

6-1-2005

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Recommended Citation

Sturgeon, Leslie (2005) "Constructive Sovereignty for Indigenous Peoples," *Chicago Journal of International Law*: Vol. 6: No. 1, Article 27.

Available at: <http://chicagounbound.uchicago.edu/cjil/vol6/iss1/27>

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Constructive Sovereignty for Indigenous Peoples

Leslie Sturgeon*

I. A NEW APPROACH TO THE RIGHTS OF INDIGENOUS PEOPLES

Elaborating on current understandings of sovereignty seems, on its face, to be an exercise in futility. Although several international documents address the question of who is entitled to status as a sovereign entity, a realistic approach suggests that the only rights guaranteed to a would-be sovereign entity are those that it can back by force (deriving either from military might or the force-by-proxy that accompanies political or economic influence). The prospect of an international legal standard for sovereignty is appealing, however, because it holds out the promise of adjudicating competing claims for territory, as well as political legitimacy, without resorting to violence or prolonged political upheaval.

Current standards of sovereignty suffer from several flaws that impair their ability to adjudicate conflict definitively and equitably. They focus too narrowly on traditionally recognizable groups such as “indigenous peoples,” and place a strong emphasis on historical conditions such as colonization. They urge international organizations and nation-states to adopt their standards and policies on normative grounds. In doing so, current standards fail on both a pragmatic and equitable level. Guilt-saturated normative rhetoric offers little more than a weak incentive for nation-states to adopt doctrines such as those promulgated by the International Labour Organisation (“ILO”). Moreover, fashioning a doctrine for sovereignty out of a disjointed mixture of morally charged qualities and conditions leads to judicial outcomes (such as *Hingitaaq 53*, discussed below) that seem at odds with the desire to bestow greater sovereignty on communities where appropriate. Finally, the lack of a pragmatic foundation makes such doctrines inequitable: rather than applying readily ascertainable standards to communities with strong claims to sovereignty, judicial entities, such as the Denmark Supreme Court, allow sovereignty claims to stand or fall on seemingly arbitrary criteria.

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This pragmatic approach would borrow from two primary sources: the property law doctrine of adverse possession and Paolo G. Carozza's recent application of the principle of subsidiarity to international law. Instead of focusing on a disjointed array of normative and historical features, as most current conventions do, this approach would apply a different standard: when a community has manifested (or retained) a significant amount of de facto political sovereignty (by having its own political institutions, social norms, language, cultural traditions, economic practices, or dispute-resolution structures), despite the fact that it inhabits territory under the nominal control of another government, then it should be granted constructive political sovereignty. As with the doctrine of adverse possession, this approach would apply a standard tied to functionality, rather than purported moral claims. A community claiming sovereignty would have to demonstrate that it has already exercised a significant amount of its own de facto political sovereignty; courts would take into consideration factors such as whether those inhabiting the community's territory align themselves with community leadership and the degree to which cultural, social, religious, or economic practices set members of the community apart from nonmembers. Once the right to constructive sovereignty has been determined, Carozza's principle of subsidiarity would serve as the model for what kinds of rights would attach to the community. According to Carozza, the principle of subsidiarity holds that "each social and political group should help smaller or more local ones accomplish their respective ends without . . . arrogating those tasks to itself."¹ Thus, these newly minted sovereigns would not transform into autarkic, isolated entities; rather, they would retain most of the broad structural elements of their "host" state, but would reserve the right to govern themselves and preserve their cultures and political identities.

II. CURRENT STANDARDS APPLIED TO THE THULE TRIBE

A recent bid for certain sovereign rights by a tribe in Greenland illustrates the many flaws of the current sovereignty doctrines. Appealing to the principles outlined in a document put forth by the ILO, the tribe petitioned the Danish government for the right to return to the land from which they had been forcibly removed several decades ago. The Danish Supreme Court, ostensibly applying the ILO's standards, denied the tribe's claims and rejected its status as an "indigenous people."

In accord with the 1951 Defense Treaty between the United States and Denmark, the Danish government established Thule Air Base near the tribe's

¹ Paolo G. Carozza, *Subsidiarity as a Structural Principle of International Human Rights Law*, 97 Am J Intl L 38, 38 n 1 (2003).

settlement at Uummanaq.² Two years later, the Danish government ordered the Thule tribe to relocate further north because the United States planned to install anti-aircraft guns there.³ The only compensation offered to them at the time was the “[m]odern accommodation[s]” where they were to live.⁴

In 1996, members of the Thule tribe, known collectively as “Hingitaq 53,” filed a claim in Danish court, arguing that, in addition to monetary compensation, they were entitled to inhabit the Uummanaq settlement again and to “move and hunt within the entire Thule district.”⁵ The tribe’s claim⁶ rested primarily upon the ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries,⁷ which Denmark ratified in 1996.⁸ Convention 169 establishes that the ownership rights of indigenous peoples over the land they “traditionally occupy” must be upheld, and that relocation may take place only if the government’s reasons for the relocation meet stringent guidelines.⁹ Article 16(3) gives indigenous peoples the “right to return to their traditional lands” once the “grounds for relocation” are no longer in force.¹⁰ In situations where this is not an option, Article 16(4) states that the relocated peoples must be given lands equal in “quality and legal status” to those previously occupied unless they request monetary compensation.¹¹

Although the Danish Supreme Court granted the Thule tribe a portion of the monetary compensation it demanded, the court refused to grant the tribe a right of return, citing its previous assessment that the tribe did not constitute a

² Ole Spietmann, *International Decision: Hingitaq 53, Qajutaq Petersen, and Others v. Prime Minister’s Office (Qaanaaq Municipality and Greenland Home Rule Government Intervening in Support of the Appellants)*, 98 Am J Intl L 572, 573 (2004).

³ Id.

⁴ Id at 573–74.

⁵ Id at 574.

⁶ *Hingitaq 53 v Prime Minister’s Office*, ¶ 1 (Sup Ct 2003) (Denmark), available online at <<http://www.inuit.org/index.asp?lang=eng&num=257>> (visited Mar 14, 2005).

⁷ International Labour Organisation, *Convention Concerning Indigenous and Tribal Peoples in Independent Countries*, ILO Convention No 169, 76th Sess, arts 14, 16, (1989), available online at <<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>> (visited Mar 14, 2005) (“ILO Convention No 169” or “ILO Convention”).

⁸ See note 16 infra.

⁹ While Article 16(1) provides that indigenous peoples may not “be removed from the lands which they occupy,” Article 16(2) states that if relocation is considered necessary, and consent cannot be obtained, the relocation may only proceed according to “appropriate procedures,” including “the opportunity for effective representation of the peoples concerned.” Id art 16(1)–(2).

¹⁰ Id art 16(3).

¹¹ Id art 16(4).

“distinct indigenous people” under the guidelines provided by ILO Convention No 169.¹²

III. THE DANISH SUPREME COURT’S APPLICATION OF ILO CONVENTION NO 169

Convention 169 defines “indigenous peoples” as tribal groups “whose social, cultural and economic conditions distinguish them from other sections of the national community” and who “retain some or all of their own social, economic, cultural and political institutions.”¹³ Article (1)(1)(b) states that “indigenous” peoples are the descendants of the populations that inhabited the land “at the time of conquest or colonisation or the establishment of present state boundaries.”¹⁴ Finally, Article 1(2) states that “[s]elf-identification” as an indigenous people is a “fundamental criterion” in deciding whether a group comes under the provisions of ILO Convention No 169.¹⁵ While this definition may initially appear straightforward, many difficulties arise in its application.

This definition employs terminology—political and social “institutions”—that naturally gives rise to the question of how such “institutions” will be recognized in a community that is drastically different from the traditional nation-state. The distinctive nature of such communities is likely to interfere with the task of identifying an indigenous population’s “economic and political” institutions in the first place. This underscores the importance of Article 1(2)’s “self-identification” criterion.

Convention 169 gives significant weight to the experience of being colonized or conquered. The very fact of colonization or conquest, however, would almost certainly weaken or destroy the “institutions” that indigenous peoples are expected to demonstrate. Thus, taken as a whole, the ILO’s definition of “indigenous peoples” is extremely difficult to meet.

Convention 169’s requirement that indigenous populations retain “some or all” of their key societal institutions is ambiguous. Only in the unlikely situation that a group retains all or none of its key institutions can this standard be definitively applied. Because most groups at issue retain “some” of their political or social institutions, it is especially important that this term be meaningful. Unfortunately, the term “some,” as it is employed in Convention 169, seems to encompass nearly every group that is likely to come under the scrutiny of this standard.

¹² *Hingitaa* 53 at ¶ 4 (cited in note 6).

¹³ ILO Convention No 169, art 1(1)(a)–(b) (cited in note 7).

¹⁴ *Id.*, art 1(1)(b).

¹⁵ *Id.*, art 1(2).

Article 1(2)'s assertion that "self-identification" is considered a "fundamental criterion" for adjudication of a group's claim to "indigenous people" status is similarly unhelpful. This "fundamental criterion" clearly cannot be considered overriding, since other standards articulated in the Convention must carry some weight. Convention 169 offers no guidance as to how much weight this "fundamental criterion" should be given. The Danish Supreme Court assigned it relatively little importance in its *Hingitaq 53* decision, and the ILO's agreement with the court's conclusion renders the status of the criterion even more ambiguous.

In addition to these internal definitional problems, as of 2004 only seventeen countries had ratified Convention 169, although its predecessor (which grants far fewer rights), Convention 107, has been ratified by eighteen countries.¹⁶ Thus, even if Convention 169 could provide a clearer definition and demarcation of rights, it would still lack the force of legitimacy, since the United States, Canada, and most major European nation-states have not explicitly adopted its tenets.

These difficulties manifest themselves in the comments of the Danish Supreme Court in its ruling in *Hingitaq 53*. In its opinion, the court noted that the question of whether the Thule tribe constitutes an "indigenous people" must be resolved with regard to "current conditions."¹⁷ The court refused to recognize the traits that distinguish the Thule tribe from the other inhabitants of Greenland as grounds for qualification as an "indigenous people," stating that regional variations of "language, business conditions, and judicial systems" can be traced to factors inherent in Greenland itself, namely, its size and the "communication and traffic conditions" arising from its geographical features.¹⁸ Thus, although the Thule tribe may meet the distinct "institutions" requirement set forth in Article 1(1)(a) and (b), the court reasoned that these distinctive

¹⁶ The following countries have ratified ILO Convention No 169: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Denmark, Dominica, Ecuador, Fiji, Guatemala, Honduras, Mexico, the Netherlands, Norway, Paraguay, Peru, and Venezuela. ILOLEX Database of International Labour Standards, available online at <<http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C169>> (visited Mar 14, 2005). The following countries have only ratified the preceding agreement, ILO Convention No 107 (which promotes a policy of assimilation and paternalism): Angola, Bangladesh, Belgium, Cuba, Dominican Republic, Egypt, El Salvador, Ghana, Guinea-Bissau, Haiti, India, Iraq, Malawi, Pakistan, Panama, Portugal, Syria, and Tunisia. The following countries originally ratified the Convention, but have since denounced it: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Mexico, Paraguay, and Peru. ILOLEX Database of International Labour Standards, available online at <<http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C107>> (visited Mar 14, 2005).

¹⁷ *Hingitaq 53* at ¶ 4 (cited in n 6).

¹⁸ *Id.*

features did not arise from the appropriate historical conditions, and therefore were not relevant to the application of Convention 169.¹⁹

As noted in the court's comments, members of the Thule tribe identify themselves as an "indigenous people."²⁰ Other organizations representing the interests of indigenous peoples supported the tribe's contention. The two-hundred representatives of indigenous peoples who gathered for the Working Group on the Draft Declaration on the Rights of Indigenous Peoples stated that they "unequivocally support" the claims made by the Thule tribe.²¹ The Executive Council of the Inuit Circumpolar Conference also issued a statement of support in June of 2003.²² In making its ruling, however, the Danish Supreme Court did not appear to take these conclusions into account, despite the fact that Convention 169 cites "self-identification" as a "fundamental criterion" in making rulings such as these.

Historically, the Thule tribe is a distinct and cohesive group by necessity. The tribe inhabited the Uummannaq settlement as a group of partly nomadic hunters "since time immemorial," and remained completely isolated until 1818.²³ Indeed, even when Rasmussen Knud established an outpost in that area in 1910, he attempted to preserve the tribe's "local lifestyle" as "a matter of honor."²⁴ The tribe's forcible relocation in 1953 may also have contributed to the group's distinctiveness, since it was an experience unique to the members of that community.

The court's insistence on examining only "current conditions" in determining the status of the Thule tribe runs afoul of several elements of Convention 169. By linking the term "indigenous" to a shared experience of colonization and conquest, the ILO's definition emphasizes historical conditions. Moreover, the recent erosion of the tribe's social and political institutions can be traced directly to the 1953 relocation. Far from being obscured by a centuries-wide gap, this experience took place in recent history and is well documented on both sides. Many of the tribe's six-hundred members bringing the claim against the Danish government were actually present during the relocation. The court's refusal to consider historical events in evaluating the

¹⁹ Id at ¶¶ 4–5.

²⁰ Id at ¶ 3.

²¹ *Hingitq 53: Resolution of the Indigenous Peoples Gathered at the 2002 7th Session of the United Nations Commission on Human Rights*, available online at <www.inuit.org/index.asp?lang=eng&num=231> (visited Mar 14, 2005).

²² Inuit Circumpolar Conference, ICC Executive Council Res No 03-02 (2003), available online at <<http://www.inuit.org/index.asp?lang=eng&num=245>> (visited Mar 14, 2005).

²³ Spiermann, 98 Am J Intl L at 573 (cited in note 2).

²⁴ Id.

tribe's claim cannot, therefore, be justified with reference to the possibility of being stymied by ambiguous recollections of past events.

IV. EXPANDING THE SCOPE OF RIGHTS FOR INDIGENOUS PEOPLES AND OTHER COMMUNITIES

Although the Danish court's decision in *Hingitaq 53* stems, at least in part, from its questionable interpretation and application of Convention 169, greater underlying problems hinder groups such as the Thule in their quest for sovereignty. Those trying to secure greater independence for indigenous peoples usually appeal to moral sentiments, rather than offering a pragmatic rationale. The normative nature of their reasoning is especially apparent in their definitional standards. Most international organizations like the ILO, the United Nations ("UN"), and the World Council of Indigenous Peoples ("WCIP") cite a variety of features when determining which groups should be granted stronger rights against the states they inhabit. The UN's "working definition" considers factors such as religion, language, dress, means of livelihood, occupation of "ancestral lands," and, of course, ties to a society predating colonization or conquest.²⁵ The WCIP's "provisional working definition"²⁶ focuses on a group's connection to "the earliest populations living in the area" and its lack of "control" over the government of the nation-state it inhabits.²⁷ Benedict Kingsbury notes that members of this movement emphasize a collection of (what are believed to be) commonly held traits: strong "connections with land and territory," the experience of colonization by other groups, current problems stemming from "dispossession and subordination," and a degree of "resistance to modernization and globalization."²⁸ Generally excluded from the term "indigenous peoples" are those whose circumstances and disadvantages are remarkably similar: minorities who have very little "control" over the governments of the states in which they live; ethnic groups who live alongside others in multinational or multiethnic states (usually in Africa or Asia); and ethnic or national groups whose "sometimes aberrant" frontiers came about as a result of a ("perhaps legally defunct") colonial government.²⁹

²⁵ Benedict Kingsbury, "Indigenous Peoples" in *International Law: A Constructivist Approach to the Asian Controversy*, 92 Am J Int'l L 414, 419–20 (1998).

²⁶ Id at 422.

²⁷ Id (quotation omitted).

²⁸ Id at 421.

²⁹ UN ESCOR, *Human Rights of Indigenous Peoples: Study on Treaties, Agreements, and Other Constructive Arrangements between States and Indigenous Populations*, UN Doc E/CN4/Sub2/1999/20 at 15, ¶ 89 (1999).

By focusing on identity-related features (such as ancestral pedigree or a spiritual relationship to the land), the movement loses sight of possible pragmatic justifications for granting groups such as “indigenous peoples” a greater degree of sovereignty and recognition as rights-bearing entities. Communities that are culturally, socially, or politically cohesive—to the extent that they claim the right of full or partial sovereignty—may function better, as a whole, if they are provided with the latitude to operate as they see fit. Certain rights would attend this grant of sovereignty: the right to use (and protect) the land they inhabit; the right to preserve cultural trappings such as language, dress, and religious practices; and the right to maintain and employ traditional dispute resolution mechanisms that involve individuals within the community. Such an approach may also reduce the possibility of violent attempts to establish sovereignty. The benefits of greater autonomy and self-governance would extend not only to groups classified as “indigenous peoples,” but also to those that have been traditionally excluded from the movement: ethnic or national minorities, discrete political communities, and perhaps even recently emerged but cohesive groups, such as independent religious communities.

Paolo G. Carozza has explored the possibilities for such an approach. Applying the notion of “subsidiarity” to international law, his framework would grant distinct communities a greater degree of self-determination and self-government, without demolishing the nation-state’s recognized sovereignty.³⁰ The “principle of subsidiarity,” according to Carozza, holds that “each social and political group should help smaller or more local ones accomplish their respective ends without . . . arrogating those tasks to itself.”³¹ Carozza’s framework would allow nation-states to enforce broadly supported notions of individual rights and freedoms, while granting to local political or social groups the right to govern themselves according to community traditions or practices that, though relatively new, form the backbone of a cohesive social or political community.³² Groups granted constructive sovereignty would not, therefore, emerge as entirely distinct from the nation-state, but would merely gain greater autonomy within their own communities, as well as international recognition as rights-bearing entities.

V. EXAMPLES OF SOVEREIGNTY

Although it might appear impossible to balance the constructive sovereignty of a community such as the Thule tribe with the internationally

³⁰ See Carozza, 97 *Am J Int'l L* at 38 (cited in note 1).

³¹ *Id* at 38 n 1.

³² *Id* at 78.

recognized sovereignty of the nation-state where the community resides, the practice is not entirely without precedent. Recent history shows that communities can gain greater sovereignty without causing political conflict and chaos in the international community. Some such examples began as discrete communities within a nation-state and then were granted international recognition as microstates; others involve populations seeking greater self-governance and having such desires accommodated by the nation-state government.

In 1993, the Canadian government passed the Nunavut Land Claims Act ("NLCA") and the Nunavut Act, both of which grant significant rights to the Inuit who inhabit the North West Territories ("NWT").³³ The NLCA gave the Inuit title to at least 352,191 square kilometers in the NWT.³⁴ Although federal and local laws would apply to this territory, the title granted was "exclusive and alienable, subject only to certain public access easements and . . . government activities."³⁵ The Nunavut Act, effective as of 1999, established a new territory (Nunavut) that comprised an area almost one-sixth the size of Canada.³⁶ Instead of creating a region whose autonomy overlapped with the authority of an existing provincial government, the government of Nunavut has rights similar to the governments of the Yukon or the (former) NWT.³⁷ Although the Nunavut Act was not enacted to provide specifically for "aboriginal self-determination" (in the form of explicit ethnic sovereignty),³⁸ the Act allows for a greater degree of de facto self-government, as well as recognition as a semi-sovereign entity.

One example that is entirely outside the realm of "indigenous peoples" is that of Vatican City. When the Kingdom of Italy annexed many of the Papal States—regions where popes, in their secular capacity, had ruled for centuries—many conflicts arose between these former authorities and the new Italian government.³⁹ In 1929, three Lateran Treaties established Vatican City as an independent state, which granted sovereign authority to The Holy See

³³ Jeffrey Wutzke, Comment, *Dependent Independence: Application of the Nunavut Model to Native Hawaiian Sovereignty and Self-Determination Claims*, 22 Am Indian L Rev 509, 534 (1998).

³⁴ Id.

³⁵ Id.

³⁶ Id at 537.

³⁷ See id at 538. The government of Nunavut has power over "voting regulations, taxation, marriage, incorporations, and the justice system." Id.

³⁸ Id at 539.

³⁹ United States Department of State, Bureau of European and Eurasian Affairs, *Background Note: The Holy See*, available online at <<http://www.state.gov/r/pa/ei/bgn/3819.htm>> (visited Mar 14, 2005).

(the government of Vatican City).⁴⁰ The Holy See may enter into treaties as well as diplomatic relationships with other states, and within the UN it has status as a Non Member State Permanent Observer. Thus, although it has no power to vote at the UN General Assembly, it is still recognized as a state.⁴¹ With a population of 790, and a territory comprising only 109 acres,⁴² Vatican City depends on Italy for many of its “essential services,” including water, phone service, postal service, police, and virtually all physical goods required by its citizens.⁴³

Other examples of this abound in the international context. The 1979 Basque Autonomy Statute, for example, gave certain regional governments autonomy in implementing the “basic norms” established by the national government.⁴⁴ Thus, although national police and security forces have authority over matters that extend beyond the community (for example, “guarding ports, airports, and frontiers”), the “maintenance of public order within the province” falls under the jurisdiction of the Basque government.⁴⁵ The Basque power to enter into treaties is relatively limited: the government may enter only into “cultural relations” with other states in which Basque-speaking communities reside.⁴⁶

In other cases, communities have seized uncontested territory and claimed their identities as sovereign entities, with varying degrees of success. In 1972, individuals from the Ocean Life Research Foundation (who had dredged up land in the North and South Minerva Reefs) claimed sovereignty for the Republic of Minerva, appealing to the doctrine of occupation of *terra nullius*.⁴⁷ The founders sought to establish a state based on libertarian principles in which all property would (eventually) be privately owned and the government would take an extremely laissez-faire stance (taxes, for example, would be purely voluntary).⁴⁸ After a dispute arose with Tonga, and personal disagreements dissolved the

⁴⁰ Id.

⁴¹ Matthew N. Bathon, Note, *The Atypical International Status of the Holy See*, 34 Vand J Transnatl L 597, 604 (2001).

⁴² US Department of State, *Background Note: The Holy See* (cited in note 39).

⁴³ Bathon, 34 Vand J Transnatl L at 616–17 (cited in note 41).

⁴⁴ Hurst Hannum and Richard B. Lillich, *The Concept of Autonomy in International Law*, 74 Am J Intl L 858, 862 (1980).

⁴⁵ Id at 876.

⁴⁶ Id at 875.

⁴⁷ Samuel Pyeatt Menefee, “*Republic of the Reefs*”: *Nation-Building on the Continental Shelf and in the World’s Oceans*, 25 Cal W Intl L J 81, 96–97 (1994) (quotation omitted).

⁴⁸ Id at 97.

government of Minerva, the tiny republic “collapsed in disarray” barely a year after its founding.⁴⁹

Unlike the Republic of Minerva, the Principality of Sealand, founded in 1967 six miles off the coast of Britain, persists to this day.⁵⁰ The territory of Sealand is Roughs Tower, an abandoned British fortress.⁵¹ Although Britain extended its territorial waters from three to twelve miles in 1987, causing some overlap, since then Britain has made no move to claim Sealand’s territory.⁵²

As these examples demonstrate, applying the principle of subsidiarity to communities claiming sovereignty need not be as drastic as the creation of new self-sufficient nation-states. In some cases, this principle could be expressed merely by granting communities more local autonomy, although in other cases, the creation of an independent state may indeed be warranted.

VI. CONCLUSION

Many inconsistencies that emerged in the Danish Supreme Court’s decision in *Hingitaq 53* can be traced to the current approach to sovereignty rights, which focuses primarily on group identity and abstract norms. A more pragmatic approach would supply more definitive standards and help eliminate the arbitrary exclusion of groups claiming greater sovereignty rights. Instead of emphasizing definitional criteria for groups such as “indigenous peoples,” a new approach would apply the principle of subsidiarity to conflicts of authority and grant constructive sovereignty when a community would clearly benefit from a greater degree of autonomy and self-governance.

This kind of approach would have a significant impact on how claims such as those in *Hingitaq 53* might be adjudicated. The courts would focus not on whether the group meets the criteria provided by documents such as the ILO’s Convention 169, but on whether the group has demonstrated a sufficient degree of de facto political sovereignty and whether it is possible to grant official recognition to the group. This approach would not automatically exclude communities that deviate from the traditional notion of “indigenous peoples.” Ethnic minorities whose territories were arbitrarily divided during colonization would also have the opportunity to prove de facto sovereignty. A radical extension of this theory might consider recognizing communities whose origins are relatively recent, such as the Amish in the United States and Canada, or the

⁴⁹ Id at 100–01 (internal citation omitted).

⁵⁰ The Principality of Sealand, *History of Sealand*, available online at <<http://www.sealandgov.com/history.html>> (visited Mar 14, 2005).

⁵¹ Id.

⁵² Id.

members of recently founded microstates that have insisted on sovereign status since their inception.⁵³

⁵³ Although most are short-lived, self-proclaimed nation-states founded by enterprising individuals and communities, such as the Principality of Sealand, the Kingdom of Humanity, and the Republic of Minerva tend to behave as though they are sovereign entities. See Menefee, 25 Cal W Intl L J at 81 (cited in note 47). More information about Sealand can be found at its website (cited in note 50).