing best captures the way Permanent Participants create their own paths to assert their interests outside of anticipated interorganizational spaces. These creative paths bypass organizational routines, supporting a theory of process-sequencing not typically applied in Arctic literature.

In Chapter 3, I found compelling support for my hypothesis. There is high narrative fidelity between independent Inuit Circumpolar Council policy papers on sea ice and shipping and the final *Arctic Marine Shipping Assessment Report*—to a far greater extent than what one would anticipate of non-state, given their size and budget constraints as compared to great state contributors. Not only is there a high degree of fidelity between shipping *issue-areas*, but there is also remarkably similar treatment of the issue areas from one policy-recommending text to the

other. This insight supports the claim that Permanent Participants promoted their interests effectively within the Council in order to ensure their messages and concerns were represented, so as to affect state Arctic policies and the Council's research agenda.

In Chapter 4, starting with Indigenous sovereignty policy declarations, I process traced the development and adoption of new Council procedures. Corroborating extensive archival text analysis from three organizations and third-party textual artifacts, gray literature, and curated interviews, I found that Permanent Participants used intentional structural changes to block the growth Observer power in the Council. Specifically, Permanent Participants exerted influence by capitalizing on internal friction through a concentrated effort to shape a change in rules long after the founding rules were negotiated.

In Chapter 5, the results of the two cases and their implications demonstrated that, when combined, Permanent Participants clearly have more power than just their de facto veto. In addition, they have the critical ability to express unique needs and voices that do not rely on the goodwill of states. As a result, they are organizational *partners* of member states, rather than second class affiliates—and certainly sit in a dominant position of authority over Observers. Thus, there is compelling support for my hypothesis, along with concrete examples of creative and unexpected Permanent Participant influence, resulting in their ability to perform above expectations.

By incorporating Indigenous perspectives and implementing an expansion approach into the study of international organizations, this project contributes to historical inquiry by providing empirical support for the Arctic Council as a space for process-sequencing within the international community. Therefore, scholars should be alerted to the disaggregated needs and interests that spur punctuations in organizational equilibria, as they may have implications for the

problem-solving strategies by organization members—especially when members have disparate resources and histories of being able to engage the global community.

Question 2: What Permanent Participant interests and priorities are present through the Permanent Participants' engagement within the Arctic Council? At the center of engagement is the concept of the *human dimension of the Arctic*. This kind of framing promotes a holistic, yet drastically more complicated, portrait of the Arctic, refuting the suggestion that the region can be neatly divided into security, environmental, and policy dimensions. Rather than addressing specific items within the Arctic as recommendations or making a binary evaluation of compliance, a broad framing approach at the core of Indigenous communications that resists the tendency to silo problems into single environmental, economic, social, or human dimensions. As such, it is more challenging to determine whether Permanent Participants have been successful in promoting the adoption of the human dimension of the Arctic. Chapter 3 shows there are issue-areas in which we can more easily see the inclusion of a human dimension perspective (e.g. the *Human Dimension* chapter of AMSA, or SDWG projects that preface their reports with a human-centered mission statement).

However, such straightforward credit is not always the case; we must look to other indicators that speak to the Arctic Council culture more broadly. Archival research in Chapter 4 indicates that human dimension language is consistently and positively used by Permanent Participants in the Council, and that the human-centered language has slowly, but steadily, been adopted in intra-Council deliberations by member states, and to a lesser degree, Observer states as well. At a pre-meeting interview at most recent 2021 Arctic Council Ministerial meeting, Saami Council President Christina Henriksen shared that because it is “not a given” that states and Indigenous Peoples are seated at the same table in international affairs, the Saami Council

believes the presence of Permanent Participants in the Council has played a particularly important role in the Council's development over the years "from a sea and ice environmental aspect to the human dimension" (Henriksen 2021, sec. 1). The reason for the Permanent Participants' continued and steady emphasis on the human dimension? As explained by Henriksen: "Indigenous Peoples carry the burden twice: first being affected by climate change, then by the solutions that are sought to solve them" (Henriksen 2021, sec. 1). Human dimension-centered dialogue, and solutions, anchor the discourse toward solutions and possible pathways forward toward regional needs, concerns, and insights.

Between the two cases and their subsequent discussions, we see there are concrete, specific issue-areas and priorities that are present across projects and throughout the period of engagement analyzed (2007-2013). This, in particular, is where the two studies come together and the findings complement each other in concrete ways. A narrative fidelity analysis and intensive policy thematic analysis using the ADEPT model, captures not only the content of interests over time, but is a framework that facilitates the identification of priorities.

Chapter 3 most clearly articulates the priority Permanent Participants place on risk prevention over mitigation. For Indigenous and environmental justice scholars, this may not be a surprising perspective espoused by Permanent Participants. However, it is important to keep in mind that this perspective is not widely shared by nation-states or industries; the common mentality regarding shipping is balance between risk prevention and mitigation. It is closer to the truth to say that nearly every activity has a risk acceptance level that is met through mitigation by most Arctic states and industries. Therefore, the fact that Permanent Participants kept prevention as a consistent priority across the period of analysis and issue-areas reveals the depth of value placed on prevention. It is also important to acknowledge that risk prevention is not a universal

tenet held by Permanent Participants (i.e., former ICC Greenland President Aleqa Hammond is considered to have a divisive pro-industry stance). In contrast, Permanent Participant organizational structures are designed with a strong emphasis on checks in representation. Here, representatives ideas and interests are vetted by local leaders and elders, who in turn represent the wishes of their communities. Because this structure of interest transmission so heavily protects community-level interests, we can accept that risk prevention is a widespread priority.

Closely related to risk prevention, Chapter 4 articulates Permanent Participant interest in eliminating possibilities for financial marginalization. Whether it means preventing Observers from dominating the Arctic Council's agenda by capping their contributions, or ensuring industries do not adopt a fine-as-a-fee mentality when establishing risk or compensation funds, Indigenous members deter policies that encourage disproportionate financial influence by non-Arctic states.

Together, Chapters 3 and 4 demonstrate the prioritization of *consultation*. This is a broad priority, encompassing the right of Indigenous Peoples to provide expert and community input on proposed and ongoing projects, the right to place conditions on projects on-the-ground, and the right to reject activities. In international spaces, this means advancing norms in which cooperative transnational projects must incorporate and adhere to Indigenous consultation in order to be considered legitimate. The Arctic Council is not the only international forum that is capable of legitimizing norms for Indigenous and community consultation in the Far North, but it *has* the loudest voice and most clout to support or shame project managers.

In considering the effects of each case study, Chapter 5 contains support for further validation and legitimization of ITK, in accordance with Permanent Participant interests. In AMSA, this result appears as legitimizing the forms of knowledge that can be foundations for

benchmarks or inform policy recommendations. In the Observer Manual, it appears in the expansion of who must acknowledge *and* incorporate the information into a growing global knowledge set. Through this prioritization, organizational and regional understandings of what is considered knowledge and data expands. Additionally, ITK illustrates how socialization plays a significant role in the legitimization of ways of knowing.

Similarly, Chapter 5 also articulates the priority of Indigenous influence over Arctic partner acceptance and rejection. At the organizational level, this process includes admitting Observers that have track records and concrete plans for continued engagement and support of Permanent Participants. More broadly, this work compels the Arctic Council to support or shame actors based on how they treat Permanent Participants and local communities. Other regional actors take their cues from the Council. Permanent Participant attitudes toward non-Arctic states can have serious implications for their acceptance into the region.

A host of political scientists, institutionalists, and critical race scholars have looked at how the Arctic Council has evolved over time, and my aim is for this project to enrich the body of work providing a deep descriptive understanding of the Council and its members. This project was conducted with the aim of contributing to identifying the actual capabilities of Permanent Participants, discerning whether there is more meaning than tokenism behind their membership in the Arctic Council, and finding preliminary empirical evidence to support the belief that Permanent Participants can meaningfully shape the outputs that create Arctic norms. There is clearly more at play within the forum than the locked-in, limited activity of Permanent Participants at Ministerial meetings and Working Groups. The academic articulation of this phenomenon may be of value to actual Permanent Participants and community practitioners, as it bridges gray literature, lived experiences, and academic literature. It also further acknowledges

the work performed by Permanent Participant staff to establish themselves as legitimate and knowledgeable members of the international community. Circumpolar Indigenous Peoples recognize the risk of creating silos or segregating fundamental issues facing all Arctic stakeholders, which may potentially create new and difficult problems that no single intergovernmental-Indigenous partnership can effectively deal with. Sambo Dorough notes that the tendency to silo issues is a reality in state-dominated spaces, which underscores the importance of Indigenous actors, who are more likely to promote holistic framing and problem-solving approaches to the Arctic (Sambo Dorough 2017b, 103).

Implications

This research is situated at the intersection of Arctic studies, organizational politics, and Indigenous studies. As a whole, this thesis enhances our understanding of the Arctic Council and its participating actors. It assesses the power of Permanent Participants as insiders to meaningfully influence Arctic Council outputs in ways that are not necessarily desired or supported by states. Expanding the concept of who are actors of consequence is a way in which we can “break the chain of signifiers that always leads International Relations studies back to the US and its European Allies” (Nayak and Selbin 2010, xi). One reason for the focus on states in global governance is that the field of International Relations is premised on examining interactions between states. This facilitates the generation of state-centered research even in regional studies, as it is common to fall into the territorial trap that social scientists are encouraged to avoid, or fall into methodological nationalism (Agnew 1994; Schiller 2009). Each of these neglects the shift of international organizations—especially Arctic organizations—toward post-sovereign governance, and does not acknowledge the rise of multi-rightsholder diplomacy. Conversely, post-sovereign arrangements looks at decision-making that is non-

exclusive (i.e., the responsibility of both state and non-state actors), non-hierarchical (i.e., decisions are made by consensus among rough equals), and post-territorial (i.e., scientific and social concerns drive governance while spatial boundaries are flexible) (Karkkainen 2004). The Arctic Council exhibits these characteristics (as did its predecessor, AEPS), and has come to embody the role of the representative of the Arctic as a cohesive region. The evolving focus of the Arctic engages in expanding International Relations, a process concerned with shifting focus and case studies to include Indigenous nations as actors capable of participating in the international community and exerting influence on development and sustainability conversations. In other words, studying the Arctic enriches our understanding of the region and the specific patterns of Indigenous political engagement practiced within.

In addition to contributing to decentering literature, this project's process-sequencing approach has implications for how we view historically marginalized actors and the norms of the Arctic Council. Further research may better identify structural features about the Council—or about its fit within a larger governance mosaic—that make it resistant to lock-in. While scholarship indicates that the transition from AEPS to the Arctic Council demonstrated lock-in, there is value in evaluating when equilibrium punctuations occur, as a study originating from this research inquiry may reveal insights into other contextual factors that matter such as agency, ideas, and material interests (Alcantara 2013).

Accommodation or Making Spaces?

In *Nested Federalisms*, Wilson, Alcantara, and Rodon's findings reinforce a common thread in literature concerning circumpolar Indigenous Peoples: governmental structures were never meant to accommodate Indigenous Peoples, necessitating—and resulting in—creative workarounds. The same consideration may apply to inter-governmental spaces. Ultimately, the

Arctic Council is an environmental governance forum, and the preeminent venue for Indigenous Peoples to participate in regional governance. There are numerous venues available to Indigenous nations to participate in political and environmental governance at the national and local levels (they are not always successful, efficient, or sufficient, but they exist). The ability to participate in governance and knowledge production as *members* in international spaces is important. Settler colonialism is not just a historical event, but a series of structures—at local and global levels—designed to eliminate Indigenous Peoples’ physical and political presence (Gillo-Whitaker 2019, 25, 26). The membership of Indigenous Peoples in international organizations and forums is important because states are not the sole determinators of Indigenous nationhood or presence; justice for Indigenous Peoples must be an available political pursuit beyond state territorial orders. A concrete focus on Permanent Participants reckons with the omission of Indigenous Peoples in International Relations.

As I neared completion of this project, and was reflecting on my fieldwork and analysis with a Saami colleague, I was urged to consider the art and scholarship of Saami joiks: melodies that tell life stories in song. Because joiks are a cultural expression performed in traditional and modern styles, my colleague suggested they are a relevant metaphor for thinking about Indigenous rights: tradition that adapts to perpetuate its continuity. Yet, to suggest that joiks adapt does not mean they compromise their integral essence or embodiments of being. As I consider the next steps of this project, I keep in mind that even as Indigenous nations engage in novel strategies to assert their influence in the international community, scholarship on these processes should not misrepresent their unique understandings of sovereignty.

The Arctic’s current cultural era has been given the title “The Sijvo Era” by Thomas DuBois, taken from the Inari Saami term given to snow conditions that are ideal for movement

and travel. The name recognizes Saami productivity and success in a time of mounting international recognition for Indigenous rights, alongside a continued or even intensified industrial push to exploit resources found in the lands and waters that sustain Indigenous communities (Cocq and DuBois 2020, 49). It is also a fitting way to describe the current political era of circumpolar Indigenous Peoples, the product of generations of internationalization by Permanent Participants eager to further develop the Arctic's governance infrastructure. Perhaps the Permanent Participants are capitalizing on an era of productivity and success—the methods and content of which this project has begun to identify. Perhaps this political era began even earlier than the successes of the cultural era DuBois proposes. The establishment of the Arctic Council itself was the first step in establishing a reliable international platform for circumpolar Indigenous Peoples. Even with the beginning of this current era uncertain, one thing is clear: the Arctic Council is both a meaningful product of Indigenous internationalization and an effective space where Permanent Participants continue to effectively engage politically.

Appendix

Chapter 1

1.1 Researcher Positionality Statement

As a graduate student at a large public state university in the northwestern United States, my higher education has been Arctic-adjacent in many ways, though I did not grow up in the Arctic. Due to my family heritage, as well as education institutions available to me during my youth and early adulthood, the geographic north (specifically, the Scandinavian north) was always in my periphery.

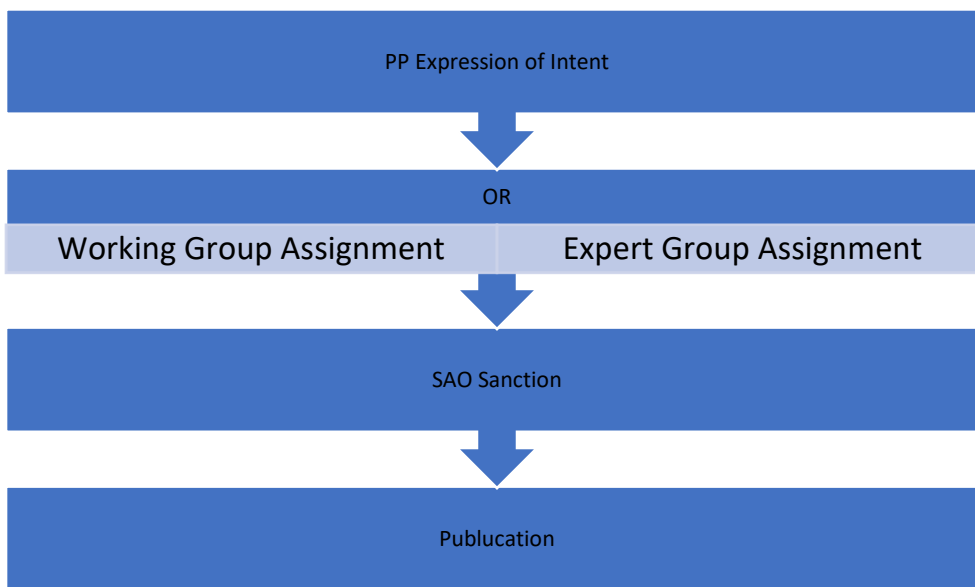
I spent my final year of college in Bø, Norway. During this time, I worked and studied with international, Norwegian, and Saami students. It was here that I received a more practical and critical education in Indigenous rights and politics through classes taught by a Saami professor. I have carried these lessons into graduate school, where I have been privileged to have ongoing relationships with members of the political and ethnic groups that are the focus of my research, especially as my research has expanded to look at multiple transboundary Indigenous nations.

I acknowledge that the political and religious worldviews that I was predominantly exposed to growing up were taught as being in tension with other spiritual traditions. I also understand that they have historically been used as a colonial tool against the spiritual practices of Arctic Indigenous Peoples. Acknowledging this tension, I am committed to continuously checking and reworking the frames through which I conduct my research to recognize and mitigate the implicit biases I carry with me regarding environmentalism, nationhood, and culture.

Further, I am committed to putting aside my own understanding of the subject of investigation and open my mind to meaningfully listen—and conduct additional research and investigations to understand, if necessary—what is told to me by participants and found in archival documents. Researcher backgrounds, social status, and environment do impact any research undertaken, as research is a process and not just a product. From this recognition, I cannot assert that this project has attained objectivity, but can instead provide self-checks and evaluations to enhance the project's credibility, with the ultimate goal of facilitating further decolonizing work in International Relations.

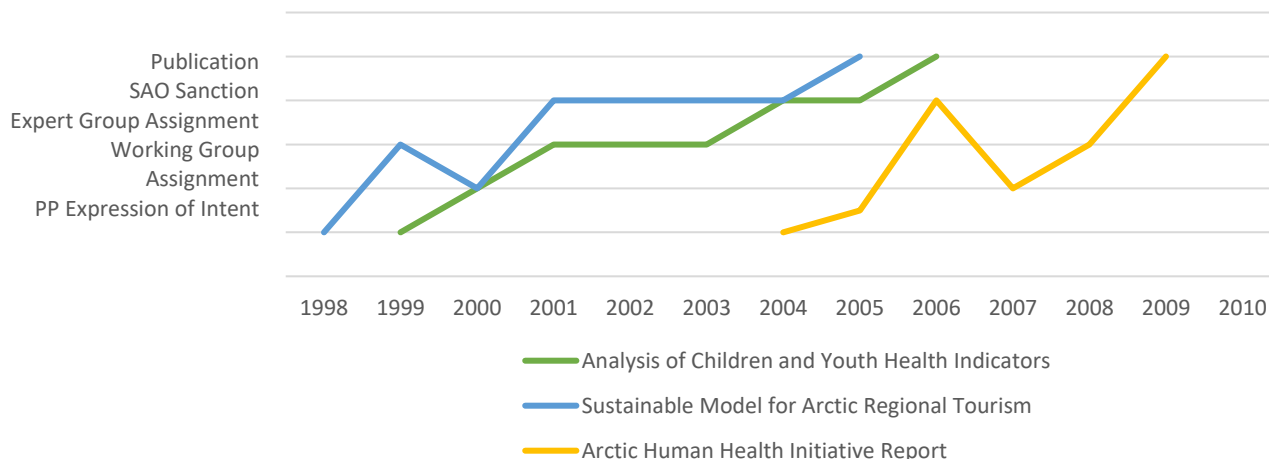
1.2 Charting Three Permanent Participant Products in the Arctic Council

Conventional forum pathways for actors to develop reports or projects (Permanent Participants, members, or mixed groups) tend to follow a specific flow: from proposal/interest articulation to adoption by an operations group in the Arctic Council, to the project’s operation, to its report being sanctioned by Senior Arctic Officials, then its public dissemination. This order is not universal, as the flowchart demonstrates, yet the steps largely fall in a particular order:



Three intra-Council projects were tracked from proposal to publication: the Analysis of Children and Youth Health Indicators, the Sustainable Model of Arctic Regional Tourism, and Arctic Human Health Initiative Report. All were developed either solely under the purview of, or in conjunction with, the Sustainable Development Working Group (SDWG). Their development paths demonstrate a rather rigid conformity to structural pathways for intra-Council project development.

1.3: Project Timelines and Stages of Completion of Three Permanent Participant-led Projects



Chapter 2

2.1 Documents Included in the Observer Manual Analysis, by Date.

Total pages: 1,052

Arctic Council Document	Document Type
Memorandum of Understanding Between the Arctic Council Permanent Participants and the Arctic Council Member States. Kautokeino: Arctic Council Indigenous Peoples Secretariat, 2008.	Memorandum
Senior Arctic Official (SAO) Report to Ministers. Tromsø: Senior Arctic Officials, 2009.	Report
Report/Minutes of the SDWG Regular Meeting. Copenhagen: SDWG, 2010.	Meeting Minutes
Meeting of Senior Arctic Officials. Ilulissat: Arctic Council, 2010	Meeting Minutes
Analysis of Arctic Council Communications and Outreach. Ilulissat: Senior Arctic Officials, 2010.	Report
Valkeapää, Niko. Responding to the Emerging Challenges in the Arctic. Copenhagen: Arctic Council Meeting of Deputy Ministers, 2010.	Speech
Stotts, Jim. Responding to the Emerging Challenges in the Arctic: Show Some Leadership Please. Copenhagen: Arctic Council Meeting of Deputy Ministers, 2010.	Speech
Berezhkov, D.V. Responding to the Emerging Challenges in the Arctic. Copenhagen: Arctic Council Meeting of Deputy Ministers, 2010.	Speech
Gofman, Victoria. Interventions. Copenhagen: Arctic Council Meeting of Deputy Ministers, 2010.	Speech
Kleist, Kuupik. Speech by the Chairman of Naalakkersuisut. Nuuk: Arctic Council, 2011.	Speech
Senior Arctic Officials Report to Ministers. Nuuk: SAO, 2011.	Report
Eira, Olav Mattis. Statement. Nuuk: Arctic Council, 2011.	Speech
Lynge, Aqqaluk. Statement. Nuuk: Arctic Council, 2011.	Speech
Gundersen, Arlene. Statement. Nuuk: Arctic Council, 2011.	Speech
Circumpolar Information Guide on Mining for Indigenous Peoples and Northern Communities. Tromsø: SDWG, 2011.	Report
Meeting of SAOs. 8-9 November. Lulea: SAO, 2011.	Meeting Minutes
Annotated Agenda for SAOs. 8-9 November. Lulea: SAO, 2011.	Agenda
Von Uexküll, Andreas. Senior Arctic Official Presentation: Sweden. Haparanda: SAO, 2012.	Presentation
Meeting of Deputy Ministers. 15 May. Stockholm: Deputy Ministers, Arctic Council, 2012.	Report
Timed and Annotated Agenda, Senior Arctic Officials. 28-29 March. Stockholm: SAO, 2012.	Agenda
SDWG Informal Open Discussion Minutes. 17-19 September. Reykjavik, 2012.	Minutes

Senior Arctic Official Presentation: 10 th Conference of Parliamentarians of the Arctic Region. Arctic Council. Haparanda: SAO Meeting, 2012.	Presentation
Actions for a Changing Arctic: Decision Document for SAOs. Stockholm: SAO, 2012.	Report
Meeting of Senior Arctic Officials, 28-29 September. Stockholm: Senior Arctic Officials, 2012.	Report
Experts Group on Arctic EBM: Draft Outline of Report to SAOs. 7 November. Haparanda: ACSAO, 2012	Report
CSR in the Arctic: The Way Forward. 1 November. SAO, 2012	Report
Reflection on Common Objectives and Priorities for the Norwegian, Danish, and Swedish Chairmanships for the Arctic Council (2006-2012). Salekhard: Norwegian Chairmanship, 2012.	Report
Meeting of SAOs, 14-15 November Agenda and Minutes. 14-15 November. Haparanda: SAO, 2012.	Report, Minutes, and Agenda
Communication Strategy for the Arctic Council, 2012-2016. Stockholm: Deputy Ministers. 2012.	Ministerial Statement
Ministerial Statement for the Kiruna Ministerial meeting as approved at the Deputy Ministers' Meeting of the Arctic Council. Stockholm: Deputy Ministers of the Arctic Council, 2012.	Ministerial Statement
Memorandum to Senior Arctic Officials. Development for People of the North: Sustainable Circumpolar Communities. Project Status. Kiruna: CAFF, 2013.	Memorandum
Summary for Policy-makers. Arctic Resilience Interim Report. Arctic Council. Kiruna: APR, 2013.	Ministerial meeting Minutes
Kiruna Declaration. Kiruna: Arctic Council Secretariat. 2013.	Declaration

Chapter 3

3.1 Documents Included in the AMSA Analysis, by Date.

Total pages: 301

Arctic Council Document	Document Type
Arctic Council Arctic Officials Meeting in Khanty-Mansiysk. Khanty-Mansiysk: SAO, 2005.	Meeting Minutes
AMSA 2006 Progress Report on the Arctic Marine Shipping Assessment. Reykjavik: PAME, 2006.	Report
PAME Progress Report to Senior Arctic Officials, April. Syktyvkar: PAME, 2006.	Report
PAME Progress Report to Senior Arctic Officials. Narvik: PAME, 2007.	Report
Arctic Marine Shipping Assessment. Scenarios of the Future. Narvik: PAME, 2007.	Report
Final Report, SAO Meeting. Narvik: SAO 2007.	Report
Sustainable Development Action Plan, Submitted to SAO Narvik, Second Draft, November. Narvik: SDWG, 2007.	Proposal
Meeting of the Senior Arctic Officials Final Report. Svolaer: SAO, 2008.	Meeting Minutes
Information Paper to the SAO Meeting April 2008. Svolaer: EPPR, 2008.	Report
Report from the EPPR Working Group to the SAO Meeting. Kautokeino: EPPR, 2008.	Report
Draft AMSA Recommendations [As discussed by PAME and edited by the AMSA Team, January 16. Copenhagen: Arctic Council, 2009.	Report Draft
Draft January 20. Copenhagen: PAME, 2009.	Report Draft
Progress Report from AMAP for the Period 2007-2009 for the Arctic Council Ministerial meeting in Tromsø. Tromsø: AMAP, 2009	Report
PAME Summary Report 2006-2009 Activities. 6 th Arctic Council Ministerial meeting. Tromsø: PAME, 2009.	Report
Proposed AMSA Documents and Process/Timeline to Ministerial. Kautokeino: PAME, 2009.	Recommendation
Meeting of Senior Arctic Officials Final Report from the Meeting 10 February. Copenhagen: SAO, 2009.	Meeting Minutes
Report on 2006-2009 Activities. Tromsø: EPPR: 2009.	Report
EPPR Working Group Report to SAO November. Copenhagen: EPPR, 2009.	Report
PAME Progress Report to Senior Arctic Officials, 12-13 November. Copenhagen: PAME, 2009.	Report
Report of Senior Arctic Officials to Arctic Council Ministers. Tromsø: SAO, 2009.	Report
Matrix for AMSA Follow Up. Copenhagen: PAME, 2009.	Proposal

Senior Arctic Official Presentation: 10 th Conference of Parliamentarians of the Arctic Region. Arctic Council. Haparanda: SAO Meeting, 2012.	Presentations
Project Proposal to SDWG: A Circumpolar-Wide Inuit Response to AMSA. Stockholm: ICC, 2012	Proposal
A Circumpolar Inuit Response to AMSA. Stockholm: ICC, 2012	Report
Workshop Report: AMSA II C/AMSA II Bridging Workshop. Whitehorse: PAME, 2013.	Workshop Minutes

3.2 Theme and Keyword Identification of *The Sea Ice is Our Highway*

Key Finding	Theme	Relevant Keywords
<i>Tradition and Adaptation</i>	Cultural Malleability	Adaptation/Adaptive
	Cultural Fidelity	Reliance
		Way of Life
		Continuity
<i>Standard of Sustainable Use</i>	Globalization as Disruption	Disruption
		Intervention
	Globalization as Intensifier	Local Economy
		Quality of Life
	Conscientious Sustainability	Action
		Management
<i>The Sea Ice is Our Highway</i>	Embodied Sustainability	Maintain/Maintenance
		Natural Order
	Practices as Tradition	Movement/Migratory
		Transient/Traveler/Nomad
	Practices as Survival	Hunting

3.3 Urgency Language Excerpts in *The Sea Ice is Our Highway*

Urgency Language
Movement will always be a necessary part of life in the Arctic..." (p. 9)
It is also important to note...if one species in the food chain suffers, the others down the line suffer as well. Inuit will, therefore, be directly affected by any damage inflicted upon the Arctic environment. (p. ii)
Many of the Inuit interviewed emphasized the importance of the sea in their everyday lives, and were very concerned that their voices be heard by the people whose decisions will affect their culture and livelihoods. (p. 3)
...evoked numerous responses stressing the importance of hunting and the traditional Inuit diet. (p. 10)
This means we need jobs, and we need them in our communities so that our young people do not need to move down south...(p. 23)

Because we are determined to maintain our traditional diet—and in fact, we need to eat harvested meat due to the high cost of store-bought meat, in addition to the cultural reasons for doing so... (p. 12)
The fact that we often travel long distances as part of the hunt means our people from Chukotka to Greenland need free movement over the land and sea in order to continue our subsistence-based way of life (p. 19)
In the face of climate change and the potential for greater use of the Arctic by newcomers, we urge anyone making any plans regarding our land and sea to remember who has been living in the Arctic for thousands of years, and who will continue to live here for thousands more. (p. 27)
While the pages that follow do not overtly discuss constitutional and legal issues, Inuit... strongly caution those making plans regarding the Arctic to remember the land claims agreements, self-government arrangements, and international legal instruments that call for consultation and informed consent. (p. iii)

3.4 The Sea Ice is Our Highway Excerpt in AMSA Text

“Much of the traditional knowledge passed down from generation to generation is meant to hone the skills necessary for hunting and fishing. In order to hunt and fish safely and effectively in the Arctic, we train our young people to recognize different types of ice and to know the dangers associated with different seasons” (Arctic Council 2009, 126; ICC 2008, 7).

Inuit hunters spend much of their time out on the ice, mostly in small groups or even alone; therefore, reliable knowledge of the ice can be a matter of life and death (Council 2009, 126; “The Sea Ice Is Our Highway: An Inuit Perspective on Transportation in the Arctic” 2008, 8). Interviews conducted by ICC Canada in March 2008 indicate that despite the increased difficulty in finding and harvesting big game and sea mammals due to thinning and less predictable sea ice, Inuit communities are persistent in maintaining their traditional diets. When asked whether changes in ice conditions were affecting their traditional diets, respondents spoke of having to travel further or in a different month than usual; they spoke of dietary substitutions such as hunting more musk-oxen when the caribou migration shifted away from their area or they explained how melting permafrost has made the natural ice cellars used to age and store meat less effective. Not one of them said anything to suggest they were giving up on hunting despite the considerable challenges some were facing in getting out on the ice and land. When asked how his life might change because of poorer ice conditions in the future, Tommy Qaqqasiq from Pangnirtung, Nunavut said: “Then we use other equipment. People will still hunt. It is part of our life. When things change, you just have to go with it” (Council 2009, 126; “The Sea Ice Is Our Highway: An Inuit Perspective on Transportation in the Arctic” 2008, 11).

After describing in detail how climate change is forcing his community to deal with new challenges, John Keogak of Sachs Harbour shared this idea on how he can continue his harvesting practices: “A buddy of mine is into making little sleds out of aluminum, which you can use as a little kayak or boat. If you go out on the ice and you have to cross an open lead or something you can use that. It’s one of the things that can help. I’m going to get one of those. It’s combined as a little sleigh and, if you have to, you can use it as a boat. That’s one way I can adapt (Council 2009, 126; “The Sea Ice Is Our Highway: An Inuit Perspective on Transportation in the Arctic” 2008, 12).

With few exceptions, Inuit settlements are located on sea coasts or on major waterways with easy access to the sea. This consistency of location clearly reflects the importance of the sea to our Inuit way of life. Whether thickly frozen or open for the summer, the sea is our primary means of transportation. The usually ice-covered sea is our highway, the only physical connection between many of our communities and the only way we can access many of the animals we depend on for food. (Council 2009, 126; “The Sea Ice Is Our Highway: An Inuit Perspective on Transportation in the Arctic” 2008, 13).

As climate change and reductions in sea ice affect the migration routes of the land and sea animals we rely upon, it may be necessary for us to travel even further than before in order to reach them. Inuit hunters are reporting many changes in the locations and times that our traditional animals can be found. In some communities this is reducing the territory that hunters need to cover, while in others they have to travel much further than before in order to harvest enough food for the communities. This is why we are very concerned that sea ice routes remain passable for hunters as well as the migratory game they follow, and that the entire Arctic environment be kept free from contamination—both in the areas we are now using regularly and in those areas where we may need to hunt in the future. (Council 2009, 126; “The Sea Ice Is Our Highway: An Inuit Perspective on Transportation in the Arctic” 2008, 19).

The primary resource for Inuit is the animals. Our people have always known how to care for this resource. We live in harmony with the land. When we hunt, we only take what we need and make sure to leave enough of the herd so that it can replenish itself.... When we talk about the future, we are not talking about a five-year plan or even a plan. We are talking about our children and our children’s children. We are talking about living in the same communities where we can see the evidence of our ancestors. We are talking about preserving our way of life and the natural environment it depends upon for hundreds and thousands of years (Arctic Council 2009, 126; ICC 2008, 22–23).

“In recent years, all kinds of cruise ships are coming into our area. Last year alone, there were maybe five or six cruise ships that came into town. More are coming every year. There’s a national park here in Pangnirtung, further inside the fiord, that’s what they are coming to see. The tourists come into town and buy all kinds of art, like carvings, craft work, soapstone, whatever they can afford to buy. They help the artists. But hunters have been complaining about those ships because they go all over Cumberland Sound, even to the campsites. People are saying they are scaring away the animals, the mammals and whales. We are really noticing this because in the past couple of summers we hardly saw any narwhals around. Usually we catch our quota, but not in these past years” Tommy Qaqqasiq, Pangnirtung, Nunavut. (Council 2009, 126-127; “The Sea Ice Is Our Highway: An Inuit Perspective on Transportation in the Arctic” 2008, 24).

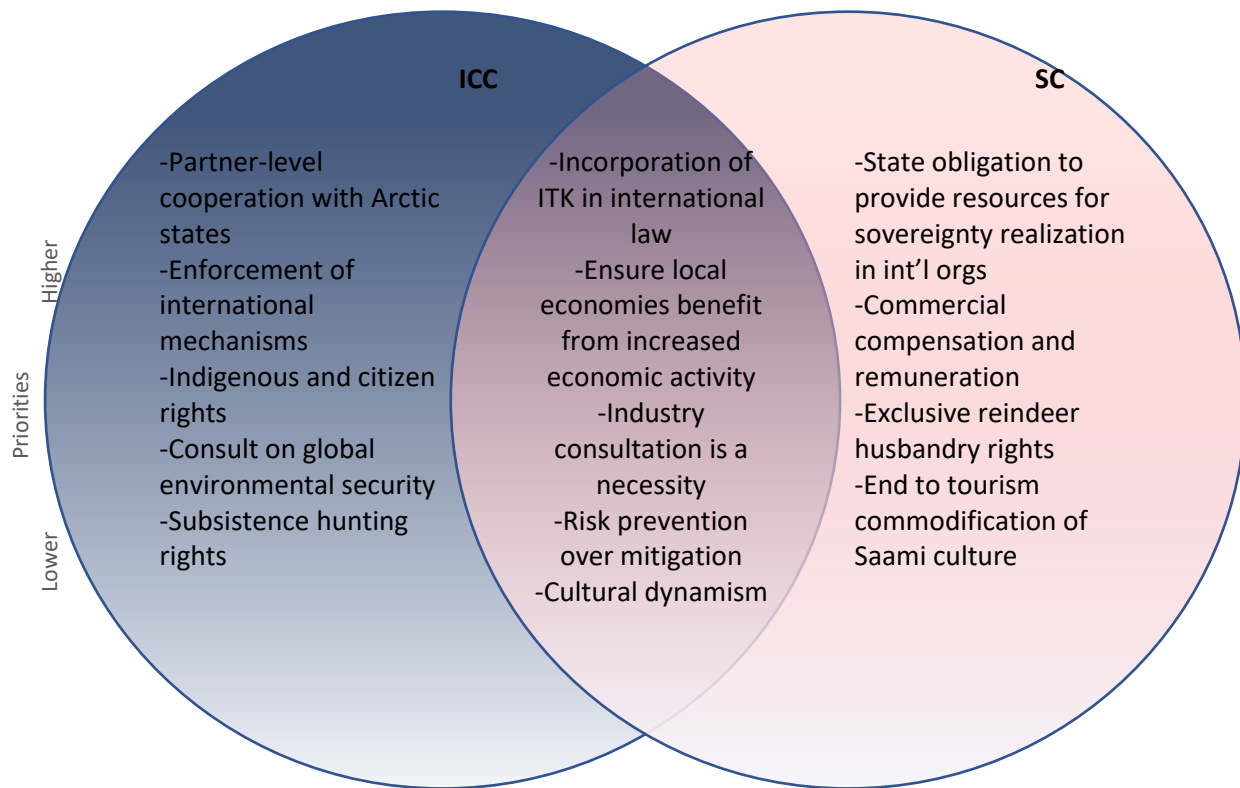
Another example of the difficulties related to shipping comes from the community of Tuktoyaktuk on the Beaufort Sea coast. Tuktoyaktuk has long been a key hub for supply ships servicing many of the Inuit communities in Canada. Because the harbour is also teeming with various species of fish, Tuktoyaktuk is an instructive example of colliding interests between economic activities and Inuit use of the sea. Inuit hunter, trapper, and fisherman Chucky Gruben describes the issues. We have a hunters and trappers committee here, we take care of the wildlife.

We deal with the people, we deal with the shipping companies. We have done some things where after freeze-up, the ships are not allowed to come into the harbour. But this past year, because of late shipping to other communities, we had to keep our harbour open longer than usual because the supplies hadn't gone out to the other communities. The community of Tuktoyaktuk is right in a harbour where a lot of fishing takes place....The east entrance is a place where a lot of people here that do their fishing set their nets right in the channel. Because the ships had made a ship track through the east entrance, they kept it open up right until November sometime, and the people couldn't set their nets there because of the ships going back and forth. That is one of the impacts of shipping on our harvest. Usually with that kind of thing, we do have a say on whether the ships can use the area, but times are changing and every year we get applications to come into the harbour later and later. They wanted to do that the year before last, too, but we had to say no. Last fall we didn't really have a choice because there was still fuel and a lot of supplies that needed to go out to the other communities, so we had no choice. (Arctic Council 2009, 127; ICC 2008, 25).

The point we wish to emphasize through these accounts from various Inuit communities is that the environment is vital to our entire way of life as Inuit. If something were to happen to our fragile Arctic ecosystem, our way of life would be lost and we as a people would be lost. Therefore, any activity in the Arctic, whether it is resource extraction, tourism, or military-related, must be undertaken according to the Inuit definition of sustainability—it must support the continuation of the Inuit way of life for thousands of years to come. (ICC 2008, 26).

Chapter 4

4.1 Prioritization and Overlap of Interests in ICC and SC Declarations (2008, 2009)



The diagram illustrates the convergence of ICC and SC interests as they appear in their declarations. The diagram is not meant to be an explicit hierarchy or ordering of high-to-low priorities, but rather a general indicator of whether goals are shared or distinctive between the Permanent Participants, as well as which feature by virtue of frequency, specificity, and strength of language.

4.2 Arctic Council Rules of Procedure (ROP) Amended Text

Legend:

Highlighted Text: Text not in 1998 ROP, added in 2013 amendments.

Crossed Out Text: Text appeared in the 1998 ROP, but not the 2013 ROP.

Preamble

The Chairmanship shall be responsible for facilitating preparations for Ministerial and SAO meetings, in coordination with the Secretariat, and carrying out such other tasks as the Arctic Council may require or direct.

An Arctic State may volunteer to provide secretariat support functions for Working Groups, task forces or other subsidiary bodies (added to whom it could provide functions).

Articles

Art. 37. ~~Ad hoc Observer status for specific meetings may be granted.~~

Art. 37. Once observer status has been granted, Observers shall be invited to the meetings and other activities of the Arctic Council unless SAOs decide otherwise. Observer status shall continue for such time as consensus exists among Ministers. Any Observer that engages in activities which are at odds with the Council's Declaration or these Rules of Procedure shall have its status as an Observer suspended.

~~Art. 38. Observers may make statements at the discretion of the Chair and submit relevant documents to the meetings~~

Art. 38. The primary role of Observers is to observe the work of the Arctic Council. Observers contribute through their engagement in the Arctic Council primarily at the level of Working Groups. In meetings of the Arctic Council's subsidiary bodies to which Observers have been invited to participate, Observers may, at the discretion of the Chair, make statements after Arctic States and Permanent Participants, present written statements, submit relevant documents and provide views on the issues under discussion. Observers may also submit written statements at Ministerial meetings. Observers may propose projects through an Arctic State or a Permanent Participant but the total financial contributions from all Observers to any given project may not exceed the financing from Arctic States, unless otherwise decided by the SAOs.

Art. 39. Where the Arctic Council, or the Arctic States participating on a Working Group, task force or other subsidiary body agree, the chair of the body may invite any person or organization that can contribute expertise and is able to contribute to the work of that body to participate in specific meetings. These persons or organizations do not have Observer status unless so decided in accordance with Rule 36 or Rule 37. in accordance with these Rules of Procedure.

Art. 42. The Chairmanship shall make reasonable efforts to provide Russian interpretation at Ministerial and SAO meetings.

Annex 2: Accreditation and Review of Observers

~~1. Accredited Observers to the Arctic Environmental Protection Strategy (AEPS) which are granted Observer status under the Arctic Council are:~~

~~Federal Republic of Germany
The Kingdom of the Netherlands
Poland
United Kingdom of Great Britain and Northern Ireland
Nordic Council
Northern Forum
United Nations Economic Commission for Europe
United Nations Environment Program
International Arctic Science Committee~~

2. Not later than 120 days before a Ministerial meeting, the Chairmanship shall circulate, to all Arctic States and Permanent Participants, a list of entities that have applied ~~or been nominated~~ for Observer status.

~~2.~~ 3. Nominations or Applications for observer status shall be directed to the Chairmanship and shall be accompanied by a memorandum setting out relevant information including:

- a. a written description of the proposed Observer's ability to contribute to the work of the Arctic Council and conformity with the criteria listed at paragraph 6 of this Annex; and,

b. in the case of organizations:

- (i) the purpose of the organization, including a copy of its annual report;
And
- (ii) a description of the organization's activities and information on the organization's governance and the total number of members.

~~4. Observers shall submit to the Arctic Council up to date information about relevant activities.~~

3. The Secretariat shall maintain a list of accredited Observers, including the date of accreditation.

4. Observers are requested to submit to the Chairmanship not later than 120 days before a Ministerial meeting, up to date information about relevant activities and their contributions to the work of the Arctic Council should they wish to continue as an observer to the Council.

5. Every four years, from the date of being granted Observer status, Observers should state affirmatively their continued interest in Observer status. Not later than 120 days before a Ministerial meeting where Observers will be reviewed, the Chairmanship shall circulate to the Arctic States and Permanent Participants a list of all accredited Observers and up-to-date information on their activities relevant to the work of the Arctic Council.

Criteria for Admitting Observers

6. In the determination of the general suitability of an applicant for Observer status the Arctic Council will, inter alia, take into account the extent to which the applicant meets the following criteria:

- a. accepts and supports the objectives of the Arctic Council defined in the Ottawa declaration;
- b. recognizes Arctic States' sovereignty, sovereign rights and jurisdiction in the Arctic;
- c. recognizes that an extensive legal framework applies to the Arctic Ocean including, notably, the Law of the Sea, and that this framework provides a solid foundation for responsible management of this ocean;
- d. respects the values, interests, culture and traditions of Arctic Indigenous Peoples and other Arctic inhabitants;
- e. has demonstrated a political willingness as well as financial ability to contribute to the work of the Permanent Participants and other Arctic Indigenous Peoples;
- f. has demonstrated their Arctic interests and expertise relevant to the work of the Arctic Council; and
- g. has demonstrated a concrete interest and ability to support the work of the Arctic Council, including through partnerships with member states and Permanent Participants bringing Arctic concerns to global decision-making bodies.

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