Self-government is considered a way of implementing the right to self-determination.

Self-government arrangements typically do not recognize Indigenous people’s right to self-determination or their prior sovereignty, but delegate authority from the state.

Negotiated Indigenous self-government structures resemble those of state institutions and there is a common tendency toward Western parliamentary style institutions.

Challenge

By definition, self-government refers to arrangements with the state in which an Indigenous people have been delegated certain administrative, representational or consultative authority and tasks. As such, self-government is premised on relations of domination and thus it is not surprising that there is wide criticism of these arrangements among Indigenous people.

Introduction

Self-government in general is a political arrangement that enables a group to govern themselves according to their own will and through their own institutions. In theory, self-government is free from external governmental control or political authority. In practice, however, self-governments typically are delegated authorities and commonly come with a number of strings attached and various forms of external interference. Typically, self-government is outlined in terms of specifically defined areas of jurisdiction such as education, health care, policing, resource management, and cultural affairs.

Self-determination and self-government are distinct concepts although they are often used synonymously. In simplest terms, self-determination is the principle of international law – or as I argue, foundational value for Indigenous peoples. Self-government is typically the practical arrangements of that principle. For many Indigenous peoples, self-government has become the main approach of exercising and implementing the right of self-determination. It is important to note, however, that self-government is not the only way of implementing self-determination. Considering the diversity of the world’s Indigenous peoples and their social, political and cultural traditions, there is no single approach or model for self-government.

This brief considers the scope and structures of the existing political arrangements and institutions in three regions: the parliamentary system of Greenland with extensive political autonomy (yet remains part of the Kingdom of Denmark); the elected representative bodies of the Sámi Parliaments which operate under the constitutions of Finland, Sweden and Norway; and the main models of organizing Indigenous self-government in Canada. In the Canadian context, the focus of the analysis is not on a specific First Nation. Instead, I examine the predominant state-driven self-government policy and approach.
1: Greenland: From Home Rule to Self-Rule

Before the Home Rule Act was introduced in 1979, the people of Greenland were involved in running their own country and affairs in very limited terms. Over 80% of Greenland’s population are Indigenous Inuit. The large island, mostly covered by an ice sheet, was colonized by Denmark. After the Second World War, Greenland became a Danish “non-self-governing territory” until 1953. As a result of growing dissatisfaction with the Danish rule, an internal Home Rule Committee was created in 1973. The objective was to establish a Home Rule arrangement within the Danish realm. The overarching principle of the Greenland Home Rule Act was the devolution and delegation of legislative and executive authority from Danish to Greenlandic authorities, within certain areas of jurisdiction.

Greenland Home Rule was a delegated authority with sovereignty vested firmly in Danish crown. It did not recognize the sui generis self-determination of the Inuit Greenlanders. Home Rule was a public government focused on the building of the Greenlandic nation structured around key concepts and institutions of Western nation-state such as democracy and parliamentarianism. At the turn of the century, after two decades of Home Rule, the Landstyre had assumed the responsibility of practically all areas of jurisdiction stipulated in the Home Rule Act. The Landstyre recognized the need for a reform of Greenland’s political and legal status within Denmark and established the Greenland Commission on Self-Governance.

In November 2008 a referendum was held in Greenland on expanded self-rule and 75 per cent voted in favor of expanding Greenland’s autonomy. As the result, the Greenland Self-Government Act replaced Home Rule arrangement in 2009. The Act contains 33 areas of jurisdiction for the new self-rule government (called Naalakkersuisuit or the Government of Greenland) to exercise legislative and executive authority over. Most important of these is the mineral resources. The early years of the self-rule, the development of oil, gas and mineral resources dominated the public debate. Greenland’s national economy is the biggest challenge of implementing self-government in Greenland.

Since Home Rule, Greenland’s governance structure has been a Nordic-style unicameral cabinet-parliamentary system. There were no changes to the governance structure in the Self-Government Act except a name change: the Danish terms for the parliament (Landsting) and the government (Landstyre) were replaced with Greenlandic ones (Inatsisartut and Naalakkersuisuit). Unlike the other Inuit jurisdiction Nunavut (Canada), Greenland has expressed no intention of or interest in establishing a government based on Inuit values and governance principles. Greenlanders who participated in my study discussed the continued presence of Danish authority and influence present in the laws, standards, values and administration of Greenland self-rule. This shows that political institutions are not merely empty or neutral shells. While they can be filled by Indigenous bodies, the institutions come with their own underlying values, notions of power and ways of organizing and distributing that power.

The common view in Greenland is that Inuit governance is above all a matter of representation. This means that as long as Greenlanders – in other words, Inuit in Greenland – hold the most positions of political power and legislative authority (at the Inatsisartut and Naalakkersuisuit), the Inuit political power is secured. However, not everybody agrees that having a government and a parliament consisting
of Greenlandic representatives equals Inuit decision-making authority. For some, the idea of and demand for ‘Inuit governance’ was problematic, particularly because it assumes uniformity of Inuit culture and traditions.

2: Canada: The Indian Act Administration and Self-Government Agreements

With 60 to 80 culturally and politically distinct Indigenous nations or peoples, the question of self-government in Canada is far more complex than in Greenland or Sápmi. Many Indigenous nations are further divided into over 600 bands or communities created by the Indian Act administration. Different Indigenous nations and groups have very different views and positions on self-government. There are other questions to take into account when considering Indigenous self-government in Canada: are we discussing continuing forms of sovereignty (such as the Haudenosaunee Confederacy and the Six Nations), the implementation of the historical treaties signed mostly in the 19th century, or the modern land claims and self-government agreements?

In this section, I examine self-government implementation processes. I draw on interviews with members of different First Nations conducted in southern Ontario, Lower Mainland and southern Vancouver Island in British Columbia, and a Sahtú Dene community in the Northwest Territories.

Indigenous and non-Indigenous scholars have long debated whether self-government is an adequate answer or a solution to the pressing issues affecting Indigenous people and their communities. Since the 1980s, there have been a number of studies and initiatives, most notably the Special Committee on Indian Self-Government and its Penner Report (1983) and in the 1990s, the Royal Commission on Aboriginal Peoples (RCAP) that have recommended the development of a process and framework for the implementation of Aboriginal self-government. The RCAP recommended a number of ways to restructure Indigenous peoples’ relationship with the state. Suggestions included the nation model, the public government model, and the community interest model.

We can look at the current landscape of Indigenous self-government in Canada through different lenses. Besides the models proposed by the RCAP report and others, federal government, under its “Inherent Rights Policy,” has identified a series of models for self-government arrangements that more or less follow the lines of the three groups of Aboriginal peoples in Canada: First Nations (the standard model seeking to replace the Indian Act through negotiations), Inuit (public government approach), Métis (with or without land base) and the territories (comprehensive land claims). Other ways of categorizing include dividing self-government arrangements into traditional, legislated (e.g., the Indian Act governance), and negotiated self-government (both inside and outside modern treaty making). However, the Indian Act legislation can hardly be considered a form of self-government because it renders nearly all decisions by the chief and council system to the approval of the federal Minister of Indigenous Affairs.

There are currently 25 signed self-government agreements involving 43 Indigenous communities in Canada. Most of them are part of a comprehensive land claim agreement. Not all modern land claims include governance. The 1984 Inuvialuit Final Agreement, for instance, contains no provisions for self-government yet the Inuvialuit Land Administration could be considered a self-government institution. Some land claim agreements, such as the Sahtú Dene and Métis Comprehensive Land Claim Agreement
in the Northwest Territories, provide for the negotiation of self-government at a later date.

3: Sápmi: Self-Administration through Sámi Parliaments

Whereas Indigenous political mobilization in Canada and Greenland has resulted in land claims and self-government agreements, Sámi land rights are only partially recognized in the northernmost county of Norway, Finnmark. Differences in the Nordic governments’ Sámi policies are reflected in the different institutional design, status, authority, and mandate of the three Sámi Parliaments in Norway, Sweden, and Finland.

The three Sámi Parliaments are simultaneously elected Sámi representative bodies and government agencies in charge of administering Sámi-related affairs, specifically Sámi cultural policy. All three Sámi Parliaments have somewhat ambivalent mandates but one thing is clear: they have been established as mainly consultative or advisory bodies rather than self-governing institutions. The Sámi Parliaments exercise limited decision-making authority over their own affairs, mainly through the administration and dissemination of state funding in areas of education, language, health, and social services. In addition, the Sámi Parliament in Norway has been delegated the authority over Sámi cultural heritage, including the responsibility for sacred sites.

The main difference between self-government and self-administration is of authority: in the former, an institution has decision-making powers over its own affairs, including resource use, civil affairs, and economic development. In terms of core functions, self-administration is limited to administering programs, service delivery, and distribution of resources such as jobs and money. In addition to program administration, the core functions of self-government include establishing constitutional foundations, making and enforcing laws, as well as making and implementing policy decisions. In self-government, intergovernmental relations are characterized by partnerships, joint decision-making, and mutual respect whereas in self-administration, only consultation is required. Sámi Parliaments are not self-governing bodies, but exercise self-administration through distribution of resources. They are funded by their respective national governments and have a right to consultation with the governments.

The emphasis of the two incompatible functions (elected representative bodies and administrative authorities) between the three Sámi Parliaments varies greatly. In the past few years, the Sámi Parliament in Norway has increased its authority and political influence. It has most clout as a representative assembly with some decision-making authority. The function of the Sámi Parliament of Sweden is limited mainly to a state administrative body, creating conflicts with regard to the decision-making authority and more fundamentally, constituting a structural obstacle to Sámi self-determination. The Sámi Parliament in Finland has no power or decision-making authority except in a limited number of internal matters and allocating funding to projects related to the Sámi language, education, and culture. Focusing on culture while ignoring legal and political status of Indigenous peoples essentializes Indigenous peoples and reduces Indigenous rights to minority rights.

4: Key Observations Comparing the Three Cases

A comparative analysis of Indigenous self-government models demonstrates that regardless of the regional, geopolitical, cultural, and other, sometimes significant differences,
there is a fundamental tendency toward Western parliamentary style institutions and arrangements. In part, this is due to the insistence by the states with whom Indigenous peoples are expected to negotiate their autonomous arrangements. It is often is also the expressed preference of Indigenous leadership.

A comparison between the three regions illustrates two distinct phenomena: while there is no uniform, single form of Indigenous self-government, the imperative of negotiating the outcome with the state frequently results in arrangements resembling those of the state institutions and structures. Indigenous self-government is typically regarded as requiring a localized, culturally specific, and territorialized application and practice. However, the exercise of Indigenous self-determination seldom is localized, territorialized, or culturally specific all at once.

In Canada, negotiated self-government agreements are rarely culturally specific because they typically follow the formula set by the federal government. The Sámi Parliaments in the three Nordic countries are neither localized, territorialized, nor culturally specific. Notably, there has been little interest by a majority of the Greenlanders and the Sámi in exploring what localized, culturally specific self-government arrangements could look like.

Greenland has achieved what most Indigenous peoples can only dream about: complete authority over nearly all of their own affairs. Greenland self-government is commonly considered a successful example of implementing and exercising Indigenous self-determination. It is, however, a public government not based on international norms for Indigenous peoples’ rights. For many Inuit Greenlanders, self-government is a step toward the ultimate goal of full independence. This is possible under the current self-government legislation. Thus, in Greenland self-government represents a process toward modern nationhood and nation-building within the framework of Western institutional arrangements.

In terms of political authority, the Sámi Parliaments are at the other end of the spectrum. Their decision-making powers are limited in areas which would give practical effect to Sámi self-government: health care, social services, schools, child welfare, land and natural resources management, hunting and fishing permits, housing, infrastructure, and policing. These areas are typically on the agenda when negotiating self-government agreements with Indigenous peoples (including in Greenland and Canada). The role of the Sámi Parliaments in these and other affairs is typically limited to consultation when decisions related to the Sámi people are made by the municipal, regional, or state administration.

Indigenous self-government arrangements examined here are all delegated authorities, meaning that their powers derive from the state. While broadly accepted in Greenland and Sápmi, many Indigenous people in Canada are very critical of the delegated authority of self-government (as it is currently negotiated with the state). It is seen to legitimate the colonial state as the ultimate authority rather than acknowledging and accepting the on-going sovereignty and prior occupancy of Indigenous nations.

Another key similarity is that in spite of their considerable differences, the Sámi Parliaments, exclusive resource rights and thus jurisdiction over hunting and fishing.

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1 In Norway, the Sámi Parliament is involved in land and natural resources co-management of the northernmost county through representation in the Finnmark Estate. In Sweden, as a result of the 2016 court decision, one Sámi community (Girjas sameby) has
Greenland self-government institutions, and negotiated self-government arrangements in Canada are modeled after Western political institutions, with little consideration of the role of Indigenous structures or values in establishing these institutions. In all three regions, state policies toward Indigenous people represent colonial relations of domination that stand in the way of the value of Indigenous self-determination.

Recommendations

1. Reject the culturalization of Indigenous rights, which means that Indigenous rights viewed only as cultural and/or linguistic rights, and Indigenous peoples only as cultures. Instead, recognize Indigenous peoples as distinct peoples and political entities with their own forms of organization.

2. Dismantle state practices of incorporating Indigenous peoples more extensively into the colonial structures through, for example, negotiating self-government agreements dictated by the state.

3. Examine the common, yet often hidden, Western influence present in Indigenous institutions, values, and political or representative arrangements.