Sovereigns within a Sovereign: Prospecting the new Class KIA-KIX for the American Indigenous

Class KIA-KIX for the Law of Indigenous Peoples in the Americas, was added to the Library of Congress Law Classification (Class K) in 2012. It was conceived as a distinct regional comparative and uniform law component of the existing classification for Law of the Americas (Class KDZ, KG-KH), completing the law classification development for this region under the expanded class letters KDZ- KIX.

The purpose of the new classification schedule is to provide for the first time a geographical and substantive arrangement for Indigenous Peoples in the Americas, their organization, and the unique and complex body of legal sources concerning these Peoples.

The following discourse – as background and illumination of this classification – takes issue with application of principles governing all of Class K in general and – in particular – with public policies that impacted and continue to impact on the legal status and law of these “Sovereigns within a Sovereign.”

INTRODUCTION

Tribal law, tied closely to tribal sociology is – beyond the folkloric appeal of the subject – not common knowledge, although the Indigenous peoples gained more visibility over the last decades as their pursuit for recognition of autonomy, for recovery of ancestral lands and natural resources, and preservation of their cultural heritage grew more robust and emerged in the media. While international law had long since established particular human rights for all elements of society, only as recent as 2007 the UN Declaration on the Rights of Indigenous Peoples established a definitive catalog of Indigenous rights to be respected by the international community. It was a tribute to both the efforts of the Indigenous and the international advocacy, and raised the awareness of these Sovereigns on the national level as well. Today, rich offerings of academic programs, the substantial increase of studies on cultural heritage, law and government of the Indigenous, are testimony to the growing interest and appreciation of the subject, going hand in hand with strong collection developments for an unprecedented amount of materials which the political contest has produced – and continues to produce.

To date, however, both information seekers and information providers are hard pressed by an uneasy reality: the obvious gap between availability and accessibility of information. Research on these subjects is beset with problems, such as

- paucity of printing/publishing, in particular of primary sources. Some commercial publishers seem slowly to take to this new field, although not necessarily to the advantage of the Indigenous peoples;
- few collections on law and sociology of Indigenous peoples, one of a kind and mostly little publicized, held only by a few bona fide and specialist institutions;
- programs with limited access; or
- information on the subject which may be buried in relevant anthropological, archeological, or ethnological sources, usually in older collections on the History of the Americas.

The researcher eventually will discover that the critical mass of resources, in particular primary sources produced by the Indigenous or tribal governments and the output of their organizations or inter-operational institutions together with the secondary literature, are mainly to be found on the Web – dispersed, unorganized, and for that matter, obscure. Only a select group of institutions both tribal and academic have created electronic gateways or portals to Indigenous law, or have open access-to-information projects under way for display of significant amounts of the varied and hard to find materials on the subject.
At the Library of Congress, Class KF (Law of the United States), the only place in the Library of Congress Classification (LCC) which has a section on American Indian law and Tribal law (KF8220-8228.Z9) and its subject table written for U.S. States and Territories (KFA-KFZ 505-505.6), does not – to date – reflect the sovereign status and autonomy of the Indian nations residing on US soil, nor does it reflect current Indian law making and law developments. The older laws and treaties with secondary literature were, and still are, in the LC legacy collections governed by Class E (America) and F (Local history) together with the history of American westward expansion, the Indian wars, and history of the frontier territories. Indian law was rather a subject “for which any location would have to be arbitrary,” as the author of Class KF (Werner B. Ellinger) put it in his Introduction to KF. Indeed, the “Indians” appeared and disappeared throughout the various drafts of KF, but were in the final stage of the development intended to conclude the federal law section of the schedule. However, for pragmatic reasons, the section Courts and procedure was dropped down to the end of the schedule, thus squeezing Indians between National defense. Military Law and Courts and procedure.

The “Indian lands,” on the other hand, have a different classification history. They can be traced in Class HD from the 1st edition (1910) to the 3rd edition (1950) in HD231-234, as a subdivision under “Public lands.” A revision of Class HD converted this topic to a reference to Class E93 (Indians of North America. Indian question), from where it migrated into the first KF draft under the section Public property, still valid today as class KF5660+. The classes for law and Indian treaties, still Class E94-E95 (Indians of North America. Laws and treaties) in the 1958 edition, were blocked off at the time of the KF development and referred to the new law class KF; the works, however, were never re-classed. To recognize at that time Indigenous peoples as sovereign jurisdictions would have meant, indeed, creating a class for them on equal footing with the U.S. states and territories.

Class KE (Law of Canada), that is, its Federal law and the subject tables for the Canadian provincial law, contain equally meager developments for Canada’s extensive population of Aborigines, namely, the Inuit, First Nations (Indians), and Métis, considering the rich fundus of legal sources and secondary literature.

For these reasons, the Library of Congress took the lead with a new classification schedule for the law of Indigenous peoples in the Americas in order to provide

- **first**, an arrangement of the many Indigenous groups residing in the Americas that reflects their constitutional/legal status and self-governance;
- **second**, a subject organization for Indigenous law and governmental functions, and
- **third**, a better structured and overall broader access to such information.

I. **The Structure of the Classification for Law of the American Indigenous Peoples**

This new class, KIA-KIX, is governed by the geographical principle, as are all other classifications under the letter K.

I.1 **The geographical and regionalism principle** build the first tier of the hierarchy of the Library of Congress law classifications. For the basic layout of the schedule, the geo-political information of Library of Congress Class G (Geography) provided the basic structure. In addition, other schedules of the LCC were examined for regional arrangements in related or overlapping fields as well, in particular, Class F (America. Local history). Since Class E75-99.Z9 (Indians of North America. By tribe) by old LC policy includes all subjects relating to Aboriginals and Indians in the Americas, this class and the collections built by it were also scrutinized.

The extension of the geographical principle to the regionalism principle was introduced into law classification during the structure of the first “regional” schedule KDZ, KG-KH (Law of the Americas, Latin America, and the West Indies), and KJ-KKZ (Law of Europe), and is a valid concern for this schedule, KIA-KIX, as well. These regional constructs acknowledge a region as a geographically defined area in which historical, ethnic, and prevailing socio-economic similarities are reflected in a wide range of customs and laws found in the area, and where cultural, political,
and economic interests of Indigenous groups have led to formation of intergovernmental or inter-Tribal organization.

Comparative reading and legal investigation have identified and secured many concepts and patterns, which were found to be common to the largest number of Indigenous groups in a particular region, and were applied in the design of a general outline of Indigenous comparative law of a region (or subregion). These comparative law arrangements precede the enumerative list of "Indigenous jurisdictions" in all identified regions and were consequently used for further refined uniform tables, applicable to a multitude of jurisdictions in such regions or subregions. Thus, the first tier of the hierarchy of all subclasses of this classification is always for comparative and uniform law limited to the denoted region, including broad source collections and "generalia."

In addition, there are typically numbers of inter-Tribal organizations and corporations, based and operating in a single region. The treaties or charters creating such regional organizations are classed with the organizations, since they lay out in all instances the internal order, mission, and rules of operation. Such organizations or corporations that are created for a specific subject area, are to be classed with that subject. Some regions (e.g., Arctic and sub-Arctic, KIA) comprise a true international component; for example, the Arctic Council is an inter-regional Intergovernmental Organization (IGO).

The following complete outline of KDZ-KIX shows all regions and countries in the Americas and their assigned subclasses and where the Indigenous law development files in the sequence of those subclasses.

### Law of the Americas

**America. North America**

- KDZ General (Comparative)
- KDZ3001+ Greenland
- KE Canada
- KF United States
- KG-KGH Mexico and Central America
- KGJ-KGZ West Indies. Caribbean Area

**South America**

**KIA-KIX**

- KIA1
- KIA-KIP
- KIA1.2-15.8 General (Comparative)
- KIA15.9-19 History
- KIA21-9180 Arctic and sub-Arctic Regions
- KIA21-100 Greenland, see KDZ3001+
- KIA111-300 Northern Canada
- KIA351-1701 General (Comparative)
- KIA1741-2049 Aboriginal peoples and communities
- KIA2101-9180 Alaska Natives and communities. Other jurisdictions
North America – Continued

**Canada**

KIB1-1000
- Regional comparative Aboriginal law
- Northern Canada, see KIA111+
- Eastern Canada

KIB1101-1129.2
- General (Comparative)
- Aboriginal peoples and communities
  - Including First Nations and Métis

KIB1131-9511
- Western Canada
  - General (Comparative)
  - Aboriginal peoples and communities
    - Including First Nations and Métis

KIC2001-2043.2
- General (Comparative)
- Aboriginal peoples and communities

KIC2081-KID6031
- Western Canada
  - General (Comparative)
  - Aboriginal peoples and communities
    - Including First Nations and Métis

**United States**

KIE1-3920
- Regional comparative American Indian law
  - Northeast Atlantic
    - Including New England
      - General (Comparative)
      - American Indians

KIF221-292
- South
  - Including the Old Southwest
    - General (Comparative)
    - American Indians

KIF301-3251
- North Central
  - Including the old Northwest Territory
    - General (Comparative)
    - American Indians

KIF3301-3375
- Pacific Northwest
  - Also known as the Old Oregon Country
    - General (Comparative)
    - American Indians

KIF3378-3445
- New Southwest
  - General (Comparative)
  - American Indians

KIF3501-7460

**Mexico and Central America** (currently explored)

KIL
- General (Comparative)

KIP
- Countries with Indigenous populations

(KIS-KIX)

**South America**

The federal states in the U.S. and provinces in Canada – in both countries the 1st order subdivisions – are absent from the new development since the Indigenous peoples are, or will be, recognized on a one-to-one level with their respective federal governments.

One also should note, that Alaska with its Natives – because of the regional orientation of this schedule – is treated as a geographic component of the Arctic/sub-Arctic region.
I.2 Aboriginal and Indian Tribal jurisdictionality

At the core of law classification is jurisdictionality or sovereignty. The term jurisdiction as we understand it, signals independence and self-governance of a corporate body or organization. Only if this character is determined/established for a corporate body, a classification for its law can be created, since law – by its very nature – is tied to jurisdiction. This applies equally to Indigenous groups (which reside in a particular geographic region), in order to be recognized among the three orders of government, namely: federal, state/provincial, and Aboriginal/Tribal. Historically, prior to the Revolution, Aboriginal and Indian groups (i.e., Nations and Indian Tribes or Bands) were recognized by France, Britain, and the US Continental Congress as “sovereign.”

I.2.1 The Sovereignty question. Extent and limitations of the right to self-determination

Sovereignty as an attribute of an Indigenous group, the inherent right to self-government, has been accepted differently in the US and Canada. Although both nations, the United States and Canada, have committed to the principle of Aboriginal or Tribal self-government and autonomy within the federal constitutional structures – the reality portrays a complex split between commitment and implementation. Federal/Indigenous competing interests, parallel or conflicting rights and claims, have slowed down implementation processes. The exclusion of Indigenous jurisdiction from many areas of public law presents a severe limitation on Indigenous autonomy.

(a) United States: Recognition of American Indian and Alaska Natives Sovereignty and Government-to-Government Relations

In the United States, the history of federal recognition of the Indian right to self-determination is hinged on a few landmark acts of Congress. After displacement and Indian removal of mid 19th century (Indian Removal Act of 1830, passed by the 21st Congress and signed by Andrew Jackson into law, [http://www.loc.gov/rr/program/bib/ourdocs/Indian.html](http://www.loc.gov/rr/program/bib/ourdocs/Indian.html)), the federal policies in the late 1880s focused on breaking up reservations and abolishing Tribal governments in return for allotment of shares of common property to individual members of a Tribe (culminating in the Dawes Act, or General Allotment Act of 1887, amended 1898 by the Curtis Act; 24 Stat.388, ch.119, 25 USCA 331 which aimed at Indian assimilation, [http://www.ourdocuments.gov/doc.php?doc=50&page=transcript](http://www.ourdocuments.gov/doc.php?doc=50&page=transcript)). Those members acquiring allotments had to enroll with the Bureau of Indian Affairs, from where the names went on to the Dawes Rolls. Since then, in the United States, membership to a Tribe or Indian Nation is established by an intricate enrollment process where the individual has to prove, for example, ancestral descent or descent from an Indian listed on the Dawes Rolls, or blood quantum, the latter presenting rather racial criteria, which have stirred up criticism in recent times (e.g., provocative “blood politics, racial classification,” or “bio-colonialism”), although one can observe a recent shift to “political” definition by the federal government.

The Indian Reorganization Act (IRA) or Wheeler-Howard Act under the Roosevelt Administration in 1934 (25 U.S.C.A. 461 et. seq.) re-focused US policies on recognition of the right of an Indian Tribe “to organize for its common welfare, and may adopt an appropriate constitution and by-laws...when ratified as aforesaid and approved by the Secretary of the Interior.”


In the 1970s, the acknowledgment process became more formalized and consistent, and in 1978, the Department of the Interior/Bureau of Indian Affairs created with Tribal input the Office of Federal Acknowledgment (OFA), [http://www.bia.gov/WhoWeAre/AS-IA/OFA/index.htm](http://www.bia.gov/WhoWeAre/AS-IA/OFA/index.htm).
The Executive Memorandum on Government-to-Government Relations between the United States and Indian Tribes of President William Clinton in 1994, the Executive Order 13175 of 2000 on Tribal Consultation, and President Barak Obama’s Memorandum on Tribal Consultation in 2009 instruct executive departments and agencies “...to engage in regular and meaningful consultations and collaboration with Tribal officials in the development of federal policies that have Tribal implications in order to strengthen the government-to-government relationships with Indian tribes.”

With the US Department of Justice Policy on Indian Sovereignty and Government-to-Government Relations with Indian Tribes, the United States reaffirmed its position on “recognition of the sovereign status of federally recognized Indian Tribes as domestic dependent nations.” Accordingly, Indian Tribes “…retain sovereign powers, except as divested by the United States” (US Department of Justice recognition of Indian sovereignty, http://www.justice.gov/ag/readingroom/sovereignty.htm). This means self-governance with limited powers in many areas of private and public law, since “Congress is vested with plenary power over Indian affairs,” the resulting laws circumscribed with the term “Federal Indian law.”

To date, 565 Indian nations or Tribes are recognized by the United States government as “Indian Tribal Entities within the contiguous 48 States recognized and eligible to receive services from the United States Bureau of Indian Affairs” and are as well “…acknowledged to have immunities and privileges...by virtue of their government-to-government relationship with the United States...” (Federal Register/vol.75, No.190/ October 1, 2010/ Notices/ p.60810). Some federal acts allow that “Tribes are treated as having the same regulatory status as states,” e.g., the Safe Drinking Water Act, Amendment of 1986 (42 U.S.C. 300F and seq.; authorization of the EPA “to treat Indian Tribes as States.” See in particular Tribal government Leadership Forum, Arizona State University: Note on Tribes as States,” http://outreach.asu.edu/tglf/book/statutes).

According to an announcement of the US Government Accountability Office (GAO-12-346, April 12, 2012), there are ca. 400 non-federally recognized Indian Tribes of which only 26 received some funding from several federal programs through 2010.

(b) Canada: Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government

In Canada, the recognition of the jurisdictional, i.e., constitutional/legal status of Aboriginal entities took historically a very different path and is still evolving.

- Prior to the Confederation, the Canadian government signed treaties with the Aboriginal peoples, mostly trading aboriginal landownership for treaty rights and reserve lands. To cement it into law, the Canadian federal government passed the Indian Act in 1876.
- By virtue of this Act, in 1951, the government decided whom to recognize as Indian: those registered with the federal government and entered into the national Indian register, would be recognized, often termed as “Status Indians,” in contrast to the “non-Status Indians.” Registration under the Act also provided entrance into the community and, in the course of time, resulted in eligibility for certain benefits provided by the government.
- After adoption of the Canadian Charter of Rights and Freedoms in 1982, and in particular the Constitution Act of 1982, http://laws.justice.gc.ca/en/const/9.html# anchorsc:7-bo-ga:1_II, which acknowledged Aboriginal and Treaty rights (Section 35 of the Constitution Act) of the three recognized cultural groups, Indians, Inuit (in the Canadian North), and Métis, amendments to the Indian Act were necessary, because the original registration rules favored the male component of the Aboriginal population.
- In particular, the 1985 Indian Act Amendments (the Bill C-31) was to correct this situation, and had a tremendous impact on registration and band membership.
- The 1995 change in policy by recognizing “Aboriginal inherent right to self-government,” paired with the 1996 Royal Commission Report on Aboriginal
Government, opened the way to new treaties, but also to implementation of non-treaty forms of negotiations for Aboriginal self-government beyond the band-internal by-law powers.

It was, however, understood that implementation of this “inherent right to self-government” could not result in a uniform type of self-government of Aboriginal peoples across Canada, given the vast differences of the country and circumstances of the Aboriginals. Therefore, self-government arrangements would be negotiated to meet “unique needs and backgrounds of Aboriginal groups.” Today – besides a number of successfully completed self-government negotiations – such negotiations are under way virtually across Canada in a range of different processes, involving regularly Aboriginal groups (or their representatives, for example, the First Nations Leadership Councils, or the Assembly of First Nations), the Federal government, and the Provincial government (local to the negotiating Aboriginal group(s).

Such negotiations between Government and Aboriginals ideally lead to agreements on self-government that become “effective through mechanisms such as treaties, legislation, contracts, and non-binding memoranda of understanding” (MOU), and are tailored to meet the unique needs of Aboriginal groups. Negotiations – or harmonization of laws – concern limited self-governing jurisdiction over subjects broken down into three categories:

(a) legal subjects regarding functions of a modern democratic government with primary legislative power, such as
   - governing structures (constitution, elections of leadership, etc.), and Tribal/band membership;
   - cultural affairs, health and social services, offences, courts and enforcement, and the
   - civil law proper (family, property, contracts, etc); and

(b) those subjects that are integral to Aboriginal culture, as
   - jurisdiction of the administration of justice,
   - environmental concerns, and
   - fisheries co-management, gaming, etc.

Self-government in these instances has to be negotiated with the federal government and individually implemented.

(c) However, all matters related to Canadian sovereign power, such as defense, external relations, and other national interest, are all together exempt from negotiation.

In summary, the inherent right of self-government, or sovereignty, although recognized in principle, presents itself with various degrees of limitations regarding matters that federal powers have reserved for their own consideration. Moreover, the right of self-government of the Indigenous people does not constitute a right of sovereignty as recognized by international law, and will not lead to independent Indigenous nation states.

Nevertheless, the recognition of Indigenous autonomy, despite limitations, delivers the jurisdictionality, which is the prerequisite for development of a classification schedule on the law of Indigenous Peoples.

1.3 The list of jurisdictions. Name authorities

Instead of one alphabetical list of jurisdictions for the entire region of the United States and Canada, all Indigenous groups are integrated region by region in which they currently reside. Each jurisdiction is assigned a unique number or number span with instructions as to how jurisdictions are to be further subarranged. Authority work played a very important role in establishing in the several classes all jurisdictions
and organizations. At the beginning of this project, the LC Policy and Standards Division (PSD) determined that the appropriate MARC 21 field will henceforth be the 151 (Geographic name) field in name authority records for names of such Indian Tribes which are recognized by the US Government as autonomous/sovereign entities, instead of the previously used 110 (Corporate name) field. This was in keeping with the guidance provided in rule 21.35 of the Anglo-American Cataloguing Rules 2nd edition (AACR2) to treat Aboriginal/Tribal entities as governments on a one-to-one relationship with federal or national governments.

(a) United States. For establishing or upgrading the names of Indian jurisdictions, the file of those jurisdictions, compiled and maintained by the US Department of the Interior/Bureau of Indian Affairs during more than 70 years of federal-Tribal negotiations for Tribe/member relationships and Tribal autonomy, is the binding document for name and legal status of Indian Entities. This file, updated and regularly published by the Bureau in the Federal Register, served as the principal authoritative document for updating the LC authority files (i.e., name authorities), and for creation of the list of jurisdictions in the classification. Nevertheless, other bona fide resources were consulted and compared as well, such as
- National Congress of American Indians (NCAI), http://ncai.org/tribal-directory
These official or government sites have updated listings of Tribal Web sites and those of Tribal or inter-Tribal organizations.

(b) Canada. For information on Aboriginal peoples/communities, constitutional/legal status, and their political organizations in the Canadian regions, the principal resources consulted were:
- Documentation of the Parliamentary Information and Research Service, Library of Parliament, Canada;
- (Department of) Aboriginal Affairs and Northern Development Canada (AANDC), http://aandc-aadnc.gc.ca/eng.
- Aboriginal Canada Portal (ACP) established under the auspices of the Aboriginal Affairs and Northern Development Canada. The portal provides access to over 7,500 Web sites and portals to Aboriginal organizations and communities of the Inuit, First Nations, and Métis, http://www.aboriginalcanada.gc.ca/
- Library and Archives Canada (LAC), http://www.collectionscanada.gc.ca/aboriginal-peoples/

II. THE SUBJECT: RIGHTS AND LAW OF INDIGENOUS PEOPLES

As all other law, Indigenous law is both portrayal of historico-cultural evolvement and response to contemporary social developments and reflects political control, pressures, and attitudes.

Here, in the case of the Indigenous, it was the long road to recognition or restatement of the “inherent right of self-governance”and everything else necessary to enable Indigenous communities to organize modern governments as foundation of social life. Self-governance, in combination with traditional knowledge, cultural traditions and values, and the special/spiritual relationship to the land, make up the body of law that forms the content for this classification.

II.1 Indian and Aboriginal law

Younger tradition has cast laws relating to Indigenous Peoples in North America into two categories. Termed as (a) Federal Indian law (or Indian law) and (b) Indigenous, Aboriginal, or Tribal law.
(a) Federal Indian law or Indian law

- in the United States refers to US federal statutory law and administrative regulations, which are both deeply impacting on, or setting limitations for, Indian jurisdiction over broad areas of substantive law, and by that, on Tribal self-government;

- in Canada, Indian law is framed by the Indian Act (1951, as amended in 1985 by Bill-31). Inherent rights to self-government and Aboriginal Title are recognized in Sect. 35 of the Constitution Act of 1982. While implementation of First Nations traditional forms of government is expected to stimulate economic development and bring social stability, the jurisdiction over a broad range of subjects, though, is severely limited by federal law, because Aboriginal jurisdiction is viewed by the government as mainly extending to matters internal to the Aboriginal group, or necessary for its functions as a traditional government.

This category of the law, regulating particular interests of the Indigenous populations, is at present classed with the Canadian or US national legislation, i.e.,

- Library of Congress Class KE (Law of Canada), and
- Library of Congress Class KF (Law of the United States),

(b) Indigenous, Aboriginal, or Tribal law refers to the customary law of Indigenous peoples (Nations, Tribes, Bands, etc.), integral to the distinct Aboriginal or Tribal culture of a group, applied within its territorial boundaries, and practiced by the group residing in the territory (e.g., a region, reservation, municipality, ranch, or other such geographic entity). This includes thematically all constitutions and by-laws (historic and current) of Indigenous groups, as well as treaties, and the materials produced by political organizations on the national, regional and local level. The sub-classes KIA-KIK of the new schedule are only concerned with this category of the law, at least for the time being. The original class numbers in KF and KE were closed at implementation of the new schedules, and the legal materials were re-classed to the appropriate numbers in KIA-KIK.

This does not preclude that, at an appropriate time, the “Federal Indian law” could be removed from the national schedules as well and transferred to KIA-KIK, where ample space is left for such developments. The rationale is by analogy to colonized territories. The bibliographic law classification has, in all instances, classified colonial and transitory law as the law of the colonized territory, and not as the law of the “colonizing” jurisdiction. Once applied, it becomes the “Law of the territory governed” (law that is imposed on and governs a jurisdiction is the law of that jurisdiction).

II.2 The subject architecture. Regional comparative and uniform law

The three main regions and their subregions commence with a development of regional comparative and uniform law. Of particular concern were those areas of the law, where colonial authority had overlaid “modern” civil law patterns on the Indigenous law, obviously foreign in these environments so different from the socio-cultural experience from which those modern patterns were derived. For example, the “boilerplate” IRA constitutions created for American Indians in the 1930s come to mind.

Technically, Class KIA-KIK development builds on known principles and concepts applied to the K Classification, and takes full advantage of the current linking and correlation functionality of ClassificationWeb with other LC online authority files, such as name authorities, subject authorities, and the bibliographic files. Multi-lateral links to related disciplines in the LC Classification system provide complementing information on anthropology, ethnology, ethno-geography, local history, and the social and political play of the Indigenous community. In addition,
for the first time, the content of the schedules has drawn heavily on Web resources, predominantly authoritative government Web sites (Tribal governments included), or those of institutions which provide either full-text digital collections, or serve as conduits (indexes) to other Web resources on modern law and organizational status of Indian tribes. In this way, the classification provides for the user community unique and contextual selected information on law, government, and culture of Indigenous Peoples.

(a) Those law schedules which harbor the federal law applied to the Indigenous groups in such regions, i.e., KE (Law of Canada), and KF (Law of the United States), were seriously considered and used as patterns for regional comparative and uniform law of the regions Canada, including Northern Canada (KIA/KIB) and US (KIE). It proved that for creating the structure of KIF, the systematic subject arrangements of many KF areas could be used, as the comparative reading of KF with a great number of current Indian codes and laws suggested.

The creation of KIB relied largely on Web resources including official, i.e., government, parliamentary, and organizational documentation, because – in contrast to the US – Indigenous codes and laws are the exception, although many community-based initiatives or projects are now under way: some are led by private legal services, by the legal academe, or by law associations in assisting the drafting of Aboriginal laws or codes. For example, the University of Toronto partners with Aboriginal communities across Ontario in drafting a uniform commercial code, including – besides the traditional features – environmental and employment standards. A tribunal for arbitration of disputes under the Indigenous code is projected as well.

In summa, most law applied in Aboriginal matters, is in reality “Federal law.” Therefore, KE served as the model for the comparative law section of the Canadian schedule, KIB.

For the comparative law development for the Arctic and sub-Arctic (KIA), the research was even more challenging. With the focus on the particularities and special concerns of Arctic and sub-Arctic communities, Web resources were of particular importance concerning Arctic governance issues, Inuit sovereignty, and Arctic ecology.

(b) Symmetry and uniformity, two special principles in Class K regional design, guide the structures for all regional law of the new classes, creating a symmetric, transparent arrangement of similar or same subjects.

As Figure 1 shows, these principles allow for careful correlation of the same topics in the corresponding hierarchy in the comparative law schedules for the three major regions: Arctic and sub-Arctic (KIA 21-100), Canada (KIB1-1000), and the United States (KIE1-2920).
The political organizations of the Indigenous people, be it on the national/inter-regional level or on the local/inter-Tribal level (as in Figure 2), are important entities either for law development or pursuit of special interests, and are presented in these schemes with a special arrangement. They are grouped according to purpose and mission in two principal categories:

1) Advocacy and development corporations and organizations
   Including non-governmental and non-profit corporations
2) Inter-Tribal councils and other organizations for regional representation
The treaties or charters creating such inter-regional or regional organizations are classed with the organizations, since they lay out in all instances the internal order of such organizations as well as their mission and rules of operation. Such organizations or corporations, created for a specific subject area, are to be classed with that subject.

**Uniform subject tables.** The subjects concerning all Indigenous Peoples of North America, so diverse by origin and geography, are presented in a set of three uniform subject tables: Table 1 (30 numbers), Table 2 (100 numbers), and Table 3 (Cutter numbers). The designation KIA-KIX 1 (30 nos.) or KIA-KIX2 (100 nos.) after each Indigenous entity on the list of jurisdictions tells the user which of the subject tables should be applied: Table 1 and Table 3 with lesser detail for smaller jurisdictions, Table 2 for those represented with larger collections or extensive legal publishing activities. *Figure 3* below shows the arrangement of subjects by sub-region and Tribal jurisdiction.

![Figure 3](image)

The design of the tables was achieved through a comparative method, refining and abstracting the patterns of subject categories from the regional model classes, KIB and KIE, and casting them in the same or approximate hierarchical order of those regional classes with various modifications to fit all jurisdictions. *Figure 4* exemplifies the parallelism of hierarchies and comparative subject structure that is created in as many instances as the uniform table is applied, providing an excellent tool for comparative research.

One Form division table, Table 4, was created for general works on Indigenous groups collectively in a particular region.
II.3 Language and nomenclature of the schedules, the fine differences in terminology, had to be considered carefully as it is tied in to custom and culture, but also to the “literary warrant,” i.e., to the terminology used in the literature. A parallel study of the schedules Canada and the US, will show the uniform construction of the captions, often only different by the nuance of regional/local provenance (see Figure 3), reflecting in general the language adopted from Web resources, and regional or local sources themselves.

(a) General term Indigenous: International law in general does not provide an exact definition of “Indigenous Peoples,” although particular international instruments established “some criteria.” In both forums domestic and international, however, the category “Indigenous Peoples” distinguishes the group and its members from collectivities, such as “minorities” and other (ethnic) components of society. A critical element in the determination of the attribute Indigenous or Tribal for a group is “historical continuity and ancestral relationship” with societies in a territory that pre-dates conquest and colonization. Thus, following common practice, the term Indigenous has been adopted for this classification as the collective term encompassing all groups, while for the sub-regions Arctic/sub-Arctic, Canada, and the United States, local usage was observed.

(b) For Canada, the term Aboriginals is used as the preferred general and official designation for the three distinct groups: Indians, Inuit, and Métis (Canadian Constitution Act of 1982, section 25 and 35).

1) Since the 1970s, First Nations seems to have slowly replaced Indians (sometimes perceived as pejorative), and the term “Band” as part of the name of a community. Therefore, the term First Nations is used in this classification where appropriate.

2) The Resolution 2010-01 of the Inuit Circumpolar Council (chartered in 1980 as a multinational NGO for protection and advancement of Inuit rights and a Permanent Participant on the Arctic Council), denounced the exonym Eskimo used to designate Arctic peoples. As laid down in the Charter, “Inuit means Indigenous members of the Inuit homeland,“ including the Inupiat, Yupik (of Alaska), Inuvialuit, Inuit (of Canada), Kalaallit (of Greenland), and Yupik (of Russia/Siberia). Today,
Inuit is the term commonly used for Arctic Peoples of Canada regardless of fine ethnic/linguistic distinctions. It is therefore consistently applied in this classification.

3) The third group of peoples residing in all of the Canadian regions are the Métis people, commonly defined as “people of both Aboriginal and European descent, and speaking either French, English, or an Aboriginal language.” The term Métis is used in this classification.

(c) In the United States, the term given preference at this time seems to be
1) American Indians, although Indian Tribes and the adjective form Tribal as well as Native (e.g., Alaska Natives, or the National Native American Bar Association) are still in use. For this classification, the term American Indians has been adopted.
2) Indigenous Peoples of Alaska are currently represented collectively by the term Alaska Natives. Included in this “collective” are the 5 identified groups (based on cultural similarities): Aleuts, Athabascans, Inupiat, and Yupik (both considered Inuit), and the Southeast Coastal Tlingit and Haida (Indians). Individual Indigenous jurisdictions (peoples and communities) of Alaska are entered in this classification under the name as recognized by the U.S. Department of the Interior/Bureau of Indian Affairs.

III. Maps as Sources and Visual Aids

III.1 This classification explores also the use of maps and cartographic reviews, introduced as an enhancement of information for the user to visualize the context, such as the historical territorial evolution of Indian country, for

- land tenure changes by major events, such as removal and relocation of the Indian population, or
- land cessions (either by treaty or deed), or as a consequence of allotment legislation,

and their impact on Indian heritage areas, environment, and resources. This information is for the time being introduced as reference to Class G. It is envisioned that at a future day the user will be able to link to digital images of maps and other illustrations of the subject.

(a) United States. Maps are important for all aspects of Indian territoriality, e.g., treaty research, border settlements, and the “allotment questions” in the Indian Territory, and the Library of Congress Geography and Map Division (G&M) is the most significant repository of such cartographic information (e.g., on the historical westward expansion of the burgeoning white population and their military operations, as well as present-day maps on the current extent of Indian Country in the US). G&M has many digitized items on this subject. A small sampling of maps of the Indian Territory are added here:

- The most noted is the Royce Map (Charles C. Royce (1845-1923)), consisting of a set of over 60 maps of Indian Land cessions, describing all States from formation of the United States to 1894, http://hdl.loc.gov/loc.gmd/g3701em.gct00002

- Under supervision or authority of the U.S. Geological Survey and the U.S. Indian Inspector or Commissioner for the Indian Territory, an important official set was prepared and published between 1898-1903, concerning land allotment, progress of township appraisements, and the developing railroad system (Cf. G4020-4022), as the sampling below demonstrates:

  - IT 1898 (Sub-Division), http://hdl.loc.gov/loc.gmd/g4020.ct002099
(b) **Canada.** On the historic evolution of Canada, maps are of particular importance.

The *Atlas of Canada* (online) documents the date-by-date geopolitical, dynamic changes of Canada, predating the Federation of 1867, and from then on to creation of Nunavut as an independent political entity (1999) with sets of maps, relating to treaties, .

*Territorial evolution maps* [http://atlas.nrcan.gc.ca/site/english/maps/historical](http://atlas.nrcan.gc.ca/site/english/maps/historical)

The other samples are massive information aggregates consisting of up-to-date topics in different formats, generated by different agencies or organizations, and linked to or from regional maps:


**III.2** In the future, **maps** also may be also introduced to directly link to the classification (LCC) of a region, by clicking on a region or subregion of the North America map/diagram (*Figure 5*),
Figure 6 shows such a map for KIE-KIK. Other choices are links to other maps or diagrams of sub-regions of North America and peoples in such regions or sub-regions, as well as links from such a sub-region to the classification providing further information for the patron (see Figure 6).