Administrative Transfers by Settler Colonial States and Their Subjugation of Native Populations' Land Use

A study on mechanisms of settler colonial states in Sweden and Canada during the second half of the nineteenth century

By

Cajsa Sjölin
sjolincajsa@gmail.com

This thesis examines how administrative transfers by settler colonial states in nineteenth-century Sweden and Canada contributed to the subjugation of indigenous land use. Using qualitative analysis of historical documents and legal sources, the study reveals the pervasive presence of administrative transfers and their implications. In Canada, the study highlights the imposition of non-physical boundaries on indigenous identity and the hierarchical power structure that reinforced settler control. Similarly, in Sweden, regulations on Sámi peoples' practices and land distribution marginalized indigenous sovereignty. The findings underscore the multifaceted nature of settler colonialism and its objective of removing indigenous populations. The study emphasizes the need to address historical legacies, land rights, and indigenous sovereignty, and the research provides valuable insights into the mechanisms of settler colonialism and their associated alienation of indigenous peoples.

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1. Introduction

Interactions between indigenous populations and settler societies have historically as well as currently evolved through complex social and political patterns, with foundations and mechanisms that are still being debated within the scholarly field. The extent and effects of processes put in motion hundreds of years ago remain difficult to grasp, but are therefore also irrefutably important to study. This thesis will attempt to explore such patterns in order to identify functions of settler colonialism, notably through the concept of administrative transfers, as well as to what extent such transfers contribute to the subjugation of indigenous populations' land use. Subjugation, in this contect, refers to the domination and control by the settler collective, whereas land use is implemented as a broader term for interactions with the lands, through for instance natural resource management, maintenance, animal keeping, as well as distribution of lands for residency. The concept of transfers, which will be presented more thoroughly in the section regarding theoretical frameworks, will be a cornerstone of this thesis and can be defined as different ways of removing indigenous peoples from the settler colonial context, through for instance physical displacement, incarceration, assimilation, or extermination (Veracini, 2010). Administrative transfers, which are the specific type of transfer that will be applied to the analysis of data through my work, can be described as non-physical displacement and alienation of indigenous peoples by administrative branches of the settler collective - such as through laws and regulations. The theoretical concept of settler colonialism has been extensively explored in scholarly literature, often taking a country-specific approach to delve into the historical trajectory and provide detailed examples of settler colonial developments. Alternatively, broader studies encompassing entire continents or larger regions aim to highlight overarching principles of settler colonialism with less emphasis on individual countries. In this study, the focus will be on two specific countries, Sweden and Canada. This approach allows for the examination of country-specific examples and the identification of distinctions within each context, while also enabling the drawing of broader conclusions about the nature of settler colonialism.

1.1 Aim, scope, and research question

The aim of this study is to examine the relationship between legislative cornerstones regarding indigenous peoples' land use and the subjugation of their land within the context of settler colonialism. The focus will, as stated, be on two specific countries - Sweden and Canada - using qualitative analysis of official transcribed government documents from the second half of the nineteenth century. The analysis aims to highlight the dynamics of settler colonialism within Sweden and Canada during this time period, and the findings will be discussed in terms of their implications for these countries' positions as settler colonial states, through for instance the intentions behind implementing administrative transfers and the perceived benefits of such actions. It is important to note that the analysis does not attempt to provide an account of

indigenous perspectives or the effects of these policies from their standpoint, but rather focuses on the settler states' viewpoint and its connection to the theoretical framework and literature. Overall, this study seeks to contribute to the understanding of settler colonialism both as a theoretical concept and in its presence in Sweden and Canada by examining the historical acts and laws that embody administrative transfers and their implications for the subjugation of indigenous peoples' land use during the specified time period.

Consequently, my research question and related sub-question follows:

- *To what extent has administrative transfers by settler colonial states contributed to subjugation of native populations' land use in Sweden and Canada during the second half of the nineteenth century?*
- *Can parallels be drawn between the situations of the two countries?*

1.2 Outline of the thesis

To outline the structure of my work, the thesis will continue with section two which presents the contextual background of the respective situations in nineteenth-century Sweden and Canada. The following third section will constitute the literature review, which will build on the circumstances discussed in the introduction and background sections with relevant scholarly work relating to my research question. The fourth section presents the theoretical framework of settler colonialism and administrative transfers applied in this study, and the fifth section presents the data that has been collected. The sixth section accounts for the methodological procedure which will be used to fulfill my research aims, whereas the seventh section constitutes the analysis that has been executed. The eighth and final text section of this thesis presents the conclusions drawn from the analysis.

2. Background

When Canada conjoined as a nation in July of 1867, it was after years of gradual enactments by the European powers, finally resulting in the formation of the British Crown’s Dominion of Canada (Watson, 2010). Although not all provinces which currently are part of modern Canada were part of this Dominion, it represented a new paradigm for British governance in North America. Along with this event, of course, came widespread legislative foundations for the newly established British-Canadian society - completely sweeping aside the social, cultural, and political values of the indigenous populations who had inhabited the lands for millennia (Harring, 1998). Although some degree of indigenous approval was obtained for the settlements upon the lands through treaties in some regions of Canada, in the majority of regions there were no noted instances of agreements between settlers and indigenous populations (McNeil, 2004).

The second half of the nineteenth century encompassed multitudes of legal and political frameworks across institutional bodies of the newly established Canada, such as the British North America act of 1867, the Supreme Court Act of 1875, and the Indian Act of 1876. The legislation pertaining to indigenous populations land rights was still in parts of Canada completely disregarded, where local officials still relied on the *terra nullius* doctrine, which translated from Latin means "nobody's lands", and thereby ignored all notions of indigenous rights to land use (Watson, 2010). With the establishment of the Civilisation of Indian Tribes Act in 1857, the settler state aimed to assimilate indigenous peoples through the narrow parameters of settler Canadian society, which encompassed for instance practice of Christianity and labor duties (Bartlett, 1977; Harring, 1998). This in the end became a failed attempt of assimilation, as it merely entitled indigenous peoples to an inferior legal status which entailed lesser forms of protection from the state compared non-indigenous peoples, and still required prolonged training for the responsibilities of Canadian citizenship (Harring, 1998). These social and legal contexts in the newly-established Canada set the scene for the comprehensively deep marginalization of indigenous peoples and societies which will be analyzed in this thesis.

Simultaneously on the other side of the Atlantic Ocean, the Swedish Crown was developing legislative grounds for divisions of lands in northern Sweden, lands originally belonging to the Swedish indigenous population of Sámi (Mörner, 1982). Prior to this, during the early modern period, the metal industries in Sápmi were intertwined with a colonial narrative that positioned the Sámi and their land as valuable assets for the Swedish Crown and the industrialists it supported. This comprehensive approach encompassed various aspects such as trade regulation, taxation, religious influence, and the assessment of natural resources. Additionally, the initial descriptions of the Sámi people served as a means to further connect the Sámi regions to the Swedish Crown, reinforcing the overall process (Ojala & Nordin, 2015). With ideas of social darwinism later manifesting among Swedish peoples and institutions during the nineteenth century, the progression of legislation relating to Sámi livelihoods and lands grew wider and more distinctive, and several key laws and acts were implemented, compromising the rights of Sámi people (Beach, 1986). Although interactions between the Swedish state and Sámi peoples had been occurring for centuries, it was during the mid nineteenth-century that the Swedish state began implementing more methodical and persevering methods of settlement upon Sápmi (Mörner, 1982; Ojala & Nordin, 2015). The second half of the nineteenth century accounted for especially eventful years of administrative shifts pertaining to indigenous populations in both Sweden and Canada, with numeros foundational laws and regulations (Watson, 2010; Beach, 1986). Since the theoretical approach chosen for this purpose is through the concept of administrative transfers, a logical choice is therefore to study a period during which the bulk of the countries' administrative backgrounds towards indigenous peoples were established. Furthermore, as this thesis aims to establish patterns of settlers' subjugation of indigenous populations' land use, focusing the research on legislative grounds presents a viable and relevant option for deeper reflection and should give opportunity for coherent interpretations and analysis.

3. Literature Review

The following section is meant to present relevant literature to the research question, especially connected to how my research question may have been answered in the past. This will act as support to build substance for my analysis in later sections, and provide background of the academic developments and standpoints previously put forward within the field of settler colonialism and indigenous land use of Sweden and Canada. Proceeding from the contextual information provided in the section above, the literature brought up throughout this section is less focused on explaining the circumstances of the time period that my work relates to, and is rather included with the intention of introducing different angles to the topic of my research question.

3.1 Sweden as a settler colonial state

One aspect of the literature related to this topic that needs to be evaluated is the academic discourse on whether the Swedish Crown's advances on Sámi lands can be regarded as settler colonialism. Although Sweden is commonly recognized - at least within the academic field - as a colonial state, partly because of its control over St. Bartélemy in the 18th century, its endeavors in Sapmí have not always been labeled settler colonialism (Fur, 2013). In order to highlight the previous discourse regarding Sweden as a settler colonial state in Sapmí, this section of the literature review will focus on the developments within the field.

Categorizing the Swedish Crown's strategy and actions toward Sapmí as colonization has relatively recently become standard, and its extent is still discussed. Additionally, the sources available often recite encounters between colonizers and native leaders, but seldom through a critical lens. There are however some scholars whose work includes research in a broader perspective, one noteworthy being Magnus Mörner. His 1982 journal article, published in the Scandinavian Journal of History, was among the first to label the occupation of Sápmi by the Swedish crown as colonization in academic contexts. Furthermore, his work was conducted to be relatable to similar situations elsewhere in the world for future research, ensuring that the scope of his work aimed to reach wider than only the situation of Sámi populations explored in the article. The analysis focuses on the step-by-step occupation of Sápmi in the late seventeen-hundreds, compared to the American historian Frederick Jackson Turner's 1893 model of settler colonization. Mörner (1982) argues that Norrland could be seen as a frontier in the same way Turner had proposed North America was at a frontier of "free land", neglecting the native populations already inhabiting the areas, and thus explaining the rhetoric of states allowing new waves of settlers to continually occupy native lands. He further addresses the difficult circumstances for agricultural developments and cultivation of export goods in Norrland, both due to its remote location and thereby expensive transportation costs, as well as its environmental prerequisites. Based on this, he concludes the first colonial settlements by the

Swedish Crown in Norrland to be aimed towards self-sufficiency rather than commercial interests, which, as will be discussed in the analysis, embodies typical settler colonial workings.

His work is further referenced by for instance Swedish history professor Gunlög Fur, in her 2013 chapter on connections between colonization of Sapmí and North America. Fur's 2013 publication marks several important aspects to this topic, as she builds on the idea Mörner brought forward of Swedish colonialism in Sapmí. Fur (2013) proclaims that despite some sound arguments negating Sweden as a colonizing power in Sapmí, the pattern of occupation in the area and the reasoning behind it echoes that of colonial character. She compares the process of occupation in Sapmí to that of the 17th-century New Sweden colony, located by the Delaware River in the United States, which both encompass similar characteristics of for instance gradual settlement with the ambition to establish new communities. The point of this is to illustrate the contradiction of undoubtedly labeling New Sweden a colony, but remaining hesitant to do the same towards Sapmí, as a way to expose the underlying element which here is Swedish self-claimed benevolence, and the long-lived desire to be a neutral and "good" country. This is something which will be touched upon later as it is a recurring theme for both Sweden and Canada, historically as well as contemporarily, often brought up adjacent to comparisons with "bad" other countries, perhaps as a way to justify the countries' own agency. Ultimately, Fur's work does not aim to determine whether or not Swedish expansion in Sapmí should be labeled colonialism, but rather to raise the idea of that possibility and further the discussion on the matter.

To the contrary, some scholars such as Rauna Kuokkanen put no doubt on Swedish status as a colonial state. Rauna Kuokkanen's work centers on arctic indigenous populations and settler colonialism, making it a relevant qualifying secondary source to the analysis I intend to engage. Kuokkanen (2020) argues that regulations on salmon fishing along the Deatnu River - located by the border of Finland and Norway on Sapmí land - is a function of Nordic settler colonialism. Her approach towards Swedish expansion in Sapmí is more distinctive than that of Fur (2013) as she fully supports labeling it settler colonialism, based on analysis of the Deatnu Agreement of 2017 through the lens of settler colonialism and its transfer mechanisms. Although this agreement is a recent one rather than one from the time period relevant for my work, Kuokkanen (2020) discusses the history of Sámi and Swedish settler relationships, outlining the background which has led to the 2017 agreement that the article is focused on. She states that in order for settlers to gain access to land and resources, indigenous populations need to be progressively removed, stating that there are several ways of doing so; including incarceration, execution, exclusion, or assimilation. This is referenced from Lorenzo Verancini's work on settler colonialism, which also is the theoretical framework used for this thesis, making it relevant for this section as it highlights other scholars' ways of interacting with the same theoretical framework. Kuokkanen (2020) applies two forms of transfers to her work; transfers by coerced lifestyle change, and administrative transfers, the latter of which is the same as I intend to apply to my work. Transfers by coerced lifestyle change relate to the erasure of indigenous social and political structures and practices, whereas administrative transfers, as described earlier, relate to

the alienation of indigenous peoples rights through settler colonial administration - legislation, for instance. The regulations on fishing in the Deatnu River, with the earliest agreement set in 1873, have gradually prohibited Sámi people from using traditional fishing techniques and shifted control of the area towards external authorities. Kuokkanen (2020) implies that this is a form of exclusion, which has been recurring in Sapmí by the Swedish, Norwegian and Finnish states. Despite the Swedish state for a long time seeking to protect Sámi livelihoods by prohibiting settlers from occupying their land, increasing interests in Sápmi's land and resources eventually led to a gradual shift in ownership towards the Swedish state. On this note, Kuokkanen (2020) also points out the inaccuarcy of not labeling this process as settler colonialism based on the fact that some Sámi populations also settled to pursue small-scale farming - in most cases, there were no other ways of ensuring any rights to the lands. These types of administrative and lifestyle-coercing transfers targeting Sámi societies, she argues, represent a clear link to settler colonial ambitions of controlling indigenous peoples' engagement with their surroundings and within their communities. Although her article is brief, it attempts a similar method as will be applied here, although without the more extended analysis of interactions between the literature, theory, and data. Additionally, Kuokkanen (2020) approaches the subject with more weight placed on indigenous sources, for instance quoting Sámi people, to demonstrate the direct effects that transfers have on indigenous communities. Since the agreement discussed throughout the article is very recent, it is possible to gather such sources, as opposed to the situation for this thesis. Incorporating direct indigenous perspectives as Kuokkanen (2020) does make for clearer connections to be drawn between the theoretical framework and data, as the other side of the story is uncovered without biases from settler-based sources, but is also an ambitious undertaking, as it is difficult to fairly account for an indigenous perspective whilst still basing the work on settler-centering theoretical frameworks such as Veracini's. This will be discussed further in the data and methodology sections, with regard to my approach to this issue.

3.2 Land use rather than property rights

Turning instead to the topic of indigenous peoples' engagement with their natural surroundings, it also constitutes another key concept for this thesis. Indigenous land use is fundamentally different in character than settler ideas about lands, which marks an important distinction in regard to the phrasing in the research question. Rather than referring to the relationship between people (in general) and lands as for instance "property rights", which is heavily influenced by European-settler notions of ownership and private property, the term used is "land use", which has a more neutral background and doesn't imply that lands are to be owned (Nadasdy, 2002). This dynamic is something further discussed by Paul Nadasdy in a 2002 issue of the American Anthropologist, as he brings up indigenous peoples' perplexity towards having to discuss land and animals only through the lens of Euro-American ideas about property rights and ownership. Nadasdy addresses the difference of indigenous populations' relation to their natural surroundings, which was of communal nature as opposed to the Euro-American notion of private

property - indigenous lands in Canada prior to European settlements were owned by no one. Although certain groups or people had stronger connections to some areas which might have given them moral claim to an extent, indigenous populations had no way of relating to European notions of land ownership. This of course allowed European settlers to claim land rights favorably, which enabled them to withhold such rights from indigenous peoples on legislative grounds until centuries later, when indigenous Canadians received constitutional title protection. Throughout the article, Nadasdy (2002) also underlines the hesitant adoption of Euro-American property rights rhetoric by indigenous populations. As it likely was the only way of protecting their communities, they had to pursue a completely foreign view of lands and animals in attempting to make claims in the Euro-Canadian state. Nadasdy's (2002) work adds context to the previously addressed sources, as it highlights the contrasting outlooks on natural surroundings, and how the settler collective were able to utilize this to further extend their ownership and control of indigenous lands and resources.

3.3 The "liberal" settler state

Another scholar whose work relates to the research question at hand is Sidney Harring, with the book "White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence" (1998). It presents a broad exploration of interactions between indigenous populations and British colonial lawmaking in Canada, with sections split by legal developments in different provinces or areas, and noteworthy cases investigated throughout the chapters of the book. One concept that he returns to is that of "liberal treatment" of indigenous peoples by the British Crown, which was commonly believed to be true among the settler collective. Compared to the disorderly and ruthless treatment of indigenous populations by the settler state in the United States, Canadian settlers believed themselves to be liberal in the sense that they were committed to the rule of law, respected treaties, set aside lands for indigenous peoples to inhabit and were trying to build a well-functioning society based on non-violence. As Harring (1998) explains, this idea of liberal treatment was largely contradictory, and represented a glorified version of the reality which was more so that Canadian settlers viewed their treatment of indigenous peoples as liberal "in comparison to the United States".

Harring expands further on the topic of liberalism and the contradiction of Canadian settlers embracing this term, as the term "liberal" at its core implies equality, and individual autonomy and freedom. Indigenous peoples would, theoretically, be able to be part of that liberal idea, as long as they followed the laws of the settler collective and became enfranchised, which however essentially also implied that they would stop being indigenous. Another example of this type of contradiction brought up follows; "a policy protecting indigenous people from exploitation also kept Indian farmers from selling their produce and stopped Indians who had been voting from exercising that right of citizenship", symbolizing the counterintuitive nature of British-Canadian legislation regarding indigenous peoples. It is also discussed what this "liberalism" was tied to and to whom it was assumed to apply - merchant Richard Cartwright Jr., quoted; "To what is to be ascribed the present state and improvement and population in this

country? Certainly not to its natural advantages, but to the liberality which Government has shown towards the loyalists who first settled it" (Harring, 1998). With this, it is implied that peoples of the settler collective were those who should enjoy the free lands and partake in the new society that was brought by this liberalism, whereas the very same liberalism merely entitled indigenous peoples to remain on the lands in outer perimeters of society. This clear injustice and contradiction of the very meaning of liberalism was not seen as such, as the treatment of indigenous populations by the Canadian settler state was persistently compared to that of the United States, and therefore excused and often even labeled "benevolent" (Harring, 1998). This discourse brings up interesting points to analyze in later sections of the text, through the theoretical framework of settler colonial structures and administrative transfers.

4. Theory

This section outlines the theoretical framework used to analyze the collected data. It consists of five subsections that form the basis of my analysis. The first subsection introduces the scholar and book where this theoretical framework stems from, and the main ideas of it to present a basic overview of the theoretical setting and context. The second subsection builds on the author's main idea of what distinguishes settler colonialism more specifically, and the third subsection focuses on the concept of transfers, which is the broader idea of the key theoretical element for this thesis. The fourth subsection addresses relevant critiques of the framework and discusses how these criticisms are acknowledged in my work, and the fifth and final subsection presents the central theoretical concept which will be applied for analysis in later sections: administrative transfers.

4.1 Main theoretical source

The main points of theoretical analysis that will be applied are based on mechanisms of settler colonialism, and, more specifically within that realm, administrative transfers of indigenous peoples by settler colonial states. The concepts and ideas brought up in this section are based on historian and professor Lorenzo Veracini's book titled "Settler Colonialism: A Theoretical Overview" (2010), which has been widely cited and remains highly regarded within the field. The book is divided into four sections, each covering different theoretical implications which collectively make up a comprehensive framework of settler colonialism. For the purposes of this thesis, the main section that will be referenced is that on population, where Veracini (2010) discusses different types of transfers of indigenous peoples by settler colonial states, as a way to highlight the key element to settler colonialism which is an inevitable removal of indigenous populations. The overarching aim of his book, which is important to grasp in order to properly recognize the more narrow lines of argument, is not to present a complete narrative of settler colonialism or the trajectory for that of any specific location - but rather to distinguish settler

colonialism as a specific formation that should be studied aside from other modes of colonization.

4.2 What distinguishes settler colonialism?

Veracini's discourse on settler colonialism as a separate subject to other modes of colonialism rests upon the premise of land being at the heart of settler colonial objectives, rather than monetary gains from resources or labor. Often quoted throughout the book is Patrick Wolfe (1998), who on this subject asserted that the dominant feature of settler colonization is "not exploitation but replacement", and that this is especially important to note in regard to the situation of indigenous populations, as the implicit aim of settler colonization therefore becomes to eliminate them. Indigenous peoples challenge the settler body with their mere presence, as opposed to exogenous others often brought to perform labor for the settler collective, as they delegitimize settlers' identity as original residents of the lands, and are therefore heavily subjected to removal strategies by settlers. The perseverance and undetectability of these strategies are also an important and distinctive function of settler colonialism. To quote Veracini (2010); "Settler colonialism obscures the conditions of its own production"; violence and ruthlessness towards indigenous peoples, which is an inevitable element of settler colonialism, is diffused, masked, and blamed on others.

4.3 Transfers rather than removal

The second part of the first chapter of Veracini's book builds on the previous sections, and presents an extensive list of different types of "transfers". As described in the introduction, these are systematic ways of essentially removing indigenous peoples by the settler collective through various measures, including extermination, expulsion, incarceration, containment, and assimilation, or combinations of these. Veracini (2010) notes that the use of the term transfer, rather than removal, for instance, is more appropriate as it encompasses more flexible use, which is needed since many types of transfers aren't directly aiming to physically remove indigenous peoples - again, settler colonialism is systematic and its mechanisms are by nature difficult to pinpoint. Since the undertaking of a settler colonial project is based on the idea of establishing a new, ideal society where the settlers become the native owners and residents of the claimed lands, an inherent aspect to it becomes the removal of the people actually indigenous to the lands, as mentioned in the sub-section above. The intention of implementing one or several types of transfers is therefore to resolve the issue that indigenous peoples represent to the settler collective's process of establishing a prospective settler project.

There are 26 different types of transfers listed, which are deployed by the settler collective towards indigenous populations based on circumstances and specific needs. It is also important to note that these transfers seldom operate on their own, but are rather usually enacted in combinations and often overlap and change over time depending on context and needs from the settlers in question. Some are more offensive and others less so, and different transfers are

deployed by different sectors of the settler collective - the state may utilize one type of transfers, and missionaries another. The one prevailing objective is to displace, physically or conceptually, indigenous peoples from the lands which the settler collective has claimed right to. In choosing what would best suit the research conducted for this thesis, several types of transfers were considered before administrative transfers were decided upon as the main theoretical anchor, as many could be applicable to the situations in both Sweden and Canada - transfer by assimilation, for instance. In this type of transfer, indigenous peoples are "uplifted out of existence". It does not imply physical displacement but rather refers to status shifts, where indigenous peoples for instance would be granted citizen rights based on conforming to settler societies, thereby ceasing to be indigenous and consequently being removed per definition (Veracini, 2010). This transfer is however more connected to the dynamics between settler and indigenous lifestyles, and would require a more thorough portrayal of these differences in order to convey a balanced analysis, which would be a more comprehensive task than what I aim to address in this thesis.

4.4 Relevant critique

Continuing on the topic of dynamics between settler and indigenous lifestyles, it also represents something that Veracini's work has been criticized for by other scholars. In an article of the journal Postcolonial Studies by Jane Carey and Ben Silverstein (2020), the current discourse on settler colonialism and how it has evolved is depicted from another angle. Scholars such as Veracini and Wolfe, who have received persistent praise for their extensive and nuanced work on settler colonialism and have held key titles within the academic field, are questioned for their overshadowing of indigenous resistance and agency. It is argued that whereas indigenous peoples are included, they are not centered, and their histories and experiences are put aside for settlers and their practices to instead represent the core of the theoretical framework of settler colonialism. Whereas some have argued that an option to adjust this narrative imbalance could be to exclusively focus on settlers whilst conducting studies within the field of settler colonialism, so as to not infringe on indigenous scholarship on the matter, but as stated in the article, this would simply translate as another form of indigenous elimination. Instead, indigenous scholarship on this field is urged by the authors to be centered to create a more diverse picture. Although this account is completely justified at broader levels of the topic of settler colonialism, the parameters for this thesis are too narrow to accommodate a just inclusion of such scholarship. Furthermore, it would be better suited for other types of transfers - such as transfer by assimilation, as described above - where the transfer itself is based on deeper analysis of indigenous agency compared to that of the settler collective. This, again, is why administrative transfers best suit the purpose and scope of this thesis.

4.5 Administrative transfers and their relevance

To explain this further, Veracini's (2010) idea of administrative transfers needs to be examined. The main principles that distinguish administrative transfers are that they are based on settlers'

claimed authority to “draw and enforce administrative borders”, meaning that this type of transfer also is not one that necessarily displaces indigenous peoples physically, but rather through laws and regulations (Veracini, 2010). Administrative transfers can be seen deployed through for instance redrawing borders and territorial regulations, shifts in legal principles, and decision-making by state entities that alter indigenous status and belonging, all to an extent where indigenous peoples become marginalized through branches of the settler government body. This type of transfer may be more easily identified for anyone familiar within legal and administrative settings, but is more difficult to spot for people without foundations within legal academia - which represents another key mechanism of it, as it was strategically used to be unapproachable for indigenous peoples who, at the time that this thesis concerns, mostly had little or no experience of it. Administrative transfers frequently intersect with transfers by assimilation, described above, however the former were more directly targeted to gain control over lands and peoples, whereas the latter remains more difficult to identify and worked in more indirect and intricate ways. This difference pinpoints my reason for choosing to apply administrative transfers to my research and not transfers by assimilation - as discussed above, attempting a study with transfers of assimilation at its theoretic core would require more comprehensive work to adequately identify and discuss the intricacies of that transfer, and even more so to balance the accounts of the settler and the indigenous, which is beyond the reasonable scope for this thesis. Administrative transfers are more easily identifiable through data, as archives of administrative records such as laws, regulations, and court cases - which despite their biases mostly are representative for analyzing this type of transfer - often are stored and available to collect. Because of this, administrative transfers are usually also more manageable to analyze for drawing conclusions on their subjugation of indigenous peoples’ land use, as the main data sources as described have been written in structured manners with the intention of being clear and thorough.

5. Data

Throughout this section, I will list the relevant data that will be used for analysis and evaluate the reliability, representability, and validity of the sources, as well as discuss their origins and significance. The data that I have chosen to work with are official transcribed government documents from Sweden and Canada respectively, including laws, regulations, acts, and amendments from the time period that is concerned. I have chosen to use a qualitative approach to collect and present the data, as this best suits my aims. Furthermore, to remark on the time frame of these documents - they were as stated earlier all originally established during the second half of the nineteenth century, which was a significant time for legislative undertakings regarding indigenous populations in both Sweden and Canada.

5.1 Data sources and origins

The data relating to Canadian legislation is drawn from the Government of Canada's publications, retrieved from their official website, and is a full copy of the Indian Acts and Amendments, 1868-1975, volume eleven of the Consolidation of Indian Legislation, transcribed to the current format in 1978 by Gail Hinge under contract to the Department of Indian and Northern Affairs. With regard to the data regarding Swedish legislation, the documents chosen are gathered from the Swedish Government's official website, which I have been able to access from their openly available archive. The data is represented by two separate legal documents from Sweden, and four separate acts compiled into one collective document from Canada, together providing six different legislative sources, all from different years during the second half of the nineteenth century. In order to make the Swedish legal documents accessible for the English-speaking readership, I have personally undertaken the task of translating the original texts. As a native Swedish speaker with sufficient understanding of legal terminology in both languages to adequately translate these documents, I have aimed to ensure the accuracy of the translations. While the translations have been thoroughly researched and conducted, it is important to note that some legal terms and concepts may have been adapted to reflect their closest English equivalents, taking into consideration the specific context of the documents. The translated versions presented in this thesis, included in the appendix, serve as an aid to the reader, facilitating comprehension and analysis of the original Swedish legal documents.

These documents were some of the first and most broad-reaching primary representations of settler states' aims to control and restrict indigenous peoples' livelihoods, especially with regard to their land use, through regulations on animal keeping, maintenance of lands, natural resources, and land distribution for indigenous communities to live on. Although documents of previous legislation on this topic also is available and interesting for context, the documents I have chosen are more compiled versions of those, published by the settler states with the intention of representing foundational sets of legislation regarding indigenous populations during this significant time period - when Canada had just conjoined as a country, and Sweden had fully established themselves within Sapmí. The documents that will be used follow;

From Canada:

- *Consolidation of Indian Legislation. Volume 11: Indian Acts and Amendments, 1868-1975*, transcribed and issued 1978
    - *Chapter 42: An Act providing for the organisation of the Department of the Secretary of State of Canada, and for the management ofIndian and Ordnance Lands*, issued 1868
    - *Chapter 42: An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42*, issued 1869

- *Chapter 18: An Act to amend and consolidate the laws respecting Indians*, issued 1876
- *Chapter 27: An Act to further amend "The Indian Act, 1880"*, issued 1884

From Sweden:

- *The Royal Majesty's gracious Statute (1873:26) regarding division of property in Västerbotten and Norrbotten counties' Sámi lands*, issued 1873
- *Law regarding the Swedish Sámi's right to reindeer grazing in Sweden*, issued 1896

5.2 Biases and representability

As this data is all written and published by non-indigenous members of the settler states in Sweden and Canada, it is undoubtedly biased toward the needs and perceptions of them. This data cannot and is not intended to be used to represent experiences that indigenous peoples endured during this time, as it is not from an indigenous point of view - it is rather from the opposing point of view, from the people who whose intention was to "in different ways remove", to reference Veracini (2010), indigenous peoples. These documents capture a settler agency which is relevant and representative to study for the aims of this thesis, as the intentions are to analyze patterns of settler colonialism through administrative transfers within the settler sphere, rather than from an indigenous standpoint. Attempting to do the latter would not be feasible with these data sources, since, as mentioned, the biases are inescapable and would therefore make the sources unrepresentative - furthermore, a project like that would require more diversified sources and alternative methodologies, as well as more time in order to adequately represent such an account, as most available data from the time period originates from the settler collectives.

6. Methodology

Since the research gap that is intended to be targeted with this study is the relationship between legislative cornerstones regarding indigenous peoples' land use and their respective subjugation of it, more nuanced interpretations and methods will be needed. Because of this, I have chosen to use a qualitative approach to analyze the data gathered for this study as mentioned in the data section above.

The way that this thesis is intended to unfold can be mapped out by a few pillars to build its framework. Two terms are essential to this: *subjugation* and *land use*. *Subjugation* is meant to refer to domination and control, through in this case settler colonialism, and *land use* is meant to act as a broader term for interactions with the land - through for instance animal keeping, natural resource harvesting, maintenance work, and residency. Moreover, the later section introducing the theoretical framework contains two other pillars; the distinctive principles of settler colonialism, and stemming from it the concept of administrative transfers. These are to be

applied to the key legal documents presented in the data section, the *Consolidation of Indian Acts and Amendment*s and the Swedish Crown's compiled laws on land divisions in Sapmí and reindeer grazing, to analyze the extent of adherence to these concepts and their related subjugation of indigenous peoples. The extent of subjugation is measured by the presence of administrative transfers, as defined by Veracini (2010), in the historical acts and laws from the States of Canada and Sweden between 1850 and 1900. The occurrence of these transfers within the sources demonstrates the presence of settler colonial processes during this period. While recognizing that other forms of settler colonialism also existed during this period - in Veracini's terminology (2010), other types of transfers - this research focuses on how legal documents embody administrative transfers by reproducing settler colonialism. Therefore, I will identify administrative transfers in these core legal documents issued during the time period.

Furthermore, secondary sources brought up throughout the literature review and elsewhere will aid in drawing connections between the theoretical concepts and legal documents, in order to create a fuller picture with more clear links. The aim of the analysis is to highlight mechanisms and patterns of settler colonialism through the situations brought up in Sweden and Canada, and therefore not to attempt an account of how these were received by indigenous populations or what effects they had from an indigenous standpoint. Although this would be an interesting investigation, the selected data is not fitted to such an account, and is therefore only intended to be analyzed in the context of the settler states. For instance the keyword *subjugation* is, as described, not meant to be understood as subjugation from an indigenous perspective relating to lived experiences, but rather through the settler states' viewpoint, which then acts as evidence of the connections between the legal documents, and the theoretical framework and literature. With this in mind, the findings from the analysis are also intended to be discussed in terms of their implications for Sweden and Canada as settler colonial states. This relates to for instance what the states were aiming to achieve by implementing administrative transfers and what the respective benefits of such implementations were believed to be, as well as what this in turn reveals about Sweden and Canada as settler colonial states. This analysis will, as mentioned, draw on relevant literature presented earlier to better highlight the dynamics of such discourses.

7. Findings and Empirical Analysis

This section is intended to analyze the data presented earlier, through the theoretical framework introduced, and together with the previously brought up related literature, to answer the following research question and sub-question:

To what extent has administrative transfers by settler colonial states contributed to subjugation of native populations' land use in Sweden and Canada during the second half of the nineteenth century?

Can parallels be drawn between the situations of the two countries?

The structure is arranged to begin with two subsections, each devoted to establishing the connections between the data and the concept of administrative transfers within each country, and how they shape indigenous land use. Next, an analysis of the implications drawn from the results will follow, related to the observed administrative transfers benefit to the settler states aims. What this means for Sweden and Canada's identities as settler colonial states, as well as how it relates to the relevant literature, will be discussed last.

In this study, it is important to note the distinction between the referencing conventions used in the Swedish and Canadian legal documents analyzed. Swedish legal documents traditionally use the symbol '§' followed by a number, such as '§ 1,' to indicate specific sections. In contrast, Canadian legal documents use the term 'section' followed by a number, like 'section 1.' To maintain consistency while also accurately reflecting the original sources, this study employs '§' for references to Swedish sources and 'section' for references to Canadian sources.

7.1 Presence of administrative transfers in data from Canada

Looking at the section of data related to Canada first, there are distinct connections between what is written in the historical documents and Veracini's (2010) concepts of settler colonialism through administrative transfers. The overarching elements of the data are represented by the controlling nature of the acts' articles, which all in varying ways limit, prohibit, define, and dictate the circumstances of indigenous peoples' lives. Control through attempts to define terminology pertaining to indigenous populations, which illustrates administrative boundaries imposed upon them, is found in sections 3, 8, and 12 of An Act to amend and consolidate laws respecting Indians (1876, see Appendix A) - stating, for instance who can be defined as indigenous, that "Indian lands" refer to lands "surrendered to the crown", and notably, that a "person" refers to individuals other than indigenous peoples. These definitions represent clear examples of the non-physical form of displacement that administrative transfers encompass, where indigenous populations are alienated through a legal framework that not only infringes on their ability to physically move autonomously, but also imposes non-physical boundaries on identity and belonging.

Another aspect of settlers' control through administrative transfers is the hierarchical power structure imposed to maintain authority over indigenous lands and communities. A Superintendent General of Indian affairs was appointed, the same person as the Secretary of State, to oversee matters relating to the indigenous population. This is seen in section 5 of An Act providing for the organisation of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands (1868, see Appendix A), which determines the role of the Superintendent General. There Governor in Council, acting on advice by the cabinet, holds greater power, and is according to sections 37 and 39 able to "make such regulations as he deems expedient for the protection and management of the Indian lands in Canada or any part thereof, and of the timber thereon or cut from off the said lands" as well as appoint additional

officers to aid in enforcing the items in the act. This broad-reaching network of the settler collective assumed greater authority to control indigenous lands and people through the administrative recognition of their titles and related tasks. Section 37 of the 1868 Act (see Appendix A) presents further evidence of this, as the appointed government officers were given authority to enforce indigenous peoples to perform labor on roads and regulate management of lands and timber originating from such lands.

The settler state intended to delimit the relationship between indigenous peoples and lands in regard to settler ideas of property ownership as well, establishing that "no Indian (...) shall be deemed to be lawfully in possession of any lands" in areas reserved for indigenous peoples in Canada, in section 1 of An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria (1869, see Appendix A). This points towards a clear resemblance to administrative transfers, as indigenous peoples essentially were deprived of any ownership right to the lands - which, as discussed in the literature review, is a settler idea itself - by the settler state's administrative procedures, which undermined indigenous sovereignty.

Another example which demonstrates the presence of administrative transfers is article 3 in An Act to further amend "The Indian Act, 1880" (1884, see Appendix A), which presents the prohibition partaking in the indigenous tradition such as the Potlatch, thereby again non-physically displacing indigenous peoples from the settler landscape through enforcement of laws that regulate indigenous ways of life. This is also a distinct example of a combination of Veracini's (2010) concept of transfers, as it also alludes to characteristics of transfers by coerced lifestyle change, referenced in Kuokkanen's (2020) work brought up in the literature review. It forces indigenous peoples to abstain from their own traditions, which reflects a coerced lifestyle change, and the fact that this lifestyle change is demanded by law validates it as an administrative transfer as well. Although my work centers on administrative transfers, underlining the occurrence of a combined transfer as in this case, also shows the multifaceted and pervasive structures of settler colonialism.

7.2 Presence of administrative transfers in data from Sweden

In the Swedish data, there are similar occurrences of settler colonialism through administrative transfers. The Swedish Crown's control over Sapmí and how the lands should be distributed can be interpreted as largely structured around the needs of settlers, and with agricultural developments prioritized. This is seen in The Royal Majesty's gracious Statute regarding division of property in Västerbotten and Norrbotten counties' Sámi lands (1873, see Appendix B), where § 1 refers to lands that historically had belonged to Sapmí as "the Crown's lands", and proposes an agricultural border dividing areas where Sámi people were allowed to reside and settlers were not, based on where cultivation was practicable. In § 6, it is stated that "unused lands" will be divided out for settlements to be established upon, disregarding the significance these lands held for Sámi populations. There is also a clear distinction visible between the legislation pertaining to Sámi peoples and settlers or other non-indigenous peoples, as seen in for

instance § 21 of the statute mentioned (1873, see Appendix B), where non-indigenous peoples who due to the property division lost cultivated lands would be given compensation from the state. This highlights the disparity between how indigenous people and non-indigenous people were treated through administrative procedures by the settler collective, as there are no occurrences of such measures towards the Sámi, despite the lands in question historically having been inhabited and maintained by them (Ojala & Nordin, 2015). Sámi people's livelihoods and land use became arranged within the imposed legal borders of the Swedish crown, which regulated where and when they were allowed to reside, maintain reindeers, hunt, and fish. This is represented in the data in for instance § 8 of the previously discussed statute (1873, see Appendix B), which states that Sámi peoples were permitted to practice reindeer herding only within the area that then constituted Sapmí - which was defined by the Crown - and only during wintertime on privately owned lands in the cultivation-suited areas.

In the Law regarding the Swedish Sámi's right to reindeer grazing in Sweden (1896, see Appendix B), infringements and control over Sámi peoples' land use by the state is further represented, as the law is entirely devoted to regulating how, when, and where reindeer grazing by Sámi peoples would be allowed. It is declared in § 1 that Sámi peoples are allowed to practice reindeer grazing at all times of the year within Sámi lands of the counties Västerbotten, Norrbotten, and Jämtland, however only above the agricultural border, with exception for some areas below it which were decided by the Crown to constitute reindeer grazing lands. In some parts of the land of those counties, reindeer grazing was only allowed during certain months - October through April in Norrbotten, and November through April in other counties, unless there had been a specific agreement stating otherwise. If these regulations were not followed, a fee ranging between twenty-five to two hundred Swedish crowns would be issued, and if reindeers were found wandering freely outside of the set-aside lands, any non-Sámi person who could suffer damages from the reindeers were to receive assistance to have the reindeers killed, as stated in § 2 of the law (1896, see Appendix B). This again underlines the vast difference in administrative treatment of indigenous versus non-indigenous peoples, as the non-indigenous peoples' needs were continuously prioritized through the law, at the expense of the indigenous peoples' needs. Whereas the non-indigenous person who might suffer damages from stray reindeers is assisted by the state to have it removed, the indigenous person whose reindeer wandered off is not compensated for the loss of possible proceeds that the reindeer may have brought. In regard to the Swedish Crown's control of Sámi peoples' movement across regions, it is asserted in § 7 of the law (1896, see Appendix B) that Sámi peoples with their reindeers are not allowed to move from one Sámi village to another without permission from the state, which in turn requires information about the reindeers they intend to bring along. This also acknowledges that Sámi people only were allowed to move between Sámi villages, and not outside of such territories, and evidently, even the decision to move between such villages could not be made autonomously but required approval of commanders of the settler collective.

Controls of other forms of land use are as mentioned also present in the data, such as fishing, hunting, and forest servitude. Forest servitude, translated from the Swedish word

"skogsfång," refers to the legal right granted to a property owner to extract various resources, in this case usually timber, from another property within specific limitations (Karlsson, 2015). These limitations can encompass factors such as the type and quantity of resources, designated areas for extraction, or time restrictions. It is stated in § 32 of the reindeer grazing law (1896, see Appendix B) that the King is to decide to what extent and under which conditions fishing, hunting, and forest servitude is allowed to be practiced by Sámi peoples. Furthermore, it is proclaimed that the King also determines what Sámi villages certain areas belong to, and which areas should constitute their own Sámi villages. Consequently, Sámi peoples' individual and collective ability to interact with the lands can be recognized as heavily regulated by the Swedish settler state through this example.

7.3 Implications

Demonstrated through the examples in the data, the presence of administrative transfers from both Sweden and Canada can be seen as prominent. How this inference in turn relates to the broader framework of settler colonialism requires a more detailed discussion on the aims of a settler colonial project. In order to accomplish such a project, the removal of indigenous populations in different manners is an elemental aspect that the settler collective targets, in order to achieve its goal of replacing the indigenous as native to the lands (Veracini, 2010). This is because of the idealistic nature of states that practice settler colonialism - the aim is not just to occupy new lands or gain monetary wealth through its resources, it is to establish new, ideal societies, organized by what is believed to be ultimate social and institutional practices. The presence of an indigenous population therefore disrupts the settler colonial objective, as they delegitimize the settlers as "true proprietors of the lands", and do not comply with the idealized social and political visions of the settlers. As a result of this, the settler collective imposes measures for removal of the indigenous presence - observed in this thesis through the presentation of administrative transfers by the Swedish and Canadian nineteenth-century states. The objectives that led the Swedish and Canadian states to employ administrative transfers, therefore, can be interpreted as the aim to successfully accomplish the idealized visions of their respective settler colonial projects. The intended benefit of implementing these transfers was that it would resolve the disruption that the indigenous presence caused the settlers.

The discussion on settler colonial mechanisms consequently sheds light on Sweden and Canada's status as settler colonial states. Both recognized as such, although for Sweden with a more delayed and hesitant acceptance of it, there was still a dissonance between the actual magnitude of settler colonialism and the perceived benevolence of both countries' settler collectives at the time. This is something also brought up in the relevant literature, as Harring (1998) refers to the self-proclaimed "liberal" treatment of indigenous peoples by the Canadian settler collective, mainly with an implied comparison to the settler collective in the United States. To incorporate and build on this framework as it applies to my studies, it is best observed through the language used in the legal documents presented. In the context of administrative transfers, this phenomenon is seen in much of the data which continuously refers to the

protection of the indigenous lands. For instance, in section 37 of An Act providing for the organisation of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands (1868, see Appendix A), where it is stated that the Governor in Council is entitled to make regulations as needed for the *protection* of indigenous land in Canada. Another example is where the settler states *entitle* indigenous peoples to in different ways use the lands, which could be interpreted as suggesting that these are charitable acts. This is found in for instance § 8 of the Royal Majesty's gracious Statute regarding division of property in Västerbotten and Norrbotten counties' Sámi lands (1873, see Appendix B), where Sámi people are stated to be *entitled* to practice reindeer herding on certain lands. This points towards conformity with Harring's (1998) discussion on the contradictory nature of self-proclaimed liberal treatment towards indigenous populations by the settler states. Although there certainly is a difference in pervasiveness of land use regulations between Sweden and Canada, where Sámi populations may have been given "allowance" to use the lands to greater extents than indigenous peoples in Canada, it is still the "allowance" in itself is the problem in this context, as it implies the ownership of such lands belongs to the settler collective. The rhetoric of settlers' benevolence towards indigenous populations is present in both Sweden and Canada, although perhaps to a greater extent in Sweden due to its comparatively less harsh treatment. Nevertheless, both countries adhere to Veracini's (2010) theoretical principles of settler colonialism, which inevitably should refute any notion of benevolence towards indigenous peoples, as it is inherently based upon their subjugation. This also supports the distinction of the Swedish state as a settler colonial one, as discussed in the literature by Mörner (1982), Fur (2013), and Kuokkanen (2020). Although to varying degrees of determination, they all label the Swedish state's occupation of Sapmí as settler colonialism, which is further confirmed through the presence of administrative transfers and settler colonial structures as presented in my work.

8. Conclusion

This thesis has examined the extent to which administrative transfers by settler colonial states contributed to the subjugation of native populations' land use in Sweden and Canada, during the second half of the nineteenth century. Through analysis of historical documents, legal sources, and relevant literature, the study has provided insights into the connections between administrative transfers and the shaping of indigenous land use in both countries.

The data and the subsequent analysis of it emphasizes the presence of administrative transfers imposed upon indigenous populations in nineteenth-century Sweden and Canada, and their consequential infringement on indigenous peoples' land use. The legal documents presented show administrative regulation of indigenous peoples' animal keeping, fishing, hunting, forestry, residency, as well as indigenous belonging, in both Sweden and Canada. In Canada, examples brought up show attempts to define indigenous populations and impose non-physical boundaries on their identity and belonging. Moreover, the hierarchical power structure established through

the appointment of a Superintendent General of Indian Affairs, and the authority given to government officers further exemplified the settler collective's control over indigenous lands and communities. The legal framework also deprived indigenous peoples of any ownership right to the lands, undermining their sovereignty. The prohibition of indigenous traditions, such as the Potlatch, through the enforcement of laws, further displaced indigenous peoples from the settler landscape. These examples illustrate the multifaceted and pervasive structures of settler colonialism through administrative transfers in Canada.

Similarly, in Sweden, the presence of settler colonialism through administrative transfers was evident in the data presented. The Swedish Crown's control over Sapmí and the distribution of lands is consistently seen to be in alignment with the needs of settlers, as it often prioritized agricultural developments, and established regulations on Sámi peoples' ability to reside, practice reindeer keeping, hunt, and fish. The legislation strengthened the clear disparity between the treatment of indigenous and non-indigenous peoples, for instance through compensation measures for non-indigenous individuals but not for Sámi peoples in cases of damaged property or lost revenues. These examples demonstrate the presence of settler colonial mechanisms through administrative transfers in Sweden.

The implications of these findings shed light on the broader framework of settler colonialism and its objectives. Settler colonial projects aim to, in various ways, as described by Veracini (2010), remove indigenous populations to achieve idealized, exemplary societies based on their own social and institutional practices. Administrative transfers serve as a means to accomplish this, by resolving the disruption to this project which, from the settler collective's position, is caused by indigenous populations. The discussion on settler colonial mechanisms also reveals the conflicting narrative of self-proclaimed benevolence towards indigenous populations by the Swedish and Canadian settler collectives, in contrast to the profound extent of subjugation imposed upon indigenous peoples through the examples presented of administrative transfers. Despite settlers' rhetoric about the protection of indigenous lands, these acts and regulations ultimately reaffirm the settlers' ownership and control over the lands, thereby also undermining indigenous sovereignty. Although instances brought up from Canadian acts and amendments may exemplify more profound restrictions on indigenous land use than those from Swedish laws and regulations, the situations in both countries can clearly be seen as conforming to patterns of settler colonialism, with the specific mechanisms of administrative transfers in focus for this study.

In conclusion, the findings of this study has highlighted the significant role of administrative transfers in contributing to the subjugation of native populations' land use in both Sweden and Canada. By fulfilling the aims and objectives of the research, this study has deepened our understanding of settler colonialism and its legislative implications for indigenous communities. The analysis has underscored the importance of recognizing and addressing the historical legacies of administrative transfers in contemporary discussions on land rights, indigenous sovereignty, and decolonization efforts, which exemplify areas for future research.

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10. Appendix

10.1 Appendix A: Canadian documents

Chapter 42: An Act providing for the organisation of the Department of the Secretary of State of Canada, and for the management ofIndian and Ordnance Lands.
[Assented to 22nd May, 1868]

5. The Secretary of State shall be the Superintendent General of Indian affairs, and shall as such have the control and management of the lands and property of the Indians in Canada.

16. Indians and persons intermarried with Indians, residing upon any Indian Lands, and engaged in the pursuit of agriculture as their then principal means of support, shall be liable, if so directed by the Secretary of State, or any officer or person by him thereunto authorized, to perform labor on the public roads laid out or used in or through or abutting upon such Indian lands, such labor to be performed under the sole control of the said Secretary of State, officer or person, who may direct when, where and how and in what manner, the said labor shall be applied, and to what extent the same shall be imposed upon Indians or persons intermarried with Indians, who may be resident upon any of the said lands ; and the said Secretary of State, officer or person shall have the like power to enforce the performance of all such labor by imprisonment or otherwise, as may be done by any power or authority under any law, rule or regulation in force in that one of the Provinces of Canada in which such lands lie, for the non-performance of statute labor ; But the labor to be so required of any such Indian or person intermarried with an Indian, shall not exceed in amount or extent what may be required of other inhabitants of the same province, county or other local division, under the laws requiring and regulating such labor and the performance thereof.

37. The Governor in Council may, from time to time, make such Regulations as he deems expedient for the protection and management of the Indian lands in Canada or any part thereof, and of the timber thereon or cut from off the said lands, whether surrendered for sale or reserved or set apart for the Indians, and for ensuring and enforcing the collection of all moneys payable in respect of the said lands or timber, and for the direction and government of the officers and persons employed in the management thereof or otherwise with reference thereto, and generally for carrying out and giving effect to the provisions of this Act; (...)

39. The Governor may, from time to time, appoint officers and agents to carry out this Act, and any Orders in Council made under it, which officers and agents shall be paid in such manner and at such rates as the Governor in Council may direct.

Chapter 42: An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42.
[Assented to 22nd June, 1869]

1. In Townships or other tracts of land set apart or reserved for Indians in Canada, and subdivided by survey into lots, no Indian or person claiming to be of Indian blood, or intermarried with an Indian family, shall be deemed to be lawfully in possession of any land in such Townships or tracts, unless he or she has been or shall be located for the same by the order of the Superintendent General of Indian affairs; and any such person or persons, assuming possession of any lands of that description, shall be dealt with as illegally in possession, and be liable to be summarily ejected therefrom (...)

Chapter 18: An Act to amend and consolidate the laws respecting Indians.
[Assented to April 12th, 1876]

3. The term "Indian" means:
First, Any male person of Indian blood reputed to belong
to a particular band;
Secondly, Any child of such person;
Thirdly, Any woman who is or was lawfully married to
such person:

8. The term " Indian lands " means any reserve or portion of a reserve which has been surrendered to the Crown.

12. The term "person" means an individual other than an Indian, unless the context clearly requires another construction.

29. All Indian lands, being reserves or portions of reserves surrendered or to be surrendered to the Crown, shall be deemed to be held for the same purposes as before the passing of this Act; and shall be managed, leased and sold as the Governor in Council may direct, subject to the conditions of surrender, and to the provisions of this Act.

Chapter 27: An Act to further amend "The Indian Act, 1880"
[Assented to 19th April 1884]

3. Every Indian or other person who engages in or assists in celebrating the Indian festival known as the "Potlach" or in the Indian dance known as the "Tamanawas" is guilty of a misdemeanor, and shall be liable to imprisonment for a term of not more than six nor less than two months in any gaol or other place of confinement; and any Indian or other person who

encourages, either directly or indirectly, an Indian or Indians to get up such a festival or dance, or to celebrate the same, or who shall assist in the celebration of the same is guilty of a like offence, and shall be liable to the same punishment.

10.2 Appendix B: Swedish documents (self-translated to English)

The Royal Majesty's gracious Statute (1873:26) regarding division of property in Västerbotten and Norrbotten counties' Sámi lands
Issued: May 30th, 1873

1 § Through general division of property should from the Crown's lands necessary areas be allocated as they in Sapmí before were, not duly divided homesteads and settlements, as well as those settlements, which at property division in due order may be added.

With the division of property a border shall also be decided upon between those parts of Sapmí, which are suitable for cultivation, and such lands, where settler establishments no longer should be approved.

6 § (...) After the general division of property's completion may settlements on unused lands within the for cultivation fit parts of the land towards potential applicants be allocated and through particular division-measures be divided out.

8 § (...) and should, even after the distribution of property, the Sámi be, as so far, entitled to for the reindeer herds avail grazing on all forest lands within Sapmí's current area, although on private forests within the for cultivation fit parts of the lands only during wintertime, also own right to, to the extent which for grazing practices is necessary, towards domestic needs use the forests.

Reindeer grazing lands, which may exist within the prospective border of the for cultivation fit parts of the Sapmí, may, as far as for the Sámi's needs of reindeer grazing is necessary, still thereto be used.

21 § Part-owners, who through property division lose cultivated lands, should be allocated cultivation compensation, in ways which in the statute of distribution are prescribed; although that, where the cultivated lands accrues to either private part-owners, who are not eligible for cultivation compensation, or else the Crown, the previous owner may instead use the lands during maximum five years, after he has taken his new property lot.

LAW REGARDING THE SWEDISH SÁMI'S RIGHT TO REINDEER GRAZING IN SWEDEN

The official cases of the State 1898:1
[Stockholm the 27th of May 1896]

1§ 1. The Sámi are entitled to reside among their reindeers during every time of the year within Norrbotten and Västerbotten counties' Sámi lands above the agricultural border and to such lands below the border, which either belongs to the Crown or, although granted to private owners, at the division of lands been declared to constitute reindeer grazing lands or has previously been used as such, as well as within Jämtland county's reindeer grazing lands, which includes both the at division set aside reindeer grazing lands for the Sámi as well as the areas later granted for the expansion of these lands.

2. Other lands within Norrbotten and Västerbotten counties' Sámi lands, than above mentioned, as well as the areas outside of the mentioned Sámi lands and reindeer grazing lands in Jämtland county, which the Sámi of old habit have visited, the Sámi are allowed to reside among the reindeers, although only during the months of October, November, December, January, February, March and April within Norrbotten county and during the months of November, December, January, February, March and April in other counties, insofar as neither an agreement has been reached with the relevant landowner regarding the rights of the Sámi to reside there during other times of the year, or unusual weather conditions necessitate an earlier move in the fall or prevents return in the spring.

2 § If a Sámi person resides among their reindeers in such areas, where he is not during any time of the year allowed to reside, or in such areas, as in 1 § 2 is mentioned, during times, which his right to reside is not permitted, he shall be fined between twenty-five to two hundred Swedish crowns. If during the months of June, July and August, left behind reindeers or stray reindeers are found on lands outside of Norrbotten and Västerbotten counties' Sámi lands, or the reindeer grazing lands of Jämtland county, should one, who may from the reindeers suffer damage, receive assistance from the bailiff or county administrator for the killing of the reindeer. (...)

7 § Sámi peoples with their reindeers may not move from one Sámi village to another without thereto having been provided permission in such ways stated below. Application for such permission is given to the Majesty's commanders in such county, to which the Sámi village belongs, of where the moving in is of question, and the applicant shall with doing so provide information about the amount of reindeers, with which he wants to move, as well as the reindeer-mark, of which the reindeers are assigned.

32 § Of the Crown's belonging lands, located outside of Norrbotten and Västerbotten counties' Sámi lands as well as reindeer grazing lands in Jämtland county, by the King assigned to reindeer

grazing, it is assigned to the King to decide the extent wherein, and the conditions under which rights to grazing and forest servitude, hunting and fishing may by the Sámi be exercised, as well as to appoint, to which Sámi village the area shall be counted, or if it shall constitute a separate Sámi village.

10.3 Appendix C: Swedish documents (original)

Kongl. Maj:ts nådiga Stadga (1873:26) om avvittring i Västerbottens och Norrbottens läns lappmarker
Utfärdad: 1873-05-30

1 § Genom allmän avvittring skola från Kronans marker nödiga områden tilldelas så väl de i lappmarken förut varande, icke behörigen avvittrade hemman och nybyggen, som ock de nybyggen, vilka kunna vid avvittringen i laga ordning tillkomma.

Vid avvittringen skall ock en gräns bestämmas emellan de delar av lappmarken, som äro tjänliga för odling, och den mark, där nybyggesanläggningar icke vidare må tillåtas.

6 § (...) Efter den allmänna avvittringens fullbordande må nybyggen på odisponerad mark inom de till odling tjänliga delarna av landet åt hugade sökande upplåtas och genom särkilda avvittringsåtgärder utbrytas.

8 § (...) och skola, även efter avvittringen, Lapparne vara, såsom hittills, berättigade att för renhjordarna begagna bete å all skogsmark inom lappmarkernas nuvarande område, dock å enskildes skogar inom de till odling tjänliga delarna av landet endast vintertiden, ävensom äga att, i den mån för betesrättens utövande är nödigt, till hushållsbehov begagna skogen.

Renbetesland, som kunna finnas inom den blivande gränsen för de till odling tjänliga delarna av lappmarken, må, såvitt för Lapparnes behov av renbete erfordras, fortfarande därtill användas.

21 § Delägare, som genom avvittring mister odlad mark, bör tilldelas odlingsersättning, på sätt i skiftesstadgan är om sådan ersättning föreskrivet; dock att, där den odlade marken tillfaller antingen enskild delägare, som ej förmår utgiva odlingsersättning, eller ock kronan, förre innehavaren må i stället fortfarande nyttja marken under högst fem år, efter det han tillträtt sin nya ägolott.

LAG OM DE SVENSKA LAPPARNES RÄTT TILL RENBETE I SVERIGE
Statens offentliga utredningar 1898:1

[Stockholm den 27 maj 1896]

1 § 1. Lappame äro berättigade att uppehålla sig med sina renar under hvarje tid åt året inom Norrbottens och Vesterbottens läns lappmarker ofvan odlingsgränsen och å sådan mark nedom samma gräns, som antingen tillhör kronan eller, ehuru upplåten till enskilde, vid afvittringen förklarats utgöra renbetesland eller af ålder varit såsom sådant land använd, samt inom Jemtlands län å renbetesfjellen, hvarunder inbegripas såväl de vid afvittringen för lapparne afsätta renbetesfjell som ock de till utvidgning af dessa fjell sedermera upplåtna områden.

2. Annan mark inom Norrbottens och Vesterbottens läns lappmarker, än ofvan sägs, så ock å de trakter utom nämnda lappmarker och renbetesfjellen i Jemtlands län, hvilka lapparne efter gammal sedvana hafva besökt, ega lapparne jemväl att uppehålla sig med renarne, dock endast under månaderna oktober, november, december, januari, februari, mars och april i Norrbottens län och månaderna november, december, januari, februari, mars och april i annat län, för så vidt icke antingen aftal träffats med vederbörande jordegare eller brukare om rätt för lapparne att uppehålla sig der under annan tid af året, eller ock ovanliga väderleksförhållanden nödga till tidigare flyttning om hösten eller hindra återflyttning om våren.

2 § Uppehåller sig lapp med sina renar å trakt, der han icke eger under någon tid af året vistas, eller på trakt, som i 1 § 2 mom. omförmäles, under tid, då rätt till vistelse der icke är honom medgifven, böte från och med tjugufem till och med tvåhundra kronor. Anträffas under juni, juli och augusti månader qvarlemnade renar eller ströfrenar å mark utom Norrbottens och Vesterbottens läns lappmarker eller renbetesfjellen i Jemtlands län, ege den, som kan af renarne lida skada, att hos kronofogde eller länsman i orten erhålla handräckning till renarnes dödande. (...)

7 § Ej må lapp med sina renar flytta från en lappby till annan utan att hafva dertill erhållit tillstånd på sätt här nedan sägs. Ansökning om dylikt tillstånd ingifves till Konungens befallningshafvande i det län, dit den lappby hörer, till hvilken inflyttning ifrågasättes, och skall sökanden dervid foga uppgift om antalet af de renar, med hvilka han vill inflytta, samt afklipp af renmärke, som är renarne åsatt. (...)

32 § Varder kronan tillhörig mark, belägen utom Norrbottens och Vesterbottens läns lappmarker samt renbetesfjellen i Jemtlands län, af Konungen upplåten till renbete, ankomme på Konungen att bestämma det omfång hvari, och de vilkor hvarunder rätt till bete och skogsfång, jagt och fiske får af lapparne der utöfvas, äfvensom att förordna, till hvilken lappby området skall räknas, eller om det skall utgöra särskild lappby.