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**To cite this article:** Barry Scott Zellen (2020) Tribe-state collaboration and the future of arctic cooperation: Moderating Inter-State Competition through Collaborative Multilevel Governance, from Yesterday's Trading Posts to Today's Arctic Council, 'Arctic Exceptionalism' is Here to Stay, The Polar Journal, 10:1, 113-129, DOI: [10.1080/2154896X.2020.1757825](https://doi.org/10.1080/2154896X.2020.1757825)

**To link to this article:** <https://doi.org/10.1080/2154896X.2020.1757825>



Published online: 01 Sep 2020.



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ARTICLE



## Tribe-state collaboration and the future of arctic cooperation: Moderating Inter-State Competition through Collaborative Multilevel Governance, from Yesterday's Trading Posts to Today's Arctic Council, 'Arctic Exceptionalism' is Here to Stay

Barry Scott Zellen

Center for Arctic Study and Policy (CASP), United States Coast Guard Academy, New London, CT, USA

### ABSTRACT

A long history of collaboration between the indigenous peoples and the sovereign states of Arctic North America has helped the Arctic region become one of the world's most stable and cooperative regions, dating as far back as the colonial era's chartered companies and the network of northern trading posts they established, and continuing into contemporary times with the introduction of new institutions for self-governance at the domestic level, and for diplomatic collaboration at the international level through the Arctic Council. This stability has yielded a widely recognised spirit of international collaboration often referred to as 'Arctic Exceptionalism.' This exceptionalism has come under new pressures from the recent shift towards great power competition in the Arctic, as articulated in revised diplomatic and strategic policies of numerous states with Arctic interests and/or aspirations, in notable contrast to prior decades of an explicit mutual commitment to Arctic collaboration. This long history of economic integration and globalisation, dating back to the days of the Hudson's Bay Company (HBC) and Russian America Company (RAC), has established an enduring foundation for the region's continued stability, sustained by the dynamic and increasingly frequent interactions between indigenous peoples and sovereign states, from the very first trading posts to today's globalised mix of multinational and native-owned corporations borne of the Arctic land claims experience.

### Historical introduction

An imperial crossroads of global – and in particular, economic – importance for centuries, Arctic North America remains largely underdeveloped and underpopulated when compared to other such crossroads of empire around the world. It is a vast, single region spanning five littoral countries (and three non-littoral countries), and encompassing numerous and diverse regional jurisdictions with significant indigenous populations – often local demographic majorities, and when not, usually major pluralities. The transnational nature of the Arctic is rooted in the region's distinct history shaped

**CONTACT** Barry Scott Zellen  [barryzellen@yahoo.com](mailto:barryzellen@yahoo.com)

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primarily by global trade – particularly in furs, minerals, whales, and other marine mammal products – with agents of trade from whaling fleets to Crown chartered companies playing an outsized role, acting as proxies for distant sovereigns and in many cases, acting as quasi-sovereigns. Combined with the endurance of significant regional indigenous majorities and pluralities, this long history of economic integration and globalisation has established an enduring foundation for the region’s continued stability and collaboration, and continues to cast its influence into our era, an era of globalisation and multinational corporations (MNCs) and, increasingly, non-Arctic states, catalysing increasingly dynamic interactions with indigenous peoples, polities and corporations across the Arctic.<sup>1</sup>

This becomes evident as you scan Arctic history from a global perspective, whether in imperial Russia’s northeastward expansion and conquest of Siberia, driven in large measure by the expanding fur empire that integrated Russia’s remote, Arctic territories into Russia’s expanding imperial polity; in the European Arctic, it was a similar thirst for furs that drove not just Russia’s eastward but also its northward expansion, along with maritime commercial interests such as those of Britain’s Muscovy Company and its predecessor, the Company of Merchant Adventurers to New Lands which cast its yearning along Russia’s Arctic coast for a Northeast Passage to the Orient in the middle of the 16<sup>th</sup> century, pushing east to the Barents and White Seas and beyond past Nova Zemlya and the Kara Sea, finding lucrative fur, whale and fisheries stocks along the way.<sup>2</sup> A similar quest by explorers and their state and corporate sponsors for a Northwest Passage beyond Greenland’s western shores and through the frozen archipelago north of Canada’s mainland had a similar effect; combined with the expansion of fur trading networks throughout the interior of North America’s remote far northwest, the convergence of continued exploration and corporate exploitation of natural resources found along the way fuelled the integration of the Arctic’s remoter territories into the globalising economies of the late middle ages and early modern world – centuries before a genuine sovereign integration would take root in these frozen lands.<sup>3</sup>

Indeed, while post-Westphalian Europe would be dominated by the nation-states of Europe’s core, along the remote periphery of the Arctic we instead witness the empowerment and sustained governance by chartered companies granted monopoly trading licences by these very same sovereigns at Europe’s core – entities like the Hudson’s Bay Company, the Royal Greenland Trading Department, and Russian-America Company, all state-sponsored corporate enterprises, would effectively govern much of the Arctic

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<sup>1</sup>For more on Arctic globalisation, see Lassi Heininen and Chris Southcott (eds.) (2010), *Globalisation and the Circumpolar North* (Fairbanks: University of Alaska Press); Carina Keskitalo and Mark Nuttall (2015), “Globalization of the Arctic,” Chapter 13, *The New Arctic*, Birgitta Evengård, Joan Nymand Larsen, Øyvind Paasche, eds. (Springer: New York), 175–187; Carina Keskitalo and Chris Southcott, “Globalization,” Chapter 10, *Arctic Human Development Report: Regional Processes and Global Linkages*, J.N. Larsen and G. Fondahl, eds. (Copenhagen: Norden, 2014); and Joan Nymand Larsen and Lee Huskey, “The Arctic Economy in a Global Context,” Chapter 12, *The New Arctic*, Birgitta Evengård, Joan Nymand Larsen, Øyvind Paasche, eds. (Springer: New York, 2015), 159–174. For a broader examination of globalisation in history, see Kevin H. O’Rourke and Jeffrey G. Williamson, “When Did Globalization!– Begin?” *European Review of Economic History* 6 (2002), 23–50.

<sup>2</sup>Basil Dmytryshyn, “Russian Expansion to the Pacific, 1580–1700: A Historiographical Review,” *Slavic Studies (Surabū Kenkyū)*, 25 (Sapporo: Hokkaido University, 1980), 1–25; Georg Hartwig (1874), *The Polar and Tropical Worlds* (Springfield, MA: C.A. Nichols and Company). See in particular: “Bering Sea: The Russian Fur Company, The Aleuts,” Chapter 25, 268–276; “Conquest of Siberia by the Russians: Their Voyages of Discovery Along the Shores of the Polar Sea,” Chapter 16, 191–203; and “The Fur Trade of the Hudson’s Bay Territories,” Chapter 28, 304–318.

<sup>3</sup>Edward Cavanagh, “A Company with Sovereignty and Subjects of Its Own? The Case of the Hudson’s Bay Company, 1670–1763,” *Canadian Journal of Law and Society* 26, no. 1 (2011): 25–50; Georg Hartwig, *The Polar and Tropical Worlds* (Springfield, MA: C.A. Nichols and Company, 1874); Lassi Heininen and Chris Southcott (eds.), *Globalisation and the Circumpolar North* (Fairbanks: University of Alaska Press, 2010).

region.<sup>4</sup> Such a colonial division was not unique to this corner of the world but what distinctly marked it was its sustained effort to protect its wildlife resource base first and foremost, which necessarily entailed holding back on colonial settlement in contrast to so many other colonised regions of the world. This aligned corporate interests with Native interests in a joint effort to sustain the commercial viability of wildlife resources, planting the seeds for the co-management processes and Native corporations of the post-land claims and increasingly home-ruled Arctic of today, in nearly all sectors of the littoral Arctic with two partial exceptions perhaps being Russia and Fennoscandia, where the alignment of state and tribal interests has not yet achieved parity with Alaska, Canada, and Greenland and where settler populations in many areas have for generations outnumbered natives.<sup>5</sup>

### Arctic land claims and the modernisation of state-tribe collaboration

Much of the literature on Arctic land claims views the relatively recent wave of successful land claims negotiations in Arctic North America from 1971 to 2005 as the beginning of an Arctic modernisation and globalisation process, but history shows a longer integration of traditional northern economies and market economies with roots far outside the region.<sup>6</sup> The formative legacy of this extensive history of economic collaboration has a tendency to be understated, with ‘Oil Age Eskimos’ perceived to be a new phenomenon, and Inuit economic interactions with the global oil industry a fundamentally new era. Such a perception has been reinforced by the successful efforts of Native rights activists and jurists like celebrated retired BC Supreme Court justice Thomas R. Berger, who galvanised interest in and support for traditional Native values through public hearings and thought-provoking reports and books based on those hearings that warned of a sudden, historically transformative moment – starting in the 1970s with Berger’s Mackenzie Valley Pipeline Inquiry, which froze economic development in the Western Arctic until settled land claims could provide greater Native participation in that development, and repeated during the Alaska Native Review Commission a decade later, and again two decades after that with his Conciliator’s Report on Nunavut Implementation, and then again a decade later when he helped to save the Peel River watershed from development efforts in the Yukon that bypassed the co-management processes established by the Yukon First Nations Umbrella Final Agreement (UFA).<sup>7</sup>

<sup>4</sup>Georg Hartwig, *The Polar and Tropical Worlds* (Springfield, MA: C.A. Nichols and Company, 1874); Jones, Dorothy M, *A Century of Servitude: Pribilof Aleuts Under U.S. Rule* (Lanham, MD: University Press of America, 1981) <http://arcticcircle.uconn.edu/HistoryCulture/Aleut/Jones/jonesindex.html>; Peter C. Newman, *Company of Adventurers: The Story of Hudson’s Bay Company* (Toronto: Penguin Books Canada Ltd., 1985); John R. Bockstoce, *Furs and Frontiers in the Far North: The Contest Among Native and Foreign Nations for the Bering Strait Fur Trade* (New Haven: Yale University Press, 2009); Alan Boraas and Aaron Leggett, “Dena’ ina Resistance to Russian Hegemony, Late Eighteenth and Nineteenth Centuries: Cook Inlet, Alaska,” *Ethnohistory* 60, no. 3 (2013): 485–504.

<sup>5</sup>Dmitry Bogoyavlenskiy and Andy Siggner, “Arctic Demography,” Chapter 2, *Arctic Human Development Report* (Akureyri: Stefansson Arctic Institute, 2004), [http://www.svs.is/static/files/images/pdf\\_files/ahdr/English\\_version/AHDR\\_chp\\_2.pdf](http://www.svs.is/static/files/images/pdf_files/ahdr/English_version/AHDR_chp_2.pdf).

<sup>6</sup>John W. Heaton, “Athabaskan Village Stores: Subsistence Shopping in Interior Alaska, 1850–1950,” *Western Historical Quarterly* 43, no. 2 (Summer 2012): 133–55.

<sup>7</sup>Thomas R. Berger (1977), *Northern Frontier, Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry* (Ottawa: Minister of Supply and Services Canada); Thomas R. Berger (1985), *Village Journey: The Report of the Alaska Native Review Commission* (New York: Hill and Wang); Thomas R. Berger (2006), “Conciliator’s Final Report,” Nunavut Land Claims Agreement Implementation Contract Negotiations for the Second Planning Period 2003–1 March 2013, 2006, <https://www.tunnngavik.com/documents/publications/2006-03-01%20Thomas%20Berger%20Final%20Report%20ENG.pdf>; and CBC Radio (2018), “Lawyer Thomas Berger on How Yukon’s Peel Watershed “Was Saved”,” CBC News, February 4, <https://www.cbc.ca/news/canada/north/thomas-berger-peel-watershed-scoc-1.4517112>.

A closer look at the Western Arctic region reveals the depth of these historical processes. The Western Arctic finds itself bisected by a boundary once separating two global fur empires, Russia's and Britain's, at the zenith of their territorial breadth – until the consequential sale of Russian-America to a reunified United States soon after its victory over the rebellious southern confederacy to ensure American possession would serve as an effective buffer to contain British North America, and thereby protect Russia's northeastern flank. Moscow's logic would hold true only until the embers of the War of 1812 cooled, along with strategic tensions between America and Britain – paving the way for America's own imperial rise and eventual rivalry with Russia during the Cold War period. The region's relative underdevelopment and continued indigenous demographic majority results from the fortuitous and relatively light demographic influx of settlers, despite the predominant role of the world's first multinational corporations (MNCs), the crown-chartered companies of the colonial era – leaving the indigenous peoples of the region with a substantial and sustained demographic majority that has contributed to their recent, and historic, re-empowerment. As the Western Arctic region evolved from the age of empire to the post-land claims settlement era, this re-empowerment has positioned the indigenous peoples of the region to be masters of their own fate in an increasingly globalised and economically integrated part of the world. While this Native re-empowerment is new, the result of newly established institutions to counterbalance the economic power of sovereign states and MNCs engaged in the region, their experience participating in global market-driven economic activities dates back well more than 150 years, and in some cases three centuries or more.

### Contemporary echoes of the fur empires

While Russian-America, through the Russian-American Company, and British North America – and in particular, the North-Western Territory adjacent to Rupert's Land, through both the Hudson's Bay Company (HBC)'s activities in its Mackenzie and Great Slave Lake districts, as well as its arch-rival, the North West Company (which operated independently from 1779 to 1821 before merging with HBC) – asserted quasi-sovereign control over the region for centuries through Crown-chartered trading companies, defining an international boundary that continues to subdivide the Inupiat homeland today, these competing empires built upon the international fur trade, powered by a vast network of indigenous hunters and trappers – some like the Unangan/Aleuts who were virtual slaves, displaced from their homelands by the conquering Russians, while others, like the trappers of Rupert's Land, who maintained their cultural and much of their political autonomy even as they became integrated with the globalised British economy – would only lightly settle the region in a conscious effort to ensure the sustainability of wildlife resources. Some like the Aleuts (Unangan) were virtual slaves, displaced from their homelands by the conquering Russians, while others, like the trappers of Rupert's Land, maintained their cultural and much of their political autonomy even as they became integrated with the globalised British economy.

Both fur empires, in spite their vast differences in governance and respect for indigenous traditions, remained united in their mutual decision to only lightly settle the region, protecting the fur-bearing ecosystems upon which they depended by holding

back the pace of colonial settlement.<sup>8</sup> Bockstoce (2009) has observed that the northern fur trade was already part of a well-established inter-indigenous/international trading network linking Alaska natives to Chukchi traders across the Bering Sea, who in turn traded with both China and Russia, when Russia expanded across the Bering, displacing those pre-existing networks by force. The existence of such a prior network connecting northern furs to Eurasian markets, and its continuity (under direct Russian control) after its colonial expansion to Alaska (and beyond, to the Russian River settlement in California where further expansion was contained by the northernmost reach of Spain's American Empire), suggests a continuous and enduring globalised political economy linking the self-governing era of pre-contact indigenous polities to the colonial era, when the earliest MNCs first reached into the Arctic. But even a light demographic intrusion of the sort initiated by the early Russian fur traders and the whalers who followed could prove calamitous, particularly as waves of new diseases carried by agents of these many early modern multinationals, whether fur traders, whalers or miners, devastated long-isolated Native populations lacking prior exposure and therefore at great immunological risk.

### Indigenous endurance and demographic predominance

The survival and endurance of indigenous polities and their demographic predominance assured that as the very first corporate entities – the Crown-chartered companies that launched the globalisation of the world economy – came north, their imperial ambitions would be moderated from the naked land and power grabs experienced elsewhere in the colonial world, most famously with the East India Company, which many scholars describe as the world's first MNC – and in terms of negative consequences to Native peoples and polities, perhaps its worst.<sup>9</sup> Indeed, as Nick Robins has argued, 'the East India Company, romantic as it may seem, has more profound and disturbing lessons to teach us. Abuse of market power; corporate greed; judicial impunity; the "irrational exuberance" of the financial markets; and the destruction of traditional economies (in what could not, at one time, be called the poor or developing world): none of these is new. The most common complaints against late 20th- and early 21st-century capitalism were all foreshadowed in the story of the East India Company more than two centuries ago.'<sup>10</sup>

Instead, the early northern chartered companies would, more generally though not without exception (most evident in the case of the Russian-American Company), collaborate with the indigenous peoples whose resources they coveted, and in time, that collaboration would give way to co-management, and later, joint ventures and partnerships between MNCs and the newly formed Native corporations that arose from the historic land claims process. That is why perhaps even today, the HBC, an icon of Arctic

<sup>8</sup>Carlene Arnold, *The Legacy of Unjust and Illegal Treatment of Unangan During World War II and Its Place in Unangan History* (University of Kansas, Department of Global Indigenous Nations Studies, Master's Thesis, 2011); John R. Bockstoce, *Furs and Frontiers in the Far North: The Contest Among Native and Foreign Nations for the Bering Strait Fur Trade* (New Haven: Yale University Press, 2009); Peter C. Newman, *Company of Adventurers: The Story of Hudson's Bay Company* (Toronto: Penguin Books Canada Ltd., 1985); Peter C. Newman, *Caesars of the Wilderness* (Toronto: Penguin Books Canada Ltd., 1988).

<sup>9</sup>Nick Robins (2004), "The World's First Multinational," *The New Statesman*, 13 December 2004, <https://www.newstatesman.com/politics/politics/2014/04/worlds-first-multinational>.

<sup>10</sup>Nick Robins (2004), "The World's First Multinational," *The New Statesman*, 13 December 2004, <https://www.newstatesman.com/politics/politics/2014/04/worlds-first-multinational>.

colonial history, retains its popularity across the North, and the HBC store and its descendants – first as ‘The Bay,’ and later among the 178 former North West Company stores (which merged with HBC in 1821), as the ‘Northern’ store (until being sold off by HBC in 1987, to form a separate company that would resurrect ‘The North West Company’ name – causing much grumbling in the northern communities when it was learned the stores could no longer be popularly known as the Bay).

Even under new ownership, however, the former HBC stores have remained vital to the communities they served, and remained a welcome and important part of the northern business community, in marked contrast to how the liberated, post-colonial citizens of India felt about the British East India Company, or the displaced Aleut/Unangan community felt about the Russian-America Company, after their departures – though in the latter case, Alaska’s Native communities remained divided from the very arrival of Russian traders from across the Bering Sea, on whether their arrival was a risk or opportunity for Alaska natives. This division on the merits of economic integration with the trading companies of the fur empires would at times lead to armed clashes not only between Natives and Russian traders, but intra-native clashes as well.<sup>11</sup> The emergence of a new community of Metis, or Creoles as they are known in the former Russian-America Company territories, would further complicate the narrative, with emergence of a new, hybrid demographic community occupying a middle ground between the foreign MNCs of the colonial eras, and the indigenous peoples they encountered.

Compared to the experience of HBC-governed Rupert’s Land, Russia’s treatment of the Aleuts has been described as comparatively ‘brutal.’ Sociologist Dorothy M. Jones, in her moving history, *A Century of Servitude: Pribilof Aleuts Under U.S. Rule*, writes that: ‘In the first fifty years of Russian occupation, the free trade period, Russian fur hunters brutally mistreated the Aleuts and at the same time commanded their labour. The Russians stole the Aleuts’ wives, slaves, and possessions, and slaughtered any who resisted their domination. They sent Aleut men on long sea hunting expeditions from which many never returned and during which many women and children, left alone in the villages, suffered severe deprivation. This mistreatment, combined with the diseases the Russians introduced, nearly decimated the Aleut population. In the first thirty years of Russian contact, the Aleut population declined from an estimated 12,000 to about 1,900.’ (Jones, 1981) Jones further explained that this brutality by Russian traders catalysed Russian state interest in its new North American territories, with the foundational charter of the Russian-American Company committing the Russian crown to the protection of Natives from settlers:

“Eager to prevent ruinous competition between its companies, to regulate traders’ treatment of the Natives, and most importantly, to protect and expand its sovereignty in Russian America (its first overseas colony), the Russian government in 1799 granted a monopoly to a private firm, the Russian-American Company. The government gave the company not only a monopoly on trade but authority to govern and garrison the new territory. Apparently the Russians applied the experience of the British East India Company in using a private business as an instrument of government. The establishment of an outright Russian government administration in North America might have provoked conflict with the United States and Great Britain, which was averted by

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<sup>11</sup>Alan Boraas and Aaron Leggett, “Dena’ina Resistance to Russian Hegemony, Late Eighteenth and Nineteenth Centuries: Cook Inlet, Alaska,” *Ethnohistory* 60, no. 3 (2013): 485–504.

establishing a company administration. The first charter granted to the Russian-American Company contained no definite regulations about the status and treatment of Natives other than an injunction to treat them amicably and convert them to Christianity. The second and third charters, in 1821 and 1844, however, specified Natives' political status. Aleuts and other Natives under company administration were declared Russian subjects: 'Tribes inhabiting the places administered by the company are . . . Islanders, Kurils, Aleuts, and others. As Russian subjects they shall conform to the general laws of the empire and shall enjoy the protection thereof.' The protection was hardly forthcoming."<sup>12</sup>

But sovereign protection was nonetheless a principal motivation for Russian imperial interest. HBC, similarly, aspired to provide natives of what would later become Canada's northern territories a protective, mutually beneficial, and sustainable relationship based on the enduring, multigenerational reciprocity of its commercial relationship with the hunters and trappers of Rupert's Land. In many ways, the HBC (and before its 1821 merger, the North West Company) seeded the primordial north, where subsistence and regional trading networks – which already interconnected with an indigenous international trade system that stretched across the Bering Sea to Asia<sup>13</sup> – would facilitate a lighter and less intrusive form of colonisation that required not the subjugation, displacement, or enslavement of the Native population, and much more than the mere survival of the indigenous people of the North: namely their sustained and supportive participation in the newly globalised commercial activities that would come to define the northern political economy.

### Globalisation and international trade in the pre-contact arctic

Indeed, John Bockstoce, an historian of the Western Arctic, has observed that the northern fur trade was already part of a well-established inter-indigenous/international trading network linking Alaska Natives to Chukchi traders across the Bering Sea, who in turn traded with both China and Russia, when Russia expanded across the Bering, displacing those pre-existing indigenous trading networks with their own. The pre-existence of prior indigenous trading networks connecting northern furs to Eurasian markets, and their continuity (under Russian control) after its colonial expansion to Alaska (and beyond, as far south as the Russian River settlement in California where further expansion was contained by the northernmost reach of Spain's American Empire), suggests a compellingly continuous and enduring globalised political economy linking the self-governing era of pre-contact indigenous polities to the colonial era, when the earliest MNCs first reached into the Arctic, at times calamitously (as the Russian experience is widely perceived among descendants of the displaced Aleuts) – but over time, increasingly collaboratively. As Bockstoce recounts from his journeys through the Arctic:

I met a number of Natives who many years before had participated in the fur trade, and I began to appreciate what their lives had been like as frontier trappers in an earlier era, when their existence had been simpler and harder, yet to them was remembered fondly. The

<sup>12</sup>Dorothy M. Jones (1981), *A Century of Servitude: Pribilof Aleuts Under U.S. Rule* (Lanham, MD: University Press of America), <http://arcticcircle.uconn.edu/HistoryCulture/Aleut/Jones/jonesindex.html>.

<sup>13</sup>John R. Bockstoce, *Furs and Frontiers in the Far North: The Contest Among Native and Foreign Nations for the Bering Strait Fur Trade* (New Haven: Yale University Press, 2009).



fur trade of Bering Strait was one aspect of the European expansion into the most remote regions of Asia and America. At times it involved the contest for dominion between Russia and Great Britain, but at its basis was always the search for profit – in whatever way it was defined by the participants. Far beyond the Europeans and Americans who sought to buy furs, ivory or whalebone for the markets of the south, members of fifty native nations provided these commodities to one another – and to foreigners – in return for goods that they required or desired. Manufactured goods, coastal products inland products, tobacco, tea, alcohol, and hundreds of other things changed hands many times in the immense region between the Kolyma River in the west and the Mackenzie River in the east. No matter which goods were exchanged, these transfers were almost universally regarded as advantageous by both parties.<sup>14</sup>

The experience of Natives in Rupert's Land (as the HBC heartland was known) was in marked contrast to the initial Aleut (Unangan) experience in Russian-America, whose population was forcibly displaced from their traditional homeland into Southwest Alaska (and whose hunting activities on behalf of the Russian-American Company would reach as far south as Mexico) and virtually enslaved by the Russian invaders – a tragic experience that still casts a painful shadow across Southwest Alaska, where uninhabited Aleutian islands stand empty to this day, and impoverished Aleuts in continuing urban exile serve as an uneasy reminder of how close the North came to the more exploitative form of both colonialism and globalisation, of the sort that brought such profound sorrow to much of the world.

## Globalisation 2.0: arctic oil and the native land claims movement

Nearly a century after the Russian displacement and enslavement of the Aleuts, when oil was found in economic quantities on the North Slope, a frenzied exploration boom would extend far across the Western Arctic region, with seismic survey crews entering Native lands, leaving scars still visible from the air.

The threat to Native stewardship of the North presented by modern petroleum MNCs helped catalyse a movement across Alaska and the Western Arctic for the preservation of Native rights, traditions, and lands – culminating in the historic land claims movement. Curiously, it was not just the threat to Natives from Big Oil that precipitated the pioneering Alaska Native Claims Settlement Act in 1971; it was also the threat of years of Native litigation against Big Oil, and its plan to pump oil out of the North Slope to southern markets via the Trans-Alaska Pipeline System (TAPS) that worried the state of Alaska and the federal U.S. government, whose economic and energy security were both tied to the successful development of Alaska northern oilfields.<sup>15</sup> It was thus the historic convergence of oil, money, land and power that brought together Big Oil, the Alaska Natives, and both the state and federal levels of government to hammer out the unprecedented ANCSA land claim. (Groh, 1976) And despite ANCSA's many initial structural flaws, the Alaska land settlement would nonetheless spark a wave of settling claims that would ripple across the North, flowing across the border to the Western Arctic, and on to Nunavut, and beyond to Nunatsiavut in northern Labrador, while also flowing up the

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<sup>14</sup>John R. Bockstoe, *Furs and Frontiers in the Far North: The Contest Among Native and Foreign Nations for the Bering Strait Fur Trade* (New Haven: Yale University Press, 2009).

<sup>15</sup>Barry Scott Zellen, *Breaking The Ice: From Land Claims to Tribal Sovereignty in the Arctic* (Lanham, MD: Lexington Books, 2008), particularly chapter 1.

Mackenzie River valley into the Dene homeland, and up the Yukon River and its tributaries into the communities governed by the Council of Yukon Indians (CYI), now known as the Council of Yukon First Nations (CYFN).

As the land claim model transformed unsettled lands to the east and south of Alaska's North Slope, it would evolve and expand to include new models of self-governance that radically transformed the land claims model from its original design to primarily economically integrate the North (and thereby assimilate the North into the modern political economy), as seen with ANCSA – which many critics felt was designed to fail, and thus precipitate a transfer of lands, wealth and corporate control from the Native community back to the non-native majority as Alaska Native corporations (ANCs) succumbed to bankruptcy one after the other. That's because ANCSA only protected Native ownership and control for 20 years, and did not guarantee 'new Natives' (young Alaska Natives younger than 18 at the time of ANCSA's signing as well as all those born later) shares in the new Native corporations and thus in the governance of their lands and resources – a situation described as the '1991 Time Bomb,' named for the year when the Alaska Native Claims Settlement Act was widely expected to collapse.<sup>16</sup>

But in those first 20 years that followed ANCSA, as the clock ticked towards detonation in 1991, two things happened: first, land claims spread across the border via the Inupiat, whose original excitement (and newfound wealth) inspired the Inuvialuit, primarily descendants of the Inupiat from an earlier migration into Canada, persuading them to quickly settle their own land claim – breaking with the Inuit of Nunavut, whose lands were not yet under assault by the seismic crews of Big Oil. The Inuvialuit were able to improve upon the land claims template dramatically, ensuring all 'new Natives' were automatically enrolled as shareholders and preventing shares from ever being sold to non-natives (ensuring continuity of Native corporate control for perpetuity), while also preserving Native subsistence and protecting the land and its wildlife. Additionally, Alaskan Natives recognised the original ANCSA structure that was agreed to in 1971 was fatally flawed – and thus worked steadfastly to improve it, taking inspiration from their Canadian brethren, who showed an improved model could be agreed upon with government. The '1991 Time Bomb' was thus defused, and in Alaska, the Native corporations were reborn from the brink of insolvency caused by their early days of excess and inexperience – and are now an important stakeholder in Alaska's economy, comparable to the Native corporations in Arctic Canada.<sup>17</sup>

<sup>16</sup>Native American Rights Fund, "1988 Amendments Provide Stop-Gap Protection for Native Land and Corporations," *NARF Review* 13, no. 2 (Boulder: Native American Rights Fund/National Indian Law Library, 1988), 1–5; Lee Sillanpaa (1988), "Alaska Native Claims Settlement Act: A Living Settlement?" Ottawa: Indigenous Affairs and Northern Canada (INAC), Circumpolar Affairs Section, R32-334-1987-eng, December 1988, [http://publications.gc.ca/collections/collection\\_2018/aanc-inac/R32-334-1987-eng.pdf](http://publications.gc.ca/collections/collection_2018/aanc-inac/R32-334-1987-eng.pdf); Rosita Worl (2003), "Models of Sovereignty and Survival in Alaska," *Cultural Survival Quarterly*, Volume 27, No. 3 (September 15), online at <http://www.cs.org/publications/csq/csq-article.cfm?id=1692>.

<sup>17</sup>Milton M.R. Freeman, "Persistence and Change: The Cultural Dimension" in *A Century of Canada's Arctic Islands, 1880–1980*, ed. Morris Zaslow (Ottawa: Royal Society of Canada, 1981), 257–66; Robert McGhee, "The Nineteenth Century Mackenzie Delta Inuit," in Milton M.R. Freeman, ed., *Supporting Studies, Vol. 2 of Inuit Land Use and Occupancy Project Report* (Ottawa, ON: Supply and Services Canada, 1976), 141–152; Native American Rights Fund, "1988 Amendments Provide Stop-Gap Protection for Native Land and Corporations," *NARF Review* 13, no. 2 (Boulder: Native American Rights Fund/National Indian Law Library, 1988), 1–5; Lee Sillanpaa (1988), "Alaska Native Claims Settlement Act: A Living Settlement?" Ottawa: Indigenous Affairs and Northern Canada (INAC), Circumpolar Affairs Section, R32-334-1987-eng, December 1988, [http://publications.gc.ca/collections/collection\\_2018/aanc-inac/R32-334-1987-eng.pdf](http://publications.gc.ca/collections/collection_2018/aanc-inac/R32-334-1987-eng.pdf); Monica E. Thomas, "Alaska Native Claims Settlement Act: An update." *Polar Record* 24, no. 151 (1988): 328–29; Barry Scott Zellen, *Breaking The Ice: From Land Claims to Tribal Sovereignty in the Arctic* (Lanham, MD: Lexington Books, 2008).

## Co-management, economic engagement, and arctic stability: historical and structural foundations for collaborative arctic governance

All this took place because, in large measure, it was the corporation that came north before the state, in some cases, centuries ahead of the state's formal arrival to the North; these crown chartered companies would bring quasi-colonial ambitions and quasi-sovereign responsibilities, serving as imperial proxies but under the administration of corporate employees rather than political leaders and appointees. Some like the Russian-America Company would govern despotically, imposing brutal mistreatment upon the Natives inside their territories, while others like the 'Company of Adventurers' (as described by Peter C. Newman in his many volumes about the HBC) would govern in a more humane and sustainable manner. Because the Arctic did not have forests to cut, or plantations to plant, it did not need an influx of farm labourers to up-end the indigenous demographic predominance. The political economy that emerged was based on the fur trade, which required Native participation, and continued stewardship over their lands. And so the chartered companies of the North, notably the HBC and the North West Company, would become collaborative partners in the modernisation of the North, bringing northern Natives along with them into a future that would be defined by their symbiosis.

The corporate model would thus adapt and respond to the unique conditions of the North, allowing the corporation to become the foundational unit of governance for northern Natives, the gateway towards true self-government rather than a vehicle designed to abolish self-government (as many believe the original ANCSA was intended to do).<sup>18</sup> It would be the Native corporations which would introduce the northern Native leadership to their first experience of governing – and pave the way towards a more balanced form of co-management across the North.

Today's Arctic presents us with a fascinating realm of settled land claims, dynamically evolving systems of indigenous and regional governance, distinctly indigenous and collaborative international diplomacy, and flexible balancing of subsistence culture with economic modernisation and development, blending two worlds, one traditional, one contemporary – presenting us with a compelling example of enduring order in the absence of strong state institutions. The experience is far from uniform, with the Russian Arctic and Fennoscandia experiencing a more disruptive wave of demographic transformation resulting from colonial state expansion than experienced in Arctic North America. But even there, pan-Arctic flows of ideas about co-management and Native economic participation as well as indigenous diplomatic activities by the indigenous Permanent Participants of the Arctic Council, have helped nudge governments of those Arctic states to engage with their indigenous communities, and to commit towards more collaborative management.

### An alternative model for international relations: 'arctic exceptionalism' as a model for the world

In the Arctic, we witness an alternate historical narrative defined by an historic reconciliation of tribe and state, a restoration of indigenous land and cultural rights, and a rise in

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<sup>18</sup>Thomas R. Berger, *Village Journey: The Report of the Alaska Native Review Commission* (New York: Hill and Wang, 1985); Native American Rights Fund, "The Fifth Disaster": The Colonization of the North Slope of Alaska,' *Native American Rights Fund Announcements* 3, no. 1 (January-March 1975): 1–14, 47.

Native participation in both economic and international relations at the regional level. Here, ideas and insights from the Alaska land claims process of the 1970s flowed across the international boundary and into the Canadian Arctic and subarctic, where they were re-thought, refined, revised, and re-applied – resulting in a stronger, more resilient, and ultimately more scalable model for northern development, and reflecting a deep and enduring commitment to collaborative crossborder management, inter-group (and international) partnerships, and constructive transboundary relationships that present a compelling model for how the world can and should be governed.<sup>19</sup>

All this has its roots in the first wave of northern MNCs, and the blueprint for northern development crafted by the HBC. Because of the distinct challenges of the northern landscape, and its concentrated dependence upon natural resources (including wildlife resources that would be vulnerable to demographic influxes of settlers) multinational corporate survival required Native survival; and corporate success ultimately depended upon Native success. As recalled by Inuit historian Minnie Aodla Freeman, both research partner and life partner of famed northern anthropologist Milton Freeman (who oversaw the pioneering 1976 *Inuit Land Use and Occupancy Project* report that proved foundational to the delineation of Inuit-owned territories agreed to by both Inuit and government during the Arctic land claims settlement process):

“I think I can say that Hudson’s Bay Company made easier lives for Inuit since 1670. They were in my home area of James Bay long before I was born, fur trading with my ancestors. Inuit have always traded amongst themselves either for short period or long period of time. Inuit understood the trading systems of the Hudson’s Bay Company. I think one of the reasons why Inuit welcomed the Hudson’s Bay Company was the fact that the company never tried to change Inuit ways of behaving or thinking. Yes, they changed our equipment, to better steel knives, steel saws, steel nails, steel axes and manufactured cloth. Inuit understood it was furs that the Hudson’s Bay Company were after. Inuit hunters had employment through the Hudson’s Bay Company. It was the familiar job Inuit enjoyed. We still hear older Inuit today saying that the Hudson’s Bay Company is most useful in Inuit lands. They did not interfere with lifestyles of Inuit.”<sup>20</sup>

The HBC-administered north was perhaps no ‘Shangri La,’ but it was a far cry from the excesses witnessed in other parts of the colonial world. Its legacy was the enduring collaboration between the indigenous peoples of the North and the governing entities that asserted sovereignty over the North. It was not always frictionless collaboration, since there were times and issues where interests can and did clash. But despite these very real and recurring collisions of values between Native, environmental, settler, and resource-extractive interests – as we’ve seen ever since the oil strike in Prudhoe Bay catalysed the rapid formalisation of the Alaska Native Claims Settlement Act in 1971 – collaborative efforts between Natives and northern governments, and between neighbouring Native communities that stretch across the border, have remained ongoing, helping to mitigate those inevitable conflicts when they do arise.

<sup>19</sup>Barry Scott Zellen, *Breaking The Ice: From Land Claims to Tribal Sovereignty in the Arctic* (Lanham, MD: Lexington Books, 2008).

<sup>20</sup>Milton M.R. Freeman, ‘Persistence and Change: The Cultural Dimension,’ *A Century of Canada’s Arctic Islands, 1880–1980*, ed. Morris Zaslow (Ottawa: Royal Society of Canada, 1981), 257–66.

## Land claims, co-management, and contemporary arctic collaboration

When ANCSA was enacted in 1971, it sought to quickly bring Alaska Natives into the modern economy, and at the same time to abolish aboriginal title while modernising Native land ownership, making it possible to fully develop the state's natural resources and in particular to build the trans-Alaska pipeline.<sup>21</sup> Because these objectives were largely economic, its corporate model became its defining and most transformative characteristic – not without controversy, since the corporate model was rightly viewed with some scepticism by indigenous leaders as a tool of assimilation, and there remains a continuing debate over the appropriateness of the corporate model to the indigenous north as a wave of retribalization continues to challenge it. (Berger, 1985; Zellen, 2008) ANCSA formally extinguished aboriginal rights, title, and claims to traditional lands in the state, while formally transferring fee-simple title to 44 million acres – or some twelve percent of the state's land base – to Alaska Natives, with 962.5 USD million in compensation for the lands ceded to the state, 500 USD million of which was to be derived from future oil royalties – as a result of which over half the 'compensation' was to be derived from resources extracted from the Inupiat homeland – an irony not missed by Alaska Natives. (Tundra Times, 1991; Zellen, 2008) ANCSA also created 12 regional Native corporations (and later a 13th for non-resident Alaska Natives), and over 200 village corporations to manage these lands and financial resources. These new corporate structures introduced a brand new language and culture, as well as a new system of managing lands and resources that seemed, to many, to be at variance with the traditional cultures of the region and their traditional subsistence economy.

On the Canadian side of the international boundary that divides Arctic North America, lessons from the Alaska land claims experience and its initial structural flaws were closely studied, and this crossborder flow of ideas and insight influenced a new model for land claims settlements that ensured Native lands and corporations would always remain in Native hands, that young Natives would be automatically enrolled as shareholders upon adulthood, and that subsistence would forever be protected on both Native-owned lands as well as adjacent government lands. The Alaska experience thus proved critical in guiding Canadian Natives forward in their quest to assert, and protect, their Aboriginal rights. Just across the border from Alaska, the Inuvialuit of the Western Canadian Arctic – many of whom were descendants of early 20th-century Inupiat settlers as chronicled by McGhee – had a front row seat to ANCSA, and were impressed by all the money that was flowing north, as well as the new corporate structures created and the sizeable land quantum formally transferred to Alaska Natives. But they also took note of the continuing threat to indigenous culture, and the lack of adequate protections of subsistence rights, traditional culture, and environmental protection, and were determined to do better. The Inuvialuit thus successfully modified the land claims concept, so that its structure would thenceforth include a natural institutional balancing – not unlike our own balance of powers concept – that has enabled a greater commitment to cultural and environmental protections.<sup>22</sup> But

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<sup>21</sup>Claus-M. Naske and Herman E. Slotnick, *Alaska: A History* (Norman: University of Oklahoma Press, 2014), Third Edition; Barry Scott Zellen, *Breaking The Ice: From Land Claims to Tribal Sovereignty in the Arctic* (Lanham, MD: Lexington Books, 2008).

<sup>22</sup>Barry Scott Zellen, *Breaking The Ice: From Land Claims to Tribal Sovereignty in the Arctic* (Lanham, MD: Lexington Books, 2008).

one issue that was not yet on the table in the late 1970s and early 1980s when the Inuvialuit chose to pursue their own regional land claim – and thereby gain some control over the intense oil boom in their homeland – was the establishment of new institutions for autonomous, meaningful, effective aboriginal self-government, something that the Inuit of the central and eastern Arctic – the future Nunavut territory – decided to wait for. The Inuvialuit felt they did not have the luxury of time given the frenetic pace of oil and gas exploration in their lands. But Nunavut remained far more isolated than the Western Arctic and under much less external pressure to develop, thus providing more time to re-think, and renegotiate, the land claims model.

By the time the states turned to the Arctic region for sovereign expansion, they did so more gently and less muscularly than they did in other parts of the world – guided not only by their still maturing recognition of indigenous rights which has enabled them to expand while integrating northern indigenous peoples largely intact into their constitutional structures, but also to the enduring, resource-based northern political economy long in place, having been nurtured by the chartered companies which enjoyed their quasi-sovereign dominion over their northern territories for so many generations. The northern tranquillity observed by so many to define the Arctic region as a whole, known widely as ‘Arctic Exceptionalism’, owes much then to the mutual reciprocity of commerce embraced by the HBC, with its deep historic roots dating back centuries.

Land claims and their evolving integration of Native corporations and Tribe-State co-management organisations, augmented by increasingly powerful institutions of Native self-governance, have taken this reciprocity even further. The Inuvialuit land claim presents a substantial evolutionary leap beyond the Alaska land claim which inspired it, with many prescient and enduring advances in collaborative management and stronger protections of Native lands and traditions missing from the Alaska claim. Had the Inuvialuit not so enthusiastically embraced and constructively improved the land claims model, with Native corporations at its core (but not to the exclusion of traditional values as seen in ANCSA), the many structural weaknesses of the Alaska land claim<sup>23</sup> might well have doomed the model altogether. Blatchford has noted how the very land claim model that has transformed the political economy of Alaska, Yukon, NWT, Nunavut, and northern Labrador would ultimately be rejected by Indian Country in the ‘lower 48’ as a flawed model, where corporations are viewed with much more scepticism and as contrary to Native values – but in the Arctic, it has become a central and evolving blueprint for strengthening the bond between First Nations and the state, and a defining feature not only of the Western Arctic but the entire Arctic littoral of North America, a vast and increasingly strategic region of not only the North, but of the world. This embrace of, effort to improve, and continuing process of reforming the land claim model as it flowed from the Inupiat to the Inuvialuit and on to Nunavut and Nunatsiavut is a reflection of the collaborative mechanism that defines the Western Arctic, reminiscent of the integrative and symbiotic dynamic of HBC and North West Company trading posts, and reflective of the very dynamic and integrative ‘Dene/Inuit interface’ of the

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<sup>23</sup>Thomas R. Berger, *Village Journey: The Report of the Alaska Native Review Commission* (New York: Hill and Wang, 1985); Edgar Blatchford, “Alaska Native Claims Settlement Act and the Unresolved Issues of Profit Sharing, Corporate Democracy, and the New Generations of Alaska Natives,” University of Alaska, Fairbanks Doctoral Thesis, 2013.

Mackenzie Delta as described by William C. Wonders in his pioneering work on the region a generation ago.<sup>24</sup>

When the land claims movement swept across the Arctic coast, starting in Alaska in 1971, culminating with the birth of the Nunavut territory a generation later in 1999, it illustrated the Arctic region's propensity for accommodation and reconciliation, for welcoming diversity and inclusion, and for collaborative problem-solving and co-management with both governments as well as MNCs. This would reflect the enduring legacy of the early pioneers in northern economic development, and some of the world's very first MNCs – the chartered companies of the North. This collaborative spirit is evident today in the close collaborative relationship between the Inupiat and the Inuvialuit, who have partnered on numerous crossborder issues – including the Inuvialuit-Inupiat Polar Bear Management Agreement in the Southern Beaufort Sea, and the Inuvialuit-Inupiat Beaufort Sea Beluga Whale Agreement – and whose collaboration extended to the resumption of bowhead whale harvesting by the Inuvialuit during the 1990 s, when community-to-community exchanges ensured the transfer of traditional knowledge required for a successful and safe restoration of bowhead hunting.

It is equally evident in the complex (and occasionally prickly) relationship between the Inuit and the Dene along Wonders' 'Dene/Inuit interface,' a history that includes inter-tribal warfare as evident at the tragedy of Bloody Falls during Samuel Hearne's fateful expedition but which also includes a longstanding (but ultimately unsuccessful) effort, forged across decades of collaboration between traditional adversaries, to form a 'Western Arctic Regional Municipality' (WARM) to jointly govern Dene and Inuit in the Western Arctic. While WARM never came to fruition, the many regional land claims settlements in the Dene territories to the south of the Inuvialuit Settlement Region (ISR) closely resemble the Inuvialuit Final Agreement, and in the wake of these settlements we've witnessed a resurgence in MNC activities across the Dene Homeland, in both the mining and petroleum sectors, as evident in the ongoing Dene collaboration with, and participation, in Canadian Zinc's – now known as NorZinc – efforts to bring the Prairie Creek Mine back into production in the Deh Cho region, or in the expanding Diamond mining sector north of Great Slave Lake.

### **At the co-management table: tribes and states share the stage, and increasingly unite their voice**

Indeed, one generation after Berger's Mackenzie Valley Pipeline Inquiry effectively blocked resource development in the Western Arctic for a decade, the Mackenzie Gas Project (MGP) would hold a new round of consultations in the very same communities of the region starting in 2004, now with Native groups sitting at both sides of the table, representing both the corporate stakeholders hoping to extract and transport natural gas up the Mackenzie River to southern markets (as one-third equity owners via the Aboriginal Pipeline Group) as well as the local communities grappling with the effects on traditional subsistence activities and the natural environment. The effort proved successful procedurally, and in 2011 the Mackenzie Valley pipeline was granted federal cabinet approval, and

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<sup>24</sup>William C. Wonders, "The Dene/Inuit Interface in Canada's Western Arctic, NWT," in *For Purposes of Dominion: Essays in Honour of Morris Zaslow*, ed., K.S. Coates and W.R. Morrison (Toronto: University of Toronto Press, 1989), 245–60.

the National Energy Board granted a Certificate of Public Convenience and Necessity. But by then gas prices had collapsed, and the economics of the pipeline were no longer attractive, so the victory was pyrrhic – the consultation process was now beyond doubt inclusive of Native interests, as diverse as they were, but it had consumed so much time that the underlying market fundamentals had transformed before its favourable conclusion, ultimately dooming the project. But it remains no less illustrative of the tectonic shift in the Arctic's political economy that had taken place since the first Mackenzie Valley Pipeline Inquiry in the 1970s, and the maturation of Native participation in Arctic development (now as a major equity participant). Like WARM, MGP would ultimately fall short of its hope to deliver on its ambition to construct a Native-owned pipeline, built by Native-owned contractors, transporting natural gas from Native-owned lands, to the global marketplace, but it nonetheless illustrated that a fundamental transformation of the northern political economy had occurred, with the emergence of Natives as dominant economic actors with interests that now aligned, at least in part, with MNCs – and not just as opponents to the development efforts of the MNCs.

Just as the early chartered companies of the colonial-era Arctic found their success tied to the survival of Native peoples and their cultures, contemporary MNCs, whether mining or oil extractive industries, recognise that the post-land claims Arctic has endowed Native communities with powerful levers requiring continued collaboration and engagement, in order for MNCs to operate, and this has resulted in a slew of environmental reviews and assessments, and countless economic participation agreements bringing much-needed training and employment to Native communities. Native-owned subsidiaries enjoy preferential contracting obligations that ensure meaningful Native economic participation, providing further economic stimulus to Native communities across the Arctic and sub-Arctic. It's not just mainland North America, but across Baffin Bay in Greenland where we see a continued effort at integrating Natives in the many economic opportunities of the globalising Arctic, including commercial fisheries as well as mineral and petroleum extractions. While there is room for further progress in Russia and Fennoscandia to achieve parity in Native participation with Arctic North America, the ideals of co-management and the realities of Arctic globalisation converge there as well, with MNCs and the state increasingly cognisant of, and respectful towards, Native participation in their ventures.

Indeed, such a collaborative model based on co-management of lands and resources and meaningful economic participation in economic activities (with equity ownership of Native corporations) has now been emulated all across the Arctic, as is evident in many of the more recent land claim settlement areas, from Nunavut and Nunatsiavut to the east to the many Dene and Yukon First Nations settlement areas to the south, and which aligns significantly with ongoing efforts to align Greenlandic aspirations for autonomy – and increasingly even independence – with Danish national policies. While there is much room for improvement further east in the partitioned Sami homeland of Fennoscandia and the homelands of the many indigenous peoples of the Russian Arctic even further east, many of the collaborative structures pioneered by the Alaska land claim, and refined by the Inuvialuit land claim, and augmented by the Nunavut land claim with the formation of the Nunavut Territory, have now been emulated even further east, as evident in the evolving consensus between Greenlanders and Denmark on expanding autonomous Home Rule in the direction of more independent Self Rule – all rooted in the shared, symbiotic relationships not only between neighbouring



Natives (such as the Inuit and Dene) but between Natives and settlers, whose interrelationships have evolved over time to become increasingly mutual, fostered by the reciprocal, transactional, and collaborative foundation of the colonial-era chartered companies like HBC and Royal Greenland Trading Department, and to a lesser degree the Russian-America Company, and their networks of trading posts that dotted the Arctic landscape – seeding the emergence of today’s governing structures and Native corporations, and embracing the same mutual commitment to collaboratively governing and co-managing the North that we find dominates the globalising political economy of the Arctic today. It is this foundation that sustains, and ensures the endurance of, ‘Arctic Exceptionalism’, and positions co-management between tribe and state as a paradigm for not only domestic governance at the local and regional level, but for international diplomacy itself, as seen at the Arctic Council. With such long, deep, and enduring roots, one can safely predict that ‘Arctic Exceptionalism’ will endure, even as interstate tensions in the Arctic rise. Indeed, as state rivalries and nationalism re-assert themselves around the world, we can turn to ‘Arctic Exceptionalism’ and its exceptionally long and collaborative history as a model for all the world.

## Disclosure statement

No potential conflict of interest was reported by the author.

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