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Interrogating International Environmental Law's Approach to Nature

An Arctic Indigenous Model?

ABSTRACT International Environmental Law (IEL) reflects a rooted misconception of nature present across the international legal system, whereby nature is presented as instrumental to satisfying human needs oriented to unlimited economic growth. Such an anthropocentric view lacks an ecological awareness that conceives and values nature in its own right, and fails to recognize humans as part of it, leading to relentless exploitation of the natural world, at the core of the climate and ecological crises. In this article, I contend that rethinking IEL in a way to interrogate its inherent conceptual premises and embrace non-Western views on and relationalities with nature is essential. The Arctic being at the forefront of climate effects that severely and disproportionally impact its ecosystems and (human and non-human) communities; and "sustainable development" projects contextualised as part of the green transition pose additional risks to the region. I argue that Indigenous knowledge from Arctic peoples can contribute to expanding IEL's conceptual horizons and correcting inherited (mis-)understanding of nature and reimagining the human–nature relationship. Integrating, for example, the overarching principle of respect of the Skolt Sami in ordinary human–nature relationships can assist in rethinking IEL and inform a truly sustainable design, interpretation and implementation of its provisions.

KEYWORDS IEL, nature, Arctic, climate change, Indigenous knowledge, sustainability, respect

Introduction

Like the rest of the international legal system, International Environmental Law (IEL) emerged and flourished with an inherent anthropocentric (mis)understanding of nature and the human–nature relationship. Rooted in Western thought, IEL presents

nature as an external object with the instrumental function of satisfying human needs oriented to (unlimited) economic growth. IEL, therefore, lacks an ecological awareness that conceives and values the natural world in its own right, regardless of its utilitarian function for humans, and fails to recognise human beings as *part of* the diversified unity of nature. Instead, IEL presents the human world as separate and with hierarchical authority over nature and, as such, entitled to exploit it in a managerial way. This misconception of nature reflected in IEL legitimises a harmful human–nature relationship that promotes its relentless exploitation.

Against this backdrop, in a context of human-driven climate and ecological crises with catastrophic planetary consequences, it is imperative to interrogate and rethink IEL's foundational notions of and approaches to nature that have systematically ignored non-Western knowledge in its formation. Indigenous peoples' knowledge of and relationalities with nature provide opportunities to expand IEL's conceptual horizons, rethink and correct its rooted anthropocentric (and state-centric) ethos, in such a way that it incorporates an ecological awareness upon which a harmonious and respectful human–nature relationship can be grounded. This does not imply attempting to eliminate or neglect our innate anthropocentric approach to nature in (human) law, which—I argue—would be impossible due to the inevitable human perspective from which we humans look at the natural world around us and form part of it. Therefore, an anthropocentric approach to the natural world is not problematic *per se*. The problem with IEL's anthropocentrism is the lack of an ecological awareness that recognizes the interconnectedness and interdependence of all components of nature (including humans) in a common but differentiated unity, and their inherent value, regardless of their value for humans. Such a one-sided anthropocentric view of nature in IEL is thus deprived of an ecological dimension, which is profoundly correlated with its unconcern for the impact of destructive human activity across world ecosystems. As a consequence, IEL embraces an understanding of nature where this is objectified, subjugated (to human authority)[1] and depleted *for* and *by* humans without considering "others" (marginalised humans, future generations, non-humans, i.e. animals, plants, ecosystems) components of nature. Correcting IEL thus implies integrating an ecological awareness into our essential and ineludible anthropocentric worldview in a way to resignify nature and the human–nature relationship. Accordingly, a receptive approach to historically neglected knowledge and (legal) traditions in Western-centered IEL production, such as Indigenous peoples' traditional knowledge, would benefit the redefinition of IEL's theoretical foundations. The context of climate and ecological crises evidences the risks of maintaining a harmful anthropocentric relationship between humans and nature.

In this article I first interrogate the IEL's anthropocentric approach to nature in order to identify its essential (mis)understandings of the relationship between human and nature. Second, I will zoom into the Arctic region to understand how IEL can support exclusionary "othering" patterns that increase vulnerability in the Arctic. Third, taking interdisciplinary insights from the field of environmental anthropology, I explore "alternative" Arctic Indigenous peoples' views on and relationalities with na-

[1] Anna Grear, for example, interrogates the prevailing hierarchical structures within the "anthropos" itself that are central in the Anthropocene (Grear, "Deconstructing anthropos," 2015).

ture, giving as example the case of the Skolt Sami living in Northern Finland. Finally, I conclude that Indigenous views on and relationalities with the natural world provide opportunities to rethink nature in IEL and correct its anthropocentric approach to nature and the human–nature relationship in such a way that it embraces an ecologic awareness and becomes fit for its purpose of environmental protection.

What Is Wrong in IEL?

Despite that the *raison d'être* of the regime is the protection of the natural world, IEL has been incepted and flourished from a Eurocentric ("Western") view of nature. IEL presents the natural world as a mere utilitarian means to human ends and, as such, its components are deemed as "human resources." As in the rest of the international legal system, in IEL, nature is thus presented as an object separated from the human realm without inherent value and agency, which should be managed by an external and implicitly superior human. Hence, IEL endorses an anthropocentric imagery of nature where this exists *for* humans entitled with intrinsic authority and power *over* it and to whom it serves as a "storage of raw materials."[2] Such anthropocentric (mis)understanding of nature rooted in IEL promotes an uncaring, greedy and market-based relationship between humans and nature and neglects humans' belongingness and interconnectedness to it as part of a continuum of ecosystems and ever-developing natural processes that are not necessarily known or understandable to humans (science). In the face of the existential global climate change and ecological crises, it is important that legal scholars and operators take a "critical attitude" and challenge unquestioned assumptions on nature infused across international (environmental) law.[3] Such a Western view of nature inherited in IEL facilitates anthropocentric human–nature relationships characterised by widespread harmful human activity oriented to capital (economic) growth that also ignores non-Western views on and relationalities with nature.

While in this article I challenge the anthropocentric approach to nature in international (environmental) law and its deleterious climate and ecological consequences for the planet, it is important to clarify here that, in my view, while anthropocentrism is part of the problem of IEL, it is not the problem in itself. It is the kind of anthropocentrism embraced in the "Western" international legal system and, thus in IEL, that—conflated with trajectories of colonisation[4]—is leading the Earth to collapse. Accordingly, I argue that anthropocentrism should not be condemned—or, even worse, counterproductively attempted to get rid of—but instead, evolved. This means that the existing anthropocentrism in international law should be overcome and evolved into a conscious, yet inevitable, anthropocentrism from which the world is seen and experienced as a multiplicity of material and immaterial[5] beings that are differentiated parts of the dynamic unity of nature and the cosmos. In this evolved cosmo-ecologically-aware version of anthropocentrism,[6] humans are recognised as part of nature, whose components have inherent value and as such are worthy of the

[2] Bookchin, *The Ecology of Freedom*, 2018, p. 20.
[3] Lindroth, Sinevaara-Niskanen & Tennberg, "Introduction," 2022, p. 4.
[4] Kotzé, "Coloniality, neoliberalism and the Anthropocene," 2019, p. 1–6.
[5] Not necessarily discernible by (human) science or passive of identification or regulation by human laws.
[6] One that I would call "cosmo-eco anthropocentrism," or something alike.

same respect, care, protection as humans. An evolved anthropocentric view of nature would thus entail embracing an ecological dimension of (human and non-human) nature. Such cosmo-ecological awareness is currently absent in the anthropocentric view of nature presented in IEL. This must be corrected in order for IEL to become fit for its purpose of protecting the "environment"[7] and coherently contributing to halting the destructive relationship human–nature and its consequences. As I have said, changing

> this path requires rethinking our relational approach vis-à-vis the natural world, which implies reconceptualising anthropocentric notions of nature inherited and expanded through colonialism and reflected in the legal system.[8]

However, overcoming the current anthropocentrism that "hinges on an ontological separation of people and nature, situating humans as the main actor within the natural world,"[9] would require a foundational shift in IEL's understanding of nature incepted from its origins. The 1972 Stockholm Declaration of the UN Conference on the Human Environment,[10] is usually identified as marking the outset of IEL as a branch of international law dedicated to environmental protection.[11] Since then, the body of IEL has steadily developed and ramified into an array of normative and technical instruments regulating different aspects of the protection of the environment, some of which are also covered by other related branches of international law.[12] In this process, states have played a pivotal role. The development of IEL has largely taken place in the context of multilateral negotiation processes where states, as central actors of international law and decision-makers, shape the rules and, thereby, societal understandings of human–nature interactions reflected in IEL instruments and their implementation at national levels. Such state-centrism in the creation and operationalisation of international law is thus another problem of IEL that reinforces the one-sided ("Western") anthropocentric view of nature as separated from humans, in alignment with an international order that prioritises economic development over respect, care, conservation and protection of the (non-human) natural world.[13]

This state-centric approach adds onto the notion of nature as capable of being

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[7] As (non-human) nature is referred to in most of IEL instruments.

[8] Payva Almonte, "Rethinking the relationship between humans and nature in law," 2023b.

[9] Depelteau, "Anthropocentric and biocentric narratives in the context of neoliberalism and catastrophe narratives," 2021, p. 21.

[10] Declaration of the United Nations Conference on the Human Environment. UN Conference on the Human Environment, Stockholm, 5–16 June 1972.

[11] The emergence of IEL was in great part a response of the international community to grievous cases of transboundary environmental harm and pollution. For example, the Trail Smelter Arbitration case, between United States and Canada, Decision, 11 March 1941. (*United States v. Canada*) (1938 and 1941) 3 R.I.A.A. 1905.

[12] For example, the Convention on Trade in Endangered Species of Wild Fauna and Flora, adopted 3 March 1973, entered into force 1 July 1975 (993 UNTS 243); and Convention on Biological Diversity, adopted 5 June 1992, entered into force 29 December 1993 (1760 UNTS 79) have given rise to IEL sub-regimes dedicated to addressing biodiversity loss and other environmental issues. Under other international law regimes, see for example, the UN Convention on the Law of the Sea, adopted 10 December 1982, entered into force 16 November 1984, 1833 UNTS 397; the UN Framework Convention on Climate Change (UNFCCC), adopted 9 May 1992, entered into force 21 March 1994, S. Treaty Doc No. 102-38, 1771 UNTS 107; and the Paris Agreement to the UN Framework Convention on Climate Change, adopted 12 December 2015, entered into force November 4, 2016, T.I.A.S. No. 16-1104.

[13] See Reid, "Interrogating the neoliberal biopolitics of the sustainable development–resilience nexus," 2013; and Kotzé & Adelman, "Environmental law and the unsustainability of sustainable development," 2023.

humanly moulded according to the anthropocentric arrangements, needs, priorities and (state) structures of a hierarchically superior humankind. Thereby, nature is compartmentalised as per sovereign states' borders and managed as per national interests grounded on a market-based system of governance that promotes nature's exploitation. In its Preamble, for example, the Stockholm Declaration explicitly proclaims that

> Man is both creature and *moulder* of his environment […] a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale.[14]

Here, the text reflects the over-reliance on a superior powerful human, capable of adjusting the environment at discretion, without concern for the implications for the natural world. Further, in line with the state-centric ethos of international law, Principle 21 of the Stockholm Declaration explicitly proclaims the states' "sovereign right to exploit their own resources" as long as they do not cause environmental damage to other states or areas beyond their national jurisdiction, reinforcing thereby the notion of ownership of nature by states. In doing so, from its origins in foundational instruments, IEL promotes and supports the exploitation of nature to the extent of recognising it as a "sovereign right" of states.

Such anthropocentric and correlated state-centric logic within IEL is at the core of the climate and ecological crises, where an imagery of nature as a rich repository of (inexhaustible) natural resources ready to be exploited was reaffirmed in subsequent environmental summits. For example, the 1992 UN Conference on Environment and Development issued the Rio Declaration, which proclaims in its Principle 1 that "Human beings are at the centre of concerns for sustainable development."[15] Certainly, the notion of "sustainable development" has been increasingly instrumental to the logic of exploitation of nature for human economic-oriented development. As Kotzé and Adelman note, IEL

> has played a pivotal role in turning sustainable development into a normatively, politically, economically, and socially powerful concept, and is therefore complicit in promoting a socio-ecologically destructive understanding of sustainable development in a body of law that is supposed to be primarily concerned with ensuring planetary integrity.[16]

Besides, Principle 2 of the Rio Declaration reaffirms states' centrality as holders of the "sovereign right to exploit their own resources pursuant to their own environmental and developmental policies."[17] This IEL's notion of nature as being merely utilitarian to attain the ultimate human/states' goal of economic-oriented "development" and

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[14] Declaration of the United Nations Conference on the Human Environment. UN Conference on the Human Environment, Stockholm, 5–16 June 1972, Preamble.

[15] Declaration on Environment and Development. UN Doc. A/CONF.151/26 (Vol.1), UN Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, Preamble.

[16] Kotzé & Adelman, "Environmental law and the unsustainability of sustainable development," 2023, p. 233.

[17] Declaration on Environment and Development. UN Doc. A/CONF.151/26 (Vol.1), UN Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, Principle 2.

its subsequently upgraded version, "sustainable development," has been reinforced by subsequent development policy frameworks. The 2000 Millennium Development Goals[18] and, later, the 2015 Sustainable Development Goals,[19] have positioned the notion of (sustainable) development as a *laissez-faire* tool to achieve states' goals of growth through natural exploitation, with the endorsement of IEL, which

> plays a key role in further cementing sustainable development as its cornerstone principle, and as the guiding mantra of a neoliberal world order where growth without limits is legitimised and even encouraged.[20]

Is There Hope for Change in the IEL's Approach to Nature?

Despite IEL's inherent anthropocentrism, characterised by, inter alia, a firm state-centrism, "which preserves sovereignty by shutting out alternative modes of ecological care,"[21] the field seems to have planted early seeds towards the development of an ecological awareness therein. For instance, the 1992 Convention on Biological Biodiversity (CBD)[22] recognises the "intrinsic value of biological biodiversity" in its Preamble. However, in its substantive part, it turns to show the IEL's traditional anthropocentric approach to nature. Article 2 of the CBD refers to the biological and genetic biodiversity as "resources" and explicitly assesses their worth in anthropocentric terms by saying "with actual or potential use or value for humanity," although, in the case of "genetic resources," it omits to specify "for humanity" at the end as the beneficiary of such "resources."[23] Also, although the CBD gives a step forward by recognising in its preambular part the "close and traditional dependence of many Indigenous and local communities embodying traditional lifestyles on biological resources,"[24] it seemingly restrains the importance of biological resources to Indigenous peoples and local communities.

Nevertheless, more recent developments, such as the 2022 Kunming-Montreal Global Biodiversity Framework (KMGBF),[25] reflect that an ecological awareness might be emanating in the field of IEL. The KMGBF, for example, explicitly refers to nature as "Mother Earth" throughout its text, and recognises the "diverse value systems and concepts, including, for those countries that recognize them, rights of nature and rights of Mother Earth, as being an integral part of its successful implementation."[26] Moreover, the KMGBF even goes a step further by explicitly calling for "Moth-

[18] UN General Assembly, "United Nations Millennium Declaration," UN Doc. A/RES/55/2, 8 September 2000.

[19] UN General Assembly, "Transforming Our World: The 2030 Agenda for Sustainable Development," UN Doc. A/RES/70/1, 25 September 2015.

[20] Kotzé & Adelman, "Environmental law and the unsustainability of sustainable development," 2023, p. 233.

[21] Kotzé & French, "The anthropocentric ontology of International Environmental Law and the sustainable development goals," 2018, p. 7.

[22] Convention on Biological Diversity, adopted 5 June 1992, entered into force 29 December 1993 (1760 UNTS 79).

[23] Convention on Biological Diversity, adopted 5 June 1992, entered into force 29 December 1993 (1760 UNTS 79), Article 2.

[24] Convention on Biological Diversity, adopted 5 June 1992, entered into force 29 December 1993 (1760 UNTS 79), Preamble.

[25] Kunming-Montreal Global Biodiversity Framework, UN Doc. CBD/COP/DEC/15/4, Secretariat of the Convention on Biological Diversity, 19 December 2022.

[26] Kunming-Montreal Global Biodiversity Framework, UN Doc. CBD/COP/DEC/15/4, Secretariat of the Convention on Biological Diversity, 19 December 2022, Section A(1).

er Earth-centric actions," which should include Indigenous peoples and local communities.[27] According to the KMGBF, Mother Earth-centric actions encompasses an

> [ecocentric] and rights-based approach enabling the implementation of actions towards harmonic and complementary relationships between peoples and nature, promoting the continuity of all living beings and their communities and ensuring the non-commodification of environmental functions of Mother Earth.[28]

Such explicit adoption of an ecocentric approach to nature and the recognition of the contribution and rights of Indigenous peoples and local communities in the KMGBF, provide room for hope that IEL can gradually become fit for its purpose of environmental protection. But the ongoing ecological and climate crises require urgent and radical actions in every field. The KMGBF has even been considered "one of the most ambitious environmental agreements of the twenty-first century."[29] However, it remains to be seen whether there is an actual or merely declaratory change towards an ecocentric approach as the implementation of the KMGBF continues to unfold.

All in all, despite recent developments in the field, IEL falls short in meeting its main task of environmental protection, as the prevalent anthropocentric approach, where nature is seen as an object, or, in IEL terms, a "resource" for human (anthropocentric) exploitation, remains at its core. Changing the IEL's approach to nature and incorporating an ecological awareness in international (environmental) law goes beyond the mere declaration of a new ecocentric approach to "Mother Earth." Instead, it requires interrogating and rethinking the values, assumptions, trajectories and priorities encapsulated in IEL's conceptual and practical arrangements:

> Ecological thinking "interrogates and endeavours to unsettle the self-certainties of western capitalism and the epistemologies of mastery it underwrites." It "is not simply thinking *about* ecology or *about* 'the environment,' [but] a revisioned mode of engagement with knowledge, subjectivity, politics, ethics, science, citizenship, and agency that pervades and reconfigures theory and practice."[30]

In this vein, incorporating an ecological awareness in IEL's logic that steps away from its traditional anthropocentric approach to nature, requires correcting its endorsement of environmentally harmful human activity in pursuance of relentless economic growth at the cost of pervasive depletion and pollution of nature. This embedded logic in the thinking, making and practice of IEL is problematic and contradictory, and certainly does not contribute to addressing the climate and ecological crises, but rather intensifies them. Such approach to nature embraces at its heart a detrimental anthropocentric view of the world where human "needs" prevail, support and reproduce

[27] Kunming-Montreal Global Biodiversity Framework, UN Doc. CBD/COP/DEC/15/4, Secretariat of the Convention on Biological Diversity, 19 December 2022, Target 19 (f).

[28] Kunming-Montreal Global Biodiversity Framework, UN Doc. CBD/COP/DEC/15/4, Secretariat of the Convention on Biological Diversity, 19 December 2022, Target 19 (f), footnote 13.

[29] Hughes & Grumbine, "The Kunming-Montreal Global Biodiversity Framework," 2023, p.1.

[30] Adelman, "Epistemologies of mastery," 2015, p.15, citing Code, *Ecological Thinking*, 2006, p. 4–5.

intra- and inter-species injustice globally. In doing so, IEL also consistently neglects "others'" views of nature and relationalities with it, such as those ancestrally cultivated by Indigenous peoples worldwide and the agency of non-human nature in the formation of the relationship with the human world. Correcting and redirecting IEL's counteractive anthropocentric trajectory is imperative, in light of the intertwined and multi-faceted planetary crises. The emerging concept of green transition calls for a shift to a more participatory, inclusive, equal and "green" global approach in the process towards a decarbonised planet that respects planetary boundaries.[31] Yet, it is at least uncertain whether the green transition will *actually* be just and green for all, in particular for those at the periphery of societies and decision-making processes, whose views, such as those of Indigenous peoples, are often absent in the design and implementation of environmental laws and (increasingly "green"?) policies. Indigenous views on nature and relationalities with it could potentially contribute to expand IEL's conceptual horizons and taxonomic hierarchies in a way to prioritise the respect and care for the natural world and promote its preservation, which is particularly urgent in vulnerable ecosystems like the Arctic.

A Changing Artic and the Green Transition

The Arctic is one of the most vulnerable regions to climate change.[32] Its effects severely impinge on the human rights of Arctic communities and disrupt fragile ecosystems at the forefront of climate impacts. [33] Global warming is two[34] to four[35] times faster in the Arctic than in the rest of the globe, manifested in a rapidly changing Arctic environment. However, such state of affairs in the Arctic should not be seen in isolation, as its enablers and implications are global in essence. From a global perspective, the Arctic could be seen as the tip of a melting iceberg resulting from long-lasting human activity mainly performed, promoted and legitimised far away from the Arctic—including within Arctic states—and whose "melting" process will eventually reach the rest of the iceberg (world). As Finger describes, "the Arctic should be looked at in the context of the fate of the planet, [as] a 'laboratory of the Anthropocene'."[36] Being thus one of the uniquely threatened ecological and human systems in the world,[37] which first exhibits, and disproportionally faces, the symptoms of a global (warming) problem, the critical situation in the Arctic must serve as a compelling warning of the severe planetary consequences of relentless environmentally harmful human activity and the need to reconsider the normative and policy frameworks that allow it. One should thus ask whether IEL can plausibly be fixed in a way that it becomes fit for

[31] See, for example, UN General Assembly, "The 'Just Transition' in the Economic Recovery. Eradicating Poverty within Planetary Boundaries," UN Doc. A/75/181, 7 October 2020; UN Framework Convention on Climate Change, "Just Transition of the Workforce, and the Creation of Decent Work and Quality Jobs," Technical Paper, 2016; and International Labour Organization, "Gender, Labour and a Just Transition Towards Environmentally Sustainable Economies and Societies for All," 7 November 2017.

[32] IPCC, "Summary for policymakers," 2018.

[33] See, for example, Payva Almonte, "Vulnerability in the Arctic in the context of climate change and uncertainty," 2023a.

[34] IPCC, "Summary for policymakers," 2018.

[35] Rantanen et al., "The Arctic has warmed nearly four times faster than the globe since 1979," 2022, pp. 168–178.

[36] Finger & Rekvig, "Introduction," 2022, p. 16.

[37] Along with, for example, coral reefs and mountain glaciers (IPCC, "Summary for policymakers," 2018).

its purpose of environmental protection. Or, in other words, what can plausibly be done differently in the IEL regime to correct its pernicious anthropocentric path that supports the exploitation of nature on the basis that it is necessary for humans' (economic) growth and (sustainable) development activities in the Arctic and globally?

The Arctic region showcases the most severe environmental consequences of global actions and decisions taken elsewhere, but it could also play a leading role for a radical turn in the anthropocentric trajectories that led it to its current state of vulnerability, including in the multilevel legal and policy frameworks that enabled it. As Tennberg notes, "[political] and economic development of the Arctic is increasingly intertwined with politics beyond the region, and its governance is decentralized, taking place locally, nationally, regionally and globally."[38] In manifesting the decentralised character of Arctic governance, the green transition presents the Arctic as a key and attractive partner for its implementation. However, the rapidly changing Arctic environment facing snow cover decrease, thawing permafrost and rapidly melting sea ice, increases the accessibility to the Arctic and its natural resources, particularly minerals[39] necessary for the green transition, which, in turn, increases the interest from (Arctic and non-Arctic) states and extractive industries in the region.[40]Amidst these unfolding challenges in the Arctic, Indigenous peoples are at the receiving end of not only climate change impacts, but also of (sustainable) development projects increasingly framed as part of the green transition, which, instead, can put at further risk already vulnerable Arctic ecosystems and Indigenous lifestyles. Unabated (sustainable) development projects exacerbate conflicts over use of land in the Arctic and further threaten the rights of Indigenous peoples, which are correlated with their ancestrally cultivated relationship with their lands, such as their right to health, livelihoods, subsistence and culture, among other rights. As Cambou notes,

> Indigenous peoples' relations with their land, territories and resources go beyond a Western conception of legal property [which] clashes with a more collective and holistic conception of land, territories and resources held by Indigenous groups.[41]

A holistic worldview with a strong ecological dimension and relationship with nature is commonly present in Indigenous knowledge systems and cosmology. Indigenous peoples' worldviews, traditionally absent in international law, can thus aptly inform the development of a more integrated understanding of the relationship human–nature in IEL. Accordingly, in attempting to build interdisciplinary bridges with anthropological perspectives, in the next section, I explore Arctic Indigenous peoples' views and values underpinning their understanding of nature and relationship with it.

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[38] Tennberg, "Narratives," 2022, p.193.

[39] In this regard, Finger points out that at least "some of the resources—especially the rare-earth-metals—are central to the energy transition (decarbonization) and should be mined precisely for this reason" (Finger, "Sustainable development of the Arctic?" 2022, p. 340).

[40] Payva Almonte, "Vulnerability in the Arctic in the context of climate change and uncertainty," 2023a.

[41] Cambou, "Indigenous peoples right to self-determination and the principle of state sovereignty over natural resources," 2022, p. 162.

Indigenous Knowledge from the Arctic Periphery. Skolt Sami Views on Nature

Based on Panu Itkonen's environmental anthropology study on Skolt Sami conceptions of nature obligations as the basis for environmental sustainability,[42] I explore how Arctic Indigenous understanding of and relationalities with nature can inform the development of ecological awareness in IEL. An expansion in IEL conceptual horizons informed by Indigenous' relationalities with nature can assist in interrogating and rethinking inherent anthropocentric (mis)understandings of nature and, in turn, enable societal transformation for a harmonious, respectful and caring human–nature relationship. Looking at nature through Indigenous lenses in the IEL realm might help to identify avenues to transcend its natural anthropocentric logic of (economic) growth at the cost of a subordinated external natural world, and, instead, recognise the human world as part of nature and reflect it in (human) laws, which present a dangerous split from nature. As Natarajan and Dehm reflect, "law's ability to conceptually isolate itself from the natural world has helped create and foment environmental catastrophes."[43]

As Itkonen notes, peoples "way of conceptualising nature depends on how they use it and how they invest knowledge in different parts of it," [44] which could vary as per "the person's position in relation to different perceptions of sustainable or unsustainable action."[45] There is a perception that Indigenous peoples enjoy a more sustainable way of life, in harmony with nature, which has largely been explored by anthropologists. Itkonen points out that it "is a common belief that Indigenous peoples live in biologically rich environments and use natural resources sustainably," Yet "modernisation can have affected Indigenous sustainability comprehensions as well."[46] Hence, from a Critical Arctic Studies standpoint that problematises "truths" and interrogates assumptions,[47] it should not be assumed that (all) Indigenous peoples' beliefs or practices are necessarily ecologically aware or sustainable vis-à-vis nature. Nor should it be attempted to discern a unique pan-Indigenous (sustainable) approach to nature, as this may vary according to a multiplicity of factors, including individual and collective Indigenous experiences.[48]

In his study, Itkonen focuses on Skolt Sami environmental obligations to nature as these "form the basis of sustainability."[49] The Skolt Sami are part of the Sami Indigenous group living across northern Finland, Norway, Sweden and (north-eastern)

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[42] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, p. 290.

[43] Natarajan & Dehm, "Introduction", 2022, p. 9.

[44] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, p. 292, *citing* Ellen, "Forest knowledge, forest transformation," 2008.

[45] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, p. 292.

[46] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, p. 292.

[47] Lindroth, Sinevaara-Niskanen & Tennberg, "Introduction," 2022, p. 5.

[48] Payva Almonte, "Rethinking the relationship between humans and nature in law," 2023b.

[49] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, p. 294.

Russia amounting to about 80,000 people.[50] Sami ways of life have varied over time until today, and cannot be generalised. Yet, they were commonly based on seasonal annual cycles of moving to different areas, "in which the lands and waters across an expansive area were shared between families based on a joint decision."[51] This traditional Sami organisational system, the *siida* (in Sami language), "ensured that scarce natural resources were used responsibly and carefully."[52] Contemporary history of the Sami, the only (recognised) Indigenous group in Europe, is defined by colonisation. As explained in the Sámi Museum and Nature Centre Siida:

> From the 18th century onwards, the Nordic nations began to take over Sámi lands. Settlers played a particularly large role in controlling these areas. The pressure of outside settlers and the actions of the authorities also forced the Sámi people to settle down [in cases of] disputes concerning land use and fishing waters.[53]

The establishment of state borders was incompatible with the Sami ways of life, government and movement across lands. The Skolt Sami, for example, had to appeal to an official document to prove their rights over land.[54] The Skolt Sami are a

> small but culturally and linguistically distinct group of the Eastern Sámi, [whose traditional homeland covers the area] from the shores of Lake Inari in the west to the Kola Bay in the east, and the present-day location of the Russian city of Murmansk.[55]

Itkonen's study focuses on the Skolt Sami group living in Inari in northern Finland. His study departs from the premise that "emphasis on duties might promote environmental sustainability more than the focus on rights."[56] This opposes the traditional Western view of nature reflected in (international) law, which had a crucial role "in converting nature into exchangeable property [and] turning connected ecosystems into realms of infinite commodification and exchange."[57] Contemporary legal systems' emphasis on rights, including property rights, therefore reinforce the notion of appropriation, apportionment and authority of the human over land (and sea). Contrarily to this view, Indigenous peoples' ways to relate with land, as Cambou notes, "go beyond a Western conception of legal property that focuses on the exclusive rights of individual owners to private property in order to support the market-oriented economy."[58] A focus on duties (to land), rather than rights, could be functional to limit environmentally harmful human activity by state and non-state actors—such as corporations—empowered with quasi-human entitlements over nature. Accord-

[50] Minority Rights Group website; https://minorityrights.org/communities/sami/; accessed on 22 Sept. 2024.
[51] Sámi Museum and Nature Centre Siida, "These lands are our children" exhibition, Inari, Finland, 29 July 2024.
[52] Sámi Museum and Nature Centre Siida, "These lands are our children" exhibition, Inari, Finland, 29 July 2024.
[53] Sámi Museum and Nature Centre Siida, "These lands are our children" exhibition, Inari, Finland, 29 July 2024.
[54] Sámi Museum and Nature Centre Siida, "These lands are our children" exhibition, Inari, Finland, 29 July 2024.
[55] Raygorodetsky, "Skolt Sámi path to climate change resilience," 2017.
[56] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, p. 294.
[57] Natarajan & Dehm, "Introduction," p. 9.
[58] Cambou, "Indigenous peoples right to self-determination and the principle of state sovereignty over natural resources," 2022, p. 155.

ing to Itkonen's study, the views of Skolt Sami, if considered and tested first at local level through, for example, local environmental legislation, could be scaled up and implemented in a wider context, although with adjustments in accordance with the specificities of the scenario where these are applied.

Further, in the search of Skolt Sami's understanding of human environmental obligations, the study addressed three main themes: "(1) reasonableness in the use of natural resources to secure continuity; (2) conservation of nature; and (3) respect and appreciation for nature as a large and important whole."[59] With the use of qualitative and quantitative methods, including interviews with Skolt Sami individuals living in Inari, Finland, the study shows that:

> *Respect for nature* can be seen as directing the two other themes […] Respect may connect, for example, to how much natural resource can be used and how much nature is left outside human influence. Feedback from experiences of human–nature interactions can cause changes in the scale of respect […] Respect can [also] be related to nature as a *whole*. Sacred places can be seen to connect to the greater spiritual dimension of nature.[60]

The prevailing notion of respect is based on research concerning Skolt Sami nature-based livelihood activities, such as reindeer herding, fishing, hunting, gathering and handicrafts.[61]

Such a notion of respect reflected in ordinary activities demonstrate the deep-rooted intimacy and natural relationship of Skolt Sami with their surrounding environment, which comes with a sense of reciprocity and care for it, not only in relation to subsistence activities but in every aspect of life. This is aligned with the general Sami philosophy that understands the entanglements of nature where everything is connected:

> Language, humans and livelihoods are tied together: livelihood helps preserve culture but both are dependent on the land and its well-being. This means equality with nature: you only take what you need from it.[62]

Accordingly, for Skolt Sami, respect entails an overarching normative principle that can be implemented in ordinary human activity as a pattern of behavior in human–nature interactions, which may vary as per individual and collective experiences, and, at the same time, maintain its spiritual (immaterial) dimension. IEL is, at least in principle, unable to incorporate this knowledge due to its (sole) reliance on material science-based evidence and technologies, unconcerned with the spiritual and intangible, and more evidently, its rooted market-based orientation which supports destructive patterns of production and consumption to satisfy human (economic) needs through relentless exploitation of nature.

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[59] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, pp. 302–303.

[60] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, pp. 302–303.

[61] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, p. 294.

[62] Siida Sami Museum and Nature Centre, "These lands are our children" exhibition, Inari, Finland, 29 July 2024.

Respect for nature entails consciously using its resources in a way that is mindful of its boundaries and wellbeing, and allows other species and people—including future generations—to benefit from its blessings, too. Developing an ecological awareness in IEL would require incorporating respect for nature as the overarching principle rid of any meaning based on its financial value or productivity. As Itkonen points out: "Respect for nature is connected to reasonableness." He puts the example of fishing practices of Skolt Sami, where both "the fish and the catch are treated with respect," and limited to family or commercial needs, in which case the catch size "can be measured per fishing enterprise."[63] Of course, this can be problematic at large scale. However, the principle of reasonableness can aptly inform the development of an ecological approach in IEL that is mindful of nature's boundaries and which does not support its greedy exploitation. In putting this into practicable actions, Itkonen suggests to question, inter alia, how respect is reflected in practical actions, such as:

> what kind of respect for nature can be seen in the use of natural resources and in the possible related reasonableness? […] how does respect for nature relate to defining the quantity and quality of nature protection? […] how important is respect for nature in the survival of humans and society?[64]

Responses to these and other questions reflecting ecological values and care for nature's boundaries and the implications of human actions for nature itself, other humans and non-human components of the natural world, rather than concern for nature's productivity or economic profit, could assist in integrating an ecological awareness into IEL. Itkonen's study concludes that "the Skolt Sámi paid a lot of attention to respecting nature." This is expressed in their notion of reasonableness, which is "strongly connected" to the protection of nature and sustainable use of natural resources.[65]

Indigenous views on nature and what represents a sustainable approach are especially relevant in the context of the green transition in the Arctic, which, despite being one of the most vulnerable ecosystems,[66] is increasingly envisaged as a key supplier of natural resources necessary for the green transition.[67] The Skolt Sami have ancestrally interacted with Arctic nature and respected its boundaries. Their knowledge of Arctic nature based on respectful interaction with it throughout generations can assist in designing and articulating new ways of thinking in IEL at local, regional, national and international levels. This is particularly relevant in the Arctic, where the integration of an ecological awareness in the design, interpretation and implementation of environmental laws is urgently needed to develop a harmonious relationship human–nature based on respect.

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[63] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, p. 303.

[64] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, pp. 303–304.

[65] Itkonen, "Environmental sustainability generated by the views of the Skolt Sámi and Gregory Bateson," 2022, pp. 303–304.

[66] IPCC, "Summary for policymakers," 2018.

[67] See, for example, Finger, "Sustainable development of the Arctic?" 2022; and Laframboise, "Brussels looks north," 2022.

Conclusion

This article discussed the anthropocentric approach to nature in IEL, which, despite a few progressive changes in relation to the protection of biological biodiversity, lacks an ecological awareness that conceives and values nature in its own right. It therefore fails to recognise humans as part of it, leading to the relentless exploitation and destruction of the natural world, which is at the core of the climate and ecological crises. I argued that it is essential to rethink IEL's approach to nature by interrogating its inherent anthropocentric assumptions on nature traditionally associated with property (and thus exploitative) entitlements over it, and to embrace non-Western views on the human–nature relationship. In this vein, Indigenous peoples' views could aptly assist in expanding IEL horizons, challenging its rooted foundations and informing its reform. The Arctic being at the forefront of climate impacts that severely affect its peoples and ecosystems, "sustainable development" projects boosted in the context of the green transition pose additional risks to the already vulnerable state of the region. In building interdisciplinary bridges with other fields, anthropology provides grounds to understand "alternative" Indigenous views, knowledge of and relationalities with nature that can assist the necessary conceptual and practical development of IEL's approach to nature which it aims to protect. I reflected on Itkonen's environmental anthropological study of Skolt Sami conceptions of nature obligations as a guide to environmental sustainability. Thereby the respect for nature as the overarching principle guiding the relationship between human and nature is manifested in ordinary activities, such as fishing, hunting or herding. Developing the notion of respect vis-à-vis nature in IEL is central to building a new understanding of nature therein and enabling a harmonious relationship human–nature that overcomes its current anthropocentrism. As argued, not in a way to unproductively attempt to "delete" it but to evolve it, and ensure a coherent interpretation and application of its provisions. I conclude that Sami as well as other (Arctic) Indigenous systems of knowledge can provide useful conceptual and practical insights to develop an ecological (post)anthropocentric approach to nature in IEL and international law in general, which can be applied first in the Arctic and also scaled up and adapted to other regions.

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