

Indigenous peoples as international political actors: a summary

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Received August 2009

ABSTRACT. The article discusses the results of a three year research project studying international indigenous political activism using case studies from the Arctic. Drawing on two different disciplinary starting points, international relations and international law, the project addressed two interrelated questions. The first of these was how relations between states, international organisations and indigenous peoples have been and are currently constructed as legal and political practices; the second was how indigenous peoples construct their political agency through different strategies to further their political interests. These questions are addressed from the point of view of power relations. The power to act is the basic form of political agency. However, this power may take different forms of political action, for example, self-identification, participation, influence, and representation. The main conclusions of the article are: 1) indigenous political agency is based on multiple forms of power; 2) practices of power that enable and constrain indigenous political agency change over time; 3) power circulates and produces multiple sites of encounters for states, international organisations and indigenous people; 4) indigenous political agency is a question of acting; and 5) there are new challenges ahead for indigenous peoples in claiming a political voice, in particular in global climate politics.

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Political and legal significance of international indigenous political activism

States are defined as the main global political agents. Historically, this principle has ‘conquered the world for the people by legitimizing the states, and only the states which claim to speak in their name’ (Mayall 1990: 56). While the emergence of the state system has marginalised the sovereignty and self-determination of indigenous peoples, it has also created legal and political regimes in which these peoples’ cultural, economical and political rights have been articulated and protected.

Lately, IPOs, among other non-governmental organisations (NGOs), have been successful in gaining ‘a political voice’ in international relations. This applies particularly to Arctic IPOs; the Inuit Circumpolar Council (ICC), the Saami Council and the Russian Indigenous Peoples’ Organisation of the North (RAIPON). These have emerged as regional political actors since the establishment of the Arctic Council in 1996, but they have also been very active in other international forums, such as the UN, in particular the Permanent Forum of Indigenous Issues (PFII), established in 2000.

The issue of IPOs and their role in international politics is part of the rise of NGOs worldwide. NGOs comprise those actors that 1) are not (representatives of) states yet 2) operate at the international level and 3) are potentially relevant in international relations. Earlier, research sought to show that NGOs are increasingly important and active in international relations. Today, the focus has shifted to how and why NGOs matter in international relations (Arts and others 2002)

Relevant studies are dominated by various forms of structural analysis. Such research tends to explain the political role of NGOs in terms of the development of domestic and international political structures and the

Introduction

Arctic indigenous peoples and their organisations are leaders in the worldwide indigenous political movement. Since the 1960s, indigenous peoples have organised themselves concerning representation and to advance their concerns both domestically and internationally and successes in the Arctic region provide important models for indigenous peoples’ organisations (IPOs) worldwide.

International indigenous activism was the topic of the INDIPO (Indigenous peoples as international political actors) project (2005–2007) which was introduced by the author (Tennberg 2006) in this journal. The project was a collaborative effort to study indigenous political activism internationally using Arctic cases as examples. This article discusses the main results of the project from the point of view of power relations. In this light, indigenous peoples’ political agency can be seen as a result of the operation of multiple power relations: these relations not only define the scope of political action and its forms, but also constrain and enable indigenous political agency internationally.

mobilisation of the organisations instead of analysing their activities as political actors.

International law defines the basic actors in international society, what their interrelationships are and in what ways competent international actors may create legally binding rules. The legal understanding of indigenous international activism has developed around the right to self-determination. There are suggestions that indigenous peoples' international representation and participation in activities beyond the boundaries of national states could be justified in terms of an external right to self-determination. However, the legal capacity of the current IPOs as international political actors is constrained, as countries regulate this capacity through various domestic legal measures and practices. As Loukacheva (2009) discusses, legal clarity on the legitimacy of indigenous participation in international forums is deficient. There is no consensus in national legislative practices and international law on how to regulate the matter.

It was from these two different disciplinary starting points that the project addressed two interrelated questions: the first was how relations between states, international organisations and indigenous peoples have been and are currently constructed as legal and political practices; the second was how indigenous peoples construct their political agency through different strategies to further their political interests. With these questions the project sought to contribute to the multidisciplinary study of indigenous internationalism (Shaw 2002; Lawlor 2003; Morgan 2004; Smith 2007).

The question of power is central. Foucault's (2007: 17) analysis of power focuses on 'where and how, between whom, between what points, according to what processes, and with what effects, power is applied'. Political agency is based in the formulation and choice of who are regarded as capable of governing themselves and who are not. However, the current, increasingly dominant norms of liberalism do not give any easy answers to these questions. Liberalism views the question of political agency as contingent and indeterminate with respect to how to categorise and also how to govern different types of populations and individuals in time and space (Sending and Neuman 2007: 699).

The article focuses on different political debates and solutions adopted between states and indigenous peoples in the Arctic that have provided peoples with opportunities to participate in national and international politics. It also presents several cases of international forums, such as the UN, which have shown how new international norms and practices for international indigenous political activism can be developed. However, many of the discussions in these forums establish a certain kind of political agency for indigenous peoples for particular political purposes. Political agency is constructed through rationalities and practices of power that produce certain types of political identities and behaviours as appropriate, legitimate and effective (Sending and Neuman 2007: 697). According to some, these constructions of political agency show little

tolerance for differences between and within indigenous peoples' groups. The article concludes with the suggestion of an approach that would construct a multifaceted international indigenous political agency.

States and indigenous peoples

Historically, the state has played a central role in defining and maintaining power relations between different societal groups. The recognition of the political rights of indigenous peoples should be understood as a practice of state power. Foucault argues that a political right is both an instrument of, and vehicle for, the exercising of a multiplicity of power relations (Moreton-Robinson 2006: 389–390).

According to Loukacheva (2009: 51), 'since indigenous peoples have a limited legal personality and capacity in international law, the states of which they are a part can take special measures to accommodate' those peoples' needs as regards their international participation and representation. She also points out that 'the direct international representation of organisations of indigenous peoples or their participation in international negotiations and decision-making undertakings is a subject of regulation by their respective national states' (2009: 54).

The rise of IPOs and their international activities, as part of the 'global civil society' in its various forms, is a facet of the workings of power. It is through power relations that the political agency of indigenous peoples has developed. Indigenous peoples' experiences of opportunities for international political agency have been diverse in the Arctic, as the findings of the project indicate.

Inuit international activity

Loukacheva (2009) discusses the opportunities for the Inuit of Nunavut and Greenland to participate in international decision making. She shows how 'the cases of Greenland and Nunavut are interesting because on the one hand, they allow one to look at the international activity of sub-national units populated with majorities of indigenous people. On the other hand, the Inuit citizens of Greenland and Nunavut are well represented in Arctic and global forums via activities of the trans-national NGOs, such as the Inuit Circumpolar Council' (Loukacheva 2009: 54). Moreover 'currently, there are no legal obstacles to the recognition by the Danish or Canadian government of the direct involvement of Greenland or Nunavut in international affairs, as long as it does not breach national sovereignty and covers matters relevant to the better fulfillment of the jurisdiction of these units' (Loukacheva 2009: 55). She concludes that the evolving scope of the right to autonomy is inclusive of international activities and should allow direct Inuit participation in international affairs when their homelands are concerned. However, the need for a legal justification of these activities will depend on the circumstances of each particular case.

Russian indigenous activism

The Russian experience has been quite different compared to the development of Inuit political agency. The relevant questions are: [w]hat is the relationship between the power and non-state actors in Russia, and what are the prospects for the indigenous peoples and their organisations in Russia? In Semenova's view, indigenous peoples in the Russian north have developed a common political agenda. In addition, IPOs are a vital part of the Russian non-governmental community and civil society. RAIPON in particular is 'centrally placed as a political union to lead and guide the national movement of indigenous peoples and to transform political decisions into practical solutions' (Semenova 2008a).

However, civil society in Russia is undergoing a transition. After the transformation period in 1990s, a wave of self-organisation took place, including the formation of IPOs. However, the state's response to this has not led to a 'long-term cohesive process of the civil society consolidation'; what has occurred is the polarisation of ideological disputes and subsequent marginalisation of alternative or opposition agendas. As a result, the Russian government tries to promote the dissipation of civil society into cooperating top-level elites with wider access to resources and power. Other NGOs are deprived of state support. Moreover, Russian NGOs are divided and are not yet fully cooperating with each other (Semenova 2008a).

As a result, the political constraints on Russian IPOs as political agents are many and they focus on 'adapting to the existing political regime and power structures; while attempting to critically evaluate the activities and functioning of state bodies, intergovernmental agencies and non-governmental organisations; and coping with existing problems that require solutions or temporary mitigation' (Semenova 2008a). In this situation, the political opportunities for indigenous peoples and their organisations have determined their strategy. This strategy is based on direct contact (meeting with top-level officials in the state and abroad) and lobbying at the margins. The researcher expects 'these political activities of the IPOs in Russia [to] have a tendency to continuation in the near future' (Semenova 2006, 2008a, 2008b).

Saami international activism

Koivurova reports (2008) the latest developments with regard to the Saami, mainly the drafting of the Nordic Saami convention. Koivurova views this as a means to regulate the legal relations between four peoples, the Norwegians, Swedes, Finns and Saami. Of these four, the first three have fully developed self-determination within their own states, whereas the Saami have only a limited form of it. The draft convention accepts the idea of the Saami as an indivisible people in the Nordic states. This is the basis for Saami self-determination.

However, the draft suggests not only that the Saami possess internal self-determination, but also that their self-determination has an external dimension. According

to article 19: '[t]he Saami parliaments shall represent the Saami in intergovernmental matters. The states shall promote Saami representation in international institutions and Saami participation in international meetings'. But it does not recognise the right of the Sami in international treaty-making. The draft is already an important document for the future status of transnational indigenous peoples: 'it provides very innovative regulatory arrangements and demonstrates the mutual willingness of the state and the Saami to jointly regulate their legal relationship' (Koivurova 2008: 292).

The draft challenges the way indigenous peoples can become involved in an international treaty. According to the draft, the three Saami parliaments need to accept any changes to the draft convention before states can adopt them. Even though this initiative is still a draft, it has already challenged the way indigenous peoples participate in an international legally binding treaty (Koivurova 2008: 287). Koivurova (2008: 293) submits that when the convention is finalised it 'will likely have a lasting inspirational impact on indigenous peoples all over the world'.

Koivurova mentions that the finalisation of the convention has been delayed. One of the reasons for the delay is the difficulties Finland has had in contributing to formulation of the draft. The complexities of Finnish Saami politics have been studied by Forrest in his article (2006). Much of the difficulty Finland has had with ratifying ILO 169, and thereby accepting the norm of indigenous self-determination, stems from problems with the development of norms at the international level; other problems derive from domestic factors particular to Finland.

These domestic and international factors are linked. Finland is motivated to accept the principle of self-determination and the collective rights of indigenous peoples, because it wishes to maintain its identity 'as a progressive liberal Nordic state' while at the same time, it seeks to resolve a longstanding source of conflict and controversy regarding Saami land rights in Lapland. According to Forrest, both the Finnish government and the Finnish Saami parliament view resolution of the land rights question and attendant questions of ethnic identity as a necessary prerequisite to complying with the requirements of ILO 169 and permitting its ratification. These questions are not easily settled. The author concludes that both domestic normative structures and structural issues are impeding the ratification of ILO 169 in Finland (Forrest 2006).

Practices of international indigenous activism

International governmental organisations, such as PFII and the Arctic Council, allow us to study the activities of international governmental organisations (IGOs) in order to recognise the rights of indigenous peoples and the development of practices that advance their participation in the activities, IGOs are apparatuses through which

forms of power are produced and circulated through links with international, national and sub-national actors. This perspective focuses on the 'elaborate network of relations formed among the complex institutions, organizations and apparatuses that make it up, and between state and non-state institutions' (Rose and Miller 1992: 176). Practices, not organisations, are the Foucaultian point of entry for the analysis of how power functions. Practices of power, especially practices of international law regarding participation, seem to be changing. The examples of the PFII and the Arctic Council show how re-configuring of power relations between states and indigenous peoples may take place internationally. The rise of indigenous NGOs in world politics, including the exercise of political power beyond the state, does not mean the exclusion of state actors; it results only in a new configuration of power relations for indigenous peoples in their relations with state authorities (see Rose and Miller 1992: 75.)

United Nations Permanent Forum for Indigenous Issues

Marjo Lindroth (2006) analyses an important international forum for indigenous peoples' activism, the UN Permanent Forum of Indigenous Issues (PFII) and its establishment in 2000. The creation of PFII changed the practices of power relations in the UN. According to the author, the UN system has traditionally been based on the membership of nation-states and their sovereignty. With the presence of indigenous representatives and with the limited agency of NGOs in the UN, indigenous peoples' concerns and demands have been put on the agenda. As political actors, IPOs have contested international practices such as state sovereignty and state rule in indigenous areas. They are challenging these practices as being illegitimate. (Lindroth 2006)

The PFII was not straightforward for states and indigenous peoples to establish. Again, practices of international cooperation were challenged and changed. According to Lindroth, the IPOs acted as 'norm entrepreneurs', using frames of legitimacy and illegitimacy to articulate their problems and to suggest solutions to them in the establishment of the PFII. The PFII as established was a disappointment to indigenous peoples with respect to many issues: it does not have decision-making power or the power to resolve conflicts. However, as Lindroth (2006) observes, the establishment of such a high-level forum in the UN system, the equal status of indigenous and state representatives in it, and its openness to indigenous NGOs are unprecedented achievements in a global state-controlled organisation.

The Arctic Council

The Arctic Council is another example of change in a basic practice of international law, state sovereignty. This is reflected in the question of who can participate in international law-making processes. The council recognises indigenous peoples as permanent participants, who negotiate at the same table with the Arctic states and may table proposals. Even though final decisions are made by

the Arctic states in consensus, the permanent participants must be fully consulted, which gives them close to a *de facto* veto should they all reject a particular proposal (Koivurova and Heinämäki 2006)

Koivurova and Heinämäki (2006) claim that the recently developed international practice of soft law provides indigenous peoples with a better opportunity for influential participation than is afforded them by traditional treaty-based methods. Soft law instruments, such as declarations and action programmes, are adopted by states but without the intention of creating legally binding norms. They are understood as binding in a political sense. International law is 'not too promising an avenue for indigenous peoples, at least when it comes to participating in international law-making processes', (Koivurova and Heinämäki 2006: 102). Without state status, indigenous peoples are excluded from international law-making processes. They are regularly categorised as NGOs and have only very limited rights to participate in that process.

The changes noted above do not simply occur. In the Arctic context, the role of the Inuit Circumpolar Council (ICC) in particular as a political actor is central. Shadian (2006: 257) concludes that the ICC has 'acquired the authority for determining the shape and the direction in which Arctic development is defined and proceeds.' The development of the ICC as an international political actor serves 'as the culmination of a more complex and multidimensional narrative of Arctic international relations' (Shadian 2006: 257). The politics of natural resource development have contributed significantly to Alaskan and Canadian Inuit efforts to gain control over the ways in which Arctic resources are developed. The methods of Inuit political agency chosen were the foundation of a pan-Arctic Inuit organisation and the creation of an Inuit environmental polity to preserve the Arctic environment. The ICC has actively participated in the creation of new regional political forums since the late 1980s. It has also been effective in promoting a vision for the Arctic through its political activism. This vision, according to Shadian, is that of 'an Arctic defined by its natural environment and the indigenous peoples who inhabit this space' (Shadian 2006: 250). In her view, the ICC has not only grown into a powerful political actor in Arctic governance, but further acquired the legitimacy to help determine the very definition of the region as a whole.

The right to be different?

Dealing with indigenous groups and the claims for self-determination they present to their governments is 'a problem' requiring the attention of governments. From the Foucaultian point of view, 'indigenouness' is an issue of identifying objects ('peoples', 'identity', 'culture', 'nature' and their relations) to be governed and arranging relations and responsibilities for action between various actors involved. Such 'problematizations' formulate the identities through which people are governed and the

statuses and capacities of members of populations. Often these problematisations, as much as practices of self-government or modes of resistance, attempt to specify and fix identities in definite ways in the service of particular political ends (Dean and Hindess 1998: 10–11).

In the case of the Arctic, indigenous peoples' need to create a political front *vis-à-vis* states is based on the idea of their having common problems; the diversity of indigenous peoples and their situations in the Arctic is downplayed. The political agency of indigenous women can be viewed as illuminating the complexities and multiplicities of indigenous agencies and difficulties in recognising differences among indigenous peoples.

In her study, Pentikäinen (2009) highlights how international human rights instruments address the principles of equity and non-discrimination. Both international minority-specific norms and indigenous norms underscore the principles of equality and non-discrimination. However, states have adopted some specific international norms that recognise and protect the difference between these groups and the population at large. They can even be seen as promoting this difference, shifting the focus from 'the right to be the same' towards 'the right to be different'.

According to Pentikäinen, states are cautious in the recognition of differences beyond the private sphere, that is, in public spheres such as education and relations with public authorities. International norms specifically focusing on women underline the equal and non-discriminatory enjoyment of human rights by, and the participation and empowerment of, women. Pentikäinen concludes that 'while the women-specific norms are not detailed in discussing women belonging to minority or indigenous groups, it is particularly noteworthy that the international norms on minorities and indigenous peoples are even more hesitant to draw attention to women with a minority or indigenous background. Of these norms, those on indigenous peoples do include some remarks on women and show some sensitivity to gender issues; in the international norms on minorities these considerations are basically absent' (Pentikäinen 2009).

Sinevaara-Niskanen (2007) presents the feminist critique of the gender-biased understanding of agents in international relations, that is, the assumption and legitimacy of 'statesmen' and institutions created by men as being the only actors of international politics. Feminist scholarship has made women's participation in politics visible, emphasising at the same time how women's ways to act and participate should be viewed as agency in international politics. In doing so, feminist research has redefined the notions of actors and agency in international relations (Sylvester 1996: 256–157) and has endeavored to uncover the marginalised experiences of women.

McNay (2000: 5) observes that the redefinition of agency is crucial to 'explaining both how women have acted autonomously in the past despite constricting social sanctions and also how they may act now in the context of processes of gender restructuring.' Women have better

chances to be heard in international forums, and with gender still non-existent in international norms, there seems to be no need, even for indigenous women, to highlight the issue. Despite these structural and normative settings, indigenous women also construct their agencies through gender and a search for places for gendered indigenous agencies (Sinevaara-Niskanen 2007).

One element that is still missing in this construct is the acknowledgement of indigenous difference as the main condition of the legitimacy of the institutions and practices within which rights and resources are to be distributed (Moreton-Robinson 2006: 384–385). We must await events to observe progress in this area. As a potential solution to the challenge of recognising differences among different societal groups Kuppe (2008) in his article refers to a model of 'statehood' based on a politics of difference. It accords other cultures recognition based on non-discrimination and the political right to organise their affairs on the basis of their own cultural priorities, norms and criteria.

Indigenous peoples as international political actors

The following conclusions can be made on the basis of the project:

Indigenous political agency is based on multiple forms of power

The political agency of indigenous peoples is a result of the workings of different power relations. The Arctic Council can be understood as a crystallisation of three kinds of power relations that define the relationship between states and indigenous peoples. Firstly, in terms of sovereign power, the discussion during the negotiations to establish the Arctic Council on whether to use the word 'people' or 'peoples' opened up an opportunity for indigenous peoples to act in the Arctic Council as 'permanent participants' instead of as observer NGOs. Secondly, the discussion on the form and use of knowledge in the management of Arctic environmental issues was central in terms of disciplinary power relations. In the context of the council, Arctic indigenous peoples were not only identified as victims of environmental changes, but were acknowledged as experts on Arctic environmental conditions and politics. Finally, in terms of governmental power, the discussions on sustainable development recognised the importance of other than purely environmental concerns and took up the broader well-being of indigenous populations (Tennberg 2000).

Practices of power both enable and constrain change in indigenous political agency over time

'Indigeness' continues to be a political problem. As political agents, IPOs in the Arctic have managed to expand their political agency. The cases presented and discussed in the project show how different national and international solutions to include IPOs in the working of international organisations and participation in national decision making have been made (Lindroth 2006;

Semenova 2006, 2008a, 2008b; Koivurova and Heinämäki 2006). As a result, there are great differences in the practices of indigenous political activism in different Arctic countries (Loukacheva 2009). However, the Arctic IPOs have managed to use their claim to indigenous self-determination successfully to gain acceptance for their issues and concerns in the region. For instance, the Sami Council pushed the idea of a Saami Convention and succeeded in having it placed on the agenda of the Nordic Council, an achievement which over time resulted in a draft for an international convention between the three Nordic states and their Saami parliaments (Koivurova 2008).

Power circulates and produces multiple sites of encounters

There are multiple encounters, sites in which relations of power and forms of political agency are constructed. The development of international indigenous activism in various collective structures, national, regional and international, shows how power circulates and develops through multiple sites of encounter beyond and below the national level. Due to their political agency, both enabled and constrained by attendant social structures, indigenous peoples have been able to change these structures for encounters within the practices of state sovereignty and power. For example, the PFII has established its role as one of the focal international points where indigenous NGOs exercise their political agency and try to reconstruct their power relations with states. Indigenous NGOs use a variety of political strategies in the different settings in which the PFII works. (Lindroth 2006)

Political agency is acting

Indigenous political agency both domestically and internationally could be studied from the point of view of 'acting' instead of 'actors'. Different kinds of structures, states, and governmental as well as non-governmental organisations provide structures of 'collective acting'. This perspective allows a more differentiated approach to studying political agency and the study of various resources of power that indigenous peoples use to advance their political agency, that is, identity, knowledge, and history (see Franke and Roos 2006). In the best cases, such structures also allow for the recognition of differences between and within the actors involved, as discussed by Pentikäinen (2008), Sinevaara-Niskanen (2007), and Kuppe (2009). Identities can be understood as cultures, and as such they are dynamic and adaptable. Intersections of identities produce different positions and forms of acting. The collective level political actions, agendas and articulations of indigenous organisations do not necessarily accommodate or entail minority identities, cultural traditions or gender equality. Attention should thus also be paid to the multiplicity of and inequalities within agencies operating in and alongside the collective acting and the ways in which these influence social structures. (Okin 2005; Moore 2005)

New challenges ahead for IPOs

The challenges for indigenous political agency are not over. In the current global climate change discourse, Arctic indigenous peoples play a particular role, representing as they do one of the populations most vulnerable to the impacts of climate change due to their close relationship with the environment. A suggestion has been made by the Minority Rights Group that indigenous peoples should be formally included in climate change talks (*The Guardian* 20 November 2008). The response from the UN Framework Convention on Climate Change so far has been that indigenous and minority groups have a voice within the international climate change process as NGOs. In order to understand the changes taking place in the Arctic it is important that the indigenous peoples in the region are understood not only as victims of global change but also as active agents in plans for the future climate politics.

From research disciplines to research fields to the study of indigenous internationalism

The research questions posed in the project were challenging. The fields of international law and international politics are very much part of the history of colonialism and part of the *problematique* of the relationship between indigenous peoples, states and international institutions. The research on international indigenous political agencies also challenges the disciplinary traditions and their capability to respond to such questions. Therefore, it would be helpful to continue the study, not so much as an interesting topic for a particular discipline, but as a field inviting multidisciplinary research cooperation (see Sayer 1999–2003).

Acknowledgements

The author is grateful for the financial support by the Academy of Finland (project number 107132). The author would also like to thank members of the project in helping to write the article.

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