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# **Revealing power in a (de)politicized landscape**

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A case-study of how Indigenous Sámi rights are interpreted and applied  
within land management in Sweden

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## **Abstract**

This study is investigating the possibilities for the Indigenous Sámi People of Sweden to exercise their right to participate in, and influence, decision-making processes over land. The objective of the study is to investigate how Sámi rights are interpreted and applied within the institutional setting of municipalities, and within the planning process of land management. The study derives from two case study areas: Lycksele and Kiruna. The analysis consists of qualitative material indicating each municipalities' planning process around land-use, and interviews with key actors responsible for, or involved with, land management. By using an institutional approach and theories of power, I deconstruct how Sámi rights are embedded in an institutional framework of politics, local power dynamics and municipal management. The findings present the process of consultation to entail a number of constraining factors for Sámi rights. The planning system is enabling power asymmetries to prevail and allows for plan proposals to silence Sámi perspectives on land-use. Patterns of non-recognition further allows for actors to override the Sámi peoples right-holder status and enforce ideals of equality over equity in the process of participation.

**Keywords:** Indigenous Peoples, Sámi, land management, land-use conflicts, consultation-duty, participation, Swedish Sápmi

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## **List of acronyms**

MCP - Municipal Comprehensive Plan

PBA - Planning and Building Act (2010:900)

FPIC - Free, Prior and Informed Consent

UNDRIP - United Nations Declaration on the Rights of Indigenous Peoples

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# 1. Introduction

In 2022, Sweden adopted its first consultation-law that obliges the Swedish government, government agencies, and municipalities to consult with the Indigenous Sámi People on issues of special significance to the Sámi people (2022:66). This is the first Swedish effort to formalize the procedural right to be consulted as an indigenous people. The right to be consulted is one of the cornerstones in indigenous law, and a principle that is internationally evolving and explored in many different contexts (Merino, 2018). Its practical implications for indigenous rights have however been questioned, and to what extent the new consultation-law in Sweden will have practical implications remains uncertain (Klocker Larsen and Raitio, 2019). Especially as the duty to consult the Sámi is already embedded in Swedish legislation and established by international law, but with limited evidence of ever translating into rules of practice (Allard, 2018; Bjärstig et al., 2020).

Indigenous people's right to participate in, and influence decision-making processes have demonstrated to be particularly difficult when it comes to decision-making over land-use (Merino, 2018). Today, the Indigenous Sámi people of Sweden have limited possibilities to mobilize political protection for their traditional lands (Reimerson, 2016). Sweden has been heavily criticized for their inability to protect indigenous rights and to properly include the Sámi in decision-making processes over land-use (Hällgren & Isberg, 2022). Sweden's expansive politics in mining, forestry and wind power has resulted in a steady decline of protected territories and areas traditionally used by the Sámi for reindeer husbandry. A decline which is predicted to continue due to Sweden's "green transformation" agenda with industrial expansion demanding more land in the north of Sweden (Persson et al., 2017).

As these lands are also used by Sámi reindeer herders, they face enormous challenges in their struggle for recognition and their right to land (Inga & Klocker Larsen, 2022). Even though the expansive industries and politics of Sweden are obliged to simultaneously protect indigenous rights, this is rarely realized in practice (Bjärstig et al., 2020). The planning practices of land in the north of Sweden are a continuous threat to indigenous rights and Sámi livelihoods, framed by the historical Sámi-state relationship that is prevailing and reproduced in contemporary institutions (Bjärstig et al., 2020; Person et al., 2017). Problems of equity, colonization and historical marginalization of indigenous interests are a pattern that can be identified in international contexts as well as in Sweden (Belfer et al., 2019).

Alongside increasing demands to strengthen the consultation-duty and indigenous rights, Sweden is at an expansive stage due to the “green transformation” agenda. In 2023, the largest deposit of rare earth minerals in Europe was found on traditional Sámi lands. A finding that is argued to play a key role for Europe’s “green transition”, but would also result in further threatening Sámi livelihoods and culture (Haupt, 2023). What implications this clashing of land-use will have on the planning-practices remains unknown.

While this development takes place in Sweden, it is a development dilemma that shares similarities with other contexts globally. Indigenous communities all over the world are struggling for recognition within the same institutional setting that once colonized the land and diminished their access to traditional land-use (Belfer et al., 2019). Countries who are now competing to be in the forefront of sustainability. While the knowledge and solutions of Indigenous Peoples are argued to play a key role to formulate effective and equitable responses to climate change (Belfer et al., 2019), that is not compatible with the current “green transformation” agenda building on a continuing use of lands that would threaten the survival of Indigenous Peoples culture and livelihoods. Altogether, how Sweden interpret and apply their duties toward the Sámi Indigenous People and deal with conflicting land-use, demonstrate important implications for how climate change and human rights are intertwined. It furthermore sheds important light on how global and national demands for natural resources are boiled down to the local decision-making level where these dilemmas are lived and felt.



## **1.1 Objective**

Against this backdrop, the objective of the thesis is to analyze how the Indigenous Sámi People are able to exercise their right to participate in, and influence land management in Sweden. I focus on how the duty to consult with the Sámi is interpreted and applied within the municipal sector, with focus on two municipalities situated within the Sámi traditional lands, Sápmi. The analytical data mainly consist of semi-structured interviews with relevant key actors, involved in, or responsible for, the municipal planning process of land-use. By applying an institutional approach, I study how the right to participation is embedded in a broader institutional framework of politics, local power dynamics and municipal management. I analyze what space for agency is left for the Sámi within this process, and whether the institutional setting allows for the Sámi to influence planning and future land-use.

## **1.2 Research questions**

**1. What are the enabling and constraining factors for the Sámi to participate in, and influence land management?**

2. How is the process of consultation transforming and/or reproducing existing and/or new power relations?

3. To what extent is a new consultation-law transforming and/or reproducing the conditions for the Sámi to participate in, and influence land management?

## **2. Background**

The following section will present relevant information necessary to conceptualize the study. The context of the thesis will be demonstrated, including information about the Sámi, a historical overview, encompassing rights and how it relates to the current planning process of land-use in Sweden.

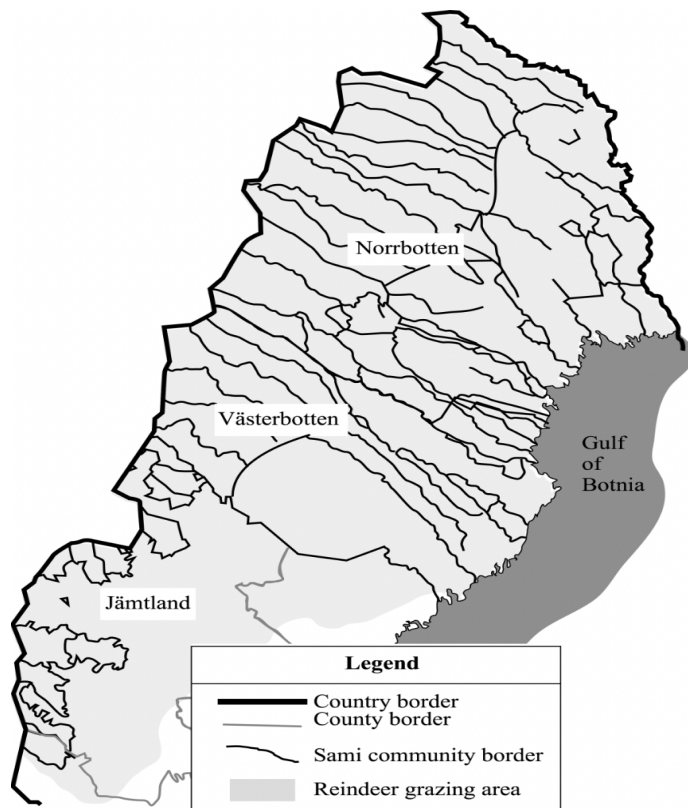
### **2.1 The Sámi People and reindeer husbandry**

The Sámi are an indigenous people, and the traditional lands of Sápmi consist of an area stretching across northern Sweden, Norway, Finland, and the Kola peninsula of Russia. Sápmi has been inhabited for as long as 2000 years (Samiskt Informationscentrum 2023a). The land is closely intertwined with Sámi culture, and accessing land and water is a prerequisite for continuing the traditional practices of reindeer husbandry and Sami culture (Sametinget, 2022a). Reindeer husbandry is an exclusive right belonging to the indigenous Sámi people and plays an important role for Sámi culture. The reindeer migrate between different pastures over the seasons and depend on accessing large grazing areas (Sametinget, 2022 b). Reindeer husbandry is today permitted in about 50% of Sweden's land area and the right to practice reindeer herding can only be exercised by a Sámi who is member of a Sámi-village (Sametinget, 2022b; Widmark, 2019)<sup>1</sup>. While the Sámi population of Sweden is about 20 000-40 000 people, only about 4 600 people are Sami reindeer herders, organized in 51 Sámi-villages (Sametinget, 2022b). Today, the number of reindeer is a total of 241 582 (2017), divided between the regions of Norrbotten (60%), Västerbotten, (22%) and Jämtland (18%) (Widmark, 2019).

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<sup>1</sup> A Sámi-village is an economic and administrative association that represents Sámi reindeer herders within a specific geographical area. In Sweden there are a total of 51 Sámi-villages (Sami Parliament, 2022 b).

**Image 1: Overview of reindeer grazing areas in Sweden**



(Widmark, 2019)

## 2.2 Conflicting land-use within Sápmi

Today, the areas used for reindeer herding are concurrently used by large-scale and non-industrial actors for forestry, mining-activities, wind-parks and other industries (Widmark, 2019). These activities have heavily affected the reindeer over time. Clear-cutting activities have reduced the access to their primary source for food such as lichen, and industrial disturbances are cutting off important migration routes for the reindeer (Fischer et al., 2020). Reindeer herders have testified to a weakened health and changes in behavior due to disturbances in the reindeer's habitat (Holma et al., 2021). As the industrial presence is pushing Sámi livelihoods further away, the number of conflicts, protests and court challenges is increasing throughout Sápmi, in an effort to defend the protection of lands (Klocker Larsen & Raitio, 2019).

The Sámi people's struggle for recognition and protection of lands must however be understood in the greater context of competing land-use interests. The Sámi people of Sweden have long lived with the detrimental effect of losing their land to Sweden's expansive

industries (Person et al., 2017). Northern Sweden has for long been subject to intensive industrialization and expansive politics (ibid). Today, Sweden is one of the largest exporters of wood products in the world and is continuously intensifying its clear-cutting forestry (Hertog et al., 2021). Sweden is also one of the biggest ore- and metal-producing countries in the EU and aims at strengthening its position as a leading mining and minerals nation by tripling its production by 2025 (Government Office of Sweden, 2013). Meanwhile, one of the largest deposits of rare earth minerals in Europe was found in Kiruna municipality In January 2023. According to the Swedish minister of industry and energy, these new findings “will play a key role for the green transition of Europe” (Haupt, 2023, n.p).

### **2.2.1 A historical overview**

In a historical perspective, the exploitation of land in Sápmi has been made possible through several colonial acquisitions and policies. The struggle for exploiting land in Sápmi dates to the Middle Ages where the Nordic countries initiated a competition over the land, taxes and potential profits of northern Sweden (Reimerson, 2021). The colonial intrusion includes both a geographical, political, and cultural control as well as economic exploitation, stemming from trying to control the natural resources and territorial rights (Björstig et al., 2020; Reimerson, 2021). Consequently, the Sámi People’s right to land has been subjected to several coercive and discriminating measures and policies. One of these regarded how the Swedish state established legal and administrative institutions around land-use, which enabled the state to gradually access more lands (Person et al., 2017). County Administrative Boards were established to administer legal decision-making processes and hence ruled in favor of the state, leading to increasingly more land being considered state property (ibid). Resulting in the diminishing of Sámi rights and access to their traditional lands. As argued by Person et al. (2017), these institutional inequalities are still prevailing in how legal decision-making over land functions today.

### **2.3 Sámi rights to land today**

Indigenous peoples' *right to land* is one of the cornerstones of indigenous rights in international law. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states the right to own, use, develop, and control lands, territories, and resources that they possess or occupy. International law (UN, 2007; ILO, 1969) furthermore recognizes indigenous people’s right to be *consulted* in decision-making processes regarding land. The

right to be consulted is based on the principle of free, prior and informed consent (FPIC), established to restore indigenous people's right to control their lands and to redress power imbalances between indigenous peoples and states (UN, 2016). How the right to use, develop and control land is practically applied depends on the articulation of statutory indigenous property rights in different jurisdictions and it varies between countries (OECD, 2019).

The Swedish government recognized the Sámi as an indigenous people in 1977 and was further acknowledged as a *people* in 2011 by the Swedish constitution (Bjärstig et al., 2020). A recognition that makes Sweden responsible for establishing planning-processes that properly include the Sámi in decision-making over land, and to protect the survival of reindeer husbandry as an important cultural practice for Sámi heritage (ibid). However, there is no recognition of land ownership for the Sámi people, and Sweden has not been willing to ratify the Indigenous and Tribal Peoples Convention no.169 (ILO, 1969). A ratification that would further strengthen the Sámi peoples' right to participate and influence decision-making (Reimerson, 2016; Bjärstig et al., 2020).

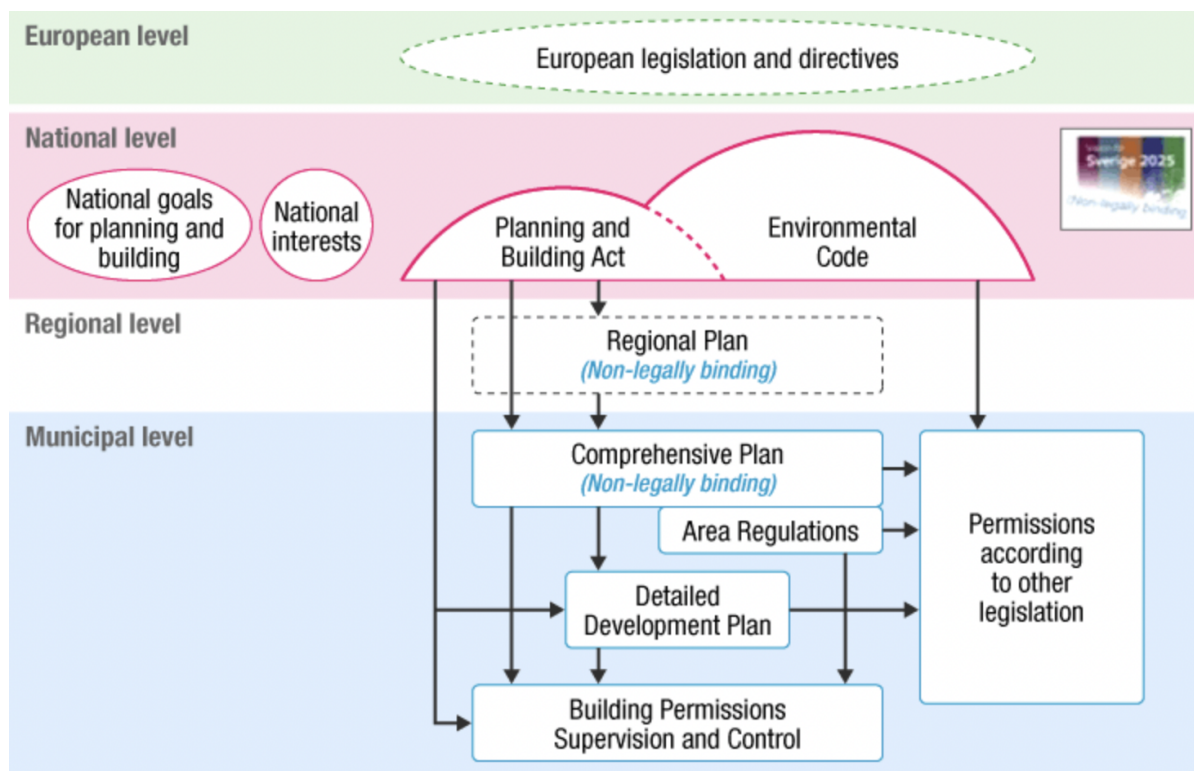
Instead, the Sámi have “user rights” entailing the right to use traditional lands for reindeer husbandry, hunting, and fishing. The Sami who are not part of a Sámi-village have no possibility to claim rights at all regarding land (Reimerson, 2016; Allard, 2018). The Swedish model of indigenous land rights can be described as a co-existence model where Indigenous People are considered as *one* interest party that has *some* right to influence land-management processes together and in compromise with other land-users (OECD, 2019). Although, without any autonomy or opportunity to give or withhold consent (Allard, 2018). Sweden has not demonstrated the ability to follow international law regarding Sámi rights to full and effective participation in matters that concern them (such as land), something that Sweden is continuously criticized for by the UN, OECD and the European Council (Sametinget, 2018). In 2022, The UN Committee on the Elimination of Racial Discrimination, criticized the Swedish government for granting a mining-project in Gallók without consulting with the Sámi or applying the principle of FPIC (Hällgren & Isberg, 2022). *See appendix A for a legislative overview.*

### **2.3.1 The planning process of land in Sweden**

In Sweden, most of the land management takes place within the municipal sector. Due to Swedish self-government, the municipalities have planning-monopoly and authority over the planning of land -and water use within the municipalities' geographical boundaries

(Boverket, 2023a). The planning-system is based on the Planning and Building Act (2010:900) (PBA), and consists of a regional plan, a comprehensive plan, area regulations and a detailed development plan. The Swedish planning system is carried out on a municipal level but is governed by national-level planning (Boverket, 2023b). The County Administrative Boards administer and safeguards national interests and can intervene in the municipal planning if these interests are affected by plan proposals (ibid). The reindeer husbandry is considered a national interest and must therefore be taken into account in the planning-process (Boverket, 2022). There are however no regulations for how national interests should be prioritized if different interests are overlapping. In addition to the reindeer husbandry, mineral-resources, wind power, nature conservation, roads and communications are considered national interests (ibid).

**Image 2: Overview of the Swedish planning process**



(MLIT, 2017).

### 2.3.2 Procedural rights in local decision-making

Today, conflicts over land are intended to be dealt with within this institutional procedure and usually takes the form of consultations (Widmark, 2019; Widmark & Sandström, 2012). According to the PBA, municipalities are obliged to establish a structured dialogue, so-called

“samråd”, with all affected parties prior to the establishment of a plan proposal. This entails the Sámi-villages as they are considered an affected land-user. The purpose is to provide insight into plan proposals and provide an opportunity for affected parties to “voice their opinion”. It is however not regulated *how* this process should be carried out (Boverket 2023b). According to Arnstein's ladder of participation (1969), this version of participatory practice can be defined as an informative stage that does not demand participation. For the Sámi-villages to be consulted in line with international law, the consulting process requires a higher form of participatory practice where the intention is to delegate power to the Sámi (UN, 2016). Existing conflicts over land-use in Sápmi are often characterized by a disagreement regarding what laws have meaning from an indigenous rights perspective. The Sámi community is demanding that Sweden take into account their international commitments and principles of indigenous law, while this is rarely implemented in practice (Sametinget, 2022a).

### **2.3.3 The new consultation-law**

In 2022, Sweden adopted its first consultation-law (2022:66) that obliges the Swedish government, government agencies and municipalities to *consult* with the Sami Parliament or other Sami representatives on issues of special significance. The new law states the obligation to consult in decisions that may have a direct impact on the Sámi language, culture, industries, or status as an indigenous people. It is said to be applied in cases where the Sámi are affected in a way that differs from the rest of the population. Consultations are said to be carried out in “good faith”, and should *seek* consensus, but are allowed to end without reaching consensus (2022:66). It has been widely criticized by actors such as Amnesty International and the Swedish Sami National Association, for not living up to customary international law or the principle of FPIC (LOC, 2022). With reference to Arnstein (1969), the consultation-law is reaching for a higher level of participation than “samråd” but is still not ensuring influence as no power has been delegated to the Sámi. The Sámi perspective may be heard but to what extent their views will affect the outcome is still dependent on the power-holder (Arnstein, 1969). However, it is the first effort to formalize the consultation-duty and to recognize the importance of differing the Sámi as an indigenous people from other stakeholders in decision-making processes (LOC, 2022). The law takes effect for municipalities in March 2024 and is thus obliging all municipalities to facilitate consultations with the Sámi as an indigenous people (2022:66). *See Appendix A for a fuller disclosure of the legislation.*

### **3. Previous research**

In the following section, I intend to situate the Sámi struggle for their rights to land within a greater scope of previous research. I will demonstrate some of the enabling and obstructing factors for including indigenous peoples in environmental governance, in an international and national perspective. My research is situated within the governance of land and resources that overlap with traditional Sami reindeer herding in northern Sweden (Sápmi).

#### **3.1 International positioning**

##### **3.1.1 The institutional repertoire of participatory practices**

An overarching critique of how state institutions fail to uphold indigenous rights is their tendency to manufacture a falsified legitimacy through participatory practices (Merino, 2018). For that reason, my thesis derives from previous research conducted on the potential and drawbacks of participatory practices.

Bill Cooke and Uma Kothari (2007) are in “Participation the new tyranny?” shedding light on some of the drawbacks of using participation as a solution to empower marginalized groups. While participation is framed as a tool to reach better project outcomes and enhance the capacity of affected parties to improve their situation, this is rarely the outcome. Cooke and Kothari (2007) demonstrate how participation as a dominant discourse in development is often used to make structures appear inclusive, but that these processes often are reinforcing or masking deeper issues of social inequality (Cooke & Kothari, 2007). Constructing *deals* through participatory practices between Indigenous Peoples and exploiters has been widely applied for a long time and has developed to today being part of most actors’ repertoire in how to reach legislative and social acceptance (Staffansson et al., 2022). While these deals are mostly beneficial to developers over Indigenous Peoples, the protection of Indigenous rights are often forced to take place within these kinds of institutional arrangements (Belfer et al., 2019). There are to date very few examples of inclusionary practices for indigenous peoples in environmental governance across all scales. Indigenous communities are often excluded from the structures and procedures that are made to include them (ibid). As these legislative processes are highly knowledge -and resource-dependent, the possibility for Indigenous Peoples to exercise meaningful influence is often based on their own capacity to challenge dominant industries and developers (Larsen & Raitio, 2019).



### **3.1.2 The concept of consultations and its limitations**

Participation is often taking the form of *consultations*, nonetheless due to the emphasis that international law is putting on the right for Indigenous Peoples to be consulted. However, as emphasized by Merino (2018), the opportunity given to voice opinions is not always met with actual listening. Cooke and Kothari (2007) is likewise describing the process of consultancy as merely giving legitimacy to the planning-process. While it is intended to be bottom-up, consultancy risks becoming a top-down approach to engineer consent and make everyone partake in the objectives of the economy (Cooke & Kothari, 2007; Lindroth & Sinevaara-Niskanen, 2014). To be listened to in a consultation-process is furthermore constrained by structures of power. Spivak (1988), in her essay “Can the subaltern speak?” is arguing for how colonial legacies are still prevailing and obstructing the possibilities for subaltern groups to be listened to. Spivak argues that subaltern perspectives are often not listened to but appropriated by dominant groups who use their narratives to reinforce their own power. A perspective of power that is important to be aware of when studying “spaces” for dialogue as the right to influence is inherently dependent on being heard.

### **3.1.3 Consultations as an internationally evolving practice**

The well-established principle of consultations is furthermore evolving internationally and is explored in many different contexts (Allard, 2018). One example being Peru, the first Latin American country to pass a general law on prior consultations for indigenous peoples. However, as demonstrated by Merino (2018), the legislation has not demonstrated to be adequate for ensuring indigenous peoples’ rights in decision-making processes, and at least in regard to natural resource extractions. Peru has demonstrated no political will to compromise their development but instead used the process to legitimize investments and policy decisions. Merino (2018) describes the current consultation-duty as a de-politicized procedural stage that most authorities treat as an obstacle to be surpassed. Allard (2018) is arguing that international customs might be harder to apply if they do not resonate well with national law and standards. In comparative research of the Nordic countries and Canada, Allard (2018) demonstrates how Canada’s consultation-duty toward its Aboriginal communities stems from a national recognition and is hence stronger in application. The consultation-duty does not exist in isolation but is intertwined in Canadian Law and rests on a constitutional recognition that obliges the state to consult the Aboriginal “right-bearing” communities.

While its implications for meaningful influence remains uncertain, consultations as a principle are evolving within a multitude of contexts where Indigenous People are forced to operate.

## **3.2 National positioning**

### **3.2.1 Legislative challenges in Swedish Sápmi**

Consultation is likewise the management model used in Sweden to mitigate conflicts over land-use (Klocker Larssen & Raitio, 2019; Reimerson, 2021). However, with limited evidence of being able to translate intended outcomes into practice, but rather leaving conflicts unresolved (Widmark, 2019, Klocker Larsen & Raitio, 2019). A problem that is partly stemming from the legislative context, and foremost relating to a discrepancy between existing legislation and how they translate into rules of practice (Bjärstig et al., 2020; Klocker Larssen & Raitio, 2019). Even though the Sámi have a legislative right to be consulted as an indigenous people, both in national and international commitments (*see Appendix A*), their ability to exercise influence is limited and often overruled by economic interests (Åkermark & Talah, 2007). Sweden is the only Nordic country that lacks specific rules for consulting with the Sámi and the national procedures lack formalization and explicit legal basis (Allard, 2018).

As stated by Allard (2018), the consultation-duty toward indigenous peoples stem from an international context and is not inherent in Swedish legislation. On the contrary, Sweden has demonstrated confidence in their legal democratic procedures that is already enabling *all* parties to speak their mind in decision-making processes, as seen in the process of “samråd” (Allard, 2018). As stated by Reimerson (2021), the Swedish consensus-driven model puts confidence in the democratic process and is running the risk of silencing conflicts rather than dealing with them. Research conducted by Klocker Larsen and Raitio (2019) furthermore confirms that Sweden has demonstrated an unwillingness to depart from their deliberative model and incorporate rights targeting specific groups. They demonstrate how the duty to *consult* with the Sámi is already embedded in Swedish Minority Law but hence rarely interpreted or applied in practice. Government agencies have rather been prone to defend co-existence between Sámi reindeer herders and developers through adaptive measures (Klocker Larsen & Raitio, 2019)

### **3.2.2 Institutional inequalities**

Previous research on the challenges Sámi people face within land-management and decision-making has demonstrated several constraining factors. The overarching factor being the *system* of Sámi rights together with existing *conceptions* of Sámi identity, creating an institutionalized form of non-recognition (Reimerson, 2016; Person et al., 2017).

Person et al. (2017) researched a mining conflict in Swedish Sápmi and identified a set of constraining factors for Sámi rights. Foremost, that contemporary institutions have been constructed through times of colonial practices and racist discrimination and have hence institutionalized and cemented power asymmetries that are still obstructing the possibilities for Sámi agency. Contemporary conflicts over land-use are being dealt with within the same administrative apparatus that once overruled Sámi rights and made the land state property. They demonstrate how the legal system still functions in a way to limit Sámi agency but instead allow for state interests to win in decision-making processes (Person et al., 2017; Bjärstig et al., 2020). The system enables expansive politics of land-use to be favored over reindeer-herding and is thus made possible by a strong economic-growth discourse (Person et al., 2017).

### **3.2.3 The planning power of municipalities**

My intended focus on municipalities derives from their planning-power in the physical planning of land and because of the new consultation-law (2022:66). Research regarding municipalities' responsibility toward the Sámi is however limited, whereas the majority of research being done on the consultation-duty and its potential pitfalls are departing from a legislative analysis (see Allard, 2018).

Research by Bjärstig et al. (2020) on the Institutionalism of Sami interest in municipal comprehensive planning in Norway and Sweden, is however demonstrating important implications for my research. The research concluded that the municipal planning system consists of several limitations regarding Sámi rights. The fact that institutional structures allow for economic interests to override Sámi interests, could partly be traced back to the fact that Sámi-villages' interest in land for reindeer herding is not treated as a cultural practice tied to rights but rather as a business interest. Bjärstig et al. (2020) furthermore concluded that municipalities' institutional behavior can be traced back to the socio-economic context, as it influences the political willingness to prioritize reindeer herding over e.g., business interests. The comparative aspect to Norway furthermore demonstrated that regardless of

Norway ratifying ILO no.169, Sámi interests did often lose to actors being stronger in resources. Much relating to the international instruments being weak in practice, consultations being conducted too late, and the political willingness to consider Sámi perspectives are often limited. Bjärstig et al. (2020) describe this as a form of “planning power that includes the ability to not hear what is being said” (n.p).

Altogether, the municipal sector demonstrates various implementation gaps in regard to Sámi rights within land management. As the new consultation-law is aiming to strengthen Sámi agency through the practice of consultation, it is motivated to further scrutinize the municipal sector as an important institutional setting where the consultation-duty is aligned with land management.

## **4. Theoretical framework**

The theoretical framing of this study will be based on an institutional approach together with theories of power. These theories are important to contextualize land management in a systematic manner, and to further deconstruct how land management is embedded within politics and dimensions of power.

### **4.1 Philosophical assumptions**

This study is based on certain philosophical assumptions deriving from a social constructivist approach. One of these assumptions is that reality cannot be objectively observed but rather is socially constructed (Patton, 2015). How people act or speak should not be studied as neutral actions, but rather as a reflection of their different surrounding realities, identities and relations (Winther Jørgensen & Phillips, 2002). Because we construct and understand our realities through language, language is furthermore viewed upon as an empirical trace of these different realities (Fairclough 2003). This is an important philosophical point of departure as I will review language as a discursive product of existing ideas about the Sámi People in regard to land management. Furthermore, that these ideas have implications for how Sámi rights are interpreted and applied. As argued by Reimerson (2021), the ability and capacity of indigenous peoples to participate or influence land management is highly dependent on the existing discourses surrounding them, as it is giving them certain discursive positions and conditions for agency. I will likewise conduct my analysis by deconstructing language and thus identify existing ideas and relations of power within these framings. My understanding of discourse is furthermore based on the philosophical assumption of there being certain systems of rules or practices that form meanings of objects of which we speak (Foucault, 2002). Inherent is the understanding of actors being active in reproducing or challenging such systems depending on how dominant or hegemonic a discourse is. Altogether, studying language generate certain framings and articulations that provide traces of existing power-relations, underlying ideas and discourses, all taking place within certain institutional conditions.

### **4.2 Critical institutionalism**

The institutional theory represents an analytically beneficial approach to establish and review the context in which Indigenous Peoples are forced to operate. Institutional theory is often applied when studying natural resource use and is a helpful framework for understanding the

social and political factors influencing the behavior of individuals and institutions responsible for resource use (Ostrom, 1999). I draw on *critical institutionalism*, a politicized version of Ostrom's (1999) mainstream institutionalism for resource governance. While Ostrom's version is set to analyze the relations between nature, society, and the rules that govern, critical institutionalism provides an important reviewing of this relationship regarding power and the political-economic context (Clement, 2010; Cleaver and Koning, 2015).

The critical dimension is significant because of how local decision-making is influenced by higher governance politics and structures of the economy and must therefore not be conducted in a vacuum but in relation to power and structural factors (Clement, 2010). By applying a critical lens when studying institutions, I address how power works to sustain institutions but also how it shapes participation, access, and outcomes (Cleaver and Koning, 2015). The critical lens is also an important addition for understanding how power within institutions can be manifested through in-action; non-decisions, or inability to influence matters (Brisbois et al., 2019).

Critical institutionalism offers a systematic approach of how to analyze the institutional setting of Swedish municipalities. The politicized version of Ostrom's framework consists of five analytical variables that will later guide my institutional analysis of the municipal setting in which decision-making over land occurs (Cleaver and Koning, 2015).

### **4.3 Theories of power**

Power- theory demonstrates an important analytical element that will be applied throughout the analysis. Power theories will offer explanations for the different enabling and constraining factors for Sámi agency, but also to deconstruct the institutional conditions in which the Sámi are forced to operate. As argued by Boonstra (2016), the reasons for applying a power analysis are to study how people's (in)ability can affect outcomes, but also to assign responsibility to those people that *are* capable of change, and lastly to assess the performance of a system or institution that are intended to to be free from power of others. To reflect on power is furthermore crucial when studying a postcolonial setting such as Sweden. Colonial intrusions were made possible by an unequal distribution of power and a system of ideas that enabled such a distribution and is thus still present in how we understand and organize our surroundings (Loomba, 2015). Power is altogether aligning with my research objective to assess the institutional setting of municipalities and to analyze the (in)ability of

“duty-bearers” to ensure Sámi agency within this context. Power will serve as the analytical tool-box used to analyze how agency, rules of the game, and structures interplay in a way to produce certain outcomes (Avelino, 2021).

### **4.3.1 Avelino’s seven contestations of power**

This research will use the categorization of power by Flor Avelino (2021). As power is a highly contested concept with a diverse field of theories, Avelino presents a meta-theoretical framework that has boiled down all the power concept theories to *seven points of contestation*. These are formulated to help the analyst ask questions that explore the role of power in social change processes. Avelino argues that it can be analytically beneficial to move between theoretical assumptions on power rather than choosing one side. Avelino rather suggests using a language of power that reflects on the processes of change (or lack thereof) and how it relates to the “transforming and/or (re)producing of existing and/or new power relations” (Avelino, 2021, p.442). The analyst does not necessarily have to engage in all seven dimensions but should reflect over the possibility of multiple uses of power. Avelino exemplifies how “power over” can constrain change, while “power to” simultaneously can enable change (Avelino, 2021). These types of power nuances will be helpful in the upcoming analysis, and the empirical questions demonstrate helpful tools for me to identify different patterns and dimensions of power within my material. I present and operationalize the power-scheme in methodology (*see 5.4.3*).

## **5. Methodology**

### **5.1 Research design**

In my thesis I follow a qualitative research design based on an institutional approach in combination with power theory. As land-use conflicts are organized in an institutional and administrative apparatus, it is motivated to deconstruct the institutional setting for further scrutiny (Clement, 2010; Widmark, 2019). As my objective with the research is to understand the enabling and constraining factors for Sámi rights in this setting, power theory will be an important analytical element to unfold the power relations surrounding land-management. To contextualize these power relations within an institutional setting will however bring more depth to the study and help capture the discursive aspects of social life (Fairclough, 2003).

The institutional arena I study are Swedish municipalities responsible for managing land-use by multiple actors, including the indigenous Sámi people of Sweden. A case-study will therefore be applied where I depart from two municipalities (Creswell & Poth, 2007). The two municipalities will not be systematically compared but contrasted throughout the analysis. The comparative aspect will help explain differences in response and provide interesting nuances to discussing future land-use dilemmas (Creswell & Poth, 2007).

As the research is focusing on the actors responsible for realizing Sámi rights within land-management, the research design is stemming from a human-rights-based approach (OHCHR, 2006). Focus lies at the duty-bearers' obligations toward the right-holder, hence the research is aimed at investigating what rights are encompassing the Sámi People and how the duty-bearers (municipalities) are interpreting and fulfilling their obligations.

## **5.2 Case selection**

The choice to study Swedish municipalities is motivated by their planning-monopoly that gives them the exclusive authority to make decisions about land-use (Boverket, 2023a). Furthermore because of the new consultation-law that motivates more research regarding the municipal level for Sámi rights. Hence, actors working with, or are involved in, land management at the municipal level are identified as duty-bearers toward the Sámi as right-holders.

I have chosen to study two municipalities: Lycksele and Kiruna. The two municipalities represent an interesting analytical standpoint as they share similarities but have differences in their political-economic contexts. Lycksele and Kiruna are both balancing an expansive politics of mining-activity, forestry and wind-power, while also having a high population of Sámi reindeer herders (Kiruna MCP, 2018; Lycksele MCP, 2022). In Lycksele there are five Sámi-villages; Vapsten, Ubmeje tjeälddie, Ran, Gran, and Malå. While in Kiruna there are seven Sámi-villages; Könkämä, Talma, Gabna, Laevas, Lainiovuoma, Vittangi and Saarivuoma (Sametinget, 2023; Sametinget, 2022c). Kiruna is foremost known for being home to the world's biggest iron-ore mine, which has given rise to several land conflicts between industry interests and Sámi livelihoods (Haupt, 2023). Kiruna and Lycksele are furthermore positioned in the two regions (Norrbotten and Västerbotten) with the most active mines, whereas Kiruna is at a critical juncture due to the new findings of rare earth minerals (Bergsstaten, 2023; Haupt, 2023). Lycksele is not sharing the same mining-profile as Kiruna,



but rather demonstrates a strong Sámi-profile where Sámi culture is increasingly more integrated in the municipal work, foremost in schools (minoritet, 2017).

**Image 3: Map of Sápmi, demonstrating municipalities**



(Samiskt informationscentrum 2023 b)

## 5.3 Research method and data

The material of this study is based on eleven semi-structured interviews, and a documentary analysis of relevant documents and legal regulations to examine the institutional setting.

### 5.3.1 Semi-structured interviews and sampling

In order to create an understanding for the institutional setting, semi-structured interviews are a necessary element to disentangle different perspectives, interpretations, and realities. Semi-structured interviews allow me to explore the issue in-depth, while also letting on alternative or unexpected answers (Patton, 2015). The interviews are motivated by a social constructivist approach, resting on the importance of studying interpretations of the world. The interviews provided me with data on how language is used, allowing me to analyze how language constructs a social reality with underlying discourses and narratives (Patton, 2015; Fairclough, 2003).

The sampling process of interviewees originated from my internship with the Swedish Association of Local Authorities and Regions (SALAR). During this period, I established contact with, and conducted, two semi-structured interviews with two politicians residing in Kiruna and Lycksele. These two interviewees furthermore informed me of which stakeholders would be relevant to talk with in each municipality. Later on, I contacted various stakeholders, responsible for, or involved in, the planning process of land-use in each

municipality. In total I conducted eleven semi-structured interviews, with municipal officials, members of a northern County Administrative Board, the Sami Parliament and a Sámi politician and advocate. I conducted interviews with the politicians, municipal officials and CAB members because of their roles as duty-bearers. The additional interviews with the Sami Parliament and a Sami representative, provided an important comparative aspect and helped ground the study. The interviews were conducted through zoom-meetings during the time frame of January to April 2023. *See full list of interviewees in appendix C.*

### **5.3.2 Documentary analysis**

Additional material was collected through a documentary analysis to complement the semi-structured interviews. These provided me with contextual information for the two municipalities and their respective plans and policies for land management. I reviewed the Municipalities' Comprehensive Plans (MCP) and the consultation-report provided for the MCP-process. The MCP is a document established to display each municipality's physical planning and to provide guidance for all decision-making regarding new developments (*see image 2*). All other strategies, plans and policies shall rest on this document, and it is used for assessing permits and licenses (Boverket, 2023a). It is only in the MCP that the municipality is overviewing *all* interests and where you can detect the municipality's perception of how different interests are prioritized (*ibid*). Hence, the content of this document is highly relevant for understanding how each municipality is planning their land-use and how they're navigating conflicting land-uses. The consultation-report is accounting for how consultations have been conducted in the MCP-process and is demonstrating opposing opinions on the MCP (Lycksele Consultation-report, 2022). This document is an important source of information for how the Sámi-villages in each municipality are experiencing the content of the MCP and the process of consultations.

## **5.4 Analytical procedure**

The analytical procedure has been characterized by combining and interplaying an institutional approach with theories of power.

### **5.4.1 Operationalization of methodology**

Critical institutionalism guided my analytical procedure as to what kind of information is critical to intercept in the interviews and in the documentary analysis (Cleaver and Koning, 2015). The three *external* variables I used to collect and analyze my data are; 1) *biophysical*

*condition* - relating to information about the environment and resource-use, 2) *attributes of the community* - existing values, culture or level of trust within the community, and 3) *rules-in-use* - relating to how land management is conducted, both in terms of formal rules and informal rules. (Cleaver and Koning, 2015). The other two analytical variables, (4) *political-economic context* and (5) *discourses*, are relating to power relations within the institutional setting, and are partly overlapping with my intended power-scheme (Cleaver and Koning, 2015; Avelino, 2021). These are focusing on deconstructing the underlying power-dimensions *within* the contextual setting. For instance, to examine how power is distributed between actors, what political and economic drivers for resource-use are, and how underlying ideologies and discourses shape the agenda (Cleaver and Koning, 2015). The power-scheme is however providing me with a more detailed analytical setup to deconstruct power. Avelino's (2021) power-scheme will help deepen the institutional analysis by asking questions to the text and hence identify patterns and dimensions of power.

#### **5.4.2 Collecting data**

The semi-structured interviews were conducted with an interview guide (*see appendix B*). Having an outline helped me conduct the interviews in a systematic manner and make the data comparable (Patton, 2015; Creswell et al., 2018). The guide was set up to cover certain topics and themes, but with flexibility to alternate in wording and sequence. Aligned with a social constructivist approach, the interview-guide consisted of questions aimed at understanding the cognitive and interpretive processes of the participants (Patton, 2015). Questions were therefore formulated to capture opinions, judgments, and values regarding land management and Sámi rights (*ibid*). The interview-guide was furthermore guided to intercept information relating to the five analytical variables of critical institutionalism (Cleaver and Koning, 2015). For example, the analytical variable of (1) *biophysical condition* translated into questions regarding existing land-use in each municipality and how it is problematized; and (3) *rules-in-use* translating into questions regarding how the duty-bearers interpret their consultation-duty toward the Sámi as an indigenous people and how it applies in practice.

#### **5.4.3 Analyzing the material**

The analytical procedure then consisted of searching the material for answers to these questions. I further categorized the material based on previous research and conductive coding where alternative patterns emerged (Patton, 2015). I researched the material for

problematizations, descriptions, and articulations, corresponding to themes such as drivers for land-use and decision-making, participation, Sámi rights and conflicting interests. This process was conducted through NVivo, where interview transcripts and documents were processed and categorized in different nodes. When a first overview of patterns in the text was established, the power-scheme by Avelino (2021) was applied to identify relations of power relating to both agency and structure. The power-scheme was not used in its entirety but selectively applied based on my findings. As seen in *Figure 1*, these were the main empirical questions corresponding to my material. The power-scheme will later be referred to in the analysis.

**Figure 1: Power-scheme**

<b>Power Dimensions</b>	<b>Questions for research</b>
1. Power ‘over’ <> power ‘to’	Who is exercising power over whom? How is power exercised?
2. Centered <> diffused	How and by whom is the agenda decided? Which issues are kept off the agenda? Who is included and excluded?
3. Consensual <> conflictual	Which conflicts are ‘hidden’ under seemingly consensual processes? How and to what extent is consensus oppressive and conflict emancipatory?
4. Constraining <> enabling	How/to what extent are which structures a constraint, an enabler or an object for change?
5. Quantity <> quality	Which actors are exercising more/less power and how?
6. Empowerment <> disempowerment	(How) is (dis)empowerment manifested as (a) intentional outcome (empowerment as end), (b) constraining/enabling factor (empowerment as means), or (c) object/type of change in itself?
7. Knowledge as <> prior to power	Which knowledges, discourses, ideologies underlie the process of change? Who wins and who loses?

(Avelino, 2021, table 2, p.441).

## 5.5 Limitations of the study

The research process has inevitably been limited by certain aspects and the following section will demonstrate some of these limitations.

One of these limitations is regarding the scope of the study and the sampling of interviewees. Land-management within municipalities is not restricted to people working within the municipal sphere, but is affected by higher political governance, licensing-processes and extractive industries. My intention was therefore to also include interviews with companies such as LKAB and Vattenfall, two companies with a high presence in Kiruna and Lycksele. However, these efforts were not successful and are therefore not a part of this study. However, future studies should encompass a larger scope of duty-bearers for Sámi rights within land-management. Additional two interview requests were sent to different Sámi representatives within the two municipalities, but without responses.

This study is moreover limited to one perspective on a highly complex topic and is therefore leaving many inherent issues unexplored. The municipal comprehensive plans are for example only briefly analyzed regarding my specific aim. The MCP and other planning-instruments, motivate further scrutiny due to their significant position within the planning process. Because of my institutional focus on municipalities, my thesis is inevitably limited to the institutional boundaries and is therefore excluding aspects outside that aim. One of these limitations is regarding the scope of only analyzing the Sámi-villages rights within land management. Because of the institutional legislation that only recognizes Sámi-villages' procedural rights within land management (*see 2.3*), Sámi who are not part of a Sámi-village are not included in the scope of this study. This could however be expanded on in future research as the new consultation-law (2022:66) includes a wider scope of Sámi representatives in whom to consult.

Lastly, the results of my study cannot be generalized over all Swedish municipalities. Sweden's municipalities are self-governed and differ largely in environmental conditions, size, population, and economic-political context (Boverket, 2023a). This study is focusing on two municipalities within Sápmi, facing increasing demands from the "green" industry. The study is shedding light on *some* of the enabling and constraining factors for Sámi rights within this specific context. However, this study is still providing an analytical point of

departure for future research on land-management and Sámi rights within the municipal sector.

## **5.6 Ethical considerations and positionality**

When working with indigenous communities there are various ethical considerations to be aware of. One of them being the risk of appropriating a marginalized community for research purposes (Sami Parliament, 2019; Patton, 2015). For many indigenous communities, research is perceived as an exploitative practice, entailing many risks relating to knowledge extractivism (Patton, 2015). Due to this fact, I chose a research approach that is not solely focusing on the Sámi People's experiences of marginalization, but rather focusing on the duty-bearers' obligations toward the Sámi as a right-holders. The Sámi-villages are already very affected by the resource-heavy processes of land-management, and I wish not to increase that burden. The Sámi representatives that I have spoken to are mainly people from the Sámi Parliament or who are actively working with advocacy around these issues. Altogether I have designed my study to mainly use existing data on the Sámi-villages experiences from land-management. Aligned with a right-based approach, should my research not emphasize the responsibility of Sámi-villages to exercise agency, but to highlight the responsibilities of the duty-bearers (OHCHR, 2006). To be in contact with Sámi representatives has however been important to ensure the relevance of the study and to anchor my research in reality.

My positionality has inevitably affected me in how I conduct research and what I have chosen to focus on. Despite extensive research prior to the study, I am still limited within my discursive encompassing and pre-understanding of the issue (Kapoor, 2004). Hence it is important to highlight that my focus within the study is one perspective on a very complex issue including various actors and structural issues. The Sámi People of Sweden are furthermore a highly diverse group that is not fully acknowledged for within this study.

Prior to all interviews I sent out an interview consent form asking the participants to sign in advance of the interview. Most interviewees signed, while some did not because of time-constraints. In those cases, I instead read the consent form out loud prior to the interview. While the majority of interviewees did not wish to be anonymized, all respondents have been anonymized and any identification markers have been removed from their responses. The interviewees were informed about the objective of the study and of the

possibility to not answer specific questions or to change direction of the interview. They were furthermore informed about the possibility to withdraw their responses later on. All the interviewees agreed to be recorded, which were later transcribed and deleted.

## **6. Analysis**

In the upcoming analysis I disentangle how Kiruna and Lycksele are working with land management, consultations and how they relate to the upcoming consultation-law. Throughout the analysis, I draw on Avelino's (2021) analytical toolbox to identify different relations of power and the enabling and constraining factors for Sámi agency. The power dimensions will be referred to throughout all chapters (*see figure 1*) and key terms have been highlighted to guide the reader along. All quotes in the analysis have been translated from Swedish to English.

### **6.1 “Our belief in the equal value of people is as deep and valuable as our ore”**

How the environment and natural resources are described and framed in each municipality has explanatory value for existing perspectives on land-use and how it relates to Sámi rights. Hence, the municipalities' comprehensive plans (MCP) and consultation-reports will be initially reflected on. This section relates to the external variables of (1) biophysical condition in how the environment is described, and the (4) political-economic drivers as the MCP demonstrates each municipality's political will around land-use. As previously stated, the purpose of the MCP is to present the intended use of land and water. Each municipality must demonstrate how they weigh interests against each other and make sense of the trade-offs if interests are incompatible, for example mining-activity and reindeer husbandry (Boverket, 2023a).

When reviewing the MCP of Kiruna and Lycksele, both municipalities see great potential and less trade-offs between different interests. The MCP of Lycksele and Kiruna share a positive perspective on the “green” transformation potential. Kiruna's overall vision for the MCP states that “our belief in the equal value of people is as deep and valuable as our ore. Our ambitions are higher than our mountains” (Kiruna MCP, 2018, p.7). A statement that speaks for the belief in extracting resources without harming anyone's rights. It is furthermore evident that Kiruna is protecting its strong profile in mining. The mining-industry is

described to play an important part in creating a sustainable municipality and that “the mining industry forms the basis of our business life” (Kiruna MCP, 2018, p.47). There are several references made to the Swedish mineral strategy and the importance of Sweden maintaining and strengthening its position as EU’s leading mining country (Kiruna MCP, 2018, p.48).

How the mining-activities are affecting other activities such as the reindeer husbandry is furthermore downplayed throughout the MCP. The development of new mines is said to be weighed against other interests, but without any further detail. Overlapping land-use is overall not framed as a source for conflict but rather an inconvenience to be dealt with in dialogue to achieve co-existence. Kiruna’s MCP is overall not mentioning how the Sámi-villages might be affected by potential developments.

“In order to achieve sustainable development, it is important that the tourism industry, reindeer husbandry, mining -and space-industry can coexist” (Kiruna MCP, 2018 p.8)

The responsibility of constructing the MCP is an evident example of having the **power to set the agenda** by **including** and **excluding** certain aspects of potential trade-offs. A power dynamic that reveals itself by reviewing what actors are benefitting from the MCP framing (see power dimension 2 of Avelino, 2021). The current framing of land management in Kiruna is appearing as relatively conflict-free with great potential for intensifying the “green” agenda within Kiruna. It is not until you compare the MCP with the consultation report that it becomes evident the MCP is **silencing** certain alternative narratives. Gabna Sámi-village is for example stating that they have “[...] after taking part of Kiruna’s Comprehensive Plan, realized that the municipality is completely lacking understanding for reindeer husbandry” (Kiruna consultation-report, 2018, p.82). They are furthermore criticizing the MCP for not acknowledging the disturbances and cumulative effects that the Sámi-villages are already suffering from today.

The current framing in the MCP is inherently beneficial to industry interests. The non-beneficiaries are not made visible, nor are the consequences for new developments on the land used by Sámi-villages. The scope of the framing furthermore makes it impossible to develop options that would negatively affect industries but would protect Sámi interests. Hence, the **rules-in-use** allows for actors with **more power** to selectively enforce narratives that benefit certain actors over others (see power dimension 5 and 7 of Avelino, 2021). By keeping the cumulative effects of mining on reindeer husbandry off the agenda, the



municipality does not even have to weigh those interests against each other and present potential trade-offs. Instead, these are silenced by their **'non-decision-making' power** (see power dimension 3 of Avelino, 2021).

To what extent this is an active choice by people in power or a result of preference-shaping behavior remains uncertain. As argued by Avelino (2021), behavior must sometimes be understood by deconstructing underlying ideologies (see dimension 7 of Avelino, 2021). Kiruna's existence is due to a **political-economic context** where mining is essential for both the local and national development, which might obstruct the possibilities for alternative values to gain the same dominant power. Resource exploitation and growth is reviewed as consistent with the public good as Kiruna's development depends on the mining-activity. In this case, the MCP of Kiruna demonstrates how **dominant ideas marginalize alternative perspectives** such as Sámi culture (Kiruna MCP, 2018).

Turning to the MCP of Lycksele, they are likewise framing natural resources as important energy sources in the shape of forest, wind, water and minerals. In similarity to how Kiruna promotes their mining, Lycksele is promoting wind-power for a "fossil-free and resource-efficient economy" (Lycksele MCP, 2022, p.21). "Wind farms are being built in many parts of the country and Lycksele has great potential to be an attractive establishment location" (Lycksele MCP, 2022, p.21). Similar patterns can also be detected in terms of co-existence ideals. In situations where multiple actors are dependent on the land, such interests are said to be weighed against each other to achieve the most sustainable and equal use. However, Lycksele demonstrates a higher level of willingness to problematize "surface-demanding activities" such as forestry and wind-power (Lycksele MCP, 2022, p.24). The MCP of Lycksele is, in contrast to Kiruna, accounting for the fact that Lycksele is situated *within* Sápmi, and that almost all exploitation on land does have negative consequences for the reindeer husbandry. Lycksele is furthermore demonstrating a higher level of cultural awareness and understanding for *how* the Sámi-villages are dependent on a continuing access to their lands.

"Reindeer herding is a prerequisite for Sami culture [...] For the continuing existence of reindeer husbandry, the land is of the greatest importance. When planning, the national interest of reindeer husbandry must be seen in a landscape perspective and so it maintains its functional connections" (Lycksele MCP, 2022, p.108).

The “Sámi cultural landscape” is furthermore described as a big asset for the municipality and for Sápmi as a whole (Lycksele MCP, 2022, p.108). Hence, Lycksele demonstrates **a framing of land that enables alternative plans** that could benefit Sámi interests over industry interests. To what extent this translates in practice remains uncertain. Lycksele is however differing largely from Kiruna in their **political-economic context** and to what extent they are facing surface-demanding activities. The internal and external political and economic drivers for continuing a high level of resource exploitation is immensely bigger in Kiruna than in Lycksele. The differences between Lycksele and Kiruna is however demonstrating how land-use is not objectively motivated but intertwined in relations of power and underlying drivers and ideologies.

## **6.2 “A good dialogue is required to achieve an equal and sustainable use of resources”**

The content of the MCP is intended to be preceded by a structured dialogue, a so-called “samråd”, and is intended to invite all affected parties to review the plans and solve potential conflicts. As there are no national regulations related to how these dialogues are carried out, the structure between municipalities varies. As demonstrated earlier (*see appendix A*), the municipalities are also obliged to *consult* with the Sámi in line with Swedish and international law, as an indigenous people and a national minority. Participation is thus a well-established practice in how municipalities are practicing decision-making over future land-use. This section will thus explore the existing (3) rules-in-use for Lycksele and Kiruna municipality and how this is intertwined with existing (5) discourses and ideas related to participation. This section will foremost refer to the consultation-report conducted for each MCP and some interview-responses.

Dialogue is throughout the MCP recurring as a method used to solve potential conflicts regarding overlapping land-use. Both Lycksele and Kiruna are both referring to the practice of dialogue as a guarantee for ensuring a democratic outcome of land-use.

“A good dialogue is required between the actors involved in order to achieve an **equal** and sustainable use of [...] resources” (Lycksele MCP, 2022, p.81)

Both municipalities refer to the process of consultations as inherently good where everyone participating is achieving what they want and can co-exist. However, as demonstrated by

previous research (*see 3.1.2*), participation as a practice is risking depoliticizing the process if structural issues surrounding the process are not addressed. Neither Lycksele or Kiruna are addressing any encompassing issues regarding participation, relating to power asymmetries between actors participating or other limiting factors.

The structure for the municipal planning-process is inherently based on the municipality having **power over** the Sámi-villages. In line with Avelino (2021) and power dimension 1, the Sámi-villages are **dependent** on the municipalities' willingness to facilitate meaningful consultations. Especially as there are no requirements in the municipal legislative context for *how* these processes should be structured. The **power over** is furthermore also entailing the Sámi-villages being dependent on the municipality's **ability to listen** to Sámi interests. However, as demonstrated in the consultation-reports from each municipality, the intention to "give everyone the opportunity to speak", has not resulted in intended outcomes.

In Kiruna, Sámi-villages are testifying to the municipalities inability to conduct consultations. They criticize the structure for how the "consultations" have been conducted and what the MCP contains. They argue that the possibility to be consulted has been erased by Kiruna's unwillingness to demonstrate how new developments affect the reindeer husbandry. "In order to enable a consultation [...] the municipality is obliged to explain both the implications of the proposed plan and its consequences for the Sami villages" (Kiruna Consultation-report, 2018, p.92). The Sámi-villages are contesting the way that Kiruna is conducting "consultations". While consultations are framed as a neutral and democratic process by the municipality, in reality it is characterized by **unequal power relations** that are able to **silence Sámi voices** and perspectives (see power dimension 1 and 2 of Avelino 2021). The Sámi-villages' statements are furthermore testifying to situations where plans have proceeded without consulting the Sámi-villages *at all*, or where they have only been invited in a late stage where plans have already been established (Kiruna Consultation-report, 2018, p.83).

"[...] the municipality has neither consulted the Sami villages in line with international law nor consulted with us in line with the planning and building act. For this reason, at this stage of the process, we can only uninformed give certain preliminary and completely general views on the MCP [...] The Sámi villages underline that these observations cannot or should in no way be perceived as part of a consultation procedure" (Kiruna Consultation-report, 2018, p.89).

Lainiovuoma, Kōnkāma and Saarivuoma Sámi villages are here describing a scenario where they have been invited to “bring in their opinions” on an already constructed document (Kiruna Consultation-report, 2018, p.89). This is demonstrating how the lacking structure for constructing consultations in Sweden **enables a complete exclusion of groups from decision-making** (see power dimension 2 from Avelino, 2021). The MCP is concurrently framed in a way so that it appears that all affected parties have been consulted *prior* to all decisions. The MCP has managed to **hide conflicts** which appear first in the consultation-report. In line with Avelino (2021) and power dimension 3, the MCP process is framed as a **consensual process** but is in fact consisting of land-use **conflicts** that have been silenced by the municipality.

It is also evident that Kiruna municipality is not interpreting international law in the planning-process but ignores their obligation to consult with the Sámi as an indigenous people and thereby **limit their agency**. To consult is different from having a dialogue and would demand more from a decision-making process than merely *inviting* the Sámi-villages to participate (*see Appendix A*). International law builds on the principle of FPIC and in participation-terms that would oblige the duty-bearer to give away some of their decision-making power (Arnstein, 1969). The **rules-in-use** regarding indigenous rights could hence be characterized as soft as they are not enforced but have to be interpreted and used. Kiruna is hence using their **power to selectively enforce rules based on their preference** (see power dimension 2 of Avelino, 2021).

The majority of all Sámi-villages in Kiruna are demonstrating similar experiences. Hence that there is no possibility to influence the content of the MCP and that there is no structure to the “consultations”. The most recurring pattern was however regarding the **silencing of Sámi perspectives and presence** throughout the municipality. The Sámi-village Gabna are for example stating that the MCP is completely lacking understanding of how the reindeer herding practices are disturbed and that the MCP is not demonstrating any capacity to protect the Sámi-village’s right to culture (Kiruna consultation-report, 2018).

“Throughout the consultation documents, the Sami presence in the area today and throughout history is reduced or made invisible” (Kiruna consultation-report, 2018, p.82).

Despite the obligation to ensure the Sámi people’s right to full and effective participation in decision-making processes (*see appendix A*), the Sámi perspective is evidently being silenced

or reduced. The duty-bearers are not demonstrating the ability to listen but are rather **appropriating their participation** to legitimize the planning process (see Cooke & Kothari, 2007). To actively reduce the Sámi narrative is with reference to Spivak (1988) a form of epistemic violence where a dominant system of thought is allowed to silence more marginalized voices. Regardless of the intention with consultation, the **structure enables for power asymmetries to prevail** and inflict more dominant perspectives than others onto the planning-process (see power dimension 4 and 7 of Avelino, 2021).

Kiruna has responded to the Sámi-villages' statements by saying that none of these opinions have been mentioned during the three "consultations" that have been conducted during the planning-process (Kiruna consultation-report, 2018, p.82). A statement that speaks for the complexity in facilitating "meaningful" participation and the risk of exercising tokenism by people's mere presence at the table (Cooke & Kothari, 2007). Relating to the power dimension 6 by Avelino (2021), the consultation-process is **intentionally empowering** but consequently experienced as **disempowering**. The Sámi are assumed to be able to exercise their right to participate and influence matters by merely an invite "to the table" but without addressing or adjusting any unequal power relations surrounding such a consultation. Hence, the structure is enabling duty-bearers to **produce consensus by practicing "participation"** and give credibility to the decision-making process (see power dimension 3 of Avelino, 2021).

In contrast, there were no consultations conducted in Lycksele, nor any remarks on the MCP by the Sámi-villages. As stated in the MCP, the municipality's invitations to meetings were not answered and therefore there were no formal consultations conducted prior to the MCP. However, as stated by the MCP, different forms of dialogue have been constructed to complement lacking information regarding the Sámi-villages' land-use and their areas of importance. In my interviews with Lycksele representatives, one interviewee responded to this situation by explaining how they adapted the process and instead constructed specific dialogue meetings with each Sámi-village. "We have learned and I think that is what has been done wrong in history, to not have been willing to adapt" (Lycksele representative).

Another interviewee from Lycksele responded to the situation by highlighting that there are *various* obstacles for enabling participation. The process is very **resource-heavy** and the municipal structures are not always compatible with the Sámi-villages' work-load.

“The municipality tries to give influence, but one must also ask how much can the Sámi-villages take? Do you have the energy to fight for influence in every single issue?” (Lycksele representative).

It is evident that **the structure** for ensuring Sámi rights is **not enabling agency** on its own. The municipality is furthermore functioning within an institutional structure that is benefiting their procedures and objectives, while it might not benefit others. Even if the municipality is objectively willing to listen, they are still exercising **more power**, in terms of having more access to resources to spend on the planning-process than the Sámi-villages (see power dimension 5 of Avelino, 2021). A power asymmetry that is confirmed by the structure that enables their non-participation (see power dimension 4 of Avelino, 2021)

### **6.3 “We have contact with the reindeer industry as a business, not the Sami as a people”**

How then is it possible for “duty-bearers” to not include the Sámi in land management according to existing legislation? In order to answer this, I will mainly put focus on the (5) discourses and ideas underlying the planning process of land-use. In this section I will foremost refer to the interviewees’ responses.

When asking the interviewees in Lycksele and Kiruna what significance the Sámi-villages’ status as an Indigenous People have on the planning-process of land, the majority of answers were that **it does not have a significance**. “After all, it is such a limited part of the Sami people, an incredibly small part, that engages in reindeer husbandry, so I cannot say that we deal with ‘indigeneity’ in that matter” (Kiruna representative). The municipal officials instead continuously referred to it being a **democratic process** where everyone must be treated **equally regardless of identity**. “We must not distinguish specific ethnic groups or give advantage to a specific ethnic group in planning matters like that.” (Kiruna representative). This was a recurring pattern throughout the interviews and a statement that speaks for how the consultation-processes is overall characterized by a strong belief in the democratic process of giving everyone the equal right to speak.

“After all, we have contact with the reindeer industry as a business, not the Sami as a people [...] they are a land user simply like any other, like space scientists, or like the tourism industry”(Kiruna representative)

A framing that aligns with patterns of non-recognition, and relates to the Swedish equality ideals (Allard, 2018; Reimerson, 2016). As previously emphasized, Sweden is running the risk of having too much confidence in its legal democratic processes and instead being unwilling to grant anyone “special treatment”. The pattern aligns with previous research that confirms the Swedish unwillingness to acknowledge the Sámi people’s status as an indigenous people, or oblige to already established duties toward the Sámi (Allard, 2018; Inga & Klocker Larsen, 2019). To not recognize the Sámi as an indigenous people in land management is to **withdraw their right-holder status** and is limiting their agency. To instead view them as one of many land-users and frame reindeer husbandry as a business without cultural attachments, their right to be consulted as an indigenous people is ignored. The duty-bearers’ obligations toward the Sámi are furthermore made invisible. A pattern that shed some light on why Sámi interests are not more prioritized in the MCP than other land-user’s interests.

The concept of **equality** is in this case both a formal and informal rule. The municipalities are, according to the PBA, obliged to give everyone **equal opportunities to influence** the planning-process. But while applying this rule, the municipality is also disregarding other rules that are recognizing the Sámi-villages’ rights to be treated like an indigenous people with specific rights attached to all decision-making processes over land-use (*see appendix A*).

The equality ideals were furthermore identified as a recurring obstacle in interviews with Sámi representatives. One interviewee identified the idea of equality to be one of the core challenges for Sámi influence in decision-making processes. Both as it erases **the right to be treated differently** as an indigenous people, but also because of the feeling of already being *negatively* treated differently in planning processes.

“People think that if you just treat everyone exactly the same, then you haven't discriminated against anyone. And this is completely devastating when it comes to Sami issues because as an indigenous people and as a People you have the right to be treated differently [...] There is something of a paradox when you say you don't want to treat things differently, but somehow you do it unconsciously anyway”  
(Sámi representative)

While *equality* is regarding the principle of treating everyone the same without discrimination, the concept of *equity* is referring to fairness and justice in the distribution of

resources and opportunities, considering the unique circumstances of individuals or groups (See *UNDRIP*, UN, 2007). Focusing on equity is important when addressing the rights of an indigenous people as indigenous rights stem from an equity-based approach in terms of **recognizing and addressing historical injustices**, and thus redress those by designing policies and programs that are adjusted to specific needs of indigenous communities (UN, 2016). Hence, as historical discrimination and marginalization toward the Sámi have resulted in the loss of traditional lands, contemporary Sámi-rights aim to address that by promoting their right to influence land management.

However, as described by the Sami Parliament in interviews, these rights are “soft” and interpretive in character, and hence **dependent on the duty-bearers knowledge and political will** to oblige those duties. The current unwillingness to treat anyone differently is obstructing the Sámi from their status as right-holders and thus making their duties invisible.

“[...] positive discrimination is a tool, and you have to understand that when it comes to Sámi rights. That is the basis for the new consultation-law. We cannot have the same consultation process with Sámi-villages as with landowners or nature organizations. [...] You have to understand that this is a tool to correct an inequality that has been found unjustified” (Sami Parliament)

The municipality of Kiruna was not demonstrating any knowledge regarding how Sámi rights within land management could stretch further than the PBA. “It’s equal for everyone in our processes anyway. Because we see them as a business, not as if we are talking to an indigenous people” (Kiruna representative).

In terms of power are these actors' perspectives resulting in the Sámi losing their right-holder status and concurrently resulting in more beneficial conditions for other land-users. In a setting where everyone is given “equal” conditions for participating, land-users with **more power** are given the opportunity to “trump” Sámi interests (see power dimension 5 of Avelino, 2021). Regardless of the intention, the planning-process is not equal but characterized by power asymmetries that creates more and less beneficial conditions for agency. To withhold their status as right-holders furthermore makes it **impossible to enforce alternative outcomes** in land-management. If the Sámi were recognized as an indigenous people aligned with specific rights, it would have obliged the municipality to take actions to enable better conditions for participating and influencing decision-making processes.



This furthermore resonates with previous research regarding patterns of non-recognition (Person et al., 2017). Municipal representatives are not recognizing the Sámi as an indigenous people, and hence weaken their agency further within land management. The municipality is continuing their exercising of **power over** the Sámi and deepens the **dependency-relationship** between the Sámi and the municipality (see power dimension 5 of Avelino, 2021). The historically unequal relationship between the Sámi and the state are prevailing rather than being redressed.

There is a detectable difference between Lycksele and Kiruna regarding this aspect. Lycksele is demonstrating a higher level of awareness regarding their colonial heritage and the importance of adapting to the Sámi-villages' significant status and situation.

“It has taken somewhere around a hundred years to undermine the trust so maybe it won't take exactly 100 years to rebuild, but it is a huge process to rebuild trust between the indigenous population and “settlers” so that you sort of gain an understanding of each other's different views and interests” (Lycksele representative)

However, as brought up by one interviewee in Lycksele, the **structure** for land management is still **favoring industry interests**. When asking about the level of influence that is granted the Sámi-villages in decision-making processes, the overall answer is that it remains low. “[...] in 9 out of 10 cases it's the Sámi-villages who are forced to renounce their interests” (Lycksele representative). Regardless of Lycksele's adaptation around consultations, the possibilities to actually influence decision-making is still **constrained by the political will** within Lycksele and in Sweden. The possibilities for the Sámi to influence land-management is not selectively dependent on the municipality's recognition of their status, but dependent on the national political agenda and Sweden's level of (non)recognition. Regardless of the structure for participation, **the agenda for decision-making** is still the most central factor for enabling *influence* (see power dimension 2 of Avelino, 2021).

## **6.4 “We must double our energy production by 2030, you can't say no”**

A strong pattern throughout all the interviews with similarities in Kiruna and Lycksele, is the pressure to intensify development for the “green transformation” agenda. As I will demonstrate, these external pressures are also accompanied by internal conflicts regarding the

municipalities' future land-use. This section is thus intended to explore the (2) attributes of the community, relating to existing values and level of trust, (4) political-economic drivers and (5) discourses. This section is foremost based on interview-responses.

All interviewees from both municipalities and CAB, expressed a sense of hopelessness in challenging the **structural power** of expansive industries. When asking about the possibilities for the Sámi-villages to influence decision-making, the answer came back to the municipalities' **(in)ability to resist the increasing pressure** to keep the economic development up, which consequently is pushing the Sámi-villages further away from their land (see power dimension 4 of Avelino, 2021).

“It's a difficult issue to balance because it's very clear from the government's side, consultation law or not, there is quite a tangible pressure that ‘hey, we have to double our energy production by 2030. You can't say no’. And ... Yes, you understand the concern?” (Lycksele representative)

In contrast to the MCP of Kiruna and Lycksele, which framed new mining-activities or wind-power in a positive light, the interviewees framed new developments as an origin for conflict. Kiruna is in particular testifying to a **high conflict-level** and many difficulties relating to the increasing pressure on land. “There are huge conflicts and there is a lot that has to fit on a small surface of land. We didn't have that much land to start with“ (Kiruna representative). All the interviewees in Kiruna problematized the level of conflict and described land management to be very demanding. The County Administrative Board furthermore confirms that the conflict level in Northern Sweden is very high. “I've been working on these issues for 20 years and I've never seen anything like this [...] It's very difficult” (CAB representative).

However, the “duty-bearers” and “right-holders” are **problematizing** the conflicts from different standpoints. The municipality emphasizes their responsibility to oversee all interests, such as providing job security or building more housing, and rather stresses the importance of **solving conflicts**. “[...] the municipality has to find new land for developing more housing and then we directly end up in the areas used for reindeer husbandry” (Kiruna representative). The Sámi-villages are however framing the conflict as a means to protect their livelihoods and resist forced adaptation to new developments. A framing that was further confirmed from one of the interviews with a Sámi representative:

“It’s a very hard pressure and for the reindeer husbandry, the line was crossed a long time ago. The Sámi-villages around Kiruna have been forced away ever since the mine was established... Nowadays people are hanging on by a fragile thread” (Sámi representative)

While they are both problematizing the existing conflicts, the framing generates different solutions to the problem. The municipal officials are not problematizing the cause of the conflict but rather how it affects their work. On the contrary is the conflict from a Sami perspective a form of resistance initiated to address unequal access to land. In line with power dimension 3 by Avelino (2021), **conflict** is in this case rather an **emancipatory** act, in contrast to **consensus** that is working in an **oppressive** manner to silence Sámi perspectives. Conflict derives as a result of continuously having to move away and **adapt** to new developments and will likely continue until the municipality is open to adapt their way of land management. The forced **adaptation rhetorics** is overall inherent in the structure that indigenous peoples are forced to operate within. Aligned with previous research (Cooke & Kothari, 2007; Lindroth & Sinevaara-Niskanen, 2014), the institutional structure is enabling for power-asymmetries to prevail and is reproduced by the municipalities **power to set the agenda** for all planning-processes over land (see power dimension 2 of Avelino, 2021).

Consequently, conflicts are prevailing and continuously intensified as the pressure on land increases. The process of consultations is furthermore used as a way to mitigate disputes and **silence conflicts** rather than to engage in them and compromise. As emphasized by previous research (Cooke & Kothari, 2007; Merino, 2018), **participation should not be practiced in a vacuum** but rather be accompanied by political measures and structural changes. Kiruna on the contrary seems to continue on an expansive development route. “After all, the mine has always been prioritized over the reindeer husbandry” (Kiruna representative).

Altogether, the struggle over land-use is also entailing a struggle over what values are given prioritization. As stated in previous research, the economic-growth discourse is highly prevalent and obstructs other values to gain the same status (Person et al., 2017). Reindeer herding is not given the same value as resource exploitation but is rather framed as an **obstacle for economic growth**. One interviewee in Kiruna even stated that more consultations would only “give more room for special treatment that would slow down development” (Kiruna representative). A statement that demonstrates a strong

**non-recognition** for the Sámi-villages' status as an indigenous people, but foremost positions the reindeer-herding against development. This results in a framing of land-use conflicts to either result in indigenous rights or non-development and consequently **simplifies the decision-making process**.

However, it is evident that the local development is *not* altogether benefiting from an expansive politics, but rather are forced to inflict **co-existence ideals** on an already conflict-fueled area. All interviewees in both Lycksele and Kiruna confirmed the **urgency of more national guidelines** regarding what areas are important and how national interests should be prioritized in cases where they are incompatible. As of now, the national pressure is being boiled down to the local level where polarization is increasing:

“This must somehow rise to the highest political level [...] it is here that nature is destroyed and where the disturbances are, it is in Kiruna that polarization arises between groups because of this whole development. And then we are left with a municipality that cannot afford schools and healthcare. And that is a huge paradox“(Sámi representative)

In similarity with previous research (Bjärstig et al., 2020), this statement speaks for the **inability of local perspectives to be heard** within the greater planning-practices. The municipal structure is furthermore enabling for the **selective enforcement of rules**, as seen in how dominant actors are allowed to marginalize Sámi voices in the plan proposals (see power dimension 2 of Avelino, 2021).

The discrepancy between the MCP and reality is illustrating the municipalities' unwillingness to demonstrate for what it costs to create “a fossil-free and efficient economy” (Lycksele MCP, 2022, p.21). It is when contrasting the MCP to the consultation-reports and interviews, it becomes evident that there are **underlying conflicts** between groups and different perspectives on development (see power dimension 2 of Avelino, 2021). A conflict with underlying power-struggles regarding the ability to challenge or reproduce dominant development discourses. In line with previous research (Person et al., 2017) and power dimension 7 of Avelino (2021), it becomes evident that the **economic growth discourse** has a **normative power** constraining alternative discourses to gain power within this setting. A normative power that is deepened by the overall pattern of not recognizing the Sámi-villages

status as right-holders, but rather being seen as a small minority within the greater municipal context of land-users.

In sum, this section demonstrates how the external pressure of the green transformation agenda plays a central role for how Sámi rights are acknowledged within land management. However, these external pressures are intertwined with internal political-economic drivers and discourses surrounding land-use and indigenous rights.

## **6.5 “we will call a meeting a consultation just for ‘the record’ ”**

The following section will explore how Lycksele and Kiruna are discussing the new consultation-law and what implications it is expected to have on their work within land management. This will relate to the variable of (3) rules-in-use, and (5) discourses and ideas related to participation.

As previously presented, the upcoming consultation-law (2022:66) is taking effect in March 2024 for municipalities and is an effort to formalize the consultation-duty in decisions that may have a direct impact on Sámi language, culture, industries or status as an indigenous people. In contrast to the procedure of “samråd”, the consultation-law applies in cases where the Sámi are affected in ways that differ from the rest of the population and therefore rests on an **equity-approach**. It is the first effort in Sweden to distinguish the specific status of the Sámi as an indigenous people in decision-making processes. While the consultation-law is still considered weak and not aligned with international law or the principle of FPIC, it is argued to potentially have a **normative power**.

“The consultation-law is the first step and I actually think it can contribute to an acceptance toward the fact that the Sámi as a group should have special rights to a consultation. Much of it has to do with acceptance and recognition. With that comes the will to actually act” (Sámi representative)

As emphasized by another interviewee, the consultation-law is also intended to make municipalities demonstrate the *process* of a consultation. As stated in the consultation-law (*see appendix A*) the person obliged to conduct the consultation must document what has been discovered during the consultation, when and how the consultation was carried out, who participated and who made the documentation. Even while it is possible to conclude that no agreement has been reached, it is obliging the duty-bearer to actively recall for different

interests and take an active choice to dismiss Sámi interests if that is the political will. “The authority obliged to consult must document what has been expressed and *why* they have not been able to accommodate it or if they cannot do so. And that is also a *big* difference” (Sami Parliament).

As emphasized by the interviewee, the consultation law differs from the current setup where “consultations” lack structure and plan proposals can be submitted without including alternative perspectives. While the current setup is enabling a framing of win-win scenarios, the new consultation-law is intended to **obstruct the silencing of win-lose scenarios**.

When asking the municipal officials what they think will happen next with the new consultation-law, their response was not aligning with the above. They did not acknowledge it having important implications from a normative perspective, nor regarding a practical perspective for carrying out consultations in a more structured manner. The overall response from Kiruna and Lycksele was characterized by dismissing it as a “paper product”, but foremost that they already are carrying out consultations. In Kiruna, the important distinction between the dialogue-structure of “samråd” and consultations could not be accounted for. “Based on what I have read, I feel that what may happen is that we will call a meeting a consultation just for ‘the record’ ” (Kiruna representative). A statement that speaks for the risk of the new consultation-law not being interpreted and applied as intended.

With similarity to previous research regarding current implementation-gaps for Sámi-rights (Klocker Larsen & Raitio, 2019), the consultation-duty toward the Sámi is not acknowledged but rather appropriated by the process of “samråd”. The municipal officials are demonstrating confidence in the already existing **democratic process**, without acknowledging any specific rights or obligations attached to the process. “I don't see that we will do it any other way than we currently are, we will just add another party [Sami Parliament] on the receiving end of our meeting-invitations” (Kiruna representative). In line with Avelino (2021) and power dimension 4, the duty-bearers are here using their **agency to obstruct change** rather than to **enable** it. The consultation-law is not ensuring change on its own but is dependent on actors adopting it.

One interviewee in Lycksele stood out in their responses and highlighted the importance of a new consultation-law. The interviewee was however also mentioning that they were responding from a Sámi perspective as much as from a municipal standpoint.

“I think we have to educate ourselves within the municipality, teach officials what it means to facilitate a consultation, what it means to give influence and consult ‘as far as possible’. The municipalities are used to practicing “samråd” and consultations are something else, therefore there need to be made an educational effort” (Lycksele representative)

As expressed by the interviewee, the new consultation-law will also depend on the level of knowledge that exists within the municipalities in regard to what it means to *consult* with the Sámi. While there are opportunities for the consultation-law to have an impact on how the Sámi is perceived in terms of rights, the interpretive character is nevertheless dependent on the **actor’s (in)ability to transform the institutional structure** to enhance Sámi agency. As demonstrated through the analysis, **ideas and discourses** about land-use, participation and the Sámi might **obstruct change** and instead **reproduce the unequal conditions** that are currently limiting the Sámi-villages’ right to participate in, and influence, decision-making over land (see power dimension 7 of Avelino, 2021). The transformation potential for the consultation-practices is thus dependent on the duty-bearers’ actions within the system.

## 7. Discussion of key analytical findings

The following section will demonstrate some of my key analytical findings and discuss its meaning in connection to my research objective and questions.

As demonstrated through my findings, there are various *enabling and constraining factors for the Sámi to participate in and influence land management*. First off, the planning system in Sweden, circled around the MCP, is inherently problematic as it enables municipalities to produce plan proposals that ignore the Sámi-villages’ right to culture and traditional land-use. Neither Kiruna or Lycksele demonstrated any ability to consult with the Sámi-villages in a way that generated full and effective participation or any real opportunities to influence the agenda. The planning-system is altogether built on a participation-discourse, where plan proposals reach legitimacy through participation. However, these participation-efforts are evidently merely a rhetorical effort, seen to the discrepancy between Kiruna’s framing of intended land-use and how it is contested by the Sámi-villages. There is a detectable pattern of silencing in how the MCP have managed to produce a narrative of co-existence and exclude narrative that opposes that.

As highlighted throughout the analysis, the municipal planning process is furthermore obstructing the Sámi-villages from exercising their rights to land as an indigenous people. This can be explained by the soft and interpretive character of existing rules-in-use, but also the power to selectively enforce them. Participation is however exercised, but without addressing any power asymmetries or unequal conditions for agency. To engage participation between actors in a depoliticized vacuum is running the risk of creating a top-down approach and rather limits the possibilities for the Sámi to influence decision-making.

A risk that is exacerbated by the surrounding ideas and discourses that were identified throughout the interviews. Patterns of non-recognition could be identified in how the Sámi-villages' status as an indigenous people were ignored. A framing that is being confirmed by the system that enables and encourages an *equal* treatment of all "land-users". All while the current conditions for participation are not equal but have been constructed through times of colonial practices and politics. These are historical injustices that have not been adjusted, and current land management is still characterized by unequal conditions for agency and with enduring power asymmetries. Aligned with previous research, there exists a discrepancy between Swedish democratic ideals and the equity approach that is advocated for by international law and principles (Allard, 2018).

Differences detected between Lycksele and Kiruna demonstrate how differences in the institutional setting can have an impact on how these patterns play out. The external pressure for natural resources in Kiruna was also detectable in the interviews, as a strong internal driver behind decision-making. The economic growth discourse showed to be highly present and obstructed other values and perspectives to gain the same dominant status.

The identified enabling and constraining factors of this study has further demonstrated some implications for the upcoming consultation-law. While it is to some extent formalizing the procedural rights dedicated to the Sámi's specific position as an indigenous people, it is still dependent on political will and level of awareness in each institutional setting. While it might enhance the possibilities for a more structured participation-process, it is not promising as much in terms of influence. The local decision-making procedures are still governed by a higher political governance, which might intensify alongside the increasing interest for Sweden's natural resources. To be invited to "sit at the table" is not much worth when the most important issues are taken "off the table". To strengthen the consultation-duty without addressing structural issues is to foster the Sámi to exercise more agency and responsibility



without addressing the conditions for agency. The new consultation-law might rather reproduce existing power relations, and allow for dominant actors to continue governing the Sámi-villages' participation and constrain their influence over future land-use.

## **8. Concluding remarks**

To conclude, this study has demonstrated how Sweden's idea of co-existence between expansive industries and Indigenous Sámi rights do not align with real life experiences. In order for the new consultation law to enable the Sámi to participate in, and influence land management to a greater extent, the enabling and constraining factors accounted for in this research must be addressed and adjusted. The political intention to intensify the mining in northern Sweden will force the local and national level to address the incompatible interest to a greater extent than today. The responsibility that is currently put on the municipal level will have to be accompanied by a stronger national agenda, in what kind of sustainable development is desirable, and what Sweden is willing to pay for that agenda to be realized. As long as Sweden is not willing to give away any planning-power over land-use, the Sámi peoples' influence over decision-making is predicted to remain low.

Finally, I encourage future research to continue to analyze and challenge the procedures of consultations, which are predicted to continue as the default solution for mitigating conflicts over land-use.

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## Appendix

### A. Legislative overview of Sweden's ratified conventions, commitments and legislation, stating the right to participate and influence decision-making over land / protection of culture

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Indigenous and Tribal Populations Convention, of the International Labour Organization Convention, 1957 (ILO no.107).	Recognizes the rights of indigenous people to full and effective participation in decision-making processes that affect their rights, interests and well-being.
<b>Ratified by Sweden.</b>	
International Covenant on Civil and Political Rights (ICCPR)	Recognizes the right to culture including the traditional use of land. Hence, cultural protection is including material conditions and hence, reindeer husbandry must not be exposed to severe disturbances. Reindeer husbandry is considered to have protection under international law due to Sweden's ratification of ICCPR
<b>Ratified by Sweden.</b>	
United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)	Six articles in UNDRIP are establishing the rights of indigenous peoples to own, use and control land, territories and natural resources
<b>Sweden has voted in favor of UNDRIP</b>	
Framework convention for the protection of National Minorities (1998/99:143)	The Sámi have status as one of the national minorities, and hence, right to be consulted on national and regional development plans and programs that may impact the national minority.
Law on ethnic minorities (2009:724)	The minority law demands administrative authorities to give the Sámi as a minority group the opportunity to influence <i>matters that concern them</i> , and <i>as far as possible</i> , consult with the minorities on such matters. It states the obligation to facilitate a structured dialogue and take into account their views and needs in the decision-making
The Plan and Building Act (2010:900)	The Swedish planning system is built on this act, whereas the municipal level is responsible for planning the intended use of land and water within the municipal

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geographical boundaries. The Swedish planning system consists of the regional plan, the comprehensive plan, area regulations and the detailed development plan. All plans are to be preceded by a structured dialogue [“samråd”] where all affected parties are invited and given the opportunity to influence the plan proposal.

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The Municipal Comprehensive Plan (MCP) The municipality is obliged to present their intended use of land and water in the MCP; how individual and public interests, national interests and environmental standards are planned to be served. The reindeer husbandry is considered a national interest, as well as a public and individual interest. (Boverket, 2023b)

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The new consultation-law (2022:66) Swedish government, government agencies and municipalities (taking effect March 2024) are obliged to consult with the Sámi Parliament or Sámi representatives in decisions that may have a direct impact on the Sámi language, culture, industries or status as an indigenous people. It applies in cases where the Sámi are affected in a way that differs from the rest of the population. Consensus is not required but the consultations should be carried out in “good faith” and consensus should be sought. According to paragraph 12, the person obliged to conduct the consultation must document what has been discovered during the consultation, when and how the consultation was carried out, who participated and who made the documentation.

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## B. Interview-guide (english version)

THEME	EXAMPLE OF QUESTIONS
Contextual/practical information	<p>Can you describe the situation in [municipality] today?</p> <ul style="list-style-type: none"> <li>- conflict-level</li> <li>- existing land-use</li> </ul> <p>What is your experience of consultations?</p> <p>Under what circumstances are consultations arranged?</p>
How rules-in-use are interpreted and applied	<p>What is the purpose of a consultation according to you?</p> <ul style="list-style-type: none"> <li>- How would you describe a good/bad consultation?</li> </ul> <p>What do you consider important when deciding on how to manage land?</p> <p>Is there anything that distinguishes the Sami-villages from land-users within your process?</p> <p>What significance does the Sámi-villages' status as an indigenous people bring to the consultation-process?</p> <ul style="list-style-type: none"> <li>- As a minority under the Swedish minority-law?</li> </ul> <p>How do [the municipality] decide on what interests are prioritized over others in case they are overlapping? (e.g. mineralization and reindeer herding)</p>
How conflicting Sámi rights and land-use are <u>problematized</u>	How do you experience the process of weighing different national interests against each other in the land management process?

	<p>What is the biggest problem today in regards to land-use conflicts?</p> <p>How would you assess the level of Sámi influence in the process of land management?</p> <p>How would you assess the possibilities to influence the issues being addressed in consultations?</p> <p>To what extent do you experience the municipality being capable of deciding how conflicting land-uses are to be prioritized?</p> <p>How would you assess the municipality's ability to assess how the reindeer herding is affected by e.g. mining?</p>
Upcoming consultation-law	<p>What do you think of the new consultation law? How/if will it change your working-process?</p> <p>What issues will be affected by the new consultation-law?</p>
Other	<p>What do you think would have to change for the “situation” to get “better”?</p> <p>Is there any aspect of this that you think is important for me to be aware of that I have not already asked about?</p>

### C. List of interviewees

1. Lycksele politician (pilot)
2. Kiruna politician (pilot)
3. Kiruna municipal official
4. Kiruna municipal official
5. Lycksele municipal official
6. Lycksele municipal official
7. County Administrative Board member (northern region)
8. County Administrative Board member (northern region)
9. Sami Parliament
10. Sami Parliament
11. Sámi representative