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SEARCHING FOR A VOICE: THE INDIGENOUS PEOPLE IN POLAR REGIONS

by Eunjung Park*

Despite the perception of outsiders that it is a frozen land, the Arctic is home to over 3.5 million indigenous people, including the Inuits, the Saami, the Chukchi, and many more.¹ Interestingly, one of the main differences between the two Polar Regions is the absence of indigenous people in the Antarctic and the presence of them in the Arctic.

These indigenous people's lives are affected by environmental changes, including climate change, chemical contaminants from their diet of sea-mammals, and over-fishing.² Climate change, especially, has impacts on food accessibility, availability, and personal safety. Thawing of permafrost brings instability to the community infrastructure, and substantial investment will be required to adapt the community structure, or relocate the community. Coastal indigenous communities are threatened by erosion because of melting sea ice, and up to eighty percent of Alaskan communities, comprised mainly of indigenous peoples, are at risk of coastal erosion.³ Coastal erosion impacts the residents and structures, as waves eat away sea walls and barriers that the indigenous people have used to build their communities.⁴

Indigenous people in Arctic observe and experience climate change first-hand.⁵ They notice the change in weather and glaciers and notice the changes in the group size or migration routes of certain species affected by climate change. Indigenous people are also a source of traditional knowledge as they have responded to major climatic and environmental changes by altering group sizes, relocating, and being flexible with seasonal cycles in hunting or employment.⁶ For example, the Inuit hunters have proved to be capable of identifying the new travel routes of species such as geese and caribou as they shift their migration in response to the climate change.⁷ However, the indigenous people have very limited opportunity to effectively voice their opinions in international dialogue on environment.

The Arctic Council, since its establishment, has become a forum for "circum-Arctic co-operation" where indigenous people are able to contribute to the discussions and cooperation on sustainable development and environmental protection in the Arctic.⁸ In 1991, eight arctic states signed the Declaration on the Protection of the Arctic Environment and the Arctic Environmental Protection Strategy ("AEPS") to establish the Arctic Council in 1996.⁹ In addition to the member countries, the Arctic Council welcomes the equal participation of indigenous communities for full consultation with and participation of the

indigenous people who reside in the Arctic, yet do not have a voice otherwise. The Arctic Council is considered a soft-law organization essentially operating outside of international law, and the outcomes of the Council are not considered binding. Beyond the Arctic Council, however, indigenous peoples in the Arctic have no other opportunity to participate in the international community's decision-making process on environmental changes, which affects their daily lives.

The international community should recognize the need

for indigenous people in the Arctic to participate in international dialogue on environmental issues, like climate change, through means such as the United Nations Framework Convention on Climate Change.¹⁰ Indigenous people should be given a status equivalent to the United Nations Permanent Forum on Indigenous Issues as they have the mandate to "discuss indigenous issues within the mandate of the United Nations Economic and Social Council." Without the indigenous people to provide input, the Conference of Parties has taken adaptive and mitigating measure against climate change that have adverse impacts on the indigenous people in Polar regions and elsewhere.¹¹ Additionally, this lack of platform for the indigenous people results in disproportionate emphasis on certain issues. For example, protection of polar bears has been emphasized greatly, while preserving the long-standing Inuit culture and source of subsistence of hunting polar bears failed to receive sufficient attention.¹²

The Arctic states should also empower the indigenous people in the Arctic so that they can participate in international dialogue, and support them as they make efforts for economic development. Canada has granted a semi-autonomy plan for a mainly Inuit region of Quebec in 2007 in order to promote the socioeconomic development that meets the need of the Inuit.¹³ Canada also has designated a federal funding for the Canadian Arctic Indigenous Peoples Against POPs to assist the indigenous people to participate in the international dialogue.¹⁴ Actions taken to affirmatively support indigenous people in each Arctic state will contribute to the overall elevation of indigenous status in environmental dialogue in the Arctic.



Endnotes: Searching for a Voice *continued on page 64*

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ENDNOTES: **SEARCHING FOR VOICE** *continued from page 30*

¹ UNEP, Geo-2000: Global Environment Outlook, Social and Economic Background, <http://www.unep.org/GEO2000/english/0118.htm> (last visited Mar. 21, 2008).

² EPA, Polar Regions, <http://www.epa.gov/climatechange/effects/polarregions.html> (last visited Feb. 18, 2008).

³ Patricia Cochran, *Alaska Natives left out in the cold*, BBC NEWS, Jan. 4, 2007, available at <http://news.bbc.co.uk/2/hi/science/nature/6230731.stm> (last visited Feb. 18, 2008).

⁴ David Atkinson, *Research Highlight—Losing the Edge: Coastal Erosion in the Arctic*, (Oct. 12, 2004), available at http://www.iarc.uaf.edu/highlights/2004/coastal_erosion/index.php (last visited Mar. 21, 2008).

⁵ Jan Salick & Anja Byg, *Indigenous People and Climate Change*, A TYNDALL CENTRE PUBLICATION 13 (May 2007).

⁶ Salick & Byg, *id.* at 15.

⁷ IPCC, WORKING GROUP II FOURTH ASSESSMENT REPORT: CLIMATE CHANGE 2007—IMPACTS, ADAPTATION AND VULNERABILITY 674 (2007).

⁸ IPCC, *id.* at 676.

⁹ David Vanderzwaag et al., *Arctic Environmental Protection Strategy*, 30:2 DENV. J. INT'L. & POL'Y, 131, 133 (2005).

¹⁰ Global Justice Ecology Project, *Indigenous Peoples Protest UNFCCC* (Dec. 7, 2007), available at <http://www.globaljusticeecology.org/connections.php?ID=81> (last visited Mar. 21, 2008).

¹¹ *See generally* PERMANENT FORUM ON INDIGENOUS ISSUES SEVENTH SESSION, IMPACT OF CLIMATE CHANGE MITIGATION MEASURES ON INDIGENOUS PEOPLES AND ON THEIR TERRITORIES AND LANDS, E/c. 19/2008/10 (Mar. 19, 2008), *available at* http://www.un.org/esa/socdev/unpfii/documents/E_C19_2008_10.pdf (citing market based mechanisms, carbon trading, agrofuels and especially avoided deforestation (REDD) as examples).

¹² Jesper Jansen, *Hunting Polar Bears is Not the Problem*, ARCTIC COUNCIL, Feb. 5, 2008, *available at* http://arctic-council.org/article/2008/2/hunting_

[polar_bears_is_not_the_problem](#) (describing that despite the significance of protection of polar bears, polar bears are one of the major means of subsistence for the Inuit) (last visited Feb. 29, 2008).

¹³ BBC News, *Canada Signs Inuit Autonomy Plan* (Dec. 6, 2007), *available at* <http://news.bbc.co.uk/2/hi/americas/7130539.stm> (last visited Feb. 18, 2008).

¹⁴ Indian and Northern Affairs Canada, *Working Together: Strengthening Global and Circumpolar Cooperation*, http://www.ainc-inac.gc.ca/pr/pub/indigen/wkin_e.html (last visited Mar. 21, 2008).
