

**WHO IS SAMI?**

**A case study on the implementation of indigenous rights in Sweden**

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**Abstract**

This thesis focuses on the practical complications that arise in implementing indigenous rights, in particular in deciding who belongs to indigenous groups and as such whom indigenous rights are accorded to.

This was achieved through a case study of the indigenous population in Sweden, the Sami, who have faced centuries of assimilation, intensifying with the start of the nation-building project in Sweden in the 18<sup>th</sup> century.

One of the issues indigenous peoples face is how to base their rights claims on cultural specificity, when their cultures have been repressed to such an extent through out history that it is quite difficult to prove they even exist. This is an important contradiction, as an integral aspect of the legitimization of indigenous groups is to show that they have retained a continuity of existence and identity that links them to the communities, tribes or nations of their past.

The current research focuses around interviews conducted with Sami politicians in the Sami parliament, a governmental institution in Kiruna, as well as Sami rights activists and scholars. During the research the question of “Who is Sami?” was a focal point, which allowed me to delve into several aspects of cultural revitalization, legal implications of setting boundaries for self-identification, and political maneuvers within the Sami parliament.

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## 1. Introduction

Indigenous peoples across the world experience the consequences of historical colonization and invasion of their territories and face discrimination because of their distinct cultures, identities and ways of life. In the last few decades the international legal system has responded to this situation by adopting treaties and declarations specifically focused on indigenous peoples: most noticeably, the ILO Convention no.169 from 1989 and the UN Declaration on the Rights of Indigenous Peoples from 2007.

The inherently generic manner in which the international indigenous legal system is written leaves much room for states and indigenous groups to interpret the rights accorded in a manner of ways. While theoretical discussions on the international legal nature of indigenous rights have been useful in defining the legal parameters of terms integral to indigenous rights, such as self-determination and self-identification, they cannot capture the diversity of domestic laws concerning indigenous peoples. Therefore, analyzing specific cases is arguably the best way of understanding the contemporary legal and political position of indigenous peoples.

Due to the vagueness of international indigenous rights certain problems may arise in their application. One example of this is the definition of who is indigenous, which is heavily based on the right of self- and group-identification and only provides indigenous groups with a wide framework to work within. In this thesis, the focus will be on the project of establishing who belongs to indigenous groups, through a case study on the indigenous peoples of Sweden, the Sami. A look into how Sami rights are practiced in Sweden will provide us with important information and help us gain a better understanding of the application of indigenous rights in general, as well as the particular issues the Sami politicians face in their Scandinavian context.

The research conducted for this thesis focused on the Sami parliament in Sweden, a state institution with democratically elected Sami representatives whose main role is to protect and maintain the Sami culture in Sweden. Interviews were conducted with parliamentarians in order to gain insight into the Sami rights movement in Sweden and in particular how they have answered the question of “Who is Sami”.

The background of the thesis will be minority and indigenous rights theories, the relevant developments in the international indigenous rights regime and more specifically, the Sami political movement in Sweden. Although many scholars of nationalism have approached problems of identification from a constructivist sociological perspective, this thesis will seek to analyze the implications of vague or problematic definitions for identification with grounding in human rights and political theory. My interest in “Who is indigenous”, or rather “Who is a Sami”, is based on the impact it has on the workings of an indigenous rights movement and its leaders, and their possibilities of achieving the rights they claim.

In order to do justice to indigenous claims we need to understand the particularities of the claims indigenous peoples make. The literature review in chapter two will therefore focus on these issues. The first chapter of the literature review discussed the difference between minority rights and indigenous rights. Following from that the impact of repressing a minority culture is considered and finally the question of who are the indigenous looked at.

A short overview of the international indigenous rights regime is provided in chapter three. The chapter contains the historical development of indigenous rights in international law, theories on the self-determination principle, and the specific rights indigenous peoples claim.

The fourth chapter focuses on the indigenous people of Scandinavia and the Kola Peninsula of Russia, the Sami. A brief history is provided, along with the major Sami political movements, cross-border collaborations and initiatives. A look into how the Sami have understood and interpreted their right to self-determination as well as how they have created criteria for who is Sami follows.

In the fifth chapter the Sami in Sweden are discussed in more detail, with information on the historic relations between the Sami and the Swedish state, which have informed the state of Sami rights today. A chapter on the Sami parliament in Kiruna provides background information on the institute.

In chapter six the research, and research methods are explained. The chosen participants are introduced, and information given on the data collection and analysis process.

Chapter seven focuses on the analysis of the interviews with Sami representatives and finally in chapter eight the conclusions of the study are discussed.

## 2. Literature Review

### 2.1 Minority rights vs. indigenous rights

In this chapter I will look over the main theories of minority protection and try to analyze the particularities of indigenous rights within that wider frame. Charles Taylor has written about the importance of recognition, which came to the fore in nationalist movements, but has since been taken up by minority groups, feminists and other groups on the periphery of majority culture:

The need for recognition is based on the idea that our identity is partly shaped by recognition, or its absence, often by the *mis*recognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm; can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.... Their own self-depreciation, on this view, becomes one of the most potent instruments of their own oppression.<sup>1</sup>

While Taylor uses the term “identity” as meaning our understanding of who we are and what our potential is in society, others, such as Kymlicka, have used the term culture in quite a similar meaning. For those authors equal cultural rights of different groups are paramount to each individual having equal measure and opportunity. This equalization has taken many forms and affected different types of rights, for example civil and political rights solely, or social rights as well. In general though, the principle of equal citizenship has come to be universally accepted. This concern for the recognition of the unique identity of individuals or group has been called the politics of difference. While based on the equality principle it has an acknowledgement of specificity.<sup>2</sup>

Duncan Ivison, Paul Patton and Will Sanders in their book *Political Theory and the Rights of Indigenous Peoples* argue that in order to fully understand

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<sup>1</sup> Taylor and Others, “Multiculturalism.”

<sup>2</sup> Kymlicka, *Multicultural Citizenship*.

indigenous claims we need an understanding of the distinctive nature of the claims put forward by indigenous peoples. In the book Kymlicka argues that while it is certainly true that liberal democracies have historically tried to assimilate (or eliminate) indigenous peoples and deny them any group-specific forms of recognition, the same is true with many other minority groups. Moreover, these minorities, or “stateless nations”, have also tended to see themselves not only as a distinct people, as do indigenous peoples, but as occupying territories they have come to think of as their “homelands”.<sup>3</sup> If we are to distinguish between these groups and indigenous peoples, how can it be done, and according to what criteria?

What distinguishes the rights indigenous peoples claim from general minority rights are first and foremost land rights, which they base on a historical denial of their equal sovereign status, the disposition of their lands and the destruction of their cultural practices. It is important to recognize the history of relations between indigenous and non-indigenous peoples, which has been inextricably tied up with European beliefs that they are inherently superior to those who occupied the land before European settlement. This leads to another element of differentiation between general minority rights and indigenous. Whereas other minority groups were able to come to some meaningful cooperation with the settler states, the indigenous remained apart from such dialogue and were only ever integrated with force.<sup>4</sup>

## 2.2 The role of culture in Kymlicka’s argument

The role of culture in individuals’ lives, and therefore its importance in liberal theory, is one of the most innovative elements of Kymlicka’s argument. It explains how

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<sup>3</sup> Ivison, Patton, and Sanders, *Political Theory and the Rights of Indigenous Peoples*.

<sup>4</sup> Ibid.

liberal theory can support group-differentiated rights, and in particular, individual rights to collective (cultural) goods. Kymlicka makes an argument for culture being essential to an individual's narrative of meaning and way of life. As not all cultures are equally secure it is our job to ensure the survival of those in danger, since the loss of culture can significantly impact individuals and their life choices.<sup>5</sup>

While some might consider support for specific cultures to be either unnecessary or not standing in correlation with the equality argument of liberal theory, it is worth noting that the state almost inevitably supports the majority culture (or some variant of it) through various legislations (for example school curricula, national holidays, language legislation etc). Support for minority culture therefore provides members of minorities with a context of choice, without forcing them to go into personal expenditure (which equal treatment of all citizens would do).<sup>6</sup>

### 2.3 Case study on the role of culture

Harald Eindheim's anthropological fieldwork in the 50's and 60's among the mixed Norwegian – Coastal Lappish population (now referred to as Coastal Sami) in the fjords and inlets of West-Finnmark, Northern Norway, shows a situation where an ethnic status (or identity, or culture) is, in a sense, illegitimate, and therefore not acted out in institutional inter-ethnic behavior. Nonetheless, Eindheim found this illegitimacy to have major implications in the process of role taking, and thus colouring inter-ethnic relations. Lapps in the area were predominantly bilingual and spoke both Lappish and Norwegian, though with varying capability. Eindheim noted that Lapps would not speak Lappish except in social circumstances that were deemed private, and only Lapps attended. In all public circumstances Lapps considered it more appropriate to speak Norwegian, even where all participants were Lapps. When

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<sup>5</sup> Kymlicka, *Multicultural Citizenship*.

<sup>6</sup> Spaulding, "Peoples as National Minorities."

asked about their descent by Eindhoven, people quickly abandoned the conversation or downplayed their heritage. It was common practice for Lappish parents to speak Norwegian to their children, claiming they did not wish for them to have to struggle as they did to take part in Norwegian society. Any overt Lappish behavior in the public sphere was therefore avoided and communication between Lapps and Norwegians coloured by an effort by the Lapps to avoid provocation.<sup>7</sup>

Eidheims research shows well the effect assimilationist strategies against Sami throughout the 19<sup>th</sup> and 20<sup>th</sup> century had on their culture, and self-identification.

#### 2.4 Who are the indigenous?

Du Gay argues identity becomes a question of power and contestation when a group seeks to realize its identity in a political form, to ensure the survival of one's own culture, to gain the right to utilize natural resources or to take over a territory.<sup>8</sup> This is true of indigenous peoples who have had to fight for their special status, a status that comes with certain rights and privileges. One of the main issues pertaining to indigenous rights is the question of who is indigenous? When rights are tied to a culture or identity it is pivotal to define who belongs to said culture.<sup>9</sup> When it comes to indigenous rights it is important to define both who are indigenous and who are the "people" affected, as indigenous rights activists rely heavily on the right of self-determination. But both terms (indigeneity and "peoples") have been vaguely defined in international law, and it is therefore most likely up to each indigenous group to define who belongs and why. I will argue that this can lead to difficulty in the application of indigenous peoples rights.

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<sup>7</sup> Eidheim, "When Ethnic Identity Is a Social Stigma."

<sup>8</sup> Du Gay and Hall, *Questions of Cultural Identity*.

<sup>9</sup> Åhrén, Scheinin, and Henriksen, "The Nordic Sami Convention: International Human Rights, Self-Determination and Other Central Provisions."

There has been little formal elaboration of the definition of “peoples”, the result being that the precise meaning of the term remains rather uncertain. It is clear that a “people” may be the entire population of a particular state, or alternatively can refer to only a portion of the population.<sup>10</sup>

The lack of a satisfactory definition of indigeneity might be considered a flaw in the international legal protection system centered on indigenous peoples. But considering the huge differences in indigenous peoples around the world this lack of definition is perhaps not surprising.<sup>11</sup>

A working definition of indigeneity, from the United Nations, is based on being descendants of populations which inhabited the country, or geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions. Furthermore, the definitions state indigenous peoples’ social, cultural and economic conditions distinguish them from other sections of the national community, and their status regulated wholly or partially by their own customs or traditions or by special laws or regulations. They are *peoples* to the extent that they have retained a continuity of existence and identity that links them to the communities, tribes or nations of their past.<sup>12</sup> Most importantly, self-identification as indigenous has been regarded as the fundamental criterion for determining the groups to which the legal protection scheme applies.<sup>13</sup> This “subjective” criterion has been widely accepted but

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<sup>10</sup> Crawford, “Right of Self-Determination in International Law: Its Development and Future.”

<sup>11</sup> United Nations Permanent Forum on Indigenous Issues, “Who Are Indigenous Peoples?”

<sup>12</sup> Anaya, *Indigenous Peoples in International Law*.

<sup>13</sup> Office of the High Commissioner for Human Rights, *Indigenous Peoples and the United Nations Human Rights System*.

it is not clear whether or not it would be sufficient if other “objective” criteria (i.e. ancestry) were not also present.<sup>14</sup>

While the self-identification is given most importance it can lead to controversy, with both state authorities refusing to acknowledge a group as indigenous despite their self-identification as such and people who have no features of the indigenous claiming indigeneity in order to benefit from their rights. Several cases brought forward to the UN Human Rights Committee have questioned state practice in determining who is indigenous. In *Lovelace vs. Canada* gender discriminatory practices of the Canadian Indian Act were challenged, In the *Kitok vs. Sweden* case the Committee emphasized the need to apply (also) objective criteria in the determination of whether an individual who wishes to identify himself with the group is recognized as a member.<sup>15</sup>

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<sup>14</sup> Hannum, *Autonomy, Sovereignty, and Self-Determination*.

<sup>15</sup> Scheinin, “Indigenous People’s Land Rights Under the International Covenant on Civil and Political Rights.”

### 3. Legal Framework

#### 3.1 Inherent racism

The history of ignoring indigenous peoples' claims to rights is inextricably tied up with European beliefs that they are inherently superior to those who occupied the land before European settlement. It is not until very recently that indigenous peoples and their cultures have been considered on a par with Europeans.<sup>16</sup> Even then, indigenous peoples have had difficulty being recognized as separate peoples, as they would like to, but have rather been viewed as a racial minority or ethnic group that should integrate into the wider society. This has affected all communication between the two groups up until today. Traditional international law has so far not regarded indigenous peoples as subjects of international law, making it impossible to create fully fledged international treaties with them as signed participants. Instead, treaties signed with them have been either considered unilateral acts pertaining to domestic law or international treaties without the main participant signed on.<sup>17</sup> This is still the case as legal experts involved in the drafting of a new Nordic Sami Convention, of which Norway, Sweden, Finland and the Sami parliaments in each country are party to, advised against the Sami parliaments signing on as members of the Convention, as it might devalue it.<sup>18</sup>

#### 3.2 The development of indigenous rights in international law

The modern international indigenous peoples' movement began around the middle of the 20<sup>th</sup> century and has achieved a great deal in a relatively short period of time. It came after massive changes in international law, particularly in the field of non-state

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<sup>16</sup> Anaya, *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People: The Situation of the Sami People in the Sápmi Region of Norway, Sweden and Finland*.

<sup>17</sup> Kymlicka, *Multicultural Citizenship*.

<sup>18</sup> Åhrén, Scheinin, and Henriksen, "The Nordic Sami Convention: International Human Rights, Self-Determination and Other Central Provisions."

actors and support for them on humanitarian grounds, and the anti-colonial movement. The decolonization regime, however, largely bypassed indigenous patterns of association and political ordering that originated prior to European colonization. Instead, the population of a colonial territory as an integral whole, irrespective of pre-colonial political and cultural patterns, was deemed the beneficiary unit of decolonization prescriptions<sup>19</sup>

The first step towards recognizing indigenous peoples in international law was the International Labour Organization (ILO) Convention nr.107 of 1957.<sup>20</sup> While it constituted an important step in recognizing the especially dire circumstances members of indigenous groups find themselves in, the Convention nr. 107 reflected the mainstream ideas of the time; of nation building, assimilationist strategies, and a Western worldview that had little to do with the particularities of indigenous groups. Its focus was on the individual rights of the *members* of indigenous groups, rather than the groups collectively, and the necessity of improving their social and economic situation. This convention has since been criticized heavily for its assimilationist and integrationist elements.<sup>21</sup>

In the 1960s and 1970s indigenous peoples became much more active participants in the international legal system, through participation in multilateral dialogue, nongovernmental organizations, and international conferences. This work resulted in the support of scholars and legal experts, who lent the campaign a legitimacy it had until then lacked in the eyes of major international power holders.

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<sup>19</sup> Anaya, *Indigenous Peoples in International Law*.

<sup>20</sup> Koivurova, "From High Hopes to Disillusionment: Indigenous Peoples' Struggle to (re)Gain Their Right to Self-Determination."

<sup>21</sup> Anaya, *Indigenous Peoples in International Law*.

In 1989 the ILO revised its Convention nr. 107 and produced the Convention on Indigenous and Tribal Peoples in Independent Countries (ILO Convention nr.169).<sup>22</sup>

This marked a departure from the earlier assimilationist policy, perhaps best seen in the participation of indigenous representatives (indigenous peoples had had no representation during the drafting of the 1957 convention). A flurry of United Nations activity followed, culminating in the 1994 Draft United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which accorded, in provisional terms, indigenous peoples a right to self-determination.<sup>23</sup> Around the same time the Organization of American States (OAS) began drawing up a similar declaration for American indigenous peoples and the Nordic states started work on a Nordic Sami Convention. Following this work UN treaty monitoring bodies have delegated increasingly more of their time to the issues indigenous peoples face and their treatment. In 2007 the UNDRIP was adopted by the general assembly.<sup>24</sup>

Despite the amount of normative activity and work put into these treaties and international documents the results have so far been disappointing. Few states have ratified the ILO convention and the UNDRIP, and work on the regional declarations/conventions has dragged on.

### 3.3 Development of the self-determination principle

Self-determination is based on the requirement that governing institutional order should be substantially the creation of processes guided by the will of the people, or peoples, which they govern. In addition, self-determination demands that people may live and develop freely under such political systems. The principle has a long history

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<sup>22</sup> Koivurova, "From High Hopes to Disillusionment: Indigenous Peoples' Struggle to (re)Gain Their Right to Self-Determination."

<sup>23</sup> Ivison, Patton, and Sanders, *Political Theory and the Rights of Indigenous Peoples*.

<sup>24</sup> Åhrén, Scheinin, and Henriksen, "The Nordic Sami Convention: International Human Rights, Self-Determination and Other Central Provisions."

in international law and has been applied in varying ways. It first came to the fore during the decolonization period, where the right of colonial peoples to self-determination was pitted against the norm of territorial integrity of existing states.<sup>25</sup>

After the end of the Cold War, theorists redefined self-determination to apply also to ethnic groups within existing states, rather than only nations or colonial peoples. Self-determination, and the chance of secession following from it, was seen as a possible resolution to the bloody ethnic violence that characterized the end of the 20<sup>th</sup> century.<sup>26</sup> Others criticized this use of the term, claiming it gave people high expectations with little hope of actually realizing their rights due to the stronger norm of territorial integrity of states. This has in part proven true, as minorities around the world are accorded self-determination not in the form of independence but territorial autonomy or political authority over their affairs within existing states.<sup>27 28</sup>

### 3.4 Indigenous self-determination

Indigenous rights are a combination of generally applicable human rights principles and developments specifically concerning indigenous peoples, the foundation being the principle of self-determination. Indigenous peoples have repeatedly articulated their demands in terms of self-determination.<sup>29</sup>

But what exactly indigenous self-determination entails (or rather its scope) has yet to be defined and is still a rather unclear term. While self-determination for colonized people overseas meant a full self-determination process, based on the colonial territorial unit, resulting in the creation of new states, self-determination for indigenous peoples is much more likely to result only in internal self-determination,

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<sup>25</sup> Hannum, *Autonomy, Sovereignty, and Self-Determination*.

<sup>26</sup> Horowitz, "The Cracked Foundations of the Right to Secede."

<sup>27</sup> Wimmer, *Facing Ethnic Conflicts*.

<sup>28</sup> Hannum, "The Specter of Secession."

<sup>29</sup> Anaya, *Indigenous Peoples in International Law*.

that is some sort of autonomy within existing states. Such internal autonomy needs to be negotiated with the respective authorities, and will undoubtedly result in a variety of forms. In recent years, most states with significant indigenous populations (even those who have ratified the UNDRIP and started work on regional agreements) have halted this process of indigenous self-determination. This can in part be explained by the states misguided tendency to equate self-determination with decolonization procedures or an absolute right to form an independent state, while self-determination processes in actuality are connected with different cultural and historical factors and thus will have various outcomes.<sup>30 31</sup>

### 3.5 Indigenous rights claims

Common rights indigenous peoples claim are; a form of self-government in autonomous territories; control over immigration to their territories; collective land rights, including collective ownership of land; legislative powers important to culture, for example regarding education, resource development, language and family law; and representation on public political bodies.<sup>32</sup>

What distinguishes the rights indigenous peoples claim from general minority rights are first and foremost land rights. Indigenous peoples maintain that they have the right to ownership of their traditional lands, with full control over the use of their natural resources. They base this claim on the fact of being a separate people within a particular state rather than a minority. As others were colonized overseas, so were they colonized within today's existing states. As such they should have the right to self-determination, though most indigenous peoples do not claim the right or wish for

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<sup>30</sup> Koivurova, "From High Hopes to Disillusionment: Indigenous Peoples' Struggle to (re)Gain Their Right to Self-Determination."

<sup>31</sup> Anaya, *Indigenous Peoples in International Law*.

<sup>32</sup> Spaulding, "Peoples as National Minorities."

full self-determination resulting in secession.<sup>33</sup> Instead they claim the right to full control over their traditional territories, while remaining a part of the states their lands fall under. This claim of land rights has been the most controversial of the indigenous rights and been met with varying enthusiasm. As many traditional indigenous territories are rich in natural resources and/or in a strategically important place it is difficult for state authorities to accept indigenous claims over them. In Canada and the Arctic for example, the indigenous traditional areas are full of natural resources such as fishing, mining and oil. Giving up access to such resources will therefore mean a loss of large potential profits for the states concerned.<sup>34</sup>

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<sup>33</sup> Åhrén, Scheinin, and Henriksen, "The Nordic Sami Convention: International Human Rights, Self-Determination and Other Central Provisions."

<sup>34</sup> Anaya, *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People: The Situation of the Sami People in the Sápmi Region of Norway, Sweden and Finland*.

## 4. The Sami people

### 4.1 Brief history of the Sami

The Sami people traditionally inhabit a territory known as Sapmi, which spans the northern parts of Norway, Sweden and Finland, and the Russian Kola Peninsula. Although the Sami are divided by the formal boundaries of these four states, they continue to maintain cultural unity across state borders. The Sami have inhabited the area much longer than the Nordic/Russian people. They have the oldest languages and cultures of these countries, long pre-dating the present-day states, and today several language groups are divided across the national borders of the Nordic and Russian states. The Sami people have traditionally relied on hunting, fishing, gathering and trapping. Reindeer herding, in particular, is of central importance to the Sami people. Many Sami communities historically practiced a semi-nomadic lifestyle, moving reindeer between the mountain areas and coastal areas according to the season.<sup>35</sup>

Historically the Sami have considered themselves as one people but belonging to different groups depending on their patterns of settlement (that is whether or not they are nomadic); how they sustain themselves (for example by reindeer herding, fishing, farming or hunting); and which of the nine Sami languages they speak.<sup>36</sup>

The Sami population is estimated to be between 70,000 and 100,000, with 40,000-60,000 in Norway, 15,000-20,000 in Sweden, about 9,000 in Finland and about 2,000 in Russia. Sami people constitute a numerical minority in most of the Sapmi region, except in the interior of Finnmark County in Norway and in the Utsjoki municipality in Finland.<sup>37</sup>

The state borders that today divide Sápmi were established over a 100-year

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<sup>35</sup> Lantto, "Borders, Citizenship and Change: The Case of the Sami People."

<sup>36</sup> The Sami Parliament, *The Sami-an Indigenous People in Sweden*.

<sup>37</sup> Anaya, *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People: The Situation of the Sami People in the Sápmi Region of Norway, Sweden and Finland*.

period, roughly from the middle of the eighteenth to the middle of the nineteenth centuries. Up until around 1850, the Sami had relative autonomy. When Sweden and Denmark–Norway concluded a border treaty in 1751 a supplement was added, known as the Sami Codicil, which recognized the rights of reindeer-herding Sami to pasture lands across the new boundary, as well as limited rights of self-governance.<sup>38</sup>

From 1850 all three Nordic states (Finland, Sweden, Norway) used assimilation strategies, such as forced taxation and state-sponsored settlement of farmers to the Sápmi area, in order to drive the Sami further north and to assimilate them into the majority culture. The three states also made new border treaties that closed their borders more effectively, forcing the Sami to rethink their reindeer herding practices.<sup>39</sup> During that period, the Sami population and Sami human remains were subject to “research” by scientists that wanted to prove that there was a physical difference between the Scandinavian majority population and the Sami people, who they saw as inferior. Sami women were also forcibly sterilized and Sami children sent to boarding schools outside of the Sápmi area.<sup>40</sup>

The partitioning of the territory between the states changed the social and economic reality of the Sami society, as well as the Sami themselves; from simply being Sami to being Norwegian, Swedish, Finnish or Russian Sami.

#### 4.2 Sami political movements

Where the Sami have had the most success is in cultural rights, although these are still hard to come by as cultural rights, such as language rights, are often tied to having a majority in a particular region. Instead, the Sami have tried to establish a general

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<sup>38</sup> Lantto, “Borders, Citizenship and Change: The Case of the Sami People.”

<sup>39</sup> Åhrén, Scheinin, and Henriksen, “The Nordic Sami Convention: International Human Rights, Self-Determination and Other Central Provisions.”

<sup>40</sup> Spektorowski and Mizrachi, “Eugenics and the Welfare State in Sweden.”

right to use the Sami languages within the traditional Sami territory, but this has proven difficult due to the small number of Sami speakers. The authorities are also frequently unable to provide schooling in Sami to children. The Sami therefore need to negotiate with regional authorities for their rights and status, although they have since the 1990s had their own Sami parliaments that are intended to ensure the survival of the Sami culture and protect their rights.<sup>41</sup>

### 4.3 Sami cross-border initiatives

Several cross-border institutions have been formed to represent the interests of Sami people throughout the Sapmi region and play an important role in developing a Sami policy that applies beyond the State.

In 1956, Sami organizations from the four countries (Scandinavia and Russia) came together to establish the Sami Council, a non-governmental organization focused on promoting the human rights of the Sami across state lines. Currently, Sami parliaments in all three Nordic states work towards the preservation of the Sami culture, as well as taking part in the Sami Parliamentary Council, a collaboration between the three Sami parliaments, with permanent participation of Sami from Russia. The most important cross-border initiative in recent years, however, is the work that has been done in developing a Nordic Sami Convention, in collaboration with the Nordic governments.<sup>42</sup>

### 4.4 The Nordic Sami Convention

In 2002 an expert group was set up, consisting of representatives from the governments of Norway, Sweden and Finland and the Sami parliaments in each

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<sup>41</sup> Åhrén, Scheinin, and Henriksen, "The Nordic Sami Convention: International Human Rights, Self-Determination and Other Central Provisions."

<sup>42</sup> Anaya, *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People: The Situation of the Sami People in the Sápmi Region of Norway, Sweden and Finland*.

country. Its task was to create a draft Nordic Sami Convention to be taken back to the respective authorities for approval. The Nordic Sami Convention is a new international instrument / human rights convention with the objective "to confirm and strengthen such rights for the Sami people as to allow the Sami people to safeguard and develop their language, culture, livelihoods and way of life with the least possible interference by national borders" (Art. 1). The draft version of the Convention places numerous obligations on the three Nordic governments and establishes not only negative but positive rights for the Sami. The expert group finished their work in 2005, but the Convention has still to be finalized. The Sami parliaments have all accepted the draft convention (although they do so reluctantly and have stated that they had hoped for a stronger recognition of their rights). For the three Nordic governments, on the other hand, the issue has proven much more difficult, and as of yet no agreement has been made on the final version of the Nordic Sami Convention.<sup>43</sup>

While the Convention has still to be finalized the draft Convention does provide important insight into how the Sami representatives see both their right to self-determination, and how they answer the question of "Who is Sami".

#### **4.5 Sami Self-determination**

The Sami representatives in the Sami Convention expert group do not see the right to self-determination as entailing a right for the Sami people to secede from the states that now share the traditional land areas of the Sami. On the other hand, Sami representatives have generally emphasised that the Sami right to self-determination cannot be more restrictive than the right of the Sami's neighbouring peoples. They

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<sup>43</sup> Åhrén, Scheinin, and Henriksen, "The Nordic Sami Convention: International Human Rights, Self-Determination and Other Central Provisions."

maintain that the Sami right to self-determination includes a right for the Sami to control their economic, social, political and cultural development, including the right to dispose of land, water and natural resources in the Sami areas.<sup>44</sup>

The right to self-determination that the Sami Convention proclaims is a right based on cultural specificity rather than on territory, which renders it more difficult to implement. On the other hand, those living within the Sapmi area are provided more rights than those outside of it, creating a mix of territorial autonomy and ethnic self-determination.<sup>45</sup>

The Sami representatives' territorial claims over the Sapmi area have proven to be one of the more contested areas of Sami autonomy, both because the Sami parliaments and the national governments have very different views on the extent to which the Sami should have control over natural resources in those areas and because the Sapmi area has not been precisely defined (or it has been defined with little input from the Sami themselves).<sup>46</sup>

The interesting aspects of the Sami self-determination case are that it combines group/individual and territorial self-determination. Since the Sami as a group have the right to self-determination they need to identify who is a Sami (which is the individual level) and then it's tied to territorial self-determination because of the rights only available to those living within Sápmi.

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<sup>44</sup> Koivurova, "From High Hopes to Disillusionment: Indigenous Peoples' Struggle to (re)Gain Their Right to Self-Determination."

<sup>45</sup> Åhrén, Scheinin, and Henriksen, "The Nordic Sami Convention: International Human Rights, Self-Determination and Other Central Provisions."

<sup>46</sup> Ibid.

#### 4.6 Who is a Sami?

The Sami have had great difficulty defining the characteristic features of members of their group, or what it means to be Sami. While some prefer to use a descent-based approach, others feel it is important to distinguish between those that somehow are active in Sami culture today, either by speaking a Sami language or taking part in their traditional work of reindeer herding. The latter definition prevailed in the draft Nordic Sami Convention, though many were not fully satisfied with the definition, as it excluded those who potentially self-identify as Sami but have, due to oppression and assimilation measures for example, lost the command of the Sami language and moved away from traditional Sami lands.<sup>47</sup>

This approach seems necessary, however, as the Sami have been under scrutiny for the special rights they are accorded, in part because some believe they have lost their particular culture and are fully integrated into the larger Scandinavian society, to such an extent as to refute any claim of indigeneity. The historical injustices, for example forcible assimilationist laws and regulations by the Scandinavian states in the last two centuries, have not been enough for all to support special measures to support the Sami culture today.<sup>48</sup>

This example shows how difficult it can in fact be to navigate between the right to self-identification and the need for supporting your claim to indigeneity with some cultural specificity.

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<sup>47</sup> Ibid.

<sup>48</sup> Pietikäinen, "Sami in the Media: Questions of Language Vitality and Cultural Hybridisation."

## 5. The Sami in Sweden

In order to analyze the conflict in contemporary Sami politics in Sweden it is necessary to understand the history of Sami in Sweden, as the system of Sami rights has throughout the years been legitimized and shaped by evolving ideas and public opinion.

### 5.1 Racialized Sami Policy

Sweden's Sami policy by the end of the 19<sup>th</sup> century was heavily influenced by racial biology, to the extent that it permeated all interactions between the Sami and the Swedish authorities. In particular, nomads were considered culturally inferior to farmers and other people that practiced a stationary lifestyle, with amongst others the result that Sami were forced to give up large areas of their traditional lands to Swedish farmers. The Swedish authorities awarded substantial sums as aid to farmers settling in the Northern territories, with hardly any of it going to Sami farmers as the official stand of the Board of Agriculture was that they were not suited to farming.<sup>49</sup>

The Sami were also considered to be born with certain "racial characteristics" that made them unfit to take part in civilized society. In 1922 the Swedish Institute of Racial Biology was established with the official aim of "safeguarding the high quality of the Swedish race". While it began as a general study in the different "races" living within Sweden, after a few years all of the Institute's resources were spent on studying the Sami, for example by measuring their skulls. These practices went on for over a decade.<sup>50</sup>

In 1928 the Swedish Parliament passed the Reindeer Herding Act, which distinguished the reindeer herding Sami from the rest of the Sami population, and restricted land use in most of the traditional Sapmi area in Sweden to the reindeer

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<sup>49</sup> The Sami Parliament, *The Sami-an Indigenous People in Sweden*.

<sup>50</sup> Spektorowski and Mizrachi, "Eugenics and the Welfare State in Sweden."

herders. The Reindeer Herding Act was a part of a wider governmental paternalistic policy toward the Sami named “The Lapps shall be Lapps” (Lapps was the preferred way of referring to the Sami but has since been considered derogatory), the intent of which was to protect the traditional culture of reindeer herding Sami, while disregarding those outside of the reindeer husbandry who were not seen as real Sami and therefore in no need for cultural or economic protection. Those Sami outside of the reindeer husbandry were expected to assimilate into the wider Swedish society. While the Reindeer Herding Act did provide the reindeer herders with rights to land usage it placed several restrictions on them, for example a ban on setting up permanent houses, as this was considered outside of their traditional culture.<sup>51</sup>

This paternalistic policy was also applied in education through the establishment of special Sami schools for children of reindeer herders. The Nomad Schools Act of 1913 clearly demarcated the Sami education from the general Swedish school system, mandating the educational level in Sami schools to be such as to ensure that the children were not “civilized”. At school children were only taught Swedish and any use of Sami language was forbidden. Subjects taught in the Nomad Schools were especially conceived of to prepare the children for a life as traditional reindeer herders. Children of nomadic Sami were also denied access to public schools.<sup>52</sup>

## 5.2 The political mobilization of the Sami in Sweden

The Second World War can be seen as constituting both a change in public opinion in Sweden towards the Sami and the political mobilization of the Sami. An educated and politically active class of Sami leaders began to mobilize and a new self

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<sup>51</sup> Lantto and Mörkenstam, “Sami Rights and Sami Challenges.”

<sup>52</sup> Gunilla, “Cultural Knowledge in School Curriculum in Practice - Decolonizing Processes and School Development at Sámi Schools in Sweden.”

understanding of the Sami slowly came to be. In particular, the battle against the Norwegian government's plans to build a hydroelectric power plant in Alta-Kautokeino, within the traditional Sapmi area, in the 1970s became a significant turning point, raising Sami consciousness and political mobilization across Scandinavia.<sup>53</sup>

In 1950 the first national Sami organization in Sweden was formed, The National Union of the Swedish Sami. The Union was in large part based on the organizational structure of the reindeer herding administrative entities, the Sami Villages, firmly establishing the reindeer herding Sami as the focus of the Sami movement in Sweden.<sup>54</sup>

In the second half of the 20<sup>th</sup> century the political rhetoric on Sami rights in Sweden followed the international trend of increasing recognition and placed importance of minority and indigenous rights. Sweden, along with the other Scandinavian states, became one of the leading states in this respect, creating an international image as global "good citizens", peace loving and conflict-resolution oriented. This international image of the Scandinavian countries has been described as "Nordic Exceptionalism", a particular form of nation branding. In the 1970s and 1980s Sweden also actively engaged in anti-racist and anti-imperial activities, without questioning its own involvement in colonial and racist activities.<sup>55</sup>

It is in this context that the Sami rights movement works today. While both the international community as well as the Swedish general public sees the state as exemplary when it comes to human rights, the Sami have not fully enjoyed the rewards. Sweden has not ratified the ILO Convention nr.169, one of the most

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<sup>53</sup> Harald, "Ethno-Political Development among the Sami after World War II."

<sup>54</sup> Lantto and Mörkenstam, "Sami Rights and Sami Challenges."

<sup>55</sup> Petterson, "Colonialism, Racism and Exceptionalism."

important international documents concerning indigenous rights, and the UN has several times reported on the situation of the Sami in Sweden, with the conclusion that the state is not providing them with the rights accorded to them by the UNDRIP convention of 2007. There is therefore a contradiction between the image of Sweden and the actual situation of its indigenous population.<sup>56</sup>

### 5.3 The Sami Parliament in Kiruna

The Sami Parliament in Kiruna was established in 1993 by Act of Parliament, in recognition of the fact that the Sami are a separate people. The parliament acts as an institution of cultural autonomy for the indigenous Sami people but has very weak political influence. It is formally a public authority, ruled and funded by the Swedish government, but has democratically elected parliamentarians, whose mission is to work for the Sami people and culture in Sweden. The Parliament's main job is to support the Sami people and raise awareness of their cultural heritage and unique situation.<sup>57</sup>

The parliament has proven particularly important for the non-reindeer herding Sami who were there provided with a platform for political participation and representation largely unavailable to them up until that point. While the parliament has over the years often been fraught with internal conflicts, not least between the reindeer herders and non-reindeer herders, it has significantly contributed to a broadened image of Sami culture.<sup>58</sup>

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<sup>56</sup> Anaya, *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People: The Situation of the Sami People in the Sápmi Region of Norway, Sweden and Finland*.

<sup>57</sup> Åhrén, Scheinin, and Henriksen, "The Nordic Sami Convention: International Human Rights, Self-Determination and Other Central Provisions."

<sup>58</sup> Lantto and Mörkenstam, "Sami Rights and Sami Challenges."

## 6. The research

In line with the earlier discussion on the vagueness of indigenous rights and the issues that may therefore arise in their application a look into how they manifest in Sweden will provide us with important information. This will help us gain a better understanding of the application of indigenous rights in general, as well as the particular issues the Sami politicians face in their Scandinavian context.

The following research questions were considered during the interviews:

1. How do you come up with a common definition of who is a Sami?
2. What are the main issues the Sami Parliamentarians face?
3. How do you represent in a positive way an identity/social group that has been stigmatized in the past?
4. Cross-border Sami collaboration: Does the “One Sami nation” really exist?

### 6.1 Research methods

The research was based on open-ended interviews, which are considered a stable of qualitative research methods, along with focus group discussions and participant observation. Qualitative methods were chosen here as they allow for a fluid, open research structure, based on induction, rather than deduction. In addition, qualitative research methods are encouraged when little is known about the topic<sup>59</sup>. As research on the Sami parliament is scarce open-ended interviews were appropriate for the thesis, since the aim was to understand the personal experiences and attitudes of the interviewees.

I conducted the interviews in English, which was not an issue since the people interviewed were all proficient English speakers. Those few instances where an

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<sup>59</sup> Bogdan and Biklen, *Qualitative Research for Education: An Introduction to Theory and Methods*.

interviewee had trouble remembering the correct word in English they would use the Swedish word instead and I translate it for them. Here my knowledge of Danish, another Scandinavian language closely related to Swedish, was useful.

In qualitative research theories and hypothesis are not put forward at the beginning but rather are influenced by the data collected. Research questions are used as a structure for interviews, but they can go through changes as the research develops and the researcher acquires better understanding and insight into the topic. The idea is not to gain numerical information on the issue, but to understand how people perceive the issue at hand, and to get a deeper understanding and insight into how some aspects of it can influence social life.<sup>60</sup>

During open-ended interviews the researcher is not required to maintain a strict list of questions since the goal is to have a flowing conversation with the interviewee during which they describe what is most important to them in relation to the issue. The researcher can organize certain topics or questions to ask beforehand, but must be flexible should the interviewee take the conversation in another direction. In open-ended interviews both the researcher and interviewee can therefore influence the interview process.<sup>61</sup>

While conducting the interviews the scope of my research shifted considerably, as the discussions brought to my attention topics and concerns that I had not been aware of when framing the research questions. In particular, the political cleavage in the Sami parliament between the reindeer herders and non-reindeer herders was not something I had anticipated. This issue was brought up during my first interview with Marie Enoksson and subsequently added to the interview

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<sup>60</sup> Taylor and Bogdan, *Introduction to Qualitative Research Methods: A Guidebook and Resource*.

<sup>61</sup> Strauss and Corbin, *Basics of Qualitative Research: Grounded Theory: Procedures and Techniques*.

questions.

Of the initial research questions the fourth (Does the “One Sami nation” really exist?) proved difficult to answer. This did not come as a surprise as I had been aware of the limitations of my research scope before starting the interviews. While I had been unsure of really being able to address this question I still considered it worthwhile to try. Therefore a few of my interview questions were concerned with the cross-border cooperation between the Sami, and comparisons between the political situations of the Sami in the different states. As they did not result in very fruitful discussions, they did not become a large part of the research, and the question of the “One Sami nation” was left unanswered.

## 6.2 Chosen participants

Seven people were interviewed for the research: four parliamentarians, the Sami parliament’s communications officer, one former parliamentarian and current international activist, and the president of the Saami council.

The initial idea was to visit the Sami parliament in Kiruna and conduct interviews with parliamentarians. During the time in Kiruna the week of 7-11<sup>th</sup> of April I conducted three interviews in person, with Marie Enoksson, Matti Berg and Ol-Johan Sikku. Marie Enoksson and Matti Berg both live in Kiruna and were therefore available for an interview, while Ol-Johan Sikku was in town for a board meeting. Two other interviews had been set up prior to my arrival but in the end were not possible due to the busy schedule of the parliamentarians. The visit to Kiruna proved a need to conduct further interviews, primarily because I had not gathered enough data to work with.

I decided to conduct phone interviews since the Sami parliamentarians and activists live all across Sweden and are therefore difficult to meet and my research

budget did not allow me to travel the country. The phone interviews also allowed for a wider perspective, as previous interviews conducted in Kiruna showed a clear divide between Sami living in the northern and southern parts of the country (or living within or outside of the traditional Sapmi area). Phone interviews therefore made more people accessible to me.

An email was sent out to a number of parliamentarians in May offering the chance to be interviewed for the research, with the incentive of reaching people from different political parties. An email was also sent out to Mattias Ahren and Lars-Anders Baers from the Saami Council, an NGO working with Sami rights. This was done after a suggestion from Marie Enoksson that they would be able to provide further information on the Nordic Sami Convention, and a more international view on the Sami issue than the parliamentarians would. Those that replied to the email were then interviewed on the phone during the next two weeks.

Below is a short introduction to the interviewees:

<b>Name</b>	<b>Age</b>	<b>Profession</b>	<b>Political Party</b>
Marie Enoksson	Born in the 1960s	Communications officer for the Sami parliament.	X
Matti Berg	Born in the 1960s	Ecotourism organizer and leader of a reindeer herding district	He is a representative for “Samelandspartiet” political party in parliament.
Ol-Johan Sikku	Born in 1958 in a Sami village	He is an economist and vice president of the Sami Parliament.	Representative for “Min Geaidnu” political party.
Lars-Paul Kroik	Born in 1942 in a Sami village	Began as a reindeer herder but worked as a firefighter for most his life.	Representative for Albmüt political party in parliament.
Josefina Skerk	Born in 1987	Law student.	Representative for “Jakt- och

			Fiskesamerna” (Hunting and fishing Sami) in parliament.
Lars-Anders Baers	Born in 1952 in a Sami village	He is a Lawyer and former president of the Sami parliament for two terms. He is currently a member of the Saami council (a non-governmental Saami organization with members from Finland, Russia, Norway and Sweden).	X
Mattias Ahren	Born in the 1960s	He is a lawyer that worked on the Nordic Sami Convention. He is president of the Saami council.	X

### 6.3 Data collection

Data collection took place during the months of April and May. All three interviews in Kiruna took place in the Sami parliamentary building and lasted 30-60 minutes. Subsequently I conducted phone interviews with those that replied to the aforementioned email during a two-week period, with all data having been collected by the middle of May. Phone interviews also lasted 30-60 minutes. During the interviews I used the research questions to base the interviews off, but the main focus was to get interviewees to actively discuss the issues through their own experience and understanding of them.

I recorded the interviews on a digital recording machine in Kiruna and with the help of a recording app during the phone conversations. After each interview I

made transcriptions and took notes on interesting themes or concerns for further interviews. This is in line with recommendations for conducting open-ended interviews.<sup>62</sup>

#### 6.4 Data analysis

After I had collected the data and transcribed the interviews I began data analysis. First, I read the interview transcriptions multiple times and used color-coding to identify themes; subjects, terms and key sentences that related to the research questions. After that I further analyzed the transcriptions to understand how these themes were related.<sup>63</sup> In the end, I had identified five themes that will be discussed in the next chapter.

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<sup>62</sup> Taylor and Bogdan, *Introduction to Qualitative Research Methods: A Guidebook and Resource*.

<sup>63</sup> Bogdan and Biklen, *Qualitative Research for Education: An Introduction to Theory and Methods*.

## 7. Analysis of interviews with Sami representatives

Here, the findings of the study will be introduced and the research questions answered. First, the question of who is Sami (or should be permitted to participate in the various activities restricted to the Sami) will be discussed. Second, as the findings related to the research question: what are the main issues the Sami Parliamentarians face? and the research question: how do you represent in a positive way an identity/social group that has been stigmatized in the past?, are intertwined they will be dealt with together in two chapters. The presentation will start by considering the apparent silence surrounding the Sami and their place in Swedish society and then move on by analyzing the divide within the Sami community in Sweden. A chapter where the Sami parliament and its role are looked at will follow this. Finally the question about the cross border Sami cooperation will be discussed in context of the international indigenous movements and their influence.

### 7.1 Who is Sami?

When rights are tied to a culture or identity, it is pivotal to define who belongs to the said culture. The Sami have had great difficulty defining the characteristic features of members of their group, or what it means to be Sami. As has been discussed earlier in the thesis, the Sami have faced centuries of systematic cultural repression by the Swedish state. This has led to their languages being near extinct, and their culture and traditional way of living only practiced actively by a small percentage of those with Sami heritage in Sweden. The Sami Parliament has since its creation struggled with finding appropriate criteria for those that wish to sign up for the voting register, finally settling with a language criteria requiring people to prove that one of their parents or grandparents spoke/speak a Sami language. Lars-Anders Baer discussed how the parliament needs the criteria “in order to consider it legitimate as a Sami

institute”. Before the language criterion was in place there was worry over people registering to vote that had no real connection to the Sami culture.

Ol-Johan Sikku explained:

It’s hard to make an exact definition. The language definition is quite good because every Sami now today can have someone two generations back, and all the Sami could speak Sami. So that’s quite good. But then there is also that you *feel* Sami, because you can be Sami but brought up in some town or you have Swedish identity, and you don’t feel that you are Sami. So you can choose if you want to be Sami or not. Because if you have another competing culture, like the Swedish culture, some people will simply feel Swedish rather than Sami.

Not all groups in the parliament agree on this language criterion. Lars-Paul Kroik is of the opinion that anyone that self-identifies as Sami should be able to participate in the Sami parliament, without restrictions, as this is in line with international law on indigenous peoples that stresses self-identification as the most important factor. In his view, the large majority of the Sami in Sweden today have no access to their traditional way of life or lands, and he feels the Sami Parliament supports this development with their voting criteria. Josefina Skerk echoed this sentiment:

We should be less worried about those that want to be Sami than those that do not feel Sami at all but have Sami heritage.

Matti Berg explained his distain of discussing the issue of who is Sami:

This is a question. This is not ethical. It is a very difficult thing to discuss because where is the border? When have you come into race biology?...You turn in a sample, blood. No I joke.

But he also described it from his point of view as the leader of one of the reindeer herding villages:

We need some restrictions. Yeah that’s true. We need that really. But where do you put that limit, that is the question... Who is Sami and who is not? And that discussion is, I think it is very difficult because if you look at the political part of the Sami parliament you have two factions. One that is close to the reindeer herding, traditional, and then the part that is not. And that’s the only difference we see really. And many of the people that vote for the other side, from my point of view,

they live in the south in big city areas. And they are not too close to the reindeer herding and the Sami communities. So they have, how shall I put it? They have lost the connection to the land.

While Marie Enoksson understood Matti Berg's concerns, she also spoke of the responsibility of the parliament to those that want to reconnect with their Sami heritage. Due to the negative connotations of the Sami culture up until the 1980s, when the Sami rights movement really came to be, many people raised their children without any mention of their heritage:

In the southern part of the Sami area you have the older generation that says "We aren't Sami, what is that, I don't think about that anymore" but their grandchildren say, "I want to be Sami, we are Sami, why didn't you tell us?" It's like they have discovered as grown ups that their relatives are actually Sami. So it's also a kind of struggle to take back the culture and the identity when you realize where you come from... Many who have lost the Sami language can still feel the loss or sorrow that they didn't get the language, and some even say that Sami is their mother tongue, though they don't speak it. They need tools.

She also discussed the importance of being on the voting register:

One of the incentives to register for the parliament to vote is also a way of maybe in the future protecting Sami rights. Because it is, if we get some kind of legislation with Sami rights, whom do they belong to? Probably the people that are part of the Sami parliament election register. Because we don't have anything else.

It was clear from the interviews that the question of who is Sami is a major issue for the parliamentarians. It is both very personal to them as well as highly politicized.

## **7.2 Silence as a colonizing tactic**

One of the problems the Sami Parliament faces is navigating between the Sami people's right to self-identification, that is not denying people access to the Sami Parliament, and then the need for supporting your claim to indigeneity with some cultural specificity or proof of earlier repression. All interviewees agreed that the Sami struggle to get recognition from the Swedish society, not only as a distinct

people but also for the colonizing that took place. Lars-Paul Kroik spoke of this struggle:

Sweden has not been interested in acknowledging that there is a Sami population. But the Sami are stubborn, very stubborn haha (laughter), and so now they have been forced to accept that we do exist and that we are here. Because we have survived throughout the ages.

Josefina Kroik attributed this in large part to the lack of information about the Sami in the Swedish school system:

The problem is with the education system. No one learns about the Sami...I may sound like I have some conspiracy theories now, but the government really does seem to be strategic about this.

Lars-Anders Baer added to this:

School children in Sweden probably know more about American Indians and their history than the Sami.

When asked about the lack of knowledge about the Sami, Ol-Johan Sikku explained:

I think it's still the same frame of mind from the beginning of the 19th century when they were going by the race biology institute. And it's still living in Swedish society that they don't really want to see us, and they don't want to see the Sami culture, they are not letting us up from the floor... they don't see the problem at all, because they are educated to not see that.

Matti Berg agreed that by keeping people in the dark about the situation of the Sami in Sweden, the state gets away with doing very little for them:

It's a way to deny us; they have done it from the colonizing start. Denying it is part of the assimilation process. If you are not seen or heard you don't exist.

Lars-Anders Baer emphasized how the lack of education about the Sami has led to stereotypical ideas about them:

I once showed up to a meeting in Sweden years ago as a representative of the Sami and was told, “Oh you can’t be Sami, you’re blond and blue eyed and they are dark and short”. So there is this racism, but you can’t really call it that. Its more a lack of knowledge, and instead of knowledge there are these strange stories and stereotypes that people hear. And that is all they know.

Josefina Skerk also found this issue highly important and further discussed how it affects the work of the parliamentarians:

Well on the one side we are not different enough, not exotic enough for them, we have been integrated into Swedish society too well, so we should not get special rights in their minds. But then no one knows anything about us either. The view in the south is that we are exotic and cute with our reindeer, it comes from the tourism, and that is not a view that helps either. It will not convince anyone that we need more rights.

OI-Johan Sikku also had experienced this apparent lack of knowledge, as well as an apparent lack of interest in his discussions with the Swedish government:

Even if we from the Sami parliament discuss a lot with the Swedish government and ministers, there is always something more important. I have a good example now because the Swedish government made a white book about the Roma people. And I was in a meeting about Sami language and the other minorities last week with a minister and we discussed that a white book should be made especially about Sami also, but the minister thought that it was much more important for Roma because they have been treated much worse than Sami. And he felt that since the Sami already has the Sami Parliament we are visible already, and that’s the level of the mindset of the Swedish government, they don’t know about all the land grabbing in Sami society still going on, and the colonizing is still going on, our languages are still decreasing. We are not, still not coming back, but we are trying.

Marie Enoksson also believed it would go a long way toward reconciliation for the Swedish state to acknowledge formally the colonial history toward the Sami:

I think that it would mean a lot to have some kind of acknowledgement and a compilation of what has really happened. Because very few Swedes understand the history, and they just want to put the lid on it, "It was such a long time ago, let's not talk about it anymore". But you have to handle things so people can get rid of all the hurt and sorrows; it's just underneath the surface.

While many of the issues discussed during the interviews were quite politicized and showed a clear divide within the Sami parliament, the lack of support and understanding from the Swedish authorities was one topic they unanimously agreed on. Finding ways to introduce the situation of the Sami to the Swedish people is therefore an important project the parliament works on, with support from all parliamentary groups.

Some of the politicians interviewed spoke of the paradox of Sweden's international reputation as democratic, liberal, and respectful of human rights, and their treatment of the Sami, which is not in line with this. Both Lars-Anders Baer and Ol-Johan Sikku described some hesitation on behalf of other indigenous leaders at international conferences when they show up. Lars-Anders Baer said you first need to:

prove that we are in fact also "non-white" and "non-European" just like the other participants at the conference.

Ol-Johan agreed and described his experience with participating at international conferences:

I speak of land grabbing and the same things as are happening in South America or Africa, the only difference is they (the Swedish) don't shoot us. But the others don't believe me, because it's Sweden the perfect land. "How can this be true?" So, I don't know if they even believe me. Because Sweden has been so good in marketing themselves as the perfect country, with democracy and everything, but democracy isn't for us, it's only for the Swedish society.

It is therefore one of the main projects of the Sami to get their message across, and introduce the Swedish population to their distinct culture and place within Sweden.

In order to gain the rights needed to maintain their distinct culture, they first need to convince people that it exists, and that it is something worth protecting.

### 7.3 Divide within the Sami community in Sweden

During the very first interview, it became apparent that there is a clear divide between those close to the reindeer herding and traditional way of life and the others. This was therefore added to the interview questions and proved to be an issue all interviewees were quite passionate about. They see it as by far the largest political cleavage in the Sami Parliament and the wider Sami society in Sweden. This distance between the two factions does not exist in the Sami societies in Finland and Norway to the same extent.<sup>64</sup> The Sami politicians interviewed believe this friction among the Sami in Sweden stems from the Swedish reindeer pasture law of 1928, which limited reindeer ownership and membership in any Sami village to nomadic herders and their families. Historically, many Sami had practiced mixed husbandry, keeping both farms and having reindeer. The law of 1928, according to the Sami politicians I spoke to, essentially divided the Sami population and gave the reindeer herder's monopoly over the reindeer business as well as creating a legal definition of who is Sami, which excluded most of the population. This had, in Ol-Johan Sikku's view, widespread repercussions, which are still seen today.

The Swedish state created those laws about reindeer herding and divided the Sami: the reindeer herders as the real Sami and the others are not. And still today it is like that because it has been such a long time, so it is in the society and also in the Sami society. You know if you colonize the mind for a hundred years, then you colonize also the minds of the Sami, so we start to create exactly what the state wanted from us. But there is this debate nowadays, inside the Sami society, should it be like that?

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<sup>64</sup> Aikio and Åhrén, "A Reply to Calls for an Extension of the Definition of Sámi in Finland."

Josefina Skerk described her understanding of the situation as someone from outside of the reindeer herding business:

The issue is with the reindeer herders and the non-reindeer herders. They believe that they protected the culture during hard times and were the ones that kept the language going and therefore they should have more rights than the others. But us, my group, we see it in another way, we believe that we never gave up, that we kept on being Sami even without any rights and being told by the state that we are not. There is a big problem with this. We need to find a way to work it out.

Mattias Åhren however fundamentally disagrees with the point of view of the Sami parliamentarians:

This divide is, to a large extent, the result of people rewriting history as they wish it to be. But if you study the facts and history that is not what happened. A transition occurred, and this came from inside the Sami society, this is not anything that came from Sweden or any other state. The Sami realized that a more efficient way of using the land was to either practice a stationary lifestyle of farming or devote themselves fully to nomadic reindeer herding. That choice was completely free for all Sami at that time. But now there is a wish to rewrite history and say that they were forced out by Swedish legislation and that the Swedish legislation gave all these rights to reindeer herders when that is simply not the case. The reindeer herders won their rights by going to courts and claiming they established rights through traditional rights, an option that is open to every Sami, also outside the reindeer herding. But I can accept the argument that the legislation that came after the Reindeer Herding Act was biased.

Whether or not the 1928 legislation restricted reindeer herding to the nomadic Sami or came after a spontaneous societal change, it is clear that it was a part of a larger approach the Swedish state had to the Sami. This is the “Lapps shall be Lapps” policy that was described in earlier chapters. That is, the real Sami are only the ones that are obviously different from the wider Swedish population. The state decided to protect that distinct Sami culture of nomadic reindeer herding.

Today, some say remnants of this can still be seen. For example, the Sami villages, or reindeer herding districts, are the legal “affected party” in Sweden when it

comes to possible projects on their lands that might disturb their traditional way of life and reindeer herding. Members of the Sami villages are also the only ones that are allowed to hunt and fish on their traditional lands. Matti Berg defended the position of the reindeer herders:

When they (authors note: people outside of the reindeer villages) try to come back they just try to grab it, the land, this is mine. And if people do it in that way it is natural behavior that you must defend yourself. And then you have conflict. And that's the biggest problem at the moment for the Sami parliament.

Josefina Skerk is a member of the hunting and fishing Sami political party in Parliament. It is important to her to emphasize the part her people had in preserving the Sapmi area:

Many of the lands that the reindeer herders now use are areas we fought for, fishing and hunting...the reindeer herders are not the only ones that are affected by mining so they should not be the only ones to have a say. But there is a lack of trust, the reindeer herders are very protective of their rights, they are facing difficult times.

Marie Enoksson reiterated how different these two perspectives are:

Today from the Sami villages' perspective, it is so tough to pursue reindeer herding, it does not fit into the Swedish system, and you don't get rich by doing it. You have to fight to protect yourself and to carry on the culture. You have the exploration from mines and water power plants, tourists, and roads, so you have to guard your lands. The Swedish bureaucratic system also collides with the Sami traditions and Sami way of doing things. And so those people are fighting and they don't get the back up from the rest of the Sami society. Because they are fighting each other as well, because those that are outside the Villages think that the people inside have all the privileges they don't have. So its like these people come from two completely different environments.

Lars-Paul Kroik and his party Albmüt on the other hand would like to completely remove the restrictions to reindeer herding and land use in Sapmi. When asked if it is

not true that the reindeer herders were the ones that protected the culture and way of life in a period where it was under constant pressure he said:

Yes, yes. They use a lot of arguments, this is one of them. But they are in no way better equipped to practice or protect the Sami culture than other Sami are. They are not protecting the culture but the right to use the land in general, and restricting others to do so. Other groups in the parliament that do not have direct access to the land are fighting for their right to it, not so everyone can enjoy it but based on some ancestry or history. This is not right. All Sami should have access to our lands.

Matti Berg feels the parliament wastes too much time debating who among the Sami should have access to the land, as the more important issue is keeping the government from taking their areas from them:

We need to find a way to work together as one people. We have to stop arguing about small shitty things that we have argued about for a hundred years. It's time to take that out. We could argue about the fishing rights in a lake or herding area for reindeers while we are home, just for the cultural thing. That's not important, the important thing is the fight against the government today that wants to take our lands from us. When we win that fight we can start arguing about reindeer herding districts.

This topic proved the most controversial of the ones tackled in the interviews. The Sami parliament is essentially split in two on the topic of land rights, which is highly problematic as land rights are arguably the most important topic for the parliament. Finding an agreeable compromise all the political parties in parliament could stand behind is as such of high importance.

#### **7.4 The Sami Parliament**

The Sami Parliament has a dual role, as has been discussed before. It is both a governmental institution and a political platform for the Sami people. The parliament is funded by the Swedish state, and its budget is tightly controlled. Marie Enoksson, the communications officer for the parliament, described how this can lead to tension

between the two parts of the parliament, as the parliamentarians want more say in how the budget is distributed but she, as a governmental employee, needs to report back to the government. There is thus little flexibility for the politicians to allocate funds to projects they would like to focus on. Josefina Skerk explained the issue from her perspective as a parliamentarian:

There are a lot of expectations, but the Sami Parliament is not an institution for self-determination, it has never been so and was not founded to be that. But many people still think it is or would like it to be. But we do not have much power at all...It is of course ridiculous that 90 percent of all the iron in Europe is mined in our land, so we really should not have to stand with our head in our hands hoping for charity from the government. We should be able to fund our own organizations.

OI-Johan Sikku added that by controlling the budget the Swedish state essentially controls the parliament:

I think that they don't want the political board to be too strong. Because if you are too strong politically you can require more and show more what is wrong. But now they can say that there is a lot of money given to the Sami society. The political board is at the same time representing the Sami people but also has to answer back to the Swedish government. This is sometimes hard to do. Because it is a conflict.

While the parliament was certainly a big step forward when it was founded in 1993 it is very limited in its scope, allowing the parliamentarians little room to put their ideas into action.

### **7.5 Cross-border Sami cooperation and influence of the international indigenous movement**

The Sami today live within the territories of four states, Russia, Sweden, Norway and Finland. As such, it was of interest to me to see how this affects the Swedish Sami in their rights movement. Marie Enoksson explained that there is considerable practical cooperation among the governmental part of the Swedish Sami Parliament and the other two Sami Parliaments in Norway and Finland. OI-Johan Sikku added that the

political sides of the three parliaments, along with representatives from the Russian side, meet every third year at a conference where they discuss common concerns and issue statements on them. He further explained his experiences at such Sami conferences:

I have experienced that many times when I meet Sami from Norway, Finland or Russia, that we have something in common already. Then it's not as important what language we speak, we use Sami, Swedish, Finnish or English but we have the same values, that's the most important. We have the same history, but the main thing is that we are the same people. We are Sami all of us and have the same identity. Because that's really strong, even if you come from the Russian side and from the South, and there can be two thousand kilometers between, it's still the same culture.

Josefina Skerk agreed with Ol-Johan on this issue, adding that the main difference she could find was not related to differences in Sami cultures but rather the particular national cultures or different attitudes prevalent in the four countries:

There are not really cultural differences that I can feel between Sami from the different countries. I have friends from Norway and Russia and Finland that are lovely. But it is true that in some countries people are less open about certain issues, for example LGBT issues, so you notice that. But I'm sure I could find the same in Sweden too. So I would not say that there is a difference between us.

When asked about cross-border collaboration Matti Berg explained that he has relatives in reindeer herding villages in Norway and described how he sees the borders between Sweden and Norway:

I have relatives in Norway; my family comes originally from Norway so I have a lot of relatives there. I have cousins there in reindeer herding and we work together. The borders are something that Sweden, the Western society created, they are not ours. But that's a problem that the governments created and gave to us, with warm hands.

When speaking about the influence and importance of international indigenous rights, and at a wider scope international human rights, the parliamentarians were of one accord. Lars-Paul Kroik especially focused on using international law to influence the Swedish state to change the Sami policy currently in place. He believes the

international indigenous movement, in particular the UN declaration on the rights of Indigenous peoples, has been very helpful to the Swedish Sami. Ol-Johan Sikku agreed and added:

There is a lot of discussion about conventions but I don't feel that we have reached so far as the conventions want. We have a lot in common with other indigenous peoples and can cooperate with them. I think we have become stronger politically because of that, because if you just look at Swedish society and the Swedish government they don't support us at all. We have to get help from the international society to put pressure on Sweden.

Lars-Anders Baer discussed how a comparison with other indigenous peoples, in particular the Canadian indigenous population, could showcase where the Sami are lacking:

The indigenous people in Canada have it better because they sit at the same table as others in Canada when it comes to negotiations. But in Scandinavia they like to keep us protected, the culture, the traditions, but they are not willing to let us modernize or take part in big business. We should not have a say in what goes on during mining projects or other big projects on our lands. They have accepted that we are different and we can be different, but they have not accepted that we are equal.

It is clear the Sami in Sweden are aware of their place both in a wider Sami community spread across state lines and the international indigenous movement. They use this in their favor to put pressure on the Swedish government, which they often find quite unresponsive to their claims, and to gain practical knowledge of how other groups structure their rights claims, and to see where they stand in relation to similar groups.

## 8. Conclusions

In this thesis international indigenous rights have been introduced and analyzed, with the intention of examining how they are put into practice. Through a case study on the indigenous population of Sweden the practical complications that arise in implementing indigenous rights, in particular in deciding who belongs to indigenous groups and as such whom indigenous rights are accorded to, have been considered.

The Sami have faced centuries of assimilation, intensifying with the start of the nation-building project in Sweden in the 18<sup>th</sup> century. One of the issues the Sami, along with other indigenous peoples, face is how to base their rights claims on cultural specificity, when their cultures have been repressed to such an extent throughout history that it is quite difficult to prove they even exist. The Sami have thus had great difficulty defining the characteristic features of members of their group, or what it means to be Sami.

The current research focused around interviews conducted with Sami politicians in the Sami parliament, a governmental institution in Kiruna, as well as Sami rights activists and scholars. During the research the question of “Who is Sami?” was a focal point.

During the interviews many of the themes and concerns international scholars and legal experts have brought up, and were discussed in background chapters, came up.

As had been expected, the Sami Parliament has since its creation struggled with finding appropriate criteria for those that wish to sign up for the voting register, finally settling with a language criteria requiring people to prove that one of their parents or grandparents spoke/speak a Sami language. The groups in parliament have

not unanimously accepted this criterion, and there are constant discussions on modifying or removing it all together. So, while there is a practical working definition for who belongs to the Sami community, there has so far been no definition all groups can agree on. Who is Sami therefore in part depends on the context. In reindeer herding it is based on ancestry, in the Sami parliament on proof of language capabilities of your relatives, while to enroll your children in a Sami school today no criteria is needed, and in day to day life it seems most of the interviewees agree the self-identification is highly important.

Another problems the Sami Parliament faces is navigating between the Sami people's right to self-identification, that is not denying people access to the Sami Parliament, and the need for supporting your claim to indigeneity with some cultural specificity or proof of earlier repression. This is in line with international discussions on indigenous rights, which stress the importance of self-identification, while also admitting some "objective" criteria (ancestry) is most likely needed in order to gain access to indigenous rights. For the Sami in Sweden this is a particularly sensitive issue, due to the history of racialized and paternalistic policies toward them. The result of those policies has been a near monopolization of the Sami culture by the reindeer herders, leaving others outside of what is today considered to be the cornerstone of Sami identity and culture, as well as having no land rights in the traditional Sami lands.

This friction between the reindeer herders and non-reindeer herders has colored the Sami parliament's actions since its foundation in 1993, without an acceptable conclusion for all parties having been found.

Another specific issue the Sami in Sweden are faced with is gaining legitimization for their claims within a society that conceives itself, and is seen by the

international community, to be highly human rights and minority rights oriented. The Sami have fought to get their history and particular situation within Swedish society in Swedish schoolbooks, but have so far had little luck. The relationship between Sweden as the colonizer and the Sami as the colonized is not well known among the Swedish population, and leads to little support and interest in the Sami cause. The Sami politicians all agree that this is a major concern for them, with some suggesting this is a strategic policy on behalf of the Swedish state. If you acknowledge racism as part of the Swedish history it would mean it has to be dealt with seriously in the present.

The question of the “One Sami Nation” across state borders was left unanswered due to limitations such as time and funding constraints. It is clear that there is considerable cooperation and feelings of community among the Sami political entities within the four states. But whether or not this translates to a general feeling of belonging to “One Sami Nation” amongst the general Sami populations of the four states is unclear. Further and more large-scale research would be needed to answer that question.

It is important to note that the examples of indigenous rights in Scandinavia, and more specifically Sweden, that I have mentioned here are in some ways misleading as they come from some of the world's most prosperous nations. Other indigenous peoples live in poorer states where the opportunities of seeking assistance and claiming rights from the state are far fewer. It is striking then that the Sami within these Western welfare states have not had more success, and telling of the obviously disadvantaged position indigenous peoples around the world are in. It seems to me the attitudes toward indigenous peoples are still tainted by the racist sentiments which prevailed in the last century. More respect for their distinct cultures

and knowledge is essential to future negotiations between the majority population and the indigenous.

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