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## **HUMAN SECURITY OF THE INDIGENOUS PEOPLES IN THE ARCTIC. THE SAMI CASE**

**ABSTRACT:** For many years, indigenous peoples, their rights, culture and identity have been neglected. This depressing statement also refers to the Sami who reside in the Arctic. This paper presents the understanding of the term “indigenous peoples” and a number of their rights, including the right to self-determination. Their implementation is necessary for human security as they empower indigenous peoples to make decisions in matters that affect them. The author examines the concept of human security and the threats to this security in the Arctic in particular to the Sami as well as the most important provisions in international legal documents regarding the rights of indigenous peoples which include references to human security.

**KEYWORDS:** indigenous peoples, human security, the Arctic, the Sami, self-determination

### **Introduction**

For many years indigenous peoples, their needs, rights, culture and identity have either been neglected or eliminated altogether. This rather depressing statement can also be applied to the Sami in the Arctic. This situation, however, is slowly changing in practice, and on paper, international instruments contain legal provisions ensuring respect for the rights of indigenous people such as *inter alia* the right to self-determination, to have respect for their traditions and customs, cultures and languages, to participate in decision-making on matters that would affect

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their rights, land rights, to improve their social and economic position, and to maintain and develop their traditional knowledge. Many of these rights are guaranteed in the non-binding *UN Declaration on the Rights of Indigenous Peoples* (UN Declaration on the Rights of Indigenous Peoples, 2007, (UN GA res. 61/295; hereinafter: *UN Declaration*)) adopted in 2007, and the legally binding *ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries* (The ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries (1989)). The *ILO Convention* aims to protect the rights of indigenous peoples, their way of life and their culture. Its adoption was at that time (in 1989) an improvement on the previous *Convention 107 of 1957 on the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries* which was aimed at the assimilation of indigenous peoples. One may conclude that there are quite progressive legal provisions protecting the indigenous peoples, but unfortunately a law in the books does not always translate into a law that is implemented.

This normative progress should be placed in the context of critical postcolonial discourse. As K. Thisted argues in the context of Greenland,

“Greenland and Denmark represent a typical (post) colonial landscape in the sense that the relationship, even after the official termination of colonialism was characterized by highly asymmetrical power relations. This applies not least in terms of the power of representation. Politically, the Greenlanders were represented by the Danes – to a certain extent they still are regarding international affairs and matters of security. To the outside world, Greenland is first and foremost known through literary and visual images created from an outside, primarily Danish, perspective” (2012, 280).

For that reason the Inuit were, not so long ago, called ‘Eskimos’ and the Sami – Lapps. The postcolonial confrontation in Greenland led to Home Rule in 1979 and finally to self-government in 2009 (Thisted, 281). Danish colonialism in Greenland and Greenlandic resistance attracted the attention of the international postcolonial narrative only after the Arctic became important due to competition over oil and gas (Göttsche, 15). There is no clear line dividing Danish imperialism and postcolonialism but “a protracted process that eventually shifts the balance in Greenland from a language of subordination and resistance to a language of governance” (Göttsche, 16). K. Thisted criticizes Denmark’s rule in Greenland as part of “a colonial discourse of cultural superiority and the mission

to civilize the colonial subjects” (Göttsche, 16). The necessity to regulate the relations in the Arctic and the far North in the postcolonial era attracted the international community’s attention to the issue of human rights and a right to self-determination. These remarks also reflect the Sami situation.

The Sami are an indigenous people living in northern Europe in Norway, Sweden, Finland and Russia. Overall there are about 70 000 Sami: 35 000 live in Norway, 17 000 in Sweden, 5 000 in Finland and 2 000 in Russia (Baer, 247). According to other estimates the Sami comprise 80 000 or even 100 000 (Sami in Sweden. Preserving indigenous culture in the Arctic. Facts about Sweden; Fitzmaurice, 77). Most of the Sami live in democratic welfare states (except for Russia) and enjoy the highest quality of life among the world’s indigenous peoples . However, this does not mean that their position is ideal or that all of their rights are perfectly respected. Globally indigenous peoples constitute about 370 million individuals , making up about 5 percent of the world population. They live in more than 70 states (UN Resource Kit on Indigenous Peoples’ Issues, 10).

Today we are witnessing enormous technological progress which also pertains to medical progress. Social, cultural and economic development is taking place in most regions around the world. Access to food and water and sanitary facilities in the framework of Millennium Development Goals is improving (unfortunately in its statistics and specific indicators MDG’s do not include indigenous peoples). Access to education and its quality is also improving. So are we all better off and safer? Are the Sami in the Arctic safe? Is their human security ensured?

The concept of human security in the Arctic includes environmental protection, preservation of culture and cultural identity, as well as the granting and maintaining of autonomy and self-governance of indigenous peoples, which in this case is the Sami. As it will be pointed out, industrialization, climate change and actual and potential economic exploitation of the natural resources in the Arctic pose threats to the Sami livelihoods and traditional lifestyles. As a result, the livelihoods linked to hunting, fishing and reindeer herding are threatened. Hence, their human security is under threat as well.

Section two of this paper will present the understanding of the term “indigenous peoples”, and a few remarks on the *UN Declaration on the Rights of Indigenous Peoples* will be included. Some rights of the indigenous peoples such as the right to self-determination

(with special emphasis on the self-governance and autonomy) and land rights will be examined. Their implementation is necessary to human security as they enable indigenous peoples to make decisions in matters that affect them (in this case the Sami). Section three sketches out the genesis, concept and the main components of this human security. Section four examines the threats to human security in the Arctic with special reference to the Sami. These threats include climate change and ice melting connected with it, rises in temperature, species migration, reindeer husbandry and threats to reindeer grazing areas which are directly linked to threats to the Sami culture and identity, development of oil and gas extraction as well as the possibility of the remilitarization of the Arctic, and nuclear pollution. Finally, section five will list the most important provisions of international legal documents on the rights of indigenous peoples which include references to human security. They are indirect such as the right to self-determination and land rights but their implementation would contribute to the human security of the Sami in the Arctic. Domestic law will be excluded. The aim of the article is to show that the global position of indigenous peoples is getting stronger and international law recognizes this tendency as well as its state of constant development.

### **Indigenous people**

The term “indigenous peoples” has been used to denote distinct peoples who have lived from time immemorial on a certain territory (who are so called ‘first people’) and who have been pursuing their own concept of development and attempting to maintain their identity, languages, traditional customs, beliefs and values, their lifestyles and control over their lands and natural resources (UN Resource Kit on Indigenous Peoples’ Issues, 7). This paper adopts J. M. Cobo’s definition of indigenous people:

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

The only normative definition of indigenous peoples was formulated in the ILO Convention 169.

In 1994, the UN General Assembly declared the years 1995–2004 the International Decade of the World's Indigenous Peoples (UN GA res. 48/163 of 21 December 1993). The second decade (2005–2015) was a continuation of the first (UN GA res. 59/174 of 20 December 2004). The first decade was supposed to be crowned with the issuance of the UN declaration on indigenous peoples but this happened in the middle of the second decade when in 2007 the *UN Declaration on the Rights of Indigenous Peoples* (hereinafter: *UN Declaration*) was adopted.

*The UN Declaration*, although non-binding, is still the most important instrument on the rights of indigenous peoples. It affirms that indigenous peoples “contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind” (preamble). According to the *UN Declaration*, indigenous peoples have a collection of rights: individual rights that persons have as members of the group and collective ones that refer to the group as a whole (such as land rights) (Art. 1 of the *UN Declaration*). Art. 3 refers to the right of self-determination of indigenous peoples which means the ability to freely “determine their political status and freely pursue their economic, social and cultural development”. Self-determination is connected to the right to autonomy or self-governance in matters relating to internal and local affairs of indigenous peoples (Art. 4 of the *UN Declaration*). This formula indicates that self-determination should be exercised first of all in the form of autonomy. To make things even clearer the *UN Declaration* contains a clause stating that:

“Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states” (Art. 46).

Many states fear that granting the indigenous peoples the right to self-determination may lead to secession. These fears are however unjustified as indigenous peoples do not want to create a separate State but are able to make free and independent decisions in their own matters (Baer, 257; Okafor, 41–70). Consequently, indigenous peoples have the right to “maintain and strengthen their distinct

political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State” (Art. 5 of the UN Declaration). But as Erica-Irene Daes, the former Chairperson of the UN Working Group on Indigenous Populations stated, “there is no distinction between indigenous and other peoples, save that the indigenous people have not been able to exercise the right to self-determination” (Baer, 255).

### **The genesis and the concept of human security<sup>8</sup>**

Traditionally, security pertained to relations between states and was mainly of a military character. This caused the individual to predominantly have obligations of service towards the State, for example as a member of the army. Threats to security came from other states, for example in the form of external aggression. After the end of the cold war, states became more secure but this did not necessarily extend to their nationals. New threats to their security appeared, threats of non-military character. R. Thakur notices that

„[t]o many poor people in the world’s poorest countries today, the risk of being attacked by terrorists or with weapons of mass destruction is far removed from the pervasive reality of the so-called soft threats – hunger, lack of safe drinking water and sanitation and endemic diseases – that kill millions every year, far more than the so-called ‘hard’ or ‘real’ threats to security” (73).

He continues with some shocking statistical data:

“More than one billion people in the world lack access to clean water and 2.6 billion to sanitation. These deficits could be overcome through a decade-long annual investment of \$ 7 billion – less than what Europeans spend on perfume – which would save 4 000 lives each day from the resulting reduced exposure to infectious diseases” (73).

Human security was the answer to new threats and challenges. It places a human being in the centre of debate, analysis, politics and interest. People are important and a State is an instrument of ensuring their welfare. Basic goods protected in the framework

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<sup>8</sup> Parts of this section have been published in: A. Szpak, *Right to the City as a New Paradigm within the Concept of Human Security*, “Polish Political Science Yearbook”, (2016) 45, pp. 373–376 and A. Szpak, *Cities and Human Security*, „Toruń International Studies” (2015) 1, pp. 121–124.

of human security including life and personal safety may be threatened not only by an external aggression but also by internal factors. The human security concept is based on the human rights tradition that is supposed to protect the individual from the abuse of their own State and – on the other hand – on the concept of development which envisions a State as a necessary instrument of promoting human security (Thakur, 72).

It is the individual and their collectivities that are the main subjects and at the same time objects of human security. Generally, the object of any security consists of entities or collectivities to whom the security is ensured but which themselves do not undertake independent activities in this regard, whereas the subject of security is treated as an entity or collectivity that undertakes activities in order to ensure its own security (Urbanek, 42). For increasing human security concrete actions must be taken not only by states (which are also subjects of human security as they act in favour of ensuring it for human beings and their collectivities) but also by the individuals themselves and their collectivities. In this regard the latter are also subjects of human security, in actual fact the main one with national and international security instrumental in ensuring human security. The former serves the latter.

The concept of human security has its roots in the United Nations, in the famous president Roosevelt Declaration of 1944 and the Universal Declaration of Human Rights of 1948. The Universal Declaration states in the preamble that “[...] recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (Sustainable Development Goals, 30 December 2015).

This concept first appeared in the 1993 *Human Development Report*. It was included as one of the five pillars of the world order that focused on humanity (2). Then in 1994 *Human Development Report* was published (by UNDP – *United Nations Development Programme*), where the whole concept was developed. The report stated that “[t]he threats to human security are no longer just personal or local or national. They are becoming global: with drugs, AIDS, terrorism, pollution, nuclear proliferation. Global poverty and environmental problems respect no national border. Their grim consequences travel the world” (2). Human security embraces two fundamental components – freedom from fear and freedom from hunger (1994 *Human Development Report*, 24). Chapter II of the 1994 *Human Development Report* is entirely devoted

to human security. It claims that „[t]he concept of security has for too long been interpreted narrowly: as the security of a territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of a nuclear holocaust” (22). According to the report the human security concept is characterized by the following features:

1. Human security is a universal concern as it touches people all over the world. It is connected to the fact that threats are also universal as they are common to all people. Such threats include unemployment, drugs, crime, environmental pollution and degradation and human rights violations (22–23);

2. The basic elements of human security are interdependent. It means that when the security of people is endangered in one part of the world, all states and nations may be endangered. The effects of threats to human security in any part of the world may be felt in another. Threats such as hunger, disease, environmental degradation, drug trafficking, terrorism, organized crimes, ethnic conflicts and social disintegration are no longer isolated events and their consequences are transnational. What happens in one state or region may affect the whole world (22–23, von Tigerstrom, *International Law and the Concept of Human Security* 607);

3. It is easier to ensure human security through early prevention than later intervention. It is the expression of the well-known maxim ‘Prevention is better than cure’ (22–23, von Tigerstrom, *International Law and the Concept of Human Security* 606–607);

4. Human security concentrates on people – on their lives, their functioning in a society, on their autonomy, access to the market and social opportunities. It is also concerned with the state of peace which is a necessary condition for human security (22–23; von Tigerstrom, *International Law and the Concept of Human Security* 606).

Human security contains seven categories: economic security, food security, health security, environmental security, personal security, community security and political security (1994 Human Development Report, 24–25). Consequently, human security is understood broadly – in a holistic and integrative manner.

Among the most serious threats to human security in the 21st century that the 1994 *Human Development Report* identifies is unchecked population growth, disparities in economic opportunities, excessive international migration, environmental degradation, drug production and trafficking and international terrorism (34). The remaining threats are direct ones such as criminal violence,



killing women and children, sexual violence, genocide, war crimes, proliferation of weapons of mass destruction and small arms and light weapons or anti-personnel mines (they all result in death, injuries and trauma) and indirect ones such as deprivation of the basic needs, for example access to water, food, medical care, education, diseases and low economic growth (Urbanek, 161).

In subsequent years, numerous UN organs, including UN High Commissioner for Refugees (UNHCR), acted as a forum for debate, expression and promotion of alternative concepts of security. States, as well as international organizations, also participate in this process. UN organs and agendas such as UNHCR and Secretary General took this new concept into account when considering their actions. Hence, the UN became a key instrument for legitimizing the new concept of security (Thakur, 91).

In 2003, the Commission on Human Security published its *Human Security Now* report which defined human security as “to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment. Human security means protecting fundamental freedoms – freedoms that are the essence of life” (Thakur, 4). On the basis of this one may conclude that human security means living in peace and safety in one’s own state, in which people enjoy human rights and fundamental freedoms without suffering any discrimination. People must be able to meet their social needs and realize their plans and aspirations.

In 2004, the concept of human security was given prominence in the *High Level Panel on Threats, Challenges and Change A more secure world: our shared responsibility*. It mentions human security in different places together with national security. States are treated instrumentally meaning that they should be protected not because they are good by nature but because they are necessary for ensuring respect for human dignity and values as well as for ensuring justice and security for its own citizens (paragraph 30; von Tigerstrom, *Human Security and International Law. Prospects and Problems* 114).

In 2005, the Organization for Security and Co-operation in Europe (OSCE) also published a report *Common Purpose Towards a More Effective OSCE. Final Report and Recommendations of the Eminent Persons on Strengthening the Effectiveness of the OSCE* where it was stated that “Human security in general, and the security of the individual in particular, are seen as the individual and collective responsibility of all participating States. Human rights and security are inseparable” (point 24). All the aspects and

problems of human rights in the framework of OSCE are identified as having a “human dimension”, and respect for human rights is one of the fundamentals of the international order (Kuźniar, 246).

Bearing in mind the above considerations, one should try to define human security. Human security is a state and process that aims to ensure survival and existence and the opportunity of development as well as meeting the most basic needs of humans. This is a process because security is not ‘a permanent given’, it evolves and fluctuates and constant efforts must be made in order to maintain it. As a concept that should be implemented in practice, human security places human beings and their needs in the centre of its interest and analysis. National and international security are instrumental for human security, thus ensuring the former should ultimately serve people. “The best guarantee of human security is a strong, efficient, effective, but also democratically legitimate state that is respectful of citizens’ rights, mindful of its obligations and responsibilities and tolerant of diversity and dissenting voices” (Thakur, 90). For that reason human security should not be regarded as contradicting national security and should not replace it. These two dimensions of security are complementary (Thakur, 89). From the perspective of human security, national security is valuable but treated as one of many tools used for promoting individual’s interests (Kutz, 233–234).

Human security clearly embraces human development and this feature constitutes a significant aspect of this concept: firstly the concept is novel as the accent has shifted from national security to the security of individuals and groups representing the individual, and secondly it combines safety with the concept of sustainable development. Because of this, the concept of human security allows for holistic and complex analysis of the situation of the indigenous peoples in the Arctic, especially taking into account the specific security environment, as well as distinct threats to security, mostly of non-military character.

### **Threats to human security in the Arctic**

The Sami in the Arctic suffer from threats to their human security, most of which are caused by climate change. As K. Hossain claims, the major driver for the “rapid transformation of the region” is climate change (496). Climate change, including global warming,

has a huge impact on the ecosystem and way of life of indigenous peoples in the Arctic. According to the *2004 Arctic Climate Impact Assessment*,

“[...] climate changes are being experienced particularly intensely in the Arctic. The Arctic’s average temperature has risen at almost twice the rate as the rest of the world in the past few decades. Widespread melting of glaciers and sea ice and rising permafrost temperatures present additional evidence of intense Arctic warming. These changes in the Arctic provide an early indication of the environmental and societal significance of global warming” (8; for more details see: Goldberg, Badua, 59–76; Koivurova, online).

This may change the conditions that the Arctic species have been accustomed to. A rise in temperatures and a reduction in sea ice will, for example, drastically reduce “the marine habitat for polar bears, ice inhabiting seals and some seabirds, pushing some species toward extinction” (Hossain, 510). Apart from species’ migration there is also a risk of local overfishing (as a result of this migration) and – as the number of tourists is growing – also the risk of this growth’s negative impact on the environment and sensitive habitats (Jokela, 72). Traditional hunting is becoming more and more difficult as certain species are no longer present in their traditional areas at specific seasons so the hunters must travel and search for them in different areas (Hossain, 514). As K Hossein indicates, “in Northern Norway, local communities traditionally eat sea gull eggs and cod livers, which both carry additional warnings because of their possible containment pollutants” (514). This threatens the traditional way of life and culture of the Sami. As indicated in the report *Arctic security matters* edited by J. Jokela,

“[t]he shifting of animal ranges and migration routes, for example, may affect food sources and livelihoods for many indigenous peoples, with potentially serious consequences for human health, longstanding cultural traditions, and community survival. Indigenous, isolated and rural populations will be particularly vulnerable due to their environmental dependence and existing challenges relating to political and economic marginalisation, health and poverty challenges, and proximity to exposed locations near water bodies” (18).

Hence,

“a disconnection from the traditional land and a distancing from the distinct culture have become a reality in the case of many indigenous communities. Hunting, gathering, trapping and other traditional activities, such as reindeer

herding are in many parts of the Arctic being replaced by modern activities, such as tourism, mining and other industrialized activities. At the same time modern transportation, infrastructural change and state policies have increasingly affected almost all the features of indigenous lifestyles” (Hossain, 515).

All of the above considerations clearly prove that climate change threatens the survival and way of life of the Sami, and as a consequence, their human security. This was confirmed by Arctic coastal States in the *Ilulissat Declaration* adopted by Canada, Denmark, Norway, the Russian Federation and the United States of America on 28 May 2008 where they stressed that “[t]he Arctic Ocean stands at the threshold of significant changes. Climate change and the melting of ice have a potential impact on vulnerable ecosystems, the livelihoods of local inhabitants and indigenous communities, and the potential exploitation of natural resources” (1).

This is connected with the ice melting which may contribute to the exploitation of what have been up to now inaccessible hydrocarbons and minerals. This in turn may lead to serious negative consequences for the Arctic ecosystem, including indigenous communities (Bergh, 1, 5). Extensive economic development in the Arctic may result in higher levels of pollution in this unique environment. Other dangers connected with the higher economic exploitation of the Arctic involve: increased shipping and navigation, increased land transportation connecting the sea ports and an increase in onshore mining activities and the expansion of the extractive industry’s activities (Hossain, 211). A report *Arctic security matters* draws attention to another aspect of ice melting: “[l]oss of ice especially interferes with indigenous lifestyles, but rising sea levels threaten cities and harbours as well as villages” (Jokela, 70).

In this context one may notice that human security in the Arctic also embraces environmental security which may be defined as “avoiding or mitigating acts leading to environmental damage or deterioration that could violate the interests of states and their populations, in particular their northern and northern indigenous peoples” (Huebert, Exner-Pirot, Lajeunesse, Gullledge, 2). Ensuring environmental security in the Arctic is extremely important especially taking into account such incidents as the Deepwater Horizon spill in the Gulf of Mexico in 2010. There are fears of similar threats coming from drilling in the Arctic waters (Huebert, Exner-Pirot, Lajeunesse, Gullledge, 6). For example, mining activities may cause higher emissions of greenhouse gases

and in this way contribute to even faster climate change and ice melting in the Arctic (Hossain, 512). Development of oil and gas extraction is another reason for worries as drilling operations in the ecologically sensitive Arctic waters may cause an oil spill with tremendous consequences to the coastal fishing sector upon which many small communities rely (Graeves, 19). Oil spills in the Arctic waters may also damage or endanger coastal habitats and wildlife. Indigenous peoples in the Arctic, the Sami including, are concerned about all the negative consequences for the Arctic ecosystem and their own lifestyle. For example Aili Keskitalo, President of the Sami Parliament in Norway, stated that “[t]he degradation of the environment in Inuit and Saami traditional territories caused by e.g. pollution, non-sustainable natural resource extraction and climate change constitute a great threat to their traditional lifestyles and culture” (Graeves, 16).

Reindeer husbandry is of extreme importance to the Sami as it is their traditional livelihood as well as integral part of their culture. Consequently threats to the reindeer husbandry are considered threats to the Sami culture (Graeves, 15, Bunikowski, online). Sami culture also includes their language and its preservation. All of these elements are necessary components of the indigenous Sami identity. Reindeer herding is also linked to the threats to reindeer grazing areas. Their preservation as such is necessary for reindeer herding. These areas are shrinking because of development of new mines and mining activities, windmill farms and growing concern over the possible impacts of oil and gas extraction development. Moreover, even if despite the protests of indigenous communities of Sami activities such as mining are undertaken, the Sami have no benefits from this (Graeves, 17). The Sami are not against mining in principle but oppose the opening of new mines that may compromise “the continued viability of the reindeer herding industry” (Graeves, 18).

Another threat to human security of the Sami in the Arctic is the possibility of the remilitarization of the Arctic. Analysts claim that generally – despite some disputes between Arctic States – these States cooperate and resolve all their disputes peacefully. However, at the same time the trend toward modernizing military forces present in the Arctic is visible. If one day – hopefully not – co-operation stops or is under strain, the Arctic may turn into a hostile environment (Huebert, Exner-Pirot, Lajeunesse, Gullede, 3) with the Sami indigenous peoples as its main victims. Consequently, this trend should be stopped and reversed. Still, K. Hossein claims that there is little chance of military confrontation

in the Arctic (Hossain, 505). In principle, individuals may be safe only if their state is secure as “individuals are the ultimate victims of any security threats” (Hossain, 493)<sup>9</sup> but human security in the Arctic is specific and does not fit well into the traditional concepts of security. This is the result of the specific environment comprising most of the Arctic waters. There is another aspect of remilitarization of the Arctic linked to the possibility of nuclear pollution and its negative consequences for the environment as well as human and animal health “as a result of toxic waste and unsafe disposal of obsolete nuclear items , which applies to Russia in particular” (Jokela, 71).

### **International law on indigenous peoples from the perspective of human security**

The *UN Declaration on the Rights of Indigenous Peoples* contains some provisions that fit into the concept of human security. Its implementation would contribute to the implementation of the latter. At the very beginning, the preamble of the *UN Declaration* mentions that “the demilitarization of the lands and territories of indigenous peoples [contributes] to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world” (1–2) and that “the recognition of the rights of indigenous peoples in this declaration will enhance harmonious and cooperative relations between the state and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith” (3). These are the very first considerations of the *UN Declaration* which indicate conditions necessary for human security of indigenous peoples in general: demilitarization connected with peace and social and economic development, recognition of the rights of indigenous peoples as a prerequisite to peace and co-operation between States and a more just world.

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<sup>9</sup> The U.S. has its military base in Greenland – Thule Air Base which was established despite protests from the Inuit indigenous people who had to be forcibly relocated from their homes. The base was established without prior consultation with the Inuit – see: K. Christensen, J. Sørensen, *The Forced Relocation of the Indigenous People of Uummannaq, or How to Silence a Minority*, Humanity in Action, available at: [https://www.google.pl/search?q=thule+base+greenland&ie=utf-8&oe=utf-8&gws\\_rd=cr&ei=TBDtVu-MHYb36AS-rYjwCQ#q=thule+base+greenland+indigenous+peoples](https://www.google.pl/search?q=thule+base+greenland&ie=utf-8&oe=utf-8&gws_rd=cr&ei=TBDtVu-MHYb36AS-rYjwCQ#q=thule+base+greenland+indigenous+peoples) (accessed 28 March 2016).

The most relevant Articles in the *UN Declaration* from the point of view of the human security of indigenous peoples in the Arctic are the following:

- Art. 4 on self-determination, autonomy and self-governance (similar provisions may also be found in the 2005 draft *Nordic Sami Convention's* Chapter II on Sami governance and *ILO Convention 169* in Arts. 6–7);

- Art. 8 prohibiting forced assimilation or destruction of the indigenous culture, depriving indigenous peoples of their lands and resources (it reflects the general obligation of addressing grievances of peoples as a lack of such reaction may cause frustration);

- Art. 10 on the prohibition of forced removal from the indigenous territories and relocation without the free, prior and informed consent of the indigenous peoples (similarly as with Art. 8 implementation of this Article will contribute to stability and security in the Arctic);

- Art. 18 and 19 on the rights of indigenous peoples to participation in decision-making in matters that affect their rights, the obligation of States to consult and cooperate with the indigenous peoples in order to obtain their free, prior and informed consent before taking any action affecting them (these provisions are connected to self-determination and reflect the rule “nothing about us without us” and as such should in part prevent activities detrimental to the Arctic environment such as pollution and oil and gas extraction);

- Art. 20 states that “indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities” and expressly pointing to the social and economic security of the indigenous peoples as components of human security. Implementation of this provision will prevent the eradication of traditional economies of indigenous peoples and their customs;

- Art. 21 is directly connected to the previous article as it mentions the right of indigenous peoples to “the improvement of their economic and social conditions, including inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security”;

- Art. 23 on the right to development (development is a part of human security. The draft *Nordic Sami Convention* contains Art. 40 on sustainable development. Sustainable development is linked

to the environmental protection and may be regarded as a manner of protecting the Arctic environment against the detrimental impact of industry, especially the extractive industry);

- Arts. 25–26 and 28 which recognize the special meaning of the lands of indigenous peoples and their spiritual relation with the land (for more details see: Graver, Ulfstein, 337–377; Minde, 107–125);

- Art. 30 which generally forbids military activities on indigenous lands (and may be used as an argument against potential militarization of the Arctic);

- Art. 36 which is relevant for the Sami in the Arctic as it recognizes the right of indigenous peoples divided by borders to “maintain and develop contacts, relations and co-operation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders”;

- Art. 43 which recognizes the *UN Declaration* as a minimum standard.

The most fundamental prerequisite for human security of the Sami in the Arctic is the right to self-determination. Art. 3 of the *UN Declaration* mentioned above refers to the right of self-determination of indigenous peoples which means the ability to freely “determine their political status and freely pursue their economic, social and cultural development”. Self-determination is connected to the right to autonomy or self-governance in matters relating to internal and local affairs of indigenous peoples (Art. 4 of the *UN Declaration*). As already mentioned, this formula indicates that self-determination should be exercised, first of all, in the form of autonomy. Self-determination may be exercised in the external form leading to secession but as M. Fitzmaurice rightly claims, “[e]xternal self-determination is not only secession from a State but also considered to be the right to participate in international organisations and conferences, a treaty-making power” (144). Moreover, as mentioned, indigenous peoples do not intend to secede from their States.

With regard to the right to self-determination in the form of self-governance, the Sami in the Nordic States are represented in their respective states by the Sami Parliaments and also at the regional level in the Arctic Council by six permanent representatives. Sami Parliaments were established in 1989 in Norway, 1995 in Sweden and in 1996 in Finland. Their task is to “promote and support Saami cultural and political rights and development” (Fitzmaurice, 82). As a result, there are institutions



for Sami self-governance, although their functioning is not free from flaws or difficulties (Kuokkanen, 39–62). Moreover, Finland and Sweden have still not ratified the *ILO Convention 169*. Neither has Russia. So far only Norway has ratified the Convention (the list of the ratifications: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:312314](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312314)).

*The Nuuk Conclusions and Recommendations on Indigenous Autonomy and Self-Government* of 1991 state that “autonomy is meaningful for indigenous peoples because it is a prerequisite for achieving equality, human dignity, freedom from discrimination and the full enjoyment of all human rights” (art. 4) and further that autonomy is “beneficial to the protection of the natural environment and maintenance of an ecological balance which helps to ensure sustainable development” (Art. 6) (Loukacheva, 14). Autonomy as a form of internal self-determination and self-governance enables the indigenous peoples to participate in public affairs and in the decision-making in matters that affect them. Its implementation is crucial to survival and social, political, economic and cultural development of indigenous peoples (Loukacheva, 14), in other words to their human security.

Autonomy means being able to participate in decision-making in matters that directly affect indigenous peoples and “cultural, political and legislative inclusion of indigenous (the Saami people) into the national system, sufficiently broad to have an impact on the policies of a state” (Fitzmaurice, 147). Many times the *UN Declaration* emphasises the necessity of free, prior and informed consent of the indigenous peoples for actions or enterprises that might affect their rights (Arts. 10, 11 (2), 19, 26 (2), 28 (1), 29 (2), 32 (2) some of which have been mentioned above). These references to free, prior and informed consent are reflections of the possibility of making decisions in matters that affect the Sami, in other words the principle of self-determination and self-governance.

According to N. Loukacheva, autonomy may be characterised by the following features:

- “- a strong voluntary will of the population to achieve autonomy;
- existence of particular geographical, demographic or historical factors;
- cultural, linguistic, ethnic distinctiveness;
- the creation of a legislative body elected by local residents in a democratic way and capable of enacting its own legislation; as well as the establishment of an executive body;
- provisions of conditions for economic sustainability and a financial base versus fiscal dependency on central/federal authorities and pragmatic

expectations of future financial independence and liability for managing its own affairs;

- [...] the desire and ability of all residents of the autonomous entity to be a part of existing or building structures and institutions, making them more amenable to peoples' aspirations and needs" (Loukacheva, 20).

As K. Hossain rightly states, "the strengthening of the idea of self-determination will provide the Arctic indigenous peoples with a broader authority to achieve the goal of human security, applicable in this particular regional context" (496). Consequently, the human rights of the Sami and their right to self-determination must be respected in order to reach the state of human security of the Sami in the Arctic. Human security of indigenous peoples in general, and the Sami in particular, embraces health, education, housing, employment, development and environmental protection, protection of traditional values and customs of indigenous peoples (Baer, 249).

### **Concluding remarks**

When implementing human security in the Arctic one must take into account the specificity of the region and its unique ecosystem. The main threats to human security in the Arctic that affect the Sami are not armed conflicts (although the trend toward remilitarization is rather disturbing) or acts of terrorism or organized crime but climate change, pollutants, the impact of the industry on the environment and eradication of traditional economies and customs of indigenous peoples. An adaptation to changing circumstances is necessary but in the end adaptive capabilities may not be sufficient. Climate change may lead to the reduction or even elimination of the existing resources of the indigenous peoples in the Arctic.

For the Sami "human security means protection and preservation of environmental integrity surrounding the lands on which they live. The degradation of the unique Arctic ecosystem provides a major insecurity since the health of the ecosystem is integrally linked to culture on many indigenous peoples in the Arctic" (Hossain, 515). To the Sami it is relevant to have their lands and their traditional use maintained, to preserve and revitalize the Sami culture and language and to maintain political autonomy and self-governance of the Sami. As Erica-Irene Daes indicates:

“Land is not only an economic resource for indigenous peoples. It is also the peoples’ library, laboratory and university; land is the repository of all history and scientific knowledge. All that indigenous peoples have been, and all that they know about living well and humanely is embedded in their land and in the stories associated with every feature of the land and landscape” (264–265).

Human security of the Sami in the Arctic requires maintenance of distinct indigenous identity, customs, beliefs and values, languages, control and management of indigenous lands and natural resources (Arctic Human Development Report). It requires a meaningful self-governance of indigenous peoples and human development. As indicated in the *UN Resource Kit on Indigenous Peoples’ Issues* “one of the root causes of poverty and marginalization for indigenous peoples is the loss of control over their traditional lands, territories and natural resources. Denying them the right to live on their lands and territories and to manage natural resources in a sustainable manner has resulted in further marginalization and exclusion” (10). As mentioned, international instruments such as the *UN Declaration on the Rights of Indigenous Peoples* and the *ILO Convention 169* recognize the strong and even spiritual ties between indigenous peoples and their traditional lands and recognize those peoples’ rights to own and control their lands and, with certain restrictions, to use and manage the natural resources on those lands (Arts. 25–26 of the *UN Declaration* and Art. 14 of *ILO Convention 169*). In order to ensure the human security of the Sami, the specificity of the security environment and threats that are distinct from most common and regular threats to human security in the South must be taken into account. Indigenous peoples are distinct groups with special needs, customs and values. Their human security cannot be ensured without respect for these customs and values. It should be stressed once again that the Sami must be able to decide on matters affecting them, especially with reference to their traditional lands and territories.

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