

## IRPP STUDY

February 2019 | No. 69

Indigenous Self-Determination in Northern Canada and Norway

Gary N. Wilson and Per Selle

CANADA'S CHANGING FEDERAL COMMUNITY

## ABOUT THIS STUDY

---

This publication was published as part of the Canada's Changing Federal Community research program under the direction of F. Leslie Seidle. The manuscript was copy-edited by Zofia Laubitz, proofreading was by Barbara Czarnecki, editorial coordination was by Francesca Worrall, production was by Chantal Létourneau and art direction was by Anne Tremblay.

Gary N. Wilson is a professor in the Department of Political Science at the University of Northern British Columbia. He is the president of the Association of Canadian Universities for Northern Studies (ACUNS) and a member of the Council of the International Arctic Social Sciences Association (IASSA). His research focuses on Inuit governance and Inuit-state relations in Canada and the Circumpolar Arctic.

Per Selle is a professor of comparative politics at the University of Bergen and UiT, the Arctic University of Norway, in Tromsø, Norway. His main research interest is how modern Indigenous politics interacts with the state in developed democracies. He has written extensively on the Sámi in Norway, and on civil society and the welfare state. His most recent book (in Norwegian, with Torvald Falch) is an analysis of the Norwegian Sámi parliament (2018).

To cite this document:

Wilson, Gary N., and Per Selle. 2019. Indigenous Self-Determination in Northern Canada and Norway. IRPP Study 69. Montreal: Institute for Research on Public Policy.

## ACKNOWLEDGEMENTS

We would like to thank the anonymous reviewers and the staff at the IRPP, in particular Leslie Seidle and Francesca Worrall, for their helpful suggestions and comments. We are also grateful to Aaron Spitzer from the University of Bergen for reviewing and commenting on earlier drafts of this article. The opinions expressed in this study are those of the authors and do not necessarily reflect the views of the IRPP or its Board of Directors. IRPP Study is a refereed monographic series that is published irregularly throughout the year. Each study is subject to rigorous internal and external peer review for academic soundness and policy relevance.

If you have questions about our publications, please contact [irpp@irpp.org](mailto:irpp@irpp.org). If you would like to subscribe to our newsletter, IRPP News, please go to our website, at [irpp.org](http://irpp.org). ISSN 1920-9436 (Online) ISSN 1920-9428 (Print)

## CONTENTS

Summary.....	4
Résumé.....	5
Introduction..	7
Understanding Self-Determination.....	8
Inuit Self-Determination in Canada.....	13
Sámi Self-Determination in Norway.....	22
Comparing Inuit and Sámi Self-Determination...	30
Conclusion..	34
References..	36

4

## SUMMARY

---

Over the last several decades, two circumpolar Indigenous peoples — the Canadian Inuit and the Norwegian Sámi — have made great strides in developing innovative governance regimes to foster greater Indigenous self-determination within their respective states. Their experience, say authors Gary N. Wilson and Per Selle, highlights two different yet complementary dimensions of Indigenous self-determination: self-rule and shared rule. Self-rule is the notion that Indigenous communities should exercise some degree of autonomy over policy decisions at the regional and local levels. Shared rule is the idea that communities should be connected with other, non-Indigenous governments so they can influence decisions that affect them.

The Canadian part of this study reviews developments in four Inuit regions: the territory of Nunavut, the Inuvialuit Settlement Region in the Northwest Territories, Nunavik in northern Quebec and Nunatsiavut in northern Labrador. Since the 1970s the Inuit in these regions have focused on building institutions of self-rule within the context of a federal system of government, by negotiating land claims agreements and by creating regional governance institutions with varying degrees of jurisdictional authority.

In contrast, the Norwegian Sámi have made considerable progress in developing non-territory-based, shared-rule institutions at the national level, within a unitary system of government. In particular, they established a national Indigenous parliament, the Sámediggi, which represents the Sámi from all parts of the country, provides limited jurisdictional authority in areas such as

language, culture and education, and has close links with departments of the Norwegian government.

In recent years, both Indigenous groups have made progress toward creating a better balance between self-rule and shared rule. In Canada, an example is the creation of the Inuit-Crown Partnership Committee, which brings together Inuit leaders and senior Canadian government representatives. A Norwegian example is the establishment of the Finnmark Estate, a land management body whose board is composed of three representatives from the Sámediggi and three from the Finnmark County Council in northern Norway. Despite the progress in both countries, there is still work to do to. For the Inuit, this means continuing to develop regional governance institutions and creating new structures enabling Inuit representatives to interact with and influence the federal, provincial and territorial governments. The Sámi need to work toward greater regional selfrule as a complement to the institutions of shared rule at the national level. Although the Inuit and the Sámi continue to face inertia and resistance to change from non-Indigenous governments at all levels, continuing the development of robust and effective institutions of self-rule and shared rule is critical to the success of Indigenous self-determination in Canada and in Norway.

5

7

## INTRODUCTION

---

Over the last several decades, two circumpolar Indigenous peoples, the Canadian Inuit and the Norwegian Sámi, have made great strides in building innovative, autonomous governance regimes within their respective states. These developments have been part of wider efforts on the part of Indigenous and colonized peoples around the world to deal with the consequences of colonialism and develop political structures that will allow them to take back some control over their lands and their lives (Dahl, Hicks and Jull 2000). In many respects, the Canadian Inuit and the Norwegian Sámi have been at the forefront of these struggles, and thus they have been path-breakers in institutional innovation and circumpolar collaboration.

However, the two groups have taken different paths to self-determination. In Canada, the Inuit have adopted a diverse and territorially based governance approach by negotiating land claims agreements and, in some cases, establishing amalgamated regional governments that administer a number of different programs (Wilson 2017). In Norway, the Sámi have established a national Indigenous parliament, the Sámediggi, which represents Sámi in all parts of the country, even though they are concentrated in the North, and provides limited jurisdictional authority in areas

such as language, culture and education (Falch, Selle and Strømsnes 2016).

These approaches highlight two related yet distinct concepts that are critical to understanding the development of Indigenous self-determination: self-rule and shared rule (Elazar 1987; Hooghe and Marks 2016). Self-rule is the notion that regions and communities should exercise some degree of autonomy and control over policy decisions at the regional and local levels. Shared rule is the idea that communities and regions should be integrated into other, non-Indigenous governments so that they can influence decisions that affect them. Both of these concepts are embedded within the institutional structures of federal systems of government, but they may also be apparent in unitary systems, especially devolved unitary systems such as Norway, where regional and local governments exercise autonomy within a centralized political model.

This study examines the extent to which the Canadian Inuit and the Norwegian Sámi have secured self-rule and shared rule within their respective political systems. We observe that the Inuit have concentrated mainly on building institutions of self-rule through treaty-based systems of regional and local governance. For their part, the Sámi have established strong shared-rule institutions, with the Sámediggi serving as the core institution for a Sámi political space in which it is not always easy to differentiate shared rule from self-rule. These outcomes can be explained by differences in the broader institutional and political context in each country and in each group's historical experience of integration into their respective states. In both cases, some progress has been made in advancing both dimensions of self-determination. In order for these models to be successful in the long term, however, both groups will need to develop more of a balance between self-rule and shared rule.

## 8

The first part of this study outlines the broader international and domestic contexts that have influenced the development of Indigenous governance in Canada and Norway. It also elaborates the concepts of self-rule and shared rule as different yet complementary expressions of self-determination in Indigenous communities. The second part explores the historical relationship between the Canadian Inuit and Norwegian Sámi and their respective states, and the ways in which self-rule and shared-rule institutions have evolved in both countries. These cases are used to illustrate the broader tendencies and deficiencies underlying Indigenous-state relations in Canada and Norway and provide some comparative insights into the question of how the institutional relationship between Indigenous peoples and the state may develop to accommodate Indigenous demands for self-determination. This study is based primarily on secondary source materials with some references to primary documents such as government reports. It also draws on the authors' research experience in the area of Indigenous governance, in particular their work on how institutional features of the two systems have structured the political relationship between Indigenous communities and non-Indigenous governments.

# UNDERSTANDING SELF-DETERMINATION

---

In order to understand and explain the developments in Indigenous self-determination taking place in northern Canada and Norway, it is first necessary to situate them in a broader context of ideological and institutional changes that have occurred both internationally and domestically over the last several decades. Changing international context The right of Indigenous peoples to self-determination is a collective right that must be exercised within state borders. In international law, it is generally accepted that Indigenous peoples constitute peoples for international legal purposes and, as such, are entitled to be self-determining. The historical, geographical, demographic and political structures of Indigenous societies differ as much as state structures do. It is, therefore, not surprising that interpretations of self-determination also vary depending on the national context (Falch and Selle 2018).

The Indigenous rights discourse has focused on allowing Indigenous peoples to preserve and develop their own distinct societies. For this to happen, advancing autonomous functions or self-government arrangements within the state is considered to be necessary (Åhrén 2016). This idea is also reflected in articles 4 and 5 of the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which emphasizes that the right of Indigenous peoples to self-determination is exercised through their own decision-making institutions. Several UN bodies have endorsed UNDRIP, which indicates its conformity with international law, but they have not given due consideration to the importance of self-government in exercising the right to self-determination.

9

In Europe, Denmark has affirmed that the Inuit constitute a people with rights as such and have adopted the Act on Greenland's Self-Government (also referred to as selfrule — see Nuttall 2008). Norway, Finland and Sweden have all declared that the Sámi people have the right to self-determination, mainly through the establishment of Sámi parliaments, the passage of legislation supporting Sámi cultural and land rights, and guarantees of the constitutional right to self-determination. In Canada, section 35 (1) of the Constitution Act, 1982 confirms that “the existing aboriginal and treaty rights of the aboriginal peoples<sup>1</sup> of Canada are hereby recognized and affirmed.” It is widely accepted that autonomy is a key part of the concept of self-determination. There is, however, little guidance on what autonomy actually means in practice. It would be natural to assume that Indigenous autonomy is about the right of Indigenous peoples to manage areas considered particularly important for their culture, land, livelihoods and society and that such authority is transferred by law, so that Indigenous peoples' own representative institutions can act as the primary or sole decision-makers without non-Indigenous governments being an instructing and controlling agency (Anaya 2011). Another element alongside autonomy is the right to participate in and genuinely influence decision-making on matters that affect Indigenous

peoples within a state. Effective consultation arrangements that seek to ensure that decisions directly affecting Indigenous peoples are not taken without their free, prior and informed consent are seen as a central element of the right to self-determination (Anaya 2011; Falch, Selle and Strømsnes 2016).

The principle of consultation to obtain free, prior and informed consent (FPIC) from Indigenous peoples is present in a number of articles in UNDRIP and is, therefore, important to understand in the context of self-determination.<sup>2</sup> It should be noted that there is an ambiguity in the understanding of the term “obtain” in relation to the concept of FPIC. The few substantive legal interpretations of this emerging norm in the international arena have so far moved back and forth between a strong interpretation of FPIC as a requirement to obtain Indigenous consent and a more limited view suggesting that states must undertake meaningful consultations in order to seek such consent (Papillon and Rodon 2017). The situations where absolute consent must be obtained for decisions made by the state depend on the relative importance of the issue to the respective parties. Consultations highlight the relational aspect of the right to self-determination.

## Changing domestic context

Two significant changes have influenced the domestic context in liberal democracies since the 1970s and, by extension, the relationship between Indigenous peoples and the state in Canada and Norway. First, in many liberal democracies, the prevalence

<sup>1</sup> The term “Aboriginal peoples” refers to First Nations, Métis and Inuit (section 35(2), Constitution Act, 1982).

<sup>2</sup> UNDRIP articles 15 (2), 17 (2), 30, 36 (2) and 38 give the state a duty to consult. Articles 10, 11 (2), 19, 29 (2) and 32 (2) give the state a duty to obtain Indigenous peoples’ free, prior and informed consent.

10

of neoliberal approaches to governance has transformed the power of the state over politics and the economy. Some scholars have referred to this as the “rolling back” of the state (Peck and Tickell 2002; Young and Matthews 2007), a process which involves reducing the presence of state institutions in the lives of citizens. Simultaneously, neoliberal governments have also encouraged the inclusion of nongovernmental and private actors in governance, and have reinforced the position of these actors relative to the state by “rolling out” new institutional structures such as free trade agreements, public-private partnerships and other new governance arrangements (Young and Matthews 2007).

In both Canada and Norway, private-sector values and practices have penetrated the public

sector through policies inspired by the theories of New Public Management.<sup>3</sup> These changes have led to a horizontal expansion of governance that has profoundly affected the political life of many liberal democracies. As the case studies in this study will demonstrate, they have also created new spaces for Indigenous self-determination in Canada and Norway through the involvement of nonstate actors in the governance and representation of Indigenous regions and communities.

In addition to this horizontal extension of governance, there has been a vertical expansion of governance that has challenged the authority of traditionally dominant national governments (Tathnam 2016). In Europe, for example, the development of the European Union has created a new level of supranational government that increasingly challenges the authority and sovereignty of national governments. Processes such as subsidiarity and devolution have, in turn, empowered regional and local governments, often at the expense of national governments. In both Canada and Norway, Indigenous peoples have taken advantage of this shifting governance context to demand greater autonomy, in the form of either autonomous regional governments or separate representative institutions that exist alongside non-Indigenous governments. Scholars studying these shifts have coined the term “multilevel governance” to refer to the expansion of governance actors and forms beyond the traditional national and subnational governments that dominated governance in liberal democracies throughout much of the twentieth century (Hooghe and Marks 2001, 2016; Tathnam 2016).

While the analytical utility of multilevel governance is contested, especially in terms of its ability to explain why these changes are happening, it does provide a more appropriate description of new governance realities in many liberal democracies than the narrower conceptions offered by the traditional literatures on federal and unitary systems of government. It is for this reason that scholars working in the area of Indigenous governance have used the concept to refer to the emergence of new Indigenous governance actors and their relationships with non-Indigenous governments (Alcantara and Nelles 2014; Papillon 2008; Wilson 2017).

<sup>3</sup> According to Inwood (2012, 402), New Public Management is “a school of thought originating in Margaret Thatcher’s Britain advocating changes to organization design and managerial practices consistent with neoconservative ideas. It is broadly aimed at making the state more responsive to political direction and to citizens, and at introducing more private sector practices into the public sector.”

## Indigenous self-determination through the lens of self-rule and shared rule

The emergence of new Indigenous governance models (consisting of both governments and

nongovernmental organizations) is one of the most important institutional developments to occur in Canada and Norway since the 1970s. Although this process is by no means complete or free of issues or resistance from entrenched vested interests, empowering Indigenous peoples through self-determination is key to resolving the myriad of challenges facing Indigenous communities in both countries. If self-determination is the end result of this process of empowerment, how is it being achieved in a practical sense? As political scientists, we see self-determination as a combination of two separate yet connected ideas: autonomy and integration. In the case of Indigenous peoples, autonomy refers to their ability to exercise some degree of control over decisions that affect their daily lives. Integration, on the other hand, refers to their ability to influence decisions made by non-Indigenous governments, which, in many areas, still have the authority to make decisions that affect Indigenous communities.

Two concepts in particular will be used in this study to characterize and analyze these different dimensions of Indigenous self-determination in Norway and Canada: shared rule and self-rule. It is important to note that these concepts are dynamic and interrelated. For example, shared-rule consultations and arrangements between the representatives of Indigenous communities and non-Indigenous governments are essential to the establishment of self-rule arrangements. In turn, the success of self-rule depends on connections and collaboration between Indigenous and non-Indigenous governments that can be developed only through strong shared-rule institutions.

In the literature on federalism and federal systems of government, self-rule involves the ability of regions and communities to exercise control and jurisdiction over policy-making and administration. Regional self-rule is not absolute, in the sense that self-ruling bodies are not fully sovereign. Regions are embedded within national and sometimes supranational political systems that limit their autonomy and create political linkages with and financial dependencies on other levels of government. As such, in its regional form, self-rule inevitably necessitates shared rule in order to allow for continued dialogue and cooperation among governments. In federal systems of government, self-rule is usually embedded within a constitutional structure that guarantees and protects the autonomy of constitutionally recognized subnational units.

In unitary systems, the central government can, on its own, decentralize authority to regional or local governments through a process often known as devolution. Self-rule is a central component of Indigenous self-determination because it speaks directly to the ideas of self-government and the reassertion of Indigenous control over matters that affect the daily lives of Indigenous peoples. In Canada, for example, much of the focus of political negotiations between Indigenous communities and non-Indigenous governments has been on land claims and self-government agreements that are designed to entrench self-rule.

In part, this process seeks to restore the autonomy taken away from Indigenous peoples as a result of colonization.



While the term “self-government” is often used synonymously with “self-rule,” it is important to distinguish between self-government, which implies Indigenous control over governance institutions, and autonomy, which is a broader concept that could also involve public governance arrangements that are open to both Indigenous and non-Indigenous citizens. This distinction is particularly relevant in the Inuit context because of the diversity of governance arrangements that exist and the different circumstances that led to their development. Suffice it to say that not all governments in the Inuit regions of northern Canada are fully self-governments. But all Inuit regional governance models involve varying degrees of autonomy and contain elements of self-government.

Shared rule refers to the ability of regions and communities at the subnational level to have some input into decisions made by national governments. Often, this input is channelled through representation in formal institutions such as national parliaments or cabinets (intrastate federalism), or representation in intergovernmental meetings (interstate federalism), but it can also involve informal dialogue between political representatives at the national, regional and local levels. As Elazar (1987) has argued, shared rule is an important aspect of the “federal covenant” that binds regionally and ethnically diverse states together.

Shared rule is a critical part of the proper functioning of federal and decentralized states because it allows the inhabitants of subnational regions and communities to feel as though they have some influence over decisions made by often distant (geographically and politically) national governments. In this respect, shared-rule arrangements are also crucial in strongly integrated, unitary states such as Norway in which regional and municipal governments have acquired political autonomy and decision-making power through devolution and decentralization and are important political actors and service providers.

Although self-rule and shared rule are distinct expressions of self-determination, they are also dependent on each other in a number of respects. For example, shared rule cannot exist without some measure of self-rule or regional autonomy when exercised within a state. Regional representatives form one part of any power-sharing arrangement and provide critical inputs into national policies that affect the regions. Relatedly, regional self-rule cannot be successful without the existence of institutions of shared rule. Self-ruling regions are not completely sovereign and do not exist in a political vacuum; in order to function effectively, they must have the ability to influence policies introduced by other governments that affect them through the institutions of shared rule.

Over the last several decades, Indigenous peoples in both Canada and Norway have made substantial progress in developing institutions of self-rule and shared rule, or combinations thereof. As the following case studies will demonstrate, however, there are important differences

between the two countries that have structured political outcomes and created imbalances that could limit their future development.

13

## INUIT SELF-DETERMINATION IN CANADA

---

Along with First Nations and Métis,<sup>4</sup> Inuit are a constitutionally recognized Indigenous group in Canada. Each of these groups is distinct, in a legal sense. They are, however, connected by the fact that their ancestral homelands are located on the territory of what is now Canada. They also have shared experiences with colonialism and assimilation at the hands of the Canadian state and its agents. Recognizing and dealing with the intergenerational trauma caused by colonialism and building strong, self-governing Indigenous communities are among the key challenges facing Canada in the twenty-first century.

As mentioned earlier, changes in both the international and domestic contexts have influenced the political development of Indigenous communities in both Canada and Norway. The Canadian government's 2016 recognition of UNDRIP represents a significant shift that, along with a number of domestic court decisions, could change the dynamics of negotiations around a variety of issues relating to self-determination, including land rights, self-government, and participation in and interaction with the institutions of the Canadian state. Other international changes have also spurred action at the local and regional levels. A growing sense of Indigenous internationalism, expressed either formally through multinational organizations such as the Inuit Circumpolar Council or more informally through expressions of solidarity with the plight of Indigenous peoples outside Canada, has created a renewed sense of solidarity and resolve.

The Canadian Arctic is home to a number of Indigenous peoples including First Nations, Métis and Inuit. In terms of political jurisdictions, there are currently four distinct Inuit regions: the Inuvialuit Settlement Region (ISR) in the Northwest territories, the territory of Nunavut in the eastern Arctic, Nunavik in northern Quebec and Nunatsiavut in northern Labrador in the province of Newfoundland and Labrador. Each of these regions has a different level of autonomy, with Nunavut being the most autonomous due to its status as a territory within the Canadian federation (Hicks and White 2015). The other three regions are nested, politically and geographically, within existing provinces and territories, so their autonomy is more restricted (Wilson 2008; Wilson, Alcantara and Rodon 2015). They have also developed distinct institutional models that incorporate different elements of public and Indigenous governance.<sup>5</sup>

Collectively, these regions constitute Inuit Nunangat, or “the place where the Inuit live” in Inuktitut, the Indigenous language of the Inuit. The territorial size of Inuit Nunangat is 3,044,205 square

kilometres.<sup>6</sup> If it were a country, it would be the eighth largest in

4 “First Nations” is a collective term that refers to numerous individual Indigenous nations across Canada. Métis are the descendants of unions between Indigenous and non-Indigenous people.

5 In this study, the term Indigenous governance is used to refer to governance institutions that are elected by or exclusively represent Indigenous people within a designated political space. The term public governance refers to governance institutions that are elected by or represent all citizens, regardless of their background, within a designated political space.

6 These are territorial sizes of the four regions in Inuit Nunangat: the ISR — 435,000 square kilometres; Nunavut — 2,093,000 square kilometres; Nunavik — 443,685 square kilometres; and Nunatsiavut — 72,520 square kilometres.

14

the world. According to Statistics Canada (2016), 47,330 Inuit live in Inuit Nunangat, and a further 17,765 Inuit live outside the area. With 35,944 inhabitants, Nunavut is the largest region by population. Its largest community is the capital, Iqaluit (7,740 inhabitants), and the smallest is Grise Fiord (129 inhabitants). In Nunavut, approximately 85 percent of the population identifies as Inuit. The ISR has a population of 5,492, the majority of whom identifying as Inuit. The largest community is Inuvik (3,243 inhabitants) and the smallest is Sachs Harbour (103 inhabitants) (Statistics Canada 2016). The population of Nunavik is just over 12,000, and almost 89 percent of them identify as Inuit. Nunavik’s largest community is the administrative capital, Kuujuaq (2,754 inhabitants), and the smallest is Aupaluk (209 inhabitants). Finally, the region of Nunatsiavut has a population of just over 2,000. Its largest community is Nain (1,125 inhabitants) and its smallest is Postville (177 inhabitants). Eighty-nine percent of the population of Nunatsiavut identifies as Inuit (Statistics Canada 2016).

These statistics reveal some of the challenges facing Inuit regions as they attempt to realize self-rule. For the most part, Inuit Nunangat is made up of small coastal communities that are not connected by roads and are accessible only by air in the winter and by air and sea in the summer. The population is extremely small relative to its overall territorial size. That said, given the harsh environment and the region’s remoteness, it is unlikely that there will be an influx of non-Indigenous settlers. As such, the demographic dominance of Inuit will likely remain stable for the foreseeable future, which is not the case in Indigenous regions and communities in southern Canada.

Archaeological evidence suggests that the ancestors of the present-day Inuit (Thule people) migrated from Alaska across what is now the Canadian Arctic, eventually ending up in Greenland in the eleventh century. In so doing, they displaced the Dorset people, who had inhabited this region for several thousand years. Prior to Euro-Canadian colonization in the nineteenth century, the Inuit peoples of the Canadian Arctic governed themselves in small nomadic groups of hunters

and gatherers.

Given the remoteness and harsh environment of the Arctic, the colonization of this region by Europeans began later than in more southerly parts of Canada. As in many other parts of western and northern Canada, however, colonization and the eventual imposition of Western institutions of government started with the expansion of European trading companies such as the Hudson's Bay Company (HBC). The HBC was subsequently replaced by formal governments: federal and territorial governments in the case of Inuit peoples living in the Canadian territories of Yukon and the Northwest Territories, and federal and provincial governments in the case of Inuit peoples living in Quebec and Newfoundland and Labrador.<sup>7</sup>

<sup>7</sup> In 1999, the Northwest Territories was partitioned to create the Territory of Nunavut. Having signed its own treaty in 1984, the ISR, which is still part of the Northwest Territories, decided against becoming part of Nunavut. Although Nunavut has a public government, demographically speaking, it is an Inuit-controlled territory because the vast majority of the population is Inuit. The territory that constitutes the Inuit region of Nunavik in northern Quebec was transferred by the Canadian federal government to the province of Quebec in 1912. The province of Newfoundland and Labrador, including the Inuit region of Nunatsiavut in northern Labrador, was a British colony until it joined Canada in 1949.

15

During the first part of the twentieth century, Inuit peoples came under the increasing control of the federal government. As the government intensified its colonization and assimilation process, it forced Inuit to abandon their nomadic lifestyles and settle in sedentary communities, often close to HBC trading posts. The benefits of the emerging welfare state were offered as an incentive. Some Inuit were even forced to resettle in extremely remote communities in the High Arctic, in order to strengthen Canadian territorial claims to this region.

The political mobilization of the Inuit began in the 1960s with the establishment of cooperatives in Quebec (Fédération des coopératives du Nouveau-Québec) and in the Northwest Territories (Arctic Co-op Limited). According to the Fédération des coopératives du Nouveau-Québec (2018):

Although each co-op had its board of directors, in the early days of the cooperatives most of the decision making and supervision of operations was done by government employees, by interested local clergy or by other white residents. Over the ensuing years the Inuit have been trained to control all aspects of their cooperatives.

As Canadian Inuit started to assume greater local economic control, their attention would also turn to the issue of political autonomy. It is important to note the broader circumpolar and international context in which these developments were taking place. The 1960s and 1970s were

times of great social change, with decolonization and civil rights activism at the forefront of international politics. Canadian Inuit were inspired by developments taking place in other parts of the Circumpolar North, especially in regions such as northern Alaska and Greenland where Inuit peoples were acquiring greater autonomy from non-Indigenous governments.<sup>8</sup> It was at this time that both national and international Inuit organizations were established to promote the interests of Inuit in Canada and throughout the Circumpolar North. These included the Inuit Tapirisat of Canada (now Inuit Tapiriit Kanatami [ITK]), which was established in 1971, and the Inuit Circumpolar Conference (now Inuit Circumpolar Council [ICC]), established in 1977.

The next few decades brought significant challenges and changes to the Inuit regions of the Canadian Arctic. Resource development projects championed by non-Indigenous governments and corporations mobilized the Inuit to fight for greater control over their lands, as well as political autonomy. For example, opposition to the James Bay hydroelectric project in Quebec and the proposed Mackenzie Valley pipeline project and resource development in the Beaufort Sea in the Northwest Territories would eventually lead to the signing of comprehensive land claims agreements: the James Bay and Northern Quebec Agreement in 1975 and the Inuvialuit Final Agreement in 1984. Similarly, the discovery of vast nickel deposits in Voisey's Bay, Labrador, in the

8 In 1971, Indigenous peoples in Alaska signed the Alaska Native Claims Settlement Act, which led to the creation of the North Slope Borough and Northwest Arctic Borough, two Inuit regions in northern Alaska. In 1979, Greenland, an Inuit region and colony of the Kingdom of Denmark, achieved a form of autonomy known as Home Rule.

16

early 1990s provided the impetus for the Labrador Inuit Land Claims Agreement (LILCA) in 2005.

The signing of the Nunavut Land Claims Agreement in 1993 paved the way for the partition of the Northwest Territories and the creation of Nunavut in 1999. As in the case of the Alta-Kautokeino hydroelectric project in northern Norway in the late 1970s (see later in this study), these resource development projects were “critical junctures” that mobilized Inuit peoples and caused a significant political shift toward self-determination; in Canada, this shift occurred through treaties that laid the foundation for regional autonomy and the establishment of institutions of self-rule.

Changes in federal government policy in the early 1970s allowed for the negotiation and signing of land claims agreements (so-called “modern treaties”) with Indigenous peoples that had not signed historical treaties prior to 1923. Initially, federally established rules determined that these treaties could not include self-government chapters (self-government had to be negotiated separately after a land claims agreement had been finalized). In the 1990s, however, federal policy changed again and Indigenous peoples were allowed to negotiate land claims agreements and self-

government agreements simultaneously. In the Inuit context, this explains why some groups (Nunavik, ISR) do not have self-government chapters in their respective land claims agreements, while others (Nunatsiavut) do (Wilson, Alcantara and Rodon 2015).

Collectively, these land claims agreements have provided Inuit peoples with varying degrees of control over their traditional territories, as well as financial compensation and other benefits. They also established a variety of regional governance institutions which, over time, have strengthened the political and economic autonomy of these communities. Some of these institutions are public in nature, which means that they represent the interests of and have a mandate from all the inhabitants of the region in question, regardless of ethnicity. Some examples are the Government of Nunavut and the Kativik Regional Government, a supramunicipal regional government body in Nunavik.

In other cases, the governance institutions that emerged from land claims agreements are Indigenous in nature, meaning that they are responsible only to the Inuit beneficiaries of the land claims agreement in question. One example is the Nunatsiavut government, which is elected and represented only by Inuit beneficiaries of the LILCA. This governance model is consistent with the idea of self-government. Other examples of Indigenous governance include the land claims organizations that were established by land claims agreements. These organizations are responsible for the compensatory funds acquired from the land claims agreements and administer them on behalf of the Inuit beneficiaries of those agreements. In addition to promoting and supporting the economic development of their respective regions, organizations such as the Makivik Corporation in Nunavik and the Inuvialuit Regional Corporation in the ISR have also played important political roles as regional representatives in intergovernmental negotiations on self-government (Wilson and Alcantara 2012). In Nunavut, Nunavut Tunngavik Incorporated encompasses a range of regional organizations and committees that promote

17

regional economic and social development and environmental management on behalf of the Inuit beneficiaries of the Nunavut Land Claims Agreement. As Alcantara and Wilson (2013) have noted in the case of Nunavut, the coexistence of public and Indigenous governance bodies (with different mandates, resources and constituencies) sometimes creates intrajurisdictional tensions and divisions.

Another innovative governance feature that emerged from the land claims agreements is land claim or comanagement boards. These boards oversee wildlife and environmental management and are composed of Inuit and government representatives. As such, they are examples of shared rule. For instance, in the ISR, a comanagement system consisting of the Inuvialuit Game Council (IGC) and five comanagement boards<sup>9</sup> was created to support the goals of the Inuvialuit Final Agreement. The IGC consists of representatives from the hunters' and trappers' committees in

each community in the region. Inuvialuit, federal and territorial government members are represented equally on the comanagement boards. As White (2008, 71-2) has argued, “Land-claim boards constitute a signal improvement for aboriginal people in terms of both their formal involvement in governmental processes and consideration of their interests and preferences.”

More broadly, the Canadian Inuit have developed robust collective organizations that represent their interests on a national and international scale. ITK and ICC (Canada) are examples of such collective Inuit organizations. ITK is a national organization that represents Inuit across Canada. Its board is composed of representatives from all four Inuit regions, as well as the Pauktuutit Inuit Women of Canada and the National Inuit Youth Council. Interestingly, three of the four regional representatives are the heads of the land claims organizations that play such an important governance role in Inuit Nunangat (Makivik Corporation, Inuvialuit Regional Corporation and Nunavut Tunngavik Incorporated). As noted above, all three corporations are Indigenous organizations whose primary role is to represent the interests of the Inuit beneficiaries of their respective land claims agreements.<sup>10</sup> Since Nunatsiavut is the only region that has Indigenous self-government, in which the functions of a land claims organization are incorporated into an amalgamated regional government structure, the Nunatsiavut Government has direct representation on the ITK board (ITK 2018).

Another pan-Inuit organization is ICC, a transnational organization that represents Inuit in four countries: Russia, the United States, Canada and Denmark (Kalaallit Nunaat — Greenland). The board of ICC (Canada) includes representatives from the Nunatsiavut Government and the same land claims organizations that serve on the board of ITK, but its mandate focuses more on the Circumpolar North and relations between Inuit peoples across the Arctic. One of the major successes of ICC came under the leadership of former president Sheila Watt-Cloutier. Watt-Cloutier raised international

<sup>9</sup> These comanagement boards are the Environmental Impact Review Board, the Environmental Impact Steering Committee, the Fisheries Joint Management Committee, the Wildlife Management Advisory Committee (Northwest Territories) and the Wildlife Management Advisory Committee (North Slope).

<sup>10</sup> Regional governance agencies in Nunavik and Nunavut are public and, therefore, do not focus exclusively on Inuit beneficiaries.

18

awareness about the impacts of persistent organic pollutants and climate change on the Arctic environment and peoples (Watt-Cloutier 2015; Wilson 2007). ICC, along with other pan-Arctic Indigenous organizations such as the Saami Council (Sámiráddi), an umbrella body for core Sámi organizations in Norway, Sweden, Finland and Russia, has also been a key participant in the Arctic Council, an important international organization that represents the eight Arctic countries,

as well as non-Arctic observer states and Arctic Indigenous organizations (Permanent Participants).<sup>11</sup>

## Self-rule and shared rule in Canada: The Inuit experience

Using the framework outlined earlier, it is possible to draw some general conclusions about the extent to which the regional governance institutions described above provide for self-rule and shared rule, and where they fit within a multilevel governance framework. It is clear that Inuit regional governance extends along both the vertical and horizontal dimensions of multilevel governance in Canada. For example, there is a range of governance bodies along a vertical continuum at the local, regional, national and international levels. Some of these bodies are governments, with departments, elected representatives and administrative staff, and have similar roles and responsibilities to governments in other jurisdictions. Others, such as Inuit organizations that play a key role in governance (e.g., land claims organizations and national and transnational organizations), fit more within a horizontal continuum.

In terms of self-rule and shared rule specifically, it is apparent that political developments among the Canadian Inuit have thus far favoured the development of self-rule institutions. The various land claims agreements have created a diverse set of regional governance institutions that are responsible for administering policies and programs at the regional level. The level of authority that these governments have depends to a large extent on their internal composition and their position within the broader political system in which they are embedded. Internally, the Nunatsiavut Government and the Government of Nunavut each have amalgamated government structures that are composed of departments, an elected legislature, an executive branch and an administrative system or public service. By comparison, Nunavik does not have an amalgamated governance structure. Its regional government is made up of several separate, sectorized and autonomous bodies (Kativik Regional Government, Kativik School Board, Nunavik Regional Board of Health and Social Services) that connect directly with provincial-level, policy-specific ministries rather than with each other (Wilson 2008). These organizations perform many of the same roles as their departmental counterparts in Nunavut and Nunatsiavut, but they are not part of an amalgamated government structure that is answerable to an elected legislature.

<sup>11</sup> The Arctic 8 are the Russian Federation, the United States, Canada, Denmark, Iceland, Norway, Sweden and Finland. These countries are voting members of the Arctic Council. Observer states include non-Arctic countries such as China, Germany and France and intergovernmental and interparliamentary organizations such as the Nordic Council of Ministers and the United Nations Development Programme. There are also six Permanent Participants (organizations representing Indigenous peoples of the Circumpolar North). In addition to ICC and the Saami Council, these are the Aleut International Association, the Arctic Athabaskan Council, the Gwich'in Council International and the Russian Association of Indigenous Peoples of the



North.

19

A question that often arises in discussions about self-rule in Canada is whether the regional governance arrangements in place provide Indigenous peoples with real decision-making authority or simply entrench Indigenous governments in a governance system that is tightly controlled by non-Indigenous governments. In the case of Inuit governments, the answer to this question is complicated and depends on the region in question and our own normative understanding of the situation. It also often depends on a region's ability to negotiate the actual transfer of powers and the willingness of non-Indigenous governments to respect the terms of the treaties that provide those powers, as well as the region's capacity to take on new responsibilities that were previously administered by another level of government.

Compared with most First Nations band governments, it is fair to say that the various Inuit governments that have emerged over the last several decades have far greater political and administrative autonomy. One reason for this is that all of these regions have signed land claims agreements (post-1975). By comparison, many First Nations in Canada signed historical (pre-1923) treaties that did not offer the same political autonomy and financial compensation as their modern counterparts.<sup>12</sup> Moreover, the vast majority of First Nations fall under the jurisdiction of the Indian Act, a highly paternalistic (and some would argue racist) nineteenth-century legislative framework that allows the federal government to micromanage and control band governments. The Inuit never fell under the jurisdiction of the Indian Act; nor did they sign historical treaties with the Crown. These historical factors have allowed them greater flexibility and scope in determining their political future. Despite the steps that have been taken toward self-rule, it is important to recognize that Inuit regions and their governments still find themselves embedded within a preexisting political structure at both the national and provincial/territorial levels that constrains their ability to fully exercise self-rule and, by extension, self-determination.

Many of the policy areas that Inuit want to control, and in some cases have the treaty rights to control, fall under the jurisdiction of provincial or territorial governments and are jealously guarded by these governments. Some examples are natural resource development, education and health care. The provinces and territories depend on the revenues from natural resource development and are often reluctant to relinquish control over this lucrative source of revenue.<sup>13</sup> In policy areas such as education and health care, provincial and territorial governments are motivated, in part, by their constitutional duty to impose common standards and ensure, as much as possible, that all inhabitants across their respective jurisdictions have access to similar levels of service. For provinces and territories, the latter of which have only recently acquired provincial-like powers through devolution, any abdication of control could represent a slippery slope that would reduce the powers that they already have.

12 The main exception is British Columbia, where the majority of First Nations did not sign historical treaties. Many of British Columbia's First Nations are currently negotiating treaties, a process that has been ongoing since the establishment of the BC Treaty Process in 1992 (see Hudson 2018).

13 The territories have a different constitutional status than the provinces and thus have less control over natural resources or resource revenues.

20

Of the four Inuit regions, Nunavut has the most autonomy because of its status as a territory within the Canadian federation. The three other Inuit regions (Nunavik, the ISR and Nunatsiavut) are nested within existing provinces and territories and are thus embedded within a vertical political hierarchy extending upward to the provincial or territorial government (Wilson, Alcantara and Rodon 2015). While the treaties that the Inuit have signed provide a legal basis for autonomy or, in some cases such as Nunatsiavut, self-government, the communities often struggle to maintain the level of human and financial capacity needed to exercise such autonomy — which often makes them overly reliant on other governments for funding and administrative support. This situation is even more challenging due to demographic and geographic circumstances: these are extremely large and sparsely populated regions with a very small population base from which to draw revenues and personnel.

Because efforts to enhance Inuit regional autonomy have largely focused on selfrule, the development of shared-rule institutions seems weak by comparison. This is consistent with the Canadian experience more generally. Some of our existing parliamentary institutions of intrastate federalism (e.g., the Senate) lack democratic legitimacy and do not effectively represent regional (provincial and territorial) interests. Other institutions of intrastate federalism, such as the national cabinet, are regionally representative, but there are limits on the effectiveness of this representation, including imbalances in the regional distribution of members of Parliament in the governing party (from whom the cabinet is drawn), the limited number of cabinet positions available and other considerations that determine the representativeness of the cabinet.

Instead, Canada has relied on executive federalism as the primary way of representing regional interests at the national level. Executive federalism is a form of interstate federalism in which intergovernmental relations are conducted through a series of high-level meetings between senior elected officials from the executive branches of federal, provincial and territorial governments and/or their senior administrative counterparts (Simeon 1972; Watts 1999). Although it can be efficient and effective, this system has been criticized as elitist and lacking in transparency. The prevalence of executive federalism as a dominant mode of intergovernmental relations has influenced the development of shared rule between Indigenous peoples such as the Inuit and other levels of government. Shared rule tends to take place on a bilateral or trilateral basis between the senior representatives of individual Inuit regions and the representatives of other

levels of government. For Indigenous groups such as the Inuit who have negotiated regional or self-government arrangements, the focus has been on the development of self-rule institutions. Shared rule, a critical and essential feature of a proper functioning of a federal system that allows subnational regions to have regular input into the policy process at other levels of government, has been given much less attention.

In the case of the various regions surveyed here, shared rule is not comprehensive and inclusive; rather, it is a function of the level of autonomy and institutional organization of the region in question. For example, as the representative of a constituent unit within the Canadian federation, the Government of Nunavut is directly connected to

21

the national institutions of shared rule. Territorial officials participate in First Ministers' Meetings and other forums of executive federalism. Nunavut also has its own member of the Senate, the second chamber of the federal Parliament. None of the other Inuit regions has this level of involvement in the national-level institutions of shared rule because they are nested within existing provinces and territories and rely on their respective provincial and territorial governments to represent their interests in these intergovernmental forums. Representatives from governance bodies in Nunavik have regular interactions with their corresponding provincial or territorial departments (e.g., the Kativik School Board interacts directly with the Quebec Ministry of Education and Higher Education). In Nunatsiavut, such department-to-department interactions also occur. However, because Nunatsiavut has an amalgamated government structure and a specific body (Nunatsiavut Secretariat) that handles intergovernmental relations, the dynamics of shared rule are somewhat different. Ministers from Nunatsiavut meet with ministers from the government of Newfoundland and Labrador on an irregular basis in intergovernmental forums that are designed to improve relations between the region and the province.

One important example of shared rule is ITK. In one sense, ITK serves as a forum for shared rule among the different Inuit regions. It also plays an important role in representing the collective voice of Inuit before other levels of government. For over 40 years, ITK has been involved in land claims negotiations and constitutional deliberations with various levels of government, promoting and supporting the interests of Inuit and Inuit organizations and governments. Recently, these intergovernmental deliberations have become more formalized through the establishment of the Inuit- Crown Partnership Committee (ICPC), "an Inuit-Crown table for advancing reconciliation through joint work on shared priority areas" such as housing, education, health and the environment (Indigenous and Northern Affairs Canada 2017). The ICPC brings together representatives from ITK and by extension the Inuit regions whose representatives serve on the board of ITK, along with federal ministers, to discuss these priority issues. Formal, face-to-face meetings take place annually or semi-annually, with more informal meetings and deliberations occurring in between (Inuit-Crown Partnership Committee 2018).

Organizations such as ITK and ICC (Canada) provide representation for Inuit regions at the national and international levels, but these are Inuit organizations which in the past have not had direct and regular influence over the policy-making process at the federal or provincial/territorial levels. This situation, however, appears to be changing. The newly formed ICPC and the involvement of ICC as a Permanent Participant in the Arctic Council are certainly steps forward in institutionalizing shared rule between Inuit and non-Inuit governments. Comanagement boards also provide opportunities to influence specific policy areas at the local or regional level. The ICPC may very well develop into a more permanent body, along the lines of the Sámediggi in Norway. But there is much more work to be done to strengthen the shared-rule dimension of self-determination in Canada, not least because shared rule is such an important element of any attempt to realize self-determination.

22

## SÁMI SELF-DETERMINATION IN NORWAY

---

Historically speaking, the Sámi emerged over a large area in Fennoscandia (the Scandinavian Peninsula, Finland and Russia). The Sámi have historically enjoyed the use and habitation of this area where, over time, an increasing degree of interaction with other ethnocultural groups has occurred. The Sámi are therefore not a minority as a result of migration or colonization. Instead, new settlements in the traditional Sámi areas came about by increasing immigration of various non-Indigenous groups that established farming and fishing villages for commerce from the thirteenth and fourteenth centuries onward. Over time, the territorial borders between these groups became more fragmented, and the dominance of the state in these areas increased. Thus, unlike the Inuit regions of Canada, where intense colonization is a fairly recent phenomenon, there have been degrees of territorial interaction between different ethnocultural groups in northern Fennoscandia over several hundred years. Territorial control has been linked to the way in which resources have been exploited and the forms that trade contracts have taken (Hansen and Olsen 2004).

The Sámi's economic basis, resting on a combination of hunting, trapping and fishing, and later reindeer husbandry and some agriculture, has meant extensive use of large areas of land. The traditional Sámi area, where reindeer husbandry is the only culturally-specific Sámi industry, extends across much of northern Fennoscandia.<sup>14</sup> The Sámi inhabited this area, albeit not exclusively, long before the formation of the modern state.

The geography and demography of northern Norway are different from those of the Canadian Arctic in the sense that, historically, it was not possible for the Sámi to exist alone and isolated from other groups, except in very limited areas. It is only in the postwar period that the

experiences of the Sámi and Inuit began to converge, as modernization initiatives promoted by the Norwegian and Canadian governments meant that integration was the only option for both groups (Falch, Selle and Strømsnes 2016).

Nevertheless, the longer experience of the Sámi with integration into the Norwegian state and society represents a clear distinction between the two groups and explains in part why the establishment of shared-rule and self-rule arrangements has become such a dominant component of self-determination. According to International Labour Organization (ILO) Convention No. 169, which was ratified by Norway in 1990, and a 2002 decision by the Norwegian Supreme Court, the Sámi are considered an Indigenous people.<sup>15</sup> Individual Sámi thus belong to two overlapping public spheres and civil societies within the same unitary national state, thereby

14 In Norway and Sweden, reindeer husbandry may be practised only by Sámi, while in Finland there is no such rule.

15 In the Norwegian context, ILO Convention No. 169 is a legally binding international instrument, which deals specifically with the rights of Indigenous and tribal peoples. Norwegian law is interpreted so that it is in accordance with international obligations. If contradictions exist, however, Norwegian law will as a general rule take precedence. Today, the convention has been ratified by 22 countries. Norway was the first country to do so, in 1990. The other Nordic countries with a Sámi population have not ratified it and, importantly, neither has Canada.

23

exercising a form of multicultural citizenship (see Kymlicka 1995). In addition to their Indigenous identity, the Sámi are full-fledged Norwegian citizens and have been so since Norway became an independent state in 1814. The Sámi are strongly integrated into Norwegian society and do not appear to be marginalized and segregated to any great extent, as is the case with so many other Indigenous groups. They vote, are interested in politics, participate in civil society organizations, and have an economic and social status quite similar to that of the rest of the population (Selle et al. 2015). The Sámi population has never been large. There are no recent, individual-based statistics on how many Sámi live in Norway, and it is difficult to carry out such assessments for both ethical and practical reasons.<sup>16</sup> In the northernmost areas of Norway, Sweden and Finland, the last surveys of Sámi affiliation were carried out during the 1960s and early 1970s. Across Fennoscandia, it is believed that today there are between 50,000 and 100,000 Sámi, with more than half of them living in Norway (Berg-Nordlie 2015; Pettersen 2011).<sup>17</sup> The Norwegian Sámi live within the framework of a unitary, centralized state and a welfare state regime with a strong emphasis on universalism and integration. Sámi governmental policy has evolved within a large, strong state and within what is often described as a “state-friendly” society (Kuhnle and Selle 1990). This development has been strongly supported by the Sámi (Selle et al. 2015). In addition, the Norwegian political system is characterized by close ties between the government and various actors within civil society. There is a strong tradition of NGOs advocating increased state

responsibility. Major social movements have also argued for enhanced state responsibility within their own fields of interest (Selle and Strømsnes 2018).

Historically, this orientation has given NGOs a key position in the formation of public policy; they are commonly affiliated with political parties and participate in committees, panels and hearings where policy is made. The Norwegian political system incorporates public interests to a great extent; NGOs have maintained a strong, independent role, resulting in a unique mix of independence from and integration in the political system (Grendstad et al. 2006). For example, since the 1960s the Norwegian Sámi Association (NSR) has been the strongest and most important Sámi social movement organization and has had a significant influence upon how the modern Sámi political and cultural space has developed. In recent years, Indigenous policy has also been shaped by strong international legal norms that provide the framework for greater autonomy that is different from and often more politicized than that achieved by other interest groups (Falch and Selle 2016). From the late 1800s on, attempts were made to assimilate the Sámi into the national state's majority culture. In historical representations of the nation-state, the Sámi were,

16 The Nazi occupation of Norway during the Second World War made it politically impossible to collect statistics based on ethnocultural criteria. Furthermore, the strong integration of Sámi into Norwegian society and extensive intermarriage across ethnocultural lines made it extremely difficult to develop legitimate criteria to decide who is actually a Sámi (Falch, Selle and Strømsnes 2016).

17 The number depends on the definition of who is a Sámi. Any definition will be contested, not least in Finland. And if one uses "speaking the language" as the core criterion, the numbers will be much lower.

24

as a rule, excluded and were often seen as culturally isolated and less advanced than the rest of the population, despite the fact that they had full citizenship rights. Until the 1980s, the Sámi were rarely perceived as a distinct, Indigenous people, with their own political rights; rather, they were seen as Sámi-speaking Norwegians, a specific group of Norwegians with a different language and culture. Even so, the Norwegian understanding of the Sámi had been changing gradually since the 1950s. As in Canada, the development of Sámi autonomy after 1980 was embedded in important organizational and institutional changes that occurred in Norway during the 1960s and 1970s (Andresen 2016; Falch and Selle 2018). These changes resulted in the emergence of a broader political understanding of the Sámi as a separate ethnocultural group with its own historical roots.

The Sámi cultural and political mobilization after the late 1960s coincided with a number of other developments, including a gradual softening of the government's assimilation policy, the establishment of individual Sámi institutions, the institutionalization of the welfare state and the

emergence of a highly educated younger generation who questioned existing policies and transformed the old organizational network. Overall, this allowed the Sámi to mobilize for cultural recognition and equality in a society from which many of them felt excluded. As such, Sámi identity was used to develop new positions and organizational patterns of politicization.

Political mobilization and the concomitant spread of the Sámi ethnopolitical movement occurred largely as a result of a sharp conflict with the state over the use of land and resources, as opposed to a conflict over language and culture (Falch and Selle 2015). From the beginning of the 1970s, the Norwegian government's plans for a large-scale hydroelectric development at the Alta-Kautokeino watercourse, which runs through core Sámi areas, offered a clear target for Sámi mobilization. Extensive protest against the decisions of the government and the Norwegian Parliament (Storting) in the period from 1979 to 1981, including a hunger strike, the occupation of the prime minister's office, a blockade of the construction site and the unparalleled use (in peacetime Norway) of police force, made this mobilization one of the largest, most important civil disobedience events in Norway in the postwar period (Strømsnes and Selle 2014).

## Shared rule and self-rule in Norway: The Sámi experience

In 1989, against the backdrop of the Sámi political mobilization surrounding the Alta-Kautokeino dam, the first direct election was held for a new institution in Norway, the Sámediggi. This body was established by the Storting through the Act concerning the Sameting [the Sámi Parliament] and Other Sámi Legal Matters (the Sámi Act) in 1987 and through an amendment to the Constitution of the Kingdom of Norway in 1988 (presently section 108). The creation of the Sámediggi heralded an important step toward Sámi self-determination. Like the institutions of Inuit self-determination described above, it combines elements of self-rule and shared rule. Whereas Inuit governance has favoured the development of self-rule and territorially based regional autonomy, the Sámediggi is primarily an institution of shared rule that allows Sámi interests to be represented within the national political system.

25

The establishment of the Sámediggi can be understood as a means of simultaneously meeting three partially overlapping goals. First, it recognized the historical presence of the Sámi as a separate ethnocultural group or people. Second, it counteracted the effects of a long-standing state-led assimilation policy. Third, it channelled a potentially disruptive form of ethnopolitical mobilization into conventional activity within the Norwegian political system. In terms of authority within a general shared-rule system, albeit with strong elements of self-rule, the Sámediggi has an ambiguous role. In the Norwegian Sámi Act, a duality was built into what the Sámediggi should be and how it derives its legitimacy. The Sámediggi is at one and the same time a governmental executive agency and an independent political body that acts as a policy-maker and a prime mover vis-à-vis the state (Norway 1986-87, 55 and 68). But exercising autonomy and integration

at the same time (in other words, balancing self-rule and shared-rule arrangements) is not an easy task.

The Sámediggi derives its legitimacy from the law (the Norwegian Constitution, the Norwegian Sámi Act, sectoral laws and international law) and from the Sámi people through elections. The Sámi Act actually says nothing about the role of the Sámediggi in the governing system, other than that it is nonterritorial (it represents Sámi in all regions of Norway), it is elected by Sámi and its work extends over all issues that it perceives as particularly affecting the Sámi. The Sámediggi is elected every four years by Sámi who have registered on the Sámediggi electoral roll.<sup>18</sup> To qualify for inclusion in the Sámediggi electoral roll, certain criteria related to self-identification and language use must be met: each applicant must both self-identify as Sámi and have an objective link with the Sámi community.<sup>19</sup> These are not strong criteria, and many people living in northern Norway could fulfill them. In many ways, therefore, the electoral roster, its legitimacy and much of modern Sámi politics is built upon are contested (Josefsen, Mörkenstam and Saglie 2017; Josefsen, Sørensen and Selle 2016).<sup>20</sup> The Sámediggi electorate increased from 5,500 in 1989 to approximately 17,000 for the 2017 election. Despite this, the electorate is still well below the estimated number of Sámi over 18 years of age. Turnout in elections to the Sámediggi is lower than for elections to the Storting, but higher than for county council and municipal elections (Bergh et al. 2017; Pettersen 2011).

Strictly speaking, “Sámediggi” is a collective term for a political and administrative system. The Sámediggi’s activities are organized according to parliamentary principles, so that today it is made up of two bodies: the Plenary Assembly and the Council. The Plenary Assembly consists of 39 representatives, elected from seven electoral districts that together cover the entire country. The number of seats in an electoral district depends on the size of the electoral roll in that district. The Sámediggi is responsible 18 Elections to the Sámediggi occur at the same time as elections to the Storting. Sámi organizations and political parties and even Norwegian political parties are allowed to contest the elections to the Sámediggi.

<sup>19</sup> They must speak Sámi at home; have a parent, grandparent or great-grandparent who speaks Sámi at home; or have a parent who is or has been registered in the Sámediggi’s electoral roll.

<sup>20</sup> Mobilization against these criteria occurs increasingly often, especially in Sweden and Finland. See Nilsson, Dahlberg and Mörkenstam (2016).

26

for and to Sámi in the whole of Norway.<sup>21</sup> Although most of its representatives and activities are focused on the northern (or Arctic) part of the country, which is where most Sámi have traditionally lived, more and more Sámi are leaving their traditional rural areas and moving into regional centres and larger cities in southern Norway. The Sámediggi’s work is coordinated by a plenary leadership that is responsible for planning and organizing the work of the Plenary



Assembly. Three specialist committees (planning and finance; growth, care and education; and industry and culture) make recommendations to the Plenary Assembly on matters referred to them. An election committee submits nominations for elections for the plenary leadership and committees. A control committee exercises parliamentary and governing oversight, and submits proposals to the Plenary Assembly.

The Sámediggi Council is a separate body and represents the Sámediggi's executive authority; it is the "cabinet" and consists of the president and four council members appointed from among the elected representatives in the Plenary Assembly. This body is not statutory, but was established according to ground rules the Sámediggi itself adopted. Today, the Sámediggi has seven full-time politicians, including the Council and the Plenary Assembly leadership, in addition to group leaders for the largest plenary groups who also work full time. The other elected politicians meet on a regular basis, normally for six weeks a year, and get paid for being there during this time. The administration consists of about 150 employees in seven specialist divisions and a staff for the Plenary Assembly.<sup>22</sup>

In 2018, the Sámediggi's overall budget was NOK485 million (about US\$78 million) and comprised contributions from various ministries. This budget consists of approximately half of all transfers for Sámi purposes.<sup>23</sup> Although the total national allocation for Sámi purposes has been rather stable over the last 10 to 15 years, the Sámediggi's share of that allocation has increased. The increase in the Sámediggi's budget has occurred partly because of transfers to the Sámediggi of programs that the state had previously managed. The tasks assigned to the Sámediggi have expanded significantly since it was established in 1989. Grant and funding responsibilities were, for the most part, transferred to it in two stages. The first round of transfers was in 1993, when the Sámediggi took over funding for Sámi language management for municipalities and county councils. The Sámediggi was also given authority over the financial subsidies for children's upbringing and education in the Sámi language at that time. It also took over the Norwegian Cultural Council's responsibilities for Sámi culture, as well as grants for

<sup>21</sup> Even so, most of the Sámediggi's support comes from the core Sámi areas in the North and there are territorially based arrangements that secure this system. Furthermore, the electoral system is territorial in that the country is divided into electoral districts (Falch and Selle 2018).

<sup>22</sup> For an extensive overview of the organizational and political development of the Sámediggi since 1989, see Selle (2011) and Falch and Selle (2018).

<sup>23</sup> Not all government money allocated to the Sámi goes through the Sámediggi. For instance, government support of reindeer husbandry does not go through the Sámediggi. For details, see Falch and Selle (2018, chap. 3).

occurred in 2002, when the Sámediggi took over the management of programs for Sámi artists' stipends, exhibition fees, museums, heritage sites, municipal bookmobiles, theatre and festivals (Selle 2011). The financial support schemes that the Sámediggi manages have, in varying degrees, both a territorial and an individual impact. The Sámediggi has adopted a business grants scheme that includes 21 entire municipalities and parts of 10 more (out of a total of more than 400 municipalities in Norway). The scope of this scheme has been gradually expanded in recent years. In the area of culture, there are no territorially or individually based ethnocultural criteria for grants, which are given in a discretionary manner to projects understood as part of Sámi culture.

The Sámediggi has also in some respects been given the authority to administer legislation. In 1994, it assumed responsibility for Sámi cultural heritage management; this area, however, was delegated by regulation and has not been transferred to the Sámediggi by law, meaning that the Sámediggi is responsible to the central government in this regard. In principle, this authority is nonterritorial, since the Sámediggi manages Sámi cultural heritage throughout Norway. In practice, however, it is limited to the territories in which the Sámi currently practise reindeer husbandry and have historically harvested other resources. Whereas the Sámediggi could be characterized as an example of integration or shared rule, a further strengthening of Sámi power and authority in the area of selfrule occurred in 2005 when the Storting adopted a new law (the Finnmark Act) on legal matters and management of land and resources in the county of Finnmark in northern Norway — a county where the Sámi make up approximately 15 percent of the total population. The law changed the framework conditions for Indigenous influence and implied recognition of accrued Sámi rights to land and resources. It established a landowning body called the Finnmark Estate, a commission for mapping land rights and a court for ruling on disputes concerning the commission's reports. The Act, the content of which was largely determined by Sámi activism, was adopted after consultations between the Sámediggi and the Storting's Standing Committee on Justice (Broderstad, Hernes and Jensen 2015; Hernes 2008; Selle 2016).

The board of the Finnmark Estate is composed of three representatives from the Sámediggi and three from the Finnmark County Council. This shows the power and influence of the Sámi in their core territories. In other words, not only individual rights but collective rights increasingly play a role. Legally, the Finnmark Estate is a private law body that protects Sámi ownership and land use rights in Finnmark; politically, it is also a governing agency that exercises a form of shared rule, and multilevel governance or shared jurisdiction between the Sámi and Norwegians over a defined territory (Selle 2016; Spitzer and Selle 2018).<sup>24</sup> In this sense, there are parallels between the Finnmark Estate and the comanagement boards that have been established in Canada.

<sup>24</sup> For a Canadian perspective on the Finnmark Estate, see Spitzer and Selle (2018).

relating to ownership and usage rights. Public authorities have considerable capacity to regulate the use of privately owned land through the Planning and Building Act and a series of special laws. Since the new planning provisions of the Planning and Building Act came into force in 2009, the Sámediggi has had the authority to raise objections to all land use plans and regional plans. If its concerns about the impact on Sámi culture or commercial activity are not adequately addressed, then the Sámediggi can refer them to the Ministry of Local Government and Modernization. An objection means that land use plans will not be approved before an agreement is reached or the matter is finally decided by the central government.

The Sámediggi's mandate under the Sámi Act's language rules is to work for the protection and development of the Sámi language. Specifically, this involves determining terminology and implementing measures to strengthen the language. In 2018, the Sámediggi dedicated financial resources totalling NOK90 million (about US\$14 million) to measures designed to strengthen the Sámi language. According to the Sámi Act, Sámi and Norwegian are languages of equal worth and status. However, the Act specifically limits the equal status to an administrative district that currently includes 11 municipalities where many Sámi live.

In 1998, the Sámediggi was also given the authority by the Act on Education to issue regulations on curricula for training in the Sámi language in primary and secondary (both lower and upper) schools, as well as in special Sámi subjects, such as duodji (traditional crafts) and reindeer husbandry, at the upper secondary school level. In subjects such as history and social studies, the Sámediggi may only prepare draft curricula in collaboration with the Ministry of Education and Research; the latter ultimately approves these curricula. All Sámi children have the right to learn Sámi, no matter where they live or how many children request such instruction. However, for Sámi to be used as a general teaching language outside the Sámi administrative area in Finnmark, more than 10 pupils in a municipality must demand it (Falch, Selle and Strømsnes 2016).

The right to engage in reindeer husbandry is also linked to both territorially and individually based ethnocultural criteria. The reindeer husbandry area is defined in the Reindeer Herding Act and covers about 40 percent of Norway's land mass. Although reindeer herding is the only culturally specific Sámi industry, the Sámediggi has no direct authority over it — a significant and surprising restriction on its power, resulting from the reluctance of the Sámi organization of reindeer holders to permit it. This organization was afraid it would have only a limited role within such a new governance system and wanted to continue within the existing more corporative structure, based on deep integration into the Ministry of Agriculture's negotiating system.<sup>25</sup> The extension of the Sámediggi's sphere of operations and decision-making power (self-rule) since its establishment is one dimension of Sámi self-determination. The

<sup>25</sup> For insight into why the Sámediggi ended up in this rather surprising situation, see Selle (2011) and Falch and Selle (2016).

development of the Sámediggi's role in influencing government decisions that may affect the Sámi (shared rule) is another. On the latter front, the most significant change in the Sámediggi's role came in 2005, with the signing of an agreement on procedures, adopted by royal decree, for consultation between the government authorities and the Sámediggi. This has given the Sámediggi significantly greater influence and increased responsibility in terms of negotiating laws and measures that are important for the Sámi community. The consultation procedures set the ground rules for how the government authorities and the Sámediggi should communicate and seek consensus on decisions that may directly affect the Sámi. These procedures placed the Sámediggi in an entirely new and more clearly defined position in relation to the state, with participation in political decision-making now formalized. Although such procedures do not always work as intended and the state at times asserts its authority, the Sámediggi is no longer a body with only an advisory function but a full formal participant in public decision-making (Falch and Selle 2016).<sup>26</sup>

The formal purpose of the consultation procedures is to comply with obligations under international law; in practice, it is to clarify the rules governing how interests should be protected, as well as the role of the government and the Sámediggi in these matters. The consultations are intended to take place in good faith with a view to achieving agreement or consent. This implies that mutual respect must be shown for each party's interests, values and needs. The Sámediggi, therefore, is entitled to have a real opportunity to influence both the process and the outcome of matters on which there is consultation (Norway 2007).<sup>27</sup>

The obligation to consult applies to matters that may directly affect the Sámi, for the purpose of clarifying the probable impact of a law or measure. It is largely up to the Sámediggi to decide which matters require such consultation. Most forms of general cultural expression (including language) and material interests (including land, resources, area planning and environment) fall within the scope of the procedures. Consultations can thus be understood as a form of shared rule designed to achieve agreement between the Sámediggi and government authorities before decisions that affect the Sámi are made. They also have a clear territorial dimension, since many of the consultations involve questions about the territorial scope of various projects and policies. This applies not only to all resource legislation but also to measures for economic support and development, cultural institutions, language development and training. Since the Sámediggi obtained the right to raise objections as part of the new Planning and Building Act of 2009 and the Finnmark Act before it, and the right to consultation in 2005, we have not seen significant institutional steps forward in Sámi self-determination. After 2010, it is fair to say that the state "put on the brakes," although that does not necessarily mean maintaining the status quo. It has become more difficult to see

<sup>26</sup> In autumn 2018, processes were under way to make the right to consultation something more

binding than a matter of royal decree. The new government proposal is that the role of consultations should be strengthened and included in the Sámi Act. The government further proposes that the right to consultations should be extended to include the county and municipality levels of government.

27 See subsection 17.5.8.2, Sámi Act (1989).

30

where the Sámi political elite wants to go. Budgets are not really growing and overall ideological cohesiveness seems weaker and political fragmentation more profound than before 2010 (Falch and Selle 2018).<sup>28</sup>

## COMPARING INUIT AND SÁMI SELF-DETERMINATION

---

Indigenous peoples, including the Inuit in Canada and the Sámi in Norway, have made considerable progress toward greater self-determination over the last four decades. However, the ability of the Inuit and the Sámi to exercise self-determination, characterized as a combination of self-rule and shared rule, has been constrained by a variety of factors, the most important of which is the institutional rigidity of the Canadian and Norwegian political systems. In both countries, the success of self-determination hinges on the development of a comprehensive set of institutional structures that not only allow Indigenous peoples to govern themselves but also influence the policies and practices of other governments that affect their communities. In order to further the goal of self-determination, existing institutional structures will have to become more flexible and innovative.

The Canadian Inuit and Norwegian Sámi were chosen as case studies not only because they have already established an elaborate multilevel governance framework that, in many respects, is on the cutting edge of institutional innovation and adaptation but also because, in recent decades, their host countries have been open to institutional changes that work toward the goals of self-determination. Much of the academic literature and popular rhetoric on Indigenous self-government and self-determination in Canada and Norway has been critical of the actions and intentions of non-Indigenous governments. Some of this criticism is absolutely warranted; for example, despite some positive steps forward, the glacial pace at which political and institutional change has often occurred has imposed significant human and financial costs on Indigenous peoples in both countries. That said, it is also important to recognize the progress that has resulted from decades of constructive dialogue and learning. Moreover, despite various forms of inertia, the broader political and societal context has also evolved, in terms of both the institutions that govern society and the perspectives of many of the political actors who control these institutions. Overall, there is a greater awareness and acceptance of Indigenous rights to self-determination, both at senior levels of government and within society in general.

In Canada, Indigenous self-determination has been influenced by many factors, one of the most prominent being the signing of treaties, especially since 1975. Treaties (or land claims agreements, as they are also known) represent an agreement between an individual Indigenous group and the Crown on a variety of issues, including land rights, financial compensation and self-rule or autonomy, whether this takes the form of Indigenous self-government, publicly based regional government or some combination or variation of the two. Although treaties are certainly an important part

28 In June 2018, the Norwegian government, with the support of the Sámediggi, established a truth commission to look into how the Norwegian political system has historically treated the Sámi. The commission has a very broad mandate and will end its work in 2022. Whether this will revitalize Sámi politics is an open question, of course, but the danger is that looking backward may be of limited help in looking forward.

31

of self-determination, they tend to focus on developing the institutions of self-rule. Some treaties outline certain shared-rule arrangements, such as intergovernmental relations between the individual Indigenous group and other levels of government, but these are often very general and aspirational in scope.

Compared with the other Indigenous groups in Canada (First Nations and Métis), Inuit enjoy a considerably greater level of self-rule, in large part because of the nature of the treaties and various other agreements that they have negotiated and signed with other levels of government. Although these institutional developments have provided a legal foundation for self-rule, in practice Inuit regions do not yet exercise many of the powers that other subnational levels of government (provincial and territorial) do. In all the Inuit regions, this is a consequence of a lack of financial and administrative capacity. In the Inuit regions that are nested within existing provinces and territories, the lack of autonomy is also the result of institutional rigidity and political inertia.

One aspect of self-determination that is clearly underdeveloped in Canada is shared rule. Unlike Norway, Canada has no permanent Indigenous shared-rule institutions at the provincial or territorial and federal levels of government. The closest approximation to the Sámediggi would be the Assembly of First Nations, in the case of First Nations, or ITK in the case of Inuit. Although both of these organizations represent the diverse interests of a number of different Indigenous groups, they do not have the same embedded institutional connection to the national government as the Sámediggi. ITK has worked with federal officials and ministries to develop programs that address pressing issues facing Inuit communities such as housing, health, the environment and education. The establishment of the ICPC in 2017 is an example of a more permanent shared-rule body that connects national and regional Inuit organizations to the Government of Canada “to collaboratively identify and take action on shared priorities and monitor progress going forward”

(Inuit Nunangat Declaration 2017).

In addition to being an example of redressing the imbalance between self-rule and shared rule, the ICPC is consistent with Canada's long-standing practice of executive federalism. A comparison between the ICPC and the Sámediggi illustrates the distinction between the two approaches to representing regional and, in this case, Indigenous interests in the policy process. The ICPC brings together senior representatives from the federal cabinet and Inuit organizations; the latter are represented on the board of ITK. Having a direct connection to the federal executive is the most effective and efficient way to influence policy because Canada does not have a history of strong intrastate federal institutions. By comparison, the Sámediggi is directly elected and operates alongside the Norwegian Parliament. This brings it into a direct relationship with the Storting and a wide range of governmental ministries. As the Sámediggi increasingly becomes much more than an advisory body to the Storting, this direct connection strengthens its visibility and influence over national programs and policies. One factor that facilitates shared rule in both cases is the political unity of the Canadian Inuit and the Norwegian Sámi. In Canada, this is the result of decades of cooperation and shared interests. Despite the fact that Inuit Nunangat, the homeland

32

of the Canadian Inuit, occupies a vast swath of sparsely populated territory, the four Inuit regions have collaborated extensively with each other and with ITK. Through ITK, they can present a common front in discussions with the federal government, as evidenced by the ICPC. In Norway, the Sámi are the only Indigenous group in the country. Although they are divided by geography into regionally specific subgroups, like the Inuit, they are united by a common purpose that is represented through the Sámediggi and through strong and unifying nationwide Sámi organizations, such as the NSR, that have played a core role in the development of modern Sámi politics.

Over the last five decades, the Canadian Inuit have focused on building the institutions of self-rule. In part, this has been driven by government policy, which since 1975 has allowed for and, to some extent, encouraged the signing of land claims agreements. As noted above, however, it has also been structured by other factors including the particular features of Canada's federal system of government. The creation of Nunavut, for example, followed a well-worn path of establishing new provinces and territories to represent regional interests in a geographically large country. It was a positive example of the adaptive capacity and flexibility of Canadian federalism. But Nunavut is very much an outlier: the territory has a public government that does not fall within the narrow, ethnoculturally based definition of Indigenous self-government. It is very unlikely that other new provinces or territories will be created to recognize Indigenous self-government, either because such governments would not comply with the public governance norms that characterize the provincial and territorial governments in Canada or because their creation would require the

division of existing provinces and territories.

Federalism also structures the nature of shared rule in the Canadian context. In contrast to Norway, where intergovernmental relations between Indigenous and non-Indigenous representatives are the responsibility of the Sámediggi, in Canada intergovernmental relations are fragmented; they are managed by ITK or bilaterally by individual Inuit regions and the federal government or the government of the province or territory where the region is located. The only real exception is Nunavut, which has a representative in the Canadian Senate. However, the influence of one senator in a chamber that is already weak by comparison with the House of Commons and the executive branch of government is very limited. Nunavut is also represented in interstate bodies such as First Ministers' Meetings, but again its influence is limited by the fact that it is just one of 14 representatives alongside the representatives of powerful and populous provinces and the federal government. In summary, Canada's federal system either directs shared rule toward familiar institutional models (executive federalism) or creates silos that discourage collaboration across regions.

The relative homogeneity of the Sámi has facilitated Indigenous self-determination in Norway through the development of a unique combination of shared-rule and self-rule arrangements. Although regionally distinct groupings exist, they have not developed different political orientations as a whole; nor has the Norwegian political system encouraged divisions in the same way that the Canadian federal system has. Both the state, which wants to minimize transaction costs (the fewer groups, the better), and the Sámi, who have organized themselves through strong unifying organizations,

33

have supported the development of a unified system for Indigenous representation. In comparison with the Canadian Inuit, the Sámi also have a much longer history of integration with the institutions of the Norwegian state and with Norwegian society in general. These factors have had a profound impact on the development of shared rule and self-rule in the Norwegian context.

In certain respects, Norway's unitary system allows for more flexible institutional responses to demands for both shared rule and self-rule. The establishment of the Sámediggi and the Finnmark Estate are cases in point. Both were the result of decisions taken by the Storting and supported by the Norwegian government. It also appears that the government respects and values the advice that it receives from the Sámediggi and has established a comprehensive system of formal consultations to channel that advice into the political process.<sup>29</sup>

The Sámediggi, a single body that represents Sámi across the country, is consistent with Norway's historical experience of unitary, centralized government. In Canada, power is dispersed among different orders of government, and the powers most coveted by Indigenous governments



are usually those that fall under the constitutional jurisdiction of provincial or territorial governments. In Norway, it made more sense to situate the Sámediggi at the national level, where it can have the most impact. In Canada, although the ICPC serves as a direct conduit for Inuit to influence the federal government, it makes sense for individual Inuit regions to establish permanent and regular shared-rule bodies at the provincial or territorial level. Such interactions do take place, but they tend to be compartmentalized and irregular.

Despite the successes of the Sámediggi in advancing the cause of Indigenous self-determination in Norway, there are challenges with this model, not least that its proximity to the institutions of Norwegian government makes it difficult for the Sámediggi to exercise autonomy. This challenge speaks to the delicate balance that is needed between autonomy and integration in any shared-rule system. Furthermore, consultation about the economic basis of Sámi autonomy is virtually nonexistent, and it seems to be difficult for the Norwegian political system to accept specific interests as part of general budgeting processes.

The Sámediggi also has no control over taxes, so that in many areas it has less economic freedom of action than municipalities (Borge 2010). Indeed, some people have argued that the Sámediggi is best understood as a corporatist institution that has been co-opted by the integrated nature of the Norwegian political system. On occasion, the Sámediggi has claimed that consultations have taken the form of suggestions

29 In Sweden, the Sámediggi's authority is directly delegated from the ministries in which the exercise of authority is vested and can be overruled by a ministry; moreover, there are no functioning consultation arrangements. In Sweden, there are, therefore, clear indications of a direct co-optation of the Sámediggi by the state political system. The Finnish Sámediggi is independent, but has virtually no self-rule. The institution is essentially a discussion partner with the state government and state agencies. Nevertheless, in the defined home areas (there is a stronger territorial dimension than in Norway), the Sámediggi in Finland has a weighty voice — and vote — when it comes to certain land encroachments. The institution can be seen as operating somewhere between corporatism and co-optation in a model of Indigenous authority.

34

and views on the implementation of government positions that have already been formed; thus, they are briefings and explanations more than a meaningful discussion or choice of solutions (Broderstad, Hernes and Jensen 2015; Falch and Selle 2015). For example, in the Storting's consideration of a major constitutional revision in 2014, which involved a proposal to amend provisions relating to the Sámi, the Sámediggi was not consulted.

Today, in its relationship with central government, the Sámediggi operates in a state of tension between self-determination through shared rule and corporatism. For both the state and the

Sámediggi, a situation that favours corporatism may be convenient in the short term. For the state, it is more legitimate within a corporatist structure not to achieve consensus through consultation or to transfer decision-making authority to the Sámediggi. For the Sámediggi, it is easier not to take responsibility for controversial decisions or make lukewarm compromises about issues affecting the Sámi community. Under the circumstances, however, a drift even farther from corporatism toward co-optation is possible, placing the Sámediggi in constant danger of losing its representative legitimacy. If the Sámediggi loses legitimacy within the Sámi community, this will in turn weaken the state's ethno-political governing efficacy. The development of Sámi policy, therefore, entails a constant search for balance between state management capacity on the one hand and Sámi governance legitimacy and participative efficacy on the other (Dahl and Tufte 1973). This makes Norwegian Sámi policy very demanding and complex. This is reinforced by the fact that the Sámediggi is not an integral part of the highly integrated Norwegian government structure (across the different levels of the Norwegian political system from national to local), but rather an institution that has been, in effect, appended to the national parliament.

## CONCLUSION

---

Although the ability of Indigenous peoples to exercise self-determination within state borders is linked to both self-rule and shared-rule arrangements, these features of self-determination imply some political integration into the state. The various dimensions of autonomy and integration are both important in understanding the character of Indigenous self-determination: the right to self-government, and the right to political integration through consultation to obtain consensus on decisions and measures between the state and Indigenous people (Falch and Selle 2015).

Many will see self-rule (autonomy) and shared rule (integration) as extremes of a single dimension. Much of the international literature on Indigenous politics is influenced by this understanding (Selle et al. 2015). We believe it is crucial for the understanding of Indigenous self-determination to distinguish between these two dimensions and to see them as closely connected to each other. The relationship between them is pivotal and interlinked; for example, the success of self-rule is very much dependent on the ability of autonomous Indigenous regions to coordinate with and influence the decisions of other levels of government. Indigenous regions do not exist in a vacuum; nor are they completely independent of other levels of government. As such, a

35

certain level of integration is necessary to their success. Furthermore, the modalities of the exercise of self-determination are the outcome of negotiations or consultations between governments and Indigenous peoples and need not, as the Norwegian case illustrates, only take the form of territorial autonomy.<sup>30</sup>

Self-rule and shared rule are critical to the realization of Indigenous self-determination. However, in both the Canadian and Norwegian cases there has been a tendency for one form of self-determination to dominate. Even so, in both countries there are signs that this imbalance is starting to shift. In Canada, direct consultations between Inuit leaders and the federal government through bodies such as the ICPC are a sign that greater institutionalization of shared rule is taking place. Although the current federal government has made some positive steps forward, such national-level bodies need to be formalized and embedded within the institutional framework of the political system to ensure that they persist and are strengthened in the future. Given the nature of the issues that are important to Inuit (education, health care, environment, housing) and that these policy areas fall under the jurisdictions of the provincial and territorial governments, the involvement of provincial and territorial representatives in the ICPC would help to coordinate and strengthen collaborative responses to the challenges facing Inuit communities. Moreover, similar forums should be created at the provincial and territorial levels to reinforce shared rule throughout the political system. In the Norwegian case, we have seen a growth in both self-rule and shared-rule institutions.

The Sámediggi's decision-making power has increased at the same time as its integration into the Norwegian political system has grown deeper. Other institutional arrangements, such as the Finnmark Estate, have strengthened regional self-rule. As other Indigenous groups in Canada, Europe and elsewhere pursue self-determination, these two case studies offer important lessons about the need to develop institutional arrangements that strengthen both self-rule and shared rule. However, since there have been no significant institutional breakthroughs for more than a decade, it may be that Indigenous self-determination has reached some kind of limit within the Norwegian unitary state. If it becomes increasingly difficult for the Sámi to expand their power in relation to the Norwegian state, in the years to come we may see a new wave of Sámi mobilization and increased conflict with public authorities.

30 This would confine self-government to states, in the form of federal government systems, or to territorial areas where Indigenous people are predominant. Such an understanding is neither in line with a modern (anthropological) understanding of the concept of ethnicity nor in compliance with international legal developments with respect to the rights of Indigenous peoples (Falch and Selle 2015).

36

## REFERENCES

- Åhrén, J.M. 2016. *Indigenous Peoples' Status in the International Legal System*. Oxford: Oxford University Press.
- Alcantara, C., and J. Nelles. 2014. "Indigenous Peoples and the State in Settler Societies: Towards a More Robust Definition of Multilevel Governance." *Publius: The Journal of Federalism* 44 (1): 183-204.

- Alcantara, C., and G.N. Wilson. 2013. "The Dynamics of Intra-jurisdictional Relations in the Inuit Regions of the Canadian Arctic: An Institutional Perspective." *Regional and Federal Studies* 23 (4): 1-19.
- Anaya, J. 2011. *Extractive Industries and Indigenous People*. Report for the Special United Nations Rapporteur on the Rights of Indigenous Peoples. Report A/HRC/24/41.
- Andresen, A. 2016. "Vitenskapene og den nye samepolitikken (1945-1963)." *Historisk Tidsskrift* 95: 404-34.
- Berg-Nordlie, M. 2015. "Representativitet i Sápmi: Fire stater, fire tilnærminger til inklusjon av urfolk." In *Samepolitikken utvikling*, edited by B. Bjerkli and P. Selle. Oslo: Gyldendal Akademisk.
- Bergh, J., S. Dahlberg, U. Mörkenstam, and J. Saglie. 2017. "Valgdeltagande ved sametingsvalg." In *Ett folk, ulike valg: Sametingsvalg i Norge og Sverige*, edited by E. Josefsen, U. Mörkenstam, R. Nilsson and J. Saglie. Oslo: Gyldendal Akademisk.
- Borge, L.E. 2010. "Finansieringen av Sametingets virksomhet." In *Samisk selvbestemmelse — Autonomi og økonomi: Sametingets myndighet og autonomi innenfor helse og sosialsektoren*, edited by J.B. Henriksen. Kautokeino: Galdu Cala.
- Broderstad, E.-G., H.-K. Hernes, and S. Jensen. 2015. "Konsultasjoner — prinsipper og gjennomføring." In *Samepolitikken utvikling*, edited by B. Bjerkli and P. Selle. Oslo: Gyldendal Akademisk.
- Dahl, J., J. Hicks, and P. Jull. 2000. *Nunavut: Inuit Regain Control of Their Lands and Their Lives*. Copenhagen: IWGIA.
- Dahl, R., and E.R. Tuft. 1973. *Size and Democracy*. Stanford: Stanford University Press.
- Elazar, D. 1987. *Exploring Federalism*. Tuscaloosa: University of Alabama Press.
- Falch, T., and P. Selle. 2015. "Staten og Sametinget." In *Samepolitikken utvikling*, edited by B. Bjerkli and P. Selle. Oslo: Gyldendal Akademisk.
- — —. 2016. "Samisk myndighet og territorialitet." *Norsk Statsvitenskapelig Tidsskrift* 32 (1): 4-34.
- — —. 2018. *Sametinget: Institusjonalisering av en ny samepolitikk*. Oslo: Gyldendal Akademisk.
- Falch, T., P. Selle, and K. Strømsnes. 2016. "The Sámi: 25 Years of Indigenous Authority in Norway." *Ethnopolitics* 15 (1): 125-43.
- Fédération des coopératives du Nouveau-Québec. 2018. Accessed January 14, 2019. [www.fcnq.ca/en/histoire](http://www.fcnq.ca/en/histoire)
- Grendstad, G., P. Selle, K. Strømsnes, and Ø. Bortne. 2006. *Unique Environmentalism: A Comparative Perspective*. Boston: Springer.
- Hansen, I., and B. Olsen. 2004. *Samenes historie fram til 1750*. Oslo: Gyldendal Akademisk.
- Hernes, H.-K. 2008. "Fra stilla til storm: En introduksjon om Finnmarksloven." In *Finnmarksloven*, edited by H.-K. Hernes and N. Oskal. Oslo: Cappelen Akademisk.
- Hicks, J., and G. White. 2015. *Made in Nunavut: An Experiment in Decentralized Government*. Vancouver: UBC Press.

Hooghe, L., and G. Marks. 2001. *Multi-Level Governance and European Integration*. Oxford: Rowman and Littlefield.

— — —. 2016. *Community, Scale, and Regional Governance*. Oxford: Oxford University Press.

Hudson, M. 2018. *British Columbia-Indigenous Nation Agreements: Lessons for Reconciliation?* IRPP Insight 20.

Indigenous and Northern Affairs Canada. 2017. "Inuit Leaders from across Inuit Nunangat and Five Federal Cabinet Ministers Continued Work of Inuit Crown Partnership Committee."

September 29. Accessed June 29, 2018. [https://www.canada.ca/en/indigenous-northern-affairs/news/2017/09/inuit\\_leaders\\_fromacrossinuitnunangatandfivefederalcabinetminist.html](https://www.canada.ca/en/indigenous-northern-affairs/news/2017/09/inuit_leaders_fromacrossinuitnunangatandfivefederalcabinetminist.html)

Inuit-Crown Partnership Committee. 2018. "Inuit-Crown Partnership Committee Makes Progress on Shared Priorities." Accessed June 29, 2018. <https://pm.gc.ca/eng/news/2018/03/29/inuit-crown-partnership-committee-makes-progress-shared-priorities>

Inuit Nunangat Declaration. 2017. *Inuit Nunangat Declaration on Inuit-Crown Partnership*.

Accessed June 29, 2018. <https://pm.gc.ca/eng/news/2017/02/09/inuit-nunangatdeclaration-inuit-crown-partnership>

Inuit Tapiriit Kanatami. 2018. *Inuit Tapiriit Kanatami: The National Representative Organization Protecting and Advancing the Rights and Interests of Inuit in Canada*. Accessed June 29, 2018.

<https://www.itk.ca/>

Inwood, G.J. 2012. *Understanding Canadian Public Administration: An Introduction to Theory and Practice*. Toronto: Pearson.

ITK (see Inuit Tapiriit Kanatami)

Josefsen, E., U. Mörkenstam, and J. Saglie. 2017. "Sametingene — institusjoner for selvbestemmelse?" In *Ett folk, ulike valg: Sametingsvalg i Norge og Sverige*, edited by E.

Josefsen, U. Mörkenstam, R. Nilsson, and J. Saglie. Oslo: Gyldendal Akademisk.

Josefsen, E., S.U. Søreng, and P. Selle. 2016. "Regional Governance and Indigenous Rights in Norway: The Finnmark Estate Case." In *Indigenous Peoples' Governance of Land and Protected Territories in the Arctic*, edited by T.M. Herrmann and T. Martin. New York: Springer.

Kuhnle, S., and P. Selle. 1990. "Meeting Needs in a Welfare State: Relations Between Government and Voluntary Organizations in Norway." In *Needs and Welfare*, edited by A. Ware and R.E. Goodin. London: Sage.

Kymlicka, W. 1995. *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.

Lawrence, R., and U. Mörkenstam. 2016. "Indigenous Self-Determination through a Government Agency? The Impossible Task of the Swedish Sámediggi." *International Journal on Minority and Group Rights* 23: 1-23.

Nilsson, R., S. Dahlberg, and U. Mörkenstam, eds. 2016. *Sametingsval: Väljare, partier och media*. Stockholm: Santérus forlag.

Nuttall, M. 2008. "Self-Rule in Greenland: Towards the World's First Independent Inuit State?" *Indigenous Affairs* 3/4: 64-70.

Norway. 1986-87. Odelsting Proposition No. 33. Oslo: Government of Norway.

— — —. 2007. Den nye sameretten. Utredning fra samerettsutvalget. (Author's translation: The new Sámi rights: Evaluation and new proposals). White Paper no. 13.

Papillon, M. 2008. "Canadian Federalism and the Emerging Mosaic of Aboriginal Multilevel Governance." In *Canadian Federalism: Performance, Effectiveness, and Legitimacy*, 2nd ed., edited by H. Bakvis and G. Skogstad. Toronto: Oxford University Press.

38

Papillon, M., and T. Rodon. 2017. "Proponent-Indigenous Agreements and the Implementation of the Right to Free, Prior and Informed Consent in Canada." *Environmental Impact Assessment Review* 62: 216-24.

Peck, J., and A. Tickell. 2002. "Neoliberalizing Space." *Antipode* 34 (3): 380-404.

Pettersen, T. 2011. "Valgmanntall og valgdeltakelse 1989-2009: Grunnlag, utvikling og hovedtendenser." In *Sametingsvalg: Velgere, partier, media*, edited by E. Josefsen and J. Saglie. Oslo: Abstrakt forlag.

Selle, P. 2011. *Sametingets organisatoriske utfordringer: En vurdering*. Karasjok: Sametinget.

— — —. 2016. "Finnmarkseiendommen (FEFO) mellom rett, politikk og utvikling." In *Nordområdene I endring: Urfolkspolitikk og utvikling*, edited by E. Angell, S. Eikeland, and P. Selle. Oslo: Gyldendal Akademisk.

Selle, P., A.J. Semb, K. Strømsnes, and Å.D. Nordø. 2015. *Den samiske medborgeren*. Oslo: Cappelen Damm.

Selle, P., and K. Strømsnes. 2018. "The Transformations of the Scandinavian Voluntary Sector." In *Scandinavian Civil Society and Social Transformation*, edited by B. Enjolras and K. Strømsnes. Cham: Springer.

Simeon, R. 1972. *Federal-Provincial Diplomacy: The Making of Recent Policy in Canada*. Toronto: University of Toronto Press.

Spitzer, A., and P. Selle. 2018. "Claim-Based Co-Management in Canada and Norway? Examining the Finnmark Estate as a Case of 'Treaty Federalism.'" Paper presented at conference "The Finnmark Act — 15 Years After," November 27-28, Tromsø.

Statistics Canada. 2016. *National Census Data*. Ottawa: Government of Canada.

Strømsnes, K., and P. Selle. 2014. "Aksjoner i det representative demokrati." In *Stortingets historie 1964-2014*, edited by H.M. Narud, K. Heidar, and T. Grønlie. Bergen: Fagbokforlaget.

Tathnam, M.R. 2016. *With, Without, or Against the State? How European Regions Play the Brussels Game*. Oxford: Oxford University Press.

Watt-Cloutier, S. 2015. *The Right to Be Cold: One Woman's Story of Protecting Her Culture, the Arctic and the Whole Planet*. Toronto: Allen Lane.

Watts, R. 1999. *Comparing Federal Systems*. Montreal, Kingston: McGill-Queen's University Press.

White, G. 2008. "Not the Almighty: Evaluating Aboriginal Influence on Northern Land-Claim

Boards.” *Arctic* 61: 71-85.

Wilson, G.N. 2007. “Inuit Diplomacy in the Circumpolar North.” *Canadian Foreign Policy* 13 (3): 65-80.

— — —. 2008. “Nested Federalism in Arctic Quebec: A Comparative Perspective.” *Canadian Journal of Political Science* 41 (1): 71-92.

— — —. 2017. “Nunavik and the Multiple Dimensions of Inuit Governance.” *American Review of Canadian Studies* 47: 148-61.

Wilson, G.N., and C. Alcantara. 2012. “Mixing Politics and Business in the Canadian Arctic: Inuit Corporate Governance in Nunavik and the Inuvialuit Settlement Region.” *Canadian Journal of Political Science* 45 (4): 781-804.

Wilson, G.N., C. Alcantara, and T. Rodon. 2015. “Multilevel Governance in the Inuit Regions of the Provincial and Territorial North.” In *State of the Federation 2013: Rethinking Aboriginal Multilevel Governance*, edited by M. Papillon and A. Juneau. Montreal, Kingston: McGill-Queen’s University Press.

Young, N., and R. Matthews. 2007. “Resource Economies and Neoliberal Experimentation: The Reform of Industry and Community in Rural British Columbia.” *Area* 39 (2): 176-85.

Copyright belongs to the IRPP.

To order or request permission to reprint, contact:

IRPP

1470 Peel Street, Suite 200

Montreal, Quebec H3A 1T1

Telephone: 514-985-2461

Fax: 514-985-2559

[irpp@irpp.org](mailto:irpp@irpp.org)

Founded in 1972, the Institute for Research on Public Policy is an independent, national, bilingual, not-for-profit organization. The IRPP seeks to improve public policy in Canada by generating research, providing insight and informing debate on current and emerging policy issues facing Canadians and their governments. The Institute’s independence is assured by an endowment fund, to which federal and provincial governments and the private sector contributed in the early 1970s. Fondé en 1972, l’Institut de recherche en politiques publiques est un organisme canadien indépendant, bilingue et sans but lucratif. Sa mission consiste à améliorer les politiques publiques en produisant des recherches, en proposant de nouvelles idées et en éclairant les débats sur les grands enjeux publics auxquels font face les Canadiens et leurs gouvernements. L’indépendance de l’Institut est assurée par un fonds de dotation établi au début des années 1970 grâce aux contributions des gouvernements fédéral et provinciaux ainsi que du secteur privé.