

## Sámi Political Shifts

From Assimilation, via Invisibility to Indigenization?

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## Introduction

Sámi Parliaments (in Sámi: Sámediggi) were established in 1989 in Norway, in 1994 in Sweden and in 1997 in Finland. These parliaments are publicly elected bodies, by and among Sámis. They were a result of political claims over several decades made by the Sámis. The institutionalization of the “Sámi will” in these three unitary states laid the foundation for a political development founded on Sámi identity and culture. In Russia, the Sámis do not as yet have a democratically elected body and will therefore not be treated in this chapter.

Representative Sámi institutions are regarded as a condition for Sámi self-determination. These are a platform for developing autonomous Sámi policies within each state and from which claims of recognition and realization of Sámi rights can be forwarded to the authorities. Such claims contrast perspectives of State development founded on nation-building, territorial identity, and nationality where the majority population’s language and culture are dominant, permeating all state values, regulations and structures to such an extent that it is taken for granted (Huntington 1965; Weiner 1965).

State formation in the Scandinavian context has been enacted through several historical dynamics. First, nation-building relied on the assimilation or segregation of other cultural groups, through coercive measures aiming at making these groups invisible and powerless in the larger society. Parallel to this, the state has continuously encroached on Sámi traditional lands to extract natural resources. This model of capitalist development, in which consumption, economic growth, and profit are prioritized, does not consider the consequences for the Sámi way of life. Over the last decades, another justification for the encroachment on traditional Sámi land has emerged in the shape of climate protection measures, or as state-sanctioned projects aimed at the construction of wind turbines and the extraction of minerals.

The focus of this chapter is to highlight and explain Sámi political development. This is a development characterized by gradual but significant achievements. In the early years, the Sámi were subject to state assimilation. Through years of fighting invisibility in public policy, the Sámi have made themselves visible, demanding positions of political power and the realization of Sámi rights. To achieve Sámi political development at least three factors have to be taken into account: inclusion in the state as an Indigenous people with corresponding rights; equal participation as a people (not merely as individual citizens) in political processes and decision-making (Lamsal 2020); and, as an outcome of this, indigenizing the state by reforming legislation, regulations and structures to become equal to that of the non-Indigenous population (Maaka and Ausie 2009).

The traditional living area of the Sámi spreads across the northern part of Finland, Norway, Sweden and on the Kola peninsula in Russia. They are, however, on the whole a small minority in their homeland, except for the border area between Finland and Norway, where they constitute a majority population. Because of this, self-determination has been understood as shared rule and the institutionalization of Sámi *political autonomy*, and not as territorial self-rule or *territorial autonomy*.

All three states, Finland, Norway and Sweden, are committed to international human rights law, including the UN Convention on Civil and Political Rights and the UN Declaration of the Rights of Indigenous Peoples from 2007. Norway has in addition ratified the ILO Convention 169, which had significant bearing on the recognition of Sámi land rights in the northernmost part of Norway (Broderstad 2015).

Today's political situation can partly be explained by history. I start by giving a short overview of the Sámi political history in the three countries. I then outline the architecture of the three Sámi parliaments and explain the differences between them. I will use the Norwegian Sámi Parliament to highlight the three preconditions presented above and discuss the extent to which we can talk about a political process of indigenization.

## States' Policy towards the Sámi

From the outside, the Sámi experience, both historically and today, may seem similar across the three countries considered in this chapter, but there are differences. Jukka Nyysönen (2007: 58–65) describes the different experiences of the Sámi in Finland, Norway, and Sweden.

Finland became independent in 1917. Finnish nation-building led to negative connotations and paternalistic attitudes toward the Sámi, but based on their shared belonging to the Finnish Ugric language group the Finnish state did not introduce institutionalized measures to oppress the Sámi specifically. Policy was, however, marked by asymmetric power relations, silencing, neglect, and invisibility (Lehtola 2015). The Finnish economic and political modernization in Sámi areas was accompanied by the idea that the Sámi language, culture, and way of living had to give way to “progress.” The Sámi were therefore to be assimilated (Nyyssönen 2007: 65–67).

In Norway and Sweden, the Sámi were regarded as a separate and lower race, reflected in the adoption of distinct policies (Nyyssönen 2007: 64). Norway and Sweden have actively attempted to assimilate the Sámi into the majority population, except for the reindeer-herding people in Sweden who experienced forced segregation. The Swedish policy of segregating the reindeer-herding Sámi aimed at preserving what was regarded as an exotic and “authentic” image of the Sami people, in contrast to all other Sámi, who were to become Swedish. This division of state policy in Sweden was a policy of divide and rule and has been referred to as “the category split” (Roung 1982, cited in Josefsen et al. 2015). The states’ policies of assimilation in these two countries were justified by portraying the Sámi culture as underdeveloped, old-fashioned, and worthless, and the Sámi people as inferior to the majority population. The dislocation of Sámi and the colonization of Sámi land for new industry is part of this picture (Lantto and Mörkenstam 2007).

In Norway, nation-building added an extra layer to policy. The school system was used as a key mechanism to assimilate the Sámi people by forbidding Sámi language in schools, and teaching the Sámi children to be ashamed of their Sámi-ness, their parents and their cultural background (Minde 2005). A specific transitional school district was identified in Sea Sámi areas in the northern part of the country where this policy was specifically practiced. Another example of targeted regulation was the Land Sales Act, which specified that one had to use Norwegian language on a daily basis in order to buy land in the northernmost county of Finnmark.

The policy of assimilation in all three countries lasted for more than 150 years. The international condemnation of the horrific crimes against humanity during World War II based on the ideology of race hierarchy, affected the policy towards the Sámi too. The racialized targeted assimilation

policy towards the Sámi and other minorities was formally terminated in the decades after the war.

## Sámi Political Resistance

Parallel to the state policy of assimilation and segregation, the Sámi have offered resistance, making important efforts to organize politically at the local, national, and transnational levels. This has manifested itself in Sámi organizations and meetings, and in participation in elections.

The first Sámi transborder meeting was held in Trondheim in 1917, in the South Sámi part of Norway. Afterwards several Sámi meetings were arranged, at which initiatives and statements against state policy were passed. At the meeting in Östersund in Sweden in 1918, a significant decision was made: that the Sámi movement in Sweden was to remain politically neutral and not engage in Swedish party politics (Lantto 2000: 84).

This decision stood in contrast to the political mobilization in Norway, where Sámis tried to utilize both organization and election strategies. In 1906 Isak Saba was elected to the Norwegian Parliament on both a Sámi and a regional party program. Despite his efforts, the assimilation policy grew in strength. Over the two next decades, other Sámi ran for election to the Norwegian Parliament elections, but without success. The ethnic awakening in Finland came later than in Norway and Sweden, due to the late introduction of “Western” industrial forms of land use in the Sami homelands (Nyyssönen 2007: 57).

The post-World War II period was one of renaissance for Sámi mobilization. The Sámis established new organizations within each state and a Sámi cross-border NGO, the Nordic Sámi Council (now Sámi Council) in 1956, which still works for a change in state policy. In Finland, a separate Sámi Delegation came into being in 1973. This was an advisory body for the Finnish government and the first publicly elected Sámi assembly by and amongst Sámis in Finland. It became an inspiration for corresponding claims in Norway and Sweden. In 1980 the transborder Nordic Sámi Conference adopted a separate Sámi policy program calling for Sámi self-determination in Norway, Sweden, and Finland, and for representative Sámi bodies with negotiating and advisory authority and determining authority in special cases.

In the 1970s and early 1980s, there were huge protests against the damming of the Alta-Guovdageidnu River in the north of Norway. The damming project was supported by the Norwegian authorities on the grounds that it promoted economic development and the modernization of a region that nationally was regarded as underdeveloped and backwards. In the Alta conflict an alliance of resistance was formed, including locals, the Sámi movement, and a growing national environmental movement. The protests escalated into civil disobedience actions in Alta and Sámis staged hunger strikes outside the Norwegian Parliament. The protesters emphasized the consequences of the dam project for local salmon fishing, nature conservation, and on Sámi land rights and ways of living.

This Alta conflict highlighted the Norwegian state's policy toward the Sámis and led to a paradigm shift in Norwegian state policy. For Sámi politicians and activists, it motivated a redoubling of a continuing effort to make claims for the recognition and implementation of Sámi language, culture and land rights. The state policy paradigm shift opened a window of opportunity that paved the way for a critical approach to existing power structures and for dialogue between Sámi organizations and Norwegian authorities. A number of Sámi claims would now be accommodated: a separate article in the Constitution confirming the state's responsibility to facilitate Sámi language, culture and way of life; the ratification of ILO Convention 169; the passing of the Sámi Act; and the establishment of a Sámi Parliament in Norway, which opened in 1989.

The political development in Norway influenced the situation in both Sweden and Finland. In 1994 a Sámi Parliament in Sweden was established by the passing of the Sámi Parliament Act, and in 1996 the Sámi Delegation in Finland was replaced by a Sámi Parliament Act and a Sámi Parliament. These bodies have considerable differences in terms of Sámi political development. Common to all three Sámi Parliaments, however, is that they are not traditional parliaments as they do not have any legislative authority and it is the respective national parliaments that allocate funds.

## **The Sámi Parliaments – Bodies for Autonomous Sámi Politics?**

The creation of Sámi democratic bodies elected by and amongst Sámis was intended to ensure autonomous Sámi arenas where Sámi policy could be developed without any restraints. From this

position, autonomous Sámi policy could be developed and brought up in joint forums with the state, to secure Sámi considerations in nation-state policy, to secure participation in political debates and dialogues, and to guarantee a redistribution of political power. Together these three paths can indicate the potential depth of transformation from assimilation to indigenization. Below I will look into how these paths have been taken in each of the Sámi Parliaments, and discuss their achievements with respect to Sámi language, culture, and land claims.

The establishment of Sámi Parliaments did not remove the legacy of over 150 years of Darwinist views and the consequences of assimilation policy. Assimilation processes persist. States' and majority societies' formal and informal structures, legislation and mindset remain saturated with majority culture values. The legacy of nationalism and assimilation policy has remained present in society, including resource management, the legal system, as well as in public services, such as health and social care, and education. In general, public authorities are still unwilling to make profound and groundbreaking changes to these systems. There are, however, differences between the countries.

The overall legal framework of the Sámi Parliaments is the strongest in Finland, where there is recognition of the Sámi as an Indigenous people in the constitution, and legal provisions protecting autonomy and cultural self-determination in the Sámi Parliament Act. In practice, however, the Finnish Parliament does not have a strong political position, and it has the lowest economic funding of all the three Sámi Parliaments. There may be several explanations for this. The historic Finnish State attitude toward the Sámis—disregarding, neglect, invisibility, and patronizing—is exemplified by the conflict over who can register for the Finnish Sámi Parliament election. The register has been challenged over many years by applicants who have been refused registration by the Sámi Parliament because they do not recognize them as Sámi. These rejected applicants have appealed the Sámi Parliament's decision to the Finnish Supreme Administrative Court. Even though a core element in Indigenous self-determination is to decide who belongs to “the people,” on several occasions the Supreme Administrative Court has overruled the Sámi Parliament (Mörkenstam et al. 2016: 33–36). In 2019, the UN Human Rights Committee stated that these Court decisions were in violation of human rights (UN 2019), and currently a government committee has forwarded a proposal to revise the criteria for registration. In general, Sámi considerations are only to a limited degree included in the Finnish state system and

regulations. Despite consultation rights, most proposals and comments to the state remain unanswered (UN 2016: 15).

In Sweden, the government's hierarchical placement above the Swedish Sámi Parliament is laid down in the Sámi Parliament Act (§ 1). The Sámi Parliament has two contradictory roles. On the one hand, it is a representative body for the Sámi people in Sweden and on the other it is, according to the Sami Parliament Act, an administrative agency for the government. As a state administrative agency, it is part of the government hierarchy managing specific tasks and responsibilities defined by a detailed act and the government's yearly management letter. These two roles cannot be combined, leaving the Swedish Sámi Parliament in constant deadlock (Lawrence and Mörkenstam 2012). One of the prerequisites for Sámi political development is an autonomous Sámi body speaking solely on behalf of the Sámi people. This has not been established in Sweden to date (Josefsen et al. 2015; see also UN 2016: 12).

According to Mörkenstam et al. (2016), the three bodies have had varying degrees of success, but the Sámi Parliament in Norway has achieved the most powerful position. This is in line with Kuokkanen (2020) who says that: "Norway (with the majority of the Sámi population) has established the most progressive Sámi policy since the 1980s. The example of Norway has been of great strategic value for other Sámi, and it has served as a model to influence Sámi policy in Finland and Sweden" (258). In this chapter I therefore give specific focus to the Norwegian case.

## The Case of Norway: Possibilities or Limits for Sámi Political Development?

### The Norwegian Sámi Parliament

The Sámi Act in Norway states that the Sámi Parliament may, on its own initiative, raise and pronounce an opinion on any matter relevant for the Sámis. It may take the decision to refer matters to public authorities and private institutions. In its initial phase, the Sámi Parliament mainly gave statements on public policies and managed funding and tasks delegated by the Norwegian Government. However, it did not take long before it became more proactive, developing its own policy documents on a whole range of topics regarding the Sámis, including, amongst other things, health services, education on all levels, land rights and Sámi research. It

passed its first overall strategic plan in 1991, two years after start-up. At first, it was mainly oriented toward state authorities, but in the late 1990s it broadened its cooperation to counties, and later cooperation agreements with municipalities. In addition to being a policymaking body, it also has a whole range of management tasks, including funding Sámi language textbooks, investments in Sámi industry and culture, and developing curriculum for the Sámi language in primary and secondary schools, and *Sami duodji* (sami handicraft) and reindeer husbandry in secondary schools.

Thus, there has been substantial progress in the inclusion of Sámi rights in state laws, even though there remains a huge implementation gap. Some of the most significant are the language provisions in the Sámi Act; the Sámi chapter in the Education Act; and the Finnmark Act regarding land rights in Finnmark. The Plan and Building Act secures Sámi considerations in public plans, and gives the Sámi Parliament a formal right to object if Sámi considerations are not taken into account. In addition, Sámi language rights have been included in several existing state welfare acts.

In 1990 a Sámi language management area was established in Norway and consists in 2021 of 13 out of 356 municipalities. Within these municipalities, both Sámi and Norwegian are formally equal as a public service and management languages, and the inhabitants have the right to get welfare services in Sámi language and within a Sámi cultural framework. This includes education, kindergarten, health, and social services. Outside the management area, Sámi welfare rights are much weaker or even non-existent.

The Finnmark Act recognizes Sámi land rights. It states that the northernmost area in Norway is to be managed for the benefit of the residents of Finnmark, and particularly as a basis for Sámi culture, reindeer husbandry, the use of non-cultivated areas, commercial activity, and social life. These provisions have come into being due to initiatives and the needs expressed by the Sámi, which have been refined by Sámi politicians, and forwarded by the Sámi Parliament to Norwegian authorities. There are no similar legal regulations of Sámi land rights in other parts of the traditional Sámi living area in Norway.

In 2005 the Sámi parliament and Norwegian government signed a consultation agreement. The agreement underlined the principle of equality and partnership, where the aim was: 1) to establish



a common understanding and an agreement; 2) to secure early and complete information sharing; and 3) to secure Indigenous human rights as a part of decision-making. This is in contrast to a state-directed perspective, where: 1) consultation is part of easing the public decision-making (public enquiries); 2) the passing of information is selected and partial; 3) expert knowledge is the foundation of decision-making (in contrast to traditional knowledge); and 4) the state sees only a limited number of possible solutions based on earlier decisions and experiences.

The Sámi Parliament's political autonomy was a prerequisite for the consultation agreement, as the government would not have entered into a similar agreement with a subordinate body. In June 2021, provisions on consultations were included in the Sámi Act, and will apply to other legislation, regulations and decisions or measures that could directly affect Sámi interests. It will strengthen the public authorities' commitment to consult the Sámi Parliament in line with values of dialogue and discourse, knowledge and trust building, and full information, and may also contribute to strengthening the implementation of rights. Sámi political development in Norway therefore reflects the necessity of an autonomous Sámi political body and the regulation of cooperation to support Sámi political participation with the aim of indigenizing state policy.

## Aspects of autonomy and shared arenas

In common with the Sámi Parliaments in Finland and Sweden, the Norwegian Sámi Parliament is entirely financed by the state. The Sámi Parliament in Norway distributes the allocations based on its own priorities, but in line with the Norwegian Parliament's budget decision. This financial dependency is clearly a limitation to the Sámi Parliament's economic freedom to counteract the consequences of the state's assimilation policy and develop Sámi society according to Sámi considerations. Most of the budget is tied up by previous priorities, and requests for an increase have often been met with the response that the Sámi Parliament should re-prioritize within the existing allocation. Funding is therefore a control tool that is available for the Norwegian authorities to use. The new consultation provisions in the Sámi Act do not apply to matters concerning the state budget. The lack of economic autonomy therefore has a negative effect on the development of Sámi self-determination.

The Sámi Parliament's political autonomy is, however, relatively strong. In 1994 the question of Norwegian Sámi Parliament's autonomy was clarified when the Sámi Parliament's president

appeared on public TV calling for a stop to mineral exploration activities in a core Sámi area. The government's reaction was clear: the Sámi Parliament president had gone beyond his competence when trying to stop exploration drilling by enforcing an action without the acceptance of Norwegian authorities. It was solely the national government who had such a mandate, a minister stated. The minister obviously regarded the Sámi Parliament as a body within the state hierarchy that was to be loyal to the Norwegian authorities. The minister's statement stoked a public debate regarding the Sámi Parliament's mandate, and he had to withdraw his claim – from the rostrum of the Norwegian Parliament – confirming that the Sámi Parliament was an autonomous body, and that Sámi politicians acted solely on behalf of the Sámi people. This conflict highlighted the position of Sámi Parliament as an autonomous political institution outside the Norwegian authority's formal hierarchy of superiority and subordination.

## Sámi consideration in public regulations

The consultation scheme both underlines the Sámi Parliament's autonomous role and highlights the Sámi policy's interconnectedness with Norwegian policy, manifested amongst other things in public planning, land management, and welfare services such as health and social care, and education. Legal rights make up a map of securing Indigenous rights. But maps and terrain may differ significantly. In Norway, there is still a gap between international conventions and national law, and between national law and the implementation of these rights. Sámi rights are still a “blind zone” for many decision-makers; others may argue that the Sámi way of life must give way for development “in the national interest” and in recent decades have increasingly argued for the extraction of natural resources such as wind and minerals as climate efforts. Consultations can narrow the gap. The agreement has not been systematically analyzed, but the Sámi Parliament's consultation overview indicates that outcomes differ. Natural resource exploitation and territorial encroachment on Sámi traditional land are clearly more controversial and difficult to agree upon compared to other issues like education, media, health, and social services (Sámi Parliament [2016](#), [2017](#), [2018](#), [2019](#), [2020](#)).

To demonstrate this unevenness, I give three examples of different processes and outcomes regarding revision of Acts and Sámi considerations. In the consultation process of the Plan and Building Act introduced in 2008, the Sámi parliament was included early on. First, the partners

agreed on the form of consultation. Then there was sharing of initial information, efforts to build a common understanding of what Indigenous rights were, and an exchange of standpoints as a foundation for change. Even though the Sámi Parliament did not win all their claims, it concluded that the consultation process had been done in good faith. A real partnership was established, and one marked by participation, influence, and dialogue.

The Mineral Act consultation in 2007–2008 had similar characteristics in the first phase. The question of establishing a fee on surplus mineral output to be paid to the Sámi Parliament triggered a strong opposition from local politicians and Norwegian political parties. As a result, the government lifted this question out of the consultations, and a formal rejection of the proposal of an Indigenous people's fee was announced at a Norwegian political party meeting. This negatively impacted the climate of consultation, resulting in the Sámi Parliament refusing to give its endorsement to the new Mineral Act. The Act was still adopted by the Norwegian parliament.

When the Reindeer Herding Act was revised in 2007, the Sámi Parliament was not consulted in its initial stages. When they were included, contact was made at a time when most decisions had already been made, and contact was in the form of inquiry. The Sámi parliament concluded that the government had not consulted with a good faith and refused to accept the proposed changes in the Act. Despite their opposition, the Act was adopted by the Norwegian parliament.

At its best, consultations can assist Indigenous people to gain influence on public decisions that impact them. However, the concept of consultations may also operate to cover up the state's unilateral decisions, leaving Indigenous people feeling they have not been heard. As shown above, there are obstacles for Sámi political development. Indeed, with regards to wind power development in reindeer-herding areas one can even say that there have been setbacks.

## Actual political power sharing – an illusion?

As I have shown above, inclusion and participation do not prevent the continuation of assimilation processes. Laws and regulations can be passed without the consideration of Sámi interests. A significant change in the system assumes redistribution of political power and influence, not as a transfer of power but as power sharing. The revised Norwegian legislation and formal provisions are important building blocks for the implementation of Sámi rights. In this respect, it is important to question whether the legal framework is in accordance with

international laws that Norway agreed to and signed and whether the international and national laws and legislation are implemented accordingly.

Indigenous peoples' language, culture and lifestyle are strongly linked to their traditional territories, which is reflected in ILO Convention 169, ratified by Norway in 1990. However, as the Sámi Parliament's consultation overview shows, issues concerning land rights often result in the parties not agreeing. The regulatory regime for energy development projects does not adequately protect the land of Sámi reindeer husbandry or Sámi land users in general. The consultation overview indicates a reluctance to implement obligations toward international law on Indigenous rights. Sámi land rights are frequently required to give way to economic and social development; public infrastructure as roads, power lines and other installations, leisure-related encroachments as cabin fields, hydro-power plants, wind power plants, and mines, to mention just a few. In recent years, there has been an increase in government licenses for wind power plants, justified as climate measures. The argument made by the government stresses that Norway must replace fossil fuels with electricity, in order to meet climate goals; transportation and industry have to be electrified, and "green industry" will grow creating an increase in the demand of electricity. The Sámis, and reindeer-herding Sámis who have an extensive use of land, experience that wind power plants seize extensive areas and have huge negative consequences. The Sámis label this "green colonialism" (Sámi Council 2017: 4), or, as the former Sámi Parliament President in Norway, Aili Keskitalo says: "Colonialism has dressed up in nice green finery and we are told that we have to give up our territories and our livelihoods to save the world because of climate change" (Schreiber 2018). There was a promising legal development when the Norwegian High Court in 2021 ruled two wind power plants in a reindeer herding area illegal, but by February 2022, the Norwegian Government had not given any signals that it would take measures to implement the court decision (Kårtvedt and Riseth 2022).

Despite the challenges exemplified above, there are also many examples of progress. One such example is the revision in 2019 of regulations for higher education in Norway concerning Child Welfare Care and Social Work. The intention of the reform was to provide students with competence and understanding of Sámi language and cultural rights. These regulations are now mandatory for all public higher Social work education in Norway.

Indeed, Sámi concerns have gone from being almost totally invisible in public policy to at least frequently being at the forefront of political debate and action. There has been a profound shift since the Alta conflict when Sámi considerations were not heard. The consultation provisions in the Sámi Act secure against shifting governments' political ideologies; legislation cannot be changed with a pen stroke in the same way that governmental provisions can.

## Conclusion

The Sámi Parliaments in Finland, Norway and Sweden strive for political self-determination. Parliamentary autonomy varies and there are significant differences regarding the character of dialogue and cooperation. None of the Sámi Parliaments are in a position of making policy independent of the state. Previous state dispositions continue to frame the Sámi Parliaments' decisions on political positions and policy formulation. The degree of autonomy is dependent upon whether they are viewed as subordinate bodies within a governmental hierarchy structure, or as bodies that can freely decide upon their own tasks, policies and positions on issues that affect the Sámi.

In this chapter I have outlined how Sámi political development has grown from assimilation via invisibility, to institutionalization and formalization of Sámi presence. I have highlighted that Sámi political autonomy is a precondition for challenging mainstream public policy, and why the Sámi parliaments differ in political power and position vis-à-vis public authorities.

Sámi politics challenge state public structures and processes by forwarding alternative perspectives on societal development and seeking to change the perceptions of what development is, or should be. In the Sámi context, there are significant differences in the three Sámi Parliaments' influence and participation in national policy formation. There is still a long way to go building on traditional knowledge and Sámi values, to further indigenize states' policy regarding value structures, legislation, and regulations.

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