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# Swedish Settler-Colonialism in the Forest

## Forest Samis's Rights and Land Disposal

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## **Abstract**

This paper delves into the significance of land disposal to indigenous rights and Settler-Colonies. Specifically, it examines land use regulations for forestry management and Forest Sami villages. Through interviews with practicing forest reindeer herders, it has been revealed that forestry practices in Sweden have dramatically altered the landscape, posing significant challenges to the continuation of reindeer herding. In the context of Settler-Colonialism, the analysis of these findings shows that land use regulations align with the "logic of elimination," which seeks to remove the native population to secure settlers' access to land.

## **Keywords**

Forest Samis. Reindeer Herding. Settler-Colonialism. Indigenous land rights. Forestry Management.

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# Introduction

The Sami people in Sweden depend on access to land for their traditional livelihoods of reindeer herding, fishing, and hunting. Sweden has repeatedly received criticism from the United Nations (UN) for not respecting Samis's rights to land (OHCHR, 2022; UN HRC, 2011 & UN HRC, 2016). The Sami Parliament reports that the Sami people can only pursue their cultural and traditional practices with access to land and that competing land interests continue to decrease reindeer pasture land. They emphasize that the Forest Sami villages are especially vulnerable, as they have weaker protection of their lands due to the intensive Forest Industry (Sami Parliament, 2020b).

In Sweden, the Samis can only exercise usufruct land rights. As a result, they have little say in the management and tendering of the land. Other actors, such as mines, wind parks, and infrastructure, often use and modify the land that reindeer herders use. This poses significant challenges for the Samis (Österlin & Raitio, 2020). Forestry management is one of these infringements. The Forest Industry has played a vital role in the Swedish economy. Mechanized and industrialized forestry was adopted in the northern regions of Sweden during the 1960s. Presently, intensive forestry is being practiced on 90% of the forest cover (Harnesk, 2022). The largest forest owner in Sweden is the state-owned company Sveaskog, which owns 14 percent of the forest (Sveaskog, 2023).

In an open letter to the forest industries, 29 Sami villages sound alarm about the impact of forestry. They describe that almost all forests have been clear-cut and that natural ecosystems are destroyed and replaced by plantations. They state,

*Not even the reindeer that survived on these lands since the ice age can live in the desert landscape that the forest companies, led by state-owned Sveaskog, create. As indigenous people and practitioners of natural pasture-based reindeer husbandry, we must raise the alarm! (My translation) (Lundgren, et al., 2020).*

In collaboration with NGOs, various Sami villages have highlighted this issue and called for the Government to change current forestry management (Amnesty Sapmi, 2021; Greenpeace, 2021; Naturskyddsföreningen, 2020). The Sami parliament has further evaluated the matter

and describes that forest industries threaten the reindeer's living spaces. They emphasize that their people's traditions and culture primarily exist within the landscape where they live and transfer traditions, practices, and knowledge (Sami Parliament, 2020b). Although attempts have been made to increase awareness of the negative impact of forestry, there is a lack of academic research on how it affects reindeer herding, particularly for those who engage in year-round herding in forested areas (Olofsson, 2022; Vihervaara et al., 2009).



# 1. Research Problem

The UN has frequently criticized Sweden for violating the rights of the Sami people, particularly concerning exploitive industries on their traditional lands (CERD, 2020; OHCHR, 2022; UNHRC Special Rapporteur & Secretariat, 2016). Forest Samis are especially vulnerable to exploitive activities and have not received as much academic attention as mountain Samis (Marklund, 2020; Sami Parliament, 2017). The right to land is a fundament for the fulfillment of other rights of Indigenous peoples. A violation limits Indigenous people's ability to continue with their traditional livelihood and cultural traditions; it affects their health and causes future anxiety. Despite this, indigenous land rights are impugned in many states, including Sweden (Dominguez & Luoma, 2020; Norgaard, 2019; Sami Parliament, 2017). Scholars such as Wolfe (2006), Veracini (2015), and Össbo (2020) have adopted the framework of Settler-Colonialism to explain states hesitance to acknowledge indigenous rights. Access to land is essential to a Settler-Colony, and as the state tries to justify its existence and right to land, it must eliminate the natives.

Nature's importance for our social lives is central in Indigenous Ontologies but has often been overlooked in Western academic traditions (Kovach, 2009; Sami Parliament, 2020a; Sandy, 2004). Land use laws and policies affect ecosocial relationships and the ability of Indigenous peoples to enjoy their lives (Bacon, 2018; Norgaard, 2019). The Swedish state regulates land use within Sweden's territory. It has since 1647 regulated the use of the forest through national laws, limiting how Forest Samia can use and live by their traditional land. However, more research needs to be done on how forestry effect Forest Samis (Olofsson, 2022). This study highlights the crucial role of nature disposal in both indigenous rights and Settler-States. This is analyzed by examining Sweden's international obligations and domestic land-use regulations and their effects on reindeer herders. Specifically, the focus is on forestry and Forest Sami reindeer herding, which sheds light on the eco-social relationship in the Swedish forest, revealing how the disposal to land affects the social, economic, and political structures within a settler state.

## 1.1. Aim

This research aims to understand the significance of disposal over nature for indigenous rights and for a Settler-Colony. This is done through an analysis of land use regulations in Sweden, including domestic laws and international obligations to International Human Rights Law (IHRL), focusing on forestry and forest reindeer herding. After that, the land-use regulations' impact on Forest Sami villages' rights is analyzed. This will provide insights into how land disposal can affect the social, economic, and political structures, and a greater understanding of indigenous rights in a Settler-Colony can be reached.

## 1.2. Research Questions

1. How does the Swedish state regulate land use within Forest Sami districts through domestic laws and international obligations?
2. How do members of selected Forest Sami villages describe that the land use regulations affect their rights as Indigenous people?
3. How does the disposal of nature impact the social, economic, and political structures in the selected Forest Samis districts?

## 2. Demarcation and Outline

This study has been limited to the experience of Forest Sami reindeer herders and land use within their districts, with a particular focus on forestry management. Eight members of Forest Sami reindeer herders have shared their experiences, they are members of five selected Sami villages, which are Östra Kikkejaure, Malå, Maskaure, Mausjaur, and Udtja Sami Village. The land-use regulations focus on forestry management as it is an infringement shared by all Forest Sami villages. The reason for these limitation choices will be elaborated further in the method section.

This paper starts by giving a short Background (3.) about Sami history to provide a contextual and historical understanding of Forest Samis oppression in Sweden. Thereafter comes a section on Previous Research (4.) elaborating on previous land disposal research. The methods of this paper are accounted for in the fifth section of this paper, followed by the Theoretical framework (6.) of Settler-Colonialism and Critical Indigenous Theory. Thereafter

are the results presented, starting with the Legal Framework (7.) of indigenous rights and land use regulations within Sweden. This is followed by the results from interviews (8.) with Forest Sami reindeer herders, where the impact of forestry is described. In the Analysis section (9.), the results from the legal analysis and interviews are elaborated on and connected to the theoretical framework of Settler-Colonialism. The essay ends with Conclusions (10.) and Discussion and Final remarks (11.).

## **3. Background**

This section briefly introduces the division of mountain and Forest Samis (3.1.). Followed by a short section on how traditional Sami land has become the property of the Swedish state or private owners (3.2.).

### **3.1. Forest Samis**

The Sami villages serve as an economic association where membership is required to engage in reindeer herding. These villages are categorized as either Mountain villages, which conduct reindeer herding in highlands during summer and move to the forest in the winter, or Forest villages, which practice year-round reindeer herding in the woods. The historical condition and experiences of Forest Samis have received less scholarly attention (Marklund, 2020; Olofsson, 2022). This division has roots in the Swedish historical classification of Samis. According to Össbo (2020), in the past, the Sami people were categorized by the state based on their nomadic lifestyle. The Mountain Samis, who lived as nomads to a greater extent, were considered the "authentic Samis," while the Forest Samis was seen as a deviation.

### **3.2. Sami History**

The Sami people have a long history in Northern Sweden, dating back to medieval times. Over time, they became part of the Swedish legal system and began paying taxes. The Swedish state did recognize and respect the Samis' territory until the 15th and 16th centuries when it started to claim ownership over traditional Sami land (Marklund, 2020). In 1749, a regulation called "Lappmarksreglementet" was adopted, leading to more widespread colonization. This regulation granted privileges to settlers who resided or relocated to Nordic Sweden. Forest Sami started to lose more of their land to Settlers and were pushed further

North; some Forest Sami villages ceased to exist. This was enforced by the "cultivation border" (odlingsgränsen). The border was drawn in 1753, and it was determined that Samis could live and practice reindeer herding, traditional fishing, and hunting on the west and north side of the border. Samis who lived on the east and Southern sides of the border, mainly Forest Samis, had to move or abandon their traditional way of living (Össbo, 2020).

During this time, property rights were highly discussed in Sweden, with severe disagreements between the nobles and King Gustaf III. Farmers and nobles received property rights over their land in 1789. It has been argued that this law also gave Sami property rights over their land, so-called "Sami taxed land" (lappskatteland). Only three years later, in 1792, the County Head of Västerbotten issued a letter in which he proclaimed that Sami taxed land shall belong to the Crown. The Swedish state developed more control over the Samis's Territory, partly through developments within the national legal system. The Swedish state justified this by diminishing Forest Samis and portraying them as incapable of managing forests and land (Marklund, 2020). Sweden has maintained ownership and control over land due to the gradual erosion of the Samis' land ownership rights over time.

## **4. Previous Research**

The relevant research field of this paper will be presented in the following sections, and elaborate on Samis's Right to Land (4.1.), infringements on Forest Sami land (4.2.), and nature's influence on the social sphere (4.3.).

### **4.1 Samis's Right to Land**

Today Samis's right to land is regulated in the Reindeer Herding Act (Rennäringslag 1071:437) from 1979 and amended in 1993. It is stated that Samis have usufruct land rights based on immemorial prescription; note that they lack ownership rights. The rights concern mainly the activity of reindeer herding, and one must be a member of a Sami Village to practice it. Strömgren (2015, p. 95-97) states that Reindeer Herding Act (RHA) is the only law regulating Sami people's land rights. The first RHA was enacted in 1886, and Strömgren argues that one issue is that RHA was formed to regulate the relationship between settled farmers and reindeer herders on reindeer winter grazing land. The law did not aim to handle

the Samis' primary living areas. It is, therefore, problematic that RHA has come to function as a codification of exhaustive Sami rights to land.

Allard and Brännström (2021) and Bengtsson (2015, p. 65-68) describe that Sami Rights have been developed through court cases rather than domestic laws. Bengtsson (2004, p. 11-27) describes one of these cases to be the taxed Mountain case (Dom 2002-02-15, I T 58-96). It was determined that the Sami people's usufruct rights are property rights which makes it protected by the Swedish Constitution (2 ch. 15§, RF). Much academic attention has been given to the historical trends of Sami land rights, especially the matter of Sami-taxed land. This is partly because Samis's right to land in the domestic law is weak, and ownership rights had to be claimed in courts based on immemorial prescription (Korpijaakko-Labba, 1994; Markund, 2020). Korpijaakko-Labba (1994, p. 238-249) argues that Samis received unrestricted property rights with King Gustaf III Act in 1789. Something that the Swedish state quickly regretted as it would limit their ability to colonize Northern Sweden. Similarly, Marklund (2020) argues that the Swedish state thereafter has tried to silence and forget the reform to be able to colonize and exploit Sami land.

## **4.2. Infringement on Forest Sami Land**

Current research on Swedish forestry and sustainability is somewhat divided. While some see the practice of reforestation as ensuring sustainable use of the forest, others argue that the high rate of forest felling increases carbon dioxide emissions and reduces Biological diversity (Farrell et al., 2000; Lundmark, Josefsson & Östlund, 2017; Svensson et al., 2020). Another issue is that industrial actors have influenced some forest research programs and that these tend to steer research to focus on industrial productivity rather than sustainability (Andersson & Westholm, 2018). This issue is highly relevant for Forest Sami herders as they depend on a healthy and biodiverse forest. However, this cannot be elaborated further in this paper; focus will be given to research concerning forest industries' effect on reindeer herding.

Much of previous research regarding forestry and Sami rights concerns lichen pasture during winter (Uboni, Åhman & Moen, 2020; Kivine et al., 2010; Hernesk, 2022). Reindeers' winter resources function as a bottleneck within the reindeer herding system, as both mountain and forest samis use the pasture in boreal forests during this period. During winter, the reindeer's

main diet consists of terrestrial lichen, but when covered with an ice crust, the reindeer eat arboreal lichens. The Forest Industry has reduced the lichens through practices of clear-cutting and intense site preparation (Kivine et al., 2010). Hernesk (2022) has built upon this research and argues that access to pasture during winter is impacted by climate change as it becomes more common with ice crusts that cover terrestrial lichen. Uboni, Åhman, and Moen (2020) state that while the quality of pastures has decreased, the number of reindeer has remained the same. This is because herders have employed costly techniques such as using technical equipment, providing supplementary feeding, and increasing herd sizes. These strategies are not sustainable for reindeer herders, and the industries threaten the forest's sustainability.

The studies concerning access lichen provide insight into how the Forest Industry affects reindeer herders. Few studies have focused on the experiences of forest reindeer herders that are in the forest all year around. Vihervaara et al. (2009) investigated how different types of Natureal-Resource management affected the ecosystem services within the districts of three reindeer forest villages in Finland. They concluded that practices that alter the land cover significantly, such as Forest Industry or road networks, had the most substantial negative impact on ecosystem services.

The full effects of forestry can only be understood if these are studied with a context to other infringements. Österlin and Raitio (2020) have investigated the cumulative effects of encroachments on Sami districts affected by multiple competing land uses, such as hydropower, mining, forestry, and infrastructure development. They highlight the problem of how different types of infringements are organized as single projects, each with its own land use planning, legal framework, and permitting processes. There is a lack of integrated spatial planning in the reindeer herding areas. This puts stress on Sami villages to themselves carry out the task of conducting integrated landscape planning and defending their districts through various consultations with different industries.

### **4.3. Nature and Society**

Western thought has been structured by a divide between nature and society (Sandy, 2004; Norgaard, 2019). The importance of the natural world has started to gain focus within social

sciences and humanities, for example, in Political theory (Alaimo, 2010; Grosz, 2010) or Environmental Justice (Park & Pellow, 2004). Norgaard (2019, 1:1) argues that these trends are still considered sub-fields and that the role of the natural world has yet to become integrated into theories across the social sciences.

Some studies have focused on how Nature has influenced the social life of Indigenous peoples. Norgaard (ch. 4, 2019) demonstrates the role of nature and land-use regulations for the Indigenous Karuk people in California. The state's practices and land use regulations have limited the Karuks' ability to continue with their traditional way of life. This has affected the Karuks in various ways, such as impacting their physical and mental health, losing traditional knowledge, and weakening relationships in the community. Össbo (2022) demonstrates how a similar pattern where state actions influence the lifestyle of Indigenous people is found in Sweden. The establishment of hydro-power systems within a Sami District altered the ecological settings in ways that changed the reindeer moving routes, forcing families to be scattered during spring when the men moved with the reindeer, and the women and children stayed at home. Olofsson (2022) demonstrate how the Swedish state has regulated land use within forests since the first official forest regulation in 1647. Some of these legal regulations have directly targeted Forest Samis, as they have been portrayed as threats to the forest. He states that it is unclear what impact these regulations have had on Forest Samis. This study can provide some insights into the effects of land-use laws and forestry.

## **5. Method**

Here is the applied method of this paper presented. The first part describes the applied methodology (5.1.), followed by a presentation of the used methods and material (5.2.), the study's limitations (5.3.), and ethical considerations (5.4.).

### **5.1. Human Rights-Based Approach**

The study used a Human Rights Based Approach (HRBA) to understand how Human Rights (HR) implementation is affected by factors like history, culture, and economy (McConnell & Smith, 2018, p. 9-12). HR is used as a normative standard for human dignity codified by IHRL. HR should be realized through domestic laws, policies, and programs, but there is

often a disparity between IHRL and people's lived experiences. This gap is often at the center of HRBA research as it aims to understand the root of the discrepancy and how HR can be realized. To identify the underlying issue, one can examine various levels of the implementation, such as legal, policy, or practical aspects (Landman & Carvalho, 2010, p.1-2, 16-18). Adopting HRBA in this study enables me to analyze Sweden's implementation of Forest Samis' rights to land at a practical and legal level.

Landman and Carvalho (2010, p. 16-18, 32-34) elaborate on how these three levels can be explored to analyze a state's commitments to a right. The first is Rights in principle (international and national legal obligations); the second is Rights as policy (use of resources and national programs); and the last level is Rights in practice ("de facto" enjoyment of rights). In this study, the Forest Sami villages' rights are analyzed through two levels: right in principle- examining laws regulating land use within Forest Sami villages' districts, and the second level: rights in practice - analyzing the experiences of members of the Forest Sami villages. This will outlay the ecosocial relationship within Forest Sami villages' districts and allow for an analysis of how the disposal of the land influences a society's structures.

Due to this study's time limits, it was not possible to thoroughly analyze all three levels of indigenous land rights. I prioritized focusing on how Indigenous peoples' right to land is respected in practice because there is a lack of research that specifically explores the experiences of Forest Samis and the effects of forestry management. The "principle level" was chosen over the "policy level" since national laws form Sweden's framework for land use. Policies can vary across counties and may also undergo rapid changes. Focusing on the macro- and micro-level makes the relationship between the Swedish state and Forest Sami villages visible and allows for further and deeper analysis.

There is a movement towards decolonizing research because Western ontologies dominate academic traditions. To address this, Indigenous Methodology has emerged based on Indigenous Ontology and beliefs (Kovach, 2009; Sami Parliament, 2020a). As a non-indigenous person, my understanding of indigenous experiences and ontology is limited. Through HRBA, I can highlight the responsibility of the Swedish state and provide the



perspective and experiences of Forest Sami people, even if it does not align with Indigenous Methodology.

## **5.2. Method and Material**

Using multimethodology in HRBA research is common to provide a more holistic understanding of a right and its implementation (McConnell & Smith, 2018, p. 28-30, 150-153). This research aims to demonstrate the relationship between the Swedish state and Forest Sami villages' by analyzing indigenous land rights at two levels. A doctrinal approach and semi-structured interviews with members of Forest Sami villages provide the material for exploring these two levels through qualitative content analysis (Kvale & Brinkmann, 2009; McConnell & Smith, 2018; Rennstam & Wästerfors, 2018).

A doctrinal approach is used when Sweden's commitments to IHRL are compared to domestic laws to determine how the indigenous right to land is reflected in "principle" (McConnell & Smith, 2018, p. 24-26, 30-36). The UN's relevant declarations and conventions were read, and relevant articles were gathered to define the normative standard of indigenous rights to which Sweden is committed. After that, the same procedure was done with Swedish domestic laws to determine how land use within Forest Samis districts is regulated. Scholarly material and relevant verdicts were read to see how rules are used and interpreted. Inconsistencies in the current legal framework could be defined. The second research question investigates how land disposal relates to other Human Rights. As a result, the legal analysis of IHRL must encompass more than just land-related rights.

The "practice level" of Forest Samis's right to land was studied through eight-semi structured interviews. Semi-structured interviews (Kvale & Brinkmann, 2009, p., 123-125, 130-138, 177-187) allowed an open conversation about the reindeer herder's experiences and perspectives but kept the focus on how land use regulations affected them. An interview guide (see Appendix) was outlined with questions and a suggested sequence, but the sequence was not strictly followed during the interviews. The questions were produced thematically in relation to the second and third research questions and the preliminary results of the legal analysis. The themes were: the prerequisites of reindeer herding and how it has changed over time, the effects of forestry, and the Sami villages' ability to influence how land is managed.

Topics of sustainability, the value of nature, and reindeer herding were briefly touched upon. Two interviews were held in person and the rest digitally with a web camera. The interviews were recorded and transcribed.

I visited Maskaure Sami village to become more familiar with the local situation of Forest Samis, their daily routines, and their ecological setting (Kvale & Brinkmann, 2009, p. 108). Only one Sami Village was visited, which can lead to a bias as my understanding of this village's situation is more profound than those I only interviewed online. There is a risk that I have generalized situations unique to the contexts of Maskaure. However, the insight and contextual understanding generated by this visit outweigh the risk of bias.

The interviews were analyzed through a qualitative Content Analysis (Rennstam & Wästerfors, 2018). First, each interview was carefully read to find recurring topics that were codified. After that, recurring codes in the interviews were structured into categories and sub-categories (Rennstam & Wästerfors, 2018, pp. 71-78, 109). Each category was read to see how the participants talked about issues to understand their perspective of different actors and current land-use practices. The material was reduced to enable structure and deeper analysis; the theory and a legal analysis were used to identify the most important categories. Illustrative quotes or sub-categories highlighting tendencies or inconsistencies were chosen to be presented in the result (Rennstam & Wästerfors, 2018, pp. 79-82, 116-121).

These two sources of material (interviews and legal framework) were used with interaction. The legal analysis provided a framework for creating the interview guide and analyzing and structuring the interview results. At the same time, the interview results highlighted some parts of the legal framework as particularly important that had to be further developed.

### **5.3. Limitations**

To maintain the study's scope, the sources for the legal analysis had to be restricted. To determine the normative framework of IHRL, the UN's conventions and declarations were selected over regional ones as they offer the most comprehensive legal framework of indigenous rights (OHCHR, n.d.b.). UNDRIP and relevant articles in ICCPR, EHCCR, and ICERD were the primary sources. The chosen domestic laws are RHA and Forestry Act, which demonstrate the difference in rights between Samis and land owners. The Consultation

law is also included since it establishes Samis's influence over matters that may affect them. Academic articles and relevant verdicts were included to see how the laws are used and interpreted. In which the importance of ILO 169 became clear and is, therefore, part of this study.

The experiences and knowledge of Forest Sami villages' members are essential to understand how land use regulations affect indigenous land rights. As already stated, this study has limited its focus to Forest Samis villages as their situation has received little scholarly attention (Marklund, 2020; Olofsson, 2022). Selective Criterion and Snowball Sampling (Aurini, 2016, p. 54-60) were combined to find participants. Participants were selected based on their practice of reindeer herding in a Forest Sami Village, as Swedish law only recognizes Sami usufruct land rights for reindeer herders and members of Sami villages (RHA §2). The participants were men between the ages of twenty-six and sixty-eight years. Everyone but two worked full-time as reindeer herders, and the other two combined reindeer herding with a position in the Sami Parliament.

## **5.4. Ethical Considerations**

The interviews in this study raised special ethical considerations (McConnell & Smith, 2018, p. 9-12). Before each interview, the participant was informed about the purpose of the study, that participation was voluntary, and that they could withdraw their consent at any time. I asked their permission to record the interview (Swedish Research Council, 2017, p. 29, 74-75). The participants are members of five different Forest Sami villages; these communities are small. I have therefore limited the information about each participant (Swedish Research Council, 2017, p.40-41). They will be presented in codes combining a letter and their age, for example, A-26 and B-68. Two of the participants are within the Sami Parliament; their code will not be written when they refer to experiences from the Sami Parliament. The participants are not connected to their specific Sami village. To publish both the age and membership of villages would violate their confidentiality. The membership of Sami Village could have indicated interesting insights about other locally located infringements, for example, mines and windmills. Since this is not the focus of this study, the detail of age was prioritized. This can demonstrate if, or if not, there are any differences between different generations, and it will indicate the person's time frame of the changing

landscape. It is important to remember that the experiences of Samis and Sami villages differ as the communities and Sami people are not homogenous. I have strived to find some common structures and distinguish the unique experiences by interviewing as many Forest Samis as possible.

This study treats Sami-related aspects which raise ethical issues connected to indigenous research. Sami Parliament (2020a, p. 4-6, 11-16) describes how research in Sweden has been part of the Swedish colonization of Sapmi and calls for research with and by Samis in their Strategy for Swedish Research Politics. Therefore, engaging Forest Sami members in this study through interviews was essential. The applicable guidelines from the Sami Parliaments Strategy were followed by focusing on matters that are highlighted as important: Swedish colonialism and indigenous land rights. The role of the Swedish state was analyzed as the primary actor.

## **6. Theoretical Framework**

The main Theoretical framework of this paper is Settler-Colonialism. It will be presented in the following section (6.1.), followed by a short presentation of how it has been adopted within the Swedish context (6.1.1.). Next, Critical Indigenous Theory is presented, and its compatibility with Settler-Colonialism is discussed (6.2.).

### **6.1 Settler-Colonialism**

Settler-Colonialism differs from other forms of colonialism as the settlers move to make a new home on the land. In doing so, they insist on sovereignty over everything in "their" new land (Tuck & Yang, 2012). Veracini (2015, p. 2-4, 15, 22) elaborates on this and draws on the distinctions between Colonialism and Settler-Colonialism. Both colonizers and settlers are exogenous actors that assert dominance over their destination. The two systems differ as the Colonial system is premised on subjugating exploitable others. Natives were exploited as labor to extract resources for the colonizer. On the other hand, Settler-Colonies do not need natives for their reproduction and operation. Settlers remove or transfer the Indigenous people to justify their access to land.

Wolfe (2006) describes Settler-Colonialism as a structure rather than an event, as settlers make the new land into their home. He argues that the structure of Settler-Colonialism is formed from the logic of elimination: settlers must eliminate natives to justify their possession of the land. The logic of elimination has two dimensions; first, the native must be removed from the land; and second, the settler erects a new colonial society on the expropriated land base. The logic of elimination becomes integrated into the new society's economic, political, and social structures and involves a range of agencies, from the government to individual settlers. These structures transfer the acquisition of land from natives to settlers. This can, for example, be seen in the enactment of laws and policies that reinforces the power of the settlers; the country's land is used as a resource to profit members of the majority community; or within the public discourse that eliminates awareness of the native and their perspectives. Settler-Colonies have adopted various strategies to form these structures, such as up-front genocides, forced displacement, boarding schools, religious coercions, and breaking down traditional land ownership. Assimilation strategies do not disrupt the rule of law and can be more effective forms of elimination than up-front genocide.

Norgaard (2019, 2:1, 2:2) argues that Settler-Colonialism is the theory that best grasps the formulations of power that suppress Indigenous peoples. Settler-Colonialism recognizes oppressing structures at multiple levels. This differs with, for example, Marxism which focuses on human exploitation with labor, or Racial Formation Theory, which describes the movement of resources and power relations between groups but fails to recognize the unique oppression of Indigenous people in Settler-Colonies. The central role of land is unique for the Settler-Colonialistic framework. Tuck and Yang (2012, p.5) state,

*Within settler colonialism, the most important concern is land/water/air/subterranean earth. Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation.*

This disruption of Indigenous people's relationship with the land is described by Bacon (2018) as Colonial Ecological Violence. The concept can be broadly defined and consider both spectacular forms of violence (forced removals of people from their homelands,

genocide) and slow forms of violence (poisoning of communities, economic and health repercussions). This has various consequences for Indigenous people, including degrading health, poverty, and loss of cultural traditions. Norgaard (2019, 2.6) emphasizes that land matters not only in the quantitative but also in the qualitative dimension. Indigenous people might be unable to follow their traditions if the land has been altered. It affects the ecosocial relationships within their region.

### **6.1.1. Settler Colonialism in the Swedish Context**

Settler-Colonialism is somewhat controversial when describing the Sapmi experience (Carlsson, 2020); however, it has become more commonly used during the last years by scholars such as Carlsson (2022), Össbo (2022), and Kuokkanen (2020). Some historians have preferred to use the term Internal Colonization (Fur, 2013, p. 25). Internal Colonialism can be defined as a geographically-based pattern of subordination of a differentiated population located within a country. Internal colonialism is closely related to external colonialism based on features of subordination and oppression (Pinderhughes, 2011). To see Sapmi as internally colonized is problematic, as Sami only were loosely connected to the Swedish state until the 16th century (Carlsson, 2020). Another critical difference is the specific mode of domination in a Settler-Colony, which aims to erase the natives (Veracini, 2015). Scholars such as Carlsson (2020) demonstrate how Sweden's administrative assimilation processes (such as boarding schools and state-initiated settlements on Sami land) had eliminative effects. Similarly, Össbo (2020; 2022) demonstrate how Sweden's oppressing structures towards Sami align with the Settler-Colonialistic strategies to secure territory through means such as forced dislocation, categorization, and elimination in colonial archives. The lack of knowledge and limited space for Sami's perspectives demonstrates how the native has been erased from the awareness of the majority society.

## **6.2. Critical Indigenous Theory and Settler-Colonialism**

Sandy (2004) describes how Critical Indigenous Theory provides tools for deconstructing structures of colonialist consciousness. It highlights the differences between the Colonial Ontological system and Indigenous Ontologies. In Indigenous Ontologies, the human being is seen as a part of nature where all beings are equal. The worldview is holistic, and social, cultural, and spiritual lives are strongly interconnected. While in Colonial Ontology, nature is

perceived as an object separated from the social sphere. Material gain is a sign of success, and it is acquired through economic and technical growth. Humans are believed to be separate and superior to nature, so they can dominate nature and beings incapable of rational thought.

Noorgard (2019, 2:2) demonstrate how Critical Indigenous Ontology and the theory of Settler-Colonialism are compatible. She argues that the separation of nature and society is a direct product of Settler-Colonialism. The separation contributes to eliminating Indigenous Ontologies in which the importance of nature is emphasized and enables settlers to exploit the land. Tuck and Yang (2012, p. 5) stress,

*In the process of settler colonialism, the land is remade into the property, and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage.*

## **7. Results from the Legal Framework**

This first section of the results focuses on Sweden's Legal Framework of indigenous rights and land use. Sweden's Legal Framework consists of its International Human rights obligations (7.1.) and domestic laws (7.2.).

### **7.1. International Human Rights Law in Sweden**

The focus on indigenous rights revolves around UNDRIP, which is explained in section 7.1.1. Treaty Bodies address indigenous land rights through their conventions, as seen in section 7.1.2. The Swedish Supreme Court integrates IHRL and ILO 169 as legal standards, which is shortly described in section 7.1.3.

#### **7.1.1. UNDRIP**

Indigenous peoples' rights are specially protected under The Declaration on the Rights of Indigenous Peoples (UNDRIP). The rights in the declaration are not new as such but require countries to adopt new approaches to achieve full respect for diversity. UNDRIP is not legally binding but represents international legal norms (UNPFII, n.d.). Sweden was one of the 143 countries favoring UNDRIP in 2007 when it was adopted by the UN General Assembly (United Nations, n.d.). UNDRIP's first article lays the foundation of indigenous rights; it is

stated that "Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the charter UDHR and international HR law." In Articles 2 and 3, it is established that Indigenous peoples have the right to exercise their rights without discrimination. They have the right to self-determination and to pursue their Economic, social, and cultural development.

Article 7 requires states to ensure indigenous individuals' right to life, physical and mental integrity, liberty, and security. Article 8 declares that "Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture." Indigenous peoples have the right to practice and develop cultural and spiritual traditions and customs and to transmit these to future generations (UNDRIP, art. 11-13, 31). Education and public information should reflect indigenous peoples' history and traditions. States must take effective measures to combat prejudice, eliminate discrimination and promote tolerance among Indigenous peoples and all other segments of society (UNDRIP, art. 15).

UNDRIP lays out the framework for the Free, Prior, and Informed Consent (FPIC) principle. Indigenous peoples have the right to influence and participate in decision-making in matters that affect them. Before adopting and implementing legislative or administrative measures affecting Indigenous people, the state should receive FPIC from the Indigenous group it concerns (UNDRIP, art. 10, 19, 28, 29). It is stated that Indigenous peoples have the right to own, use, develop, and control their traditional land. They have the right to receive legal recognition of their lands; such recognition shall be conducted with due respect to the Indigenous people's customs (UNDRIP, art. 26). UNDRIP recognizes the importance of land in the fulfillment of other rights; this is for example seen in art. 32 that concerns FPIC. It is stated that the State must take effective measures to mitigate the adverse environmental, economic, social, cultural, or spiritual impact of exploitive projects on their land. Art. 29 shows that the right to land stretches beyond the right to occupy or use land. Indigenous peoples have the right to protect the environment and its productive capacity and to develop priorities and strategies for their land use.



### **7.1.2. Human Right Treaties**

UNDRIP is not legally binding (UNPFII, n.d.); violations of indigenous rights have, therefore, been raised in the committees of legally binding treaties (OHCHR, n.d.a). The right to land has been raised in the Human Rights Committee (OHCHR) under Article 27 of the International Covenant of Civil and Political Rights (ICCPR), which determines that persons belonging to minorities shall not be denied the right to enjoy their own culture. In the case of *Länsman vs. Finland* (511/1992) on 26th October 1992, the Committee stated that Länsmans right to practice reindeer herding as his economic activity relates to the right to enjoy one's own culture.

The Committee on the Elimination of Racial Discrimination (CERD) has played a central role in developing IHRL concerning indigenous rights. Indigenous peoples' right to land has been raised under Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, which requires state parties to guarantee civil and political rights to everyone without distinction. This includes the right to own and inherit property. CERD contributed to laying the grounds for the FPIC principle. In 1997 they clarified that states must ensure that Indigenous people have equal rights regarding effective participation and that no decisions that affect them are taken without their informed consent (CERD, 1997). The principle has come to be strengthened and used by other treaty committees, for example, through a general comment from The Committee on Economic, Social, and Cultural Rights (CESCR). They stated that cultural rights should be interpreted to include Indigenous people's right to their traditional land, highlighting the interconnectedness between access to land and fulfillment of other rights (CESCR, 2009).

### **7.1.3. ILO 169 and the Girjas Verdict**

Sweden has not ratified ILO 169. Allard and Brännström (2021) argue that Sweden is reluctant to ratify the convention because they worry it would give the Sami people the right to land in areas with valuable natural resources. However, Sweden's Supreme Court applied ILO 169 as a public international law principle in a case that attracted much attention. The case concerned *Girjas Reindeer Herding Village V. Sweden*. The verdict (T 853-18) came in in January 2020, and it was determined that Girja's village has an exclusive right to fishing and hunting even though it contravenes the current national legislation. The Supreme Court

concluded that International law protecting the rights of Indigenous peoples is vital in cases regarding Samis' rights to land. The Court referred to ILO 169 and held that it is an expression of a public international law principle that could be adopted, even though Sweden has not ratified the convention. They also referred to article 26 in UNDRIP, which states that Indigenous people have the right to land, territories, and resources they traditionally have occupied and used.

## **7.2. Swedish Land-use Regulations**

The Sámi people were recognized as an Indigenous people in Sweden in 1997 in a statement by the Swedish Parliament (prop.1998/99:143). In 2000, a Minority-language-law was established, recognizing five national minorities in Sweden; the Sami people were among these (SFS 2009:724). The Sami people were recognized in the Swedish Constitution in 2011 as a people with the right to retain and develop their own culture and community life (1974:152-2010:1408, §2). Marklund (2020) argues that the Swedish Government tends to portray Samis as one of five minorities rather than as an Indigenous people. The wording in the constitution is vague and describes the Samis as one ethnic, religious minority with special opportunities rather than stating that it is an Indigenous people.

### **7.2.1. Reindeer Herding Act**

The Sami people's right to land is recognized and treated in the Reindeer Herding Act (Rennäringslag 1071:437) from 1979 and amended in 1993. These rights are held as usufruct rights to land for reindeer herding, hunting, fishing, and the use of wood. One must be a member of a Sami Village to have the right to practice reindeer herding (RHA §1). In May 2021, the Swedish parliamentary composed a committee to work on a proposal for a new reindeer herding act (Dir. 2021:35). This is seen as a response to the development of Swedish case law, such as Girja's verdict, which contradicts the current domestic laws (Allard & Brännström, 2021).

The first paragraph of RHA states that anyone of Sami descent may use land and water to maintain themselves and their reindeer. The right is based on an immemorial prescription. The reindeer husbandry right may be exercised by the person who is a member of the Sami Village (1§ RHA). RHA allows other practices central to Sami culture, such as fishing, hunting, and

using wood for small cabins. However, these practices are only allowed in connection with reindeer herding. Reindeer herders must consider landowners before building paddocks or cottages (16, 25§§ RHA). The second paragraph establishes that Reindeer Herding can be practiced in northern Sweden above the so-called cultivation border. Some exceptions are made for a few forest reindeer herding villages that traditionally have practiced reindeer herding below the cultivation border.

The Sami villages do not own the land they use (1§ RHA), which is reaffirmed as Sami villages can not grant their usufruct rights to someone else. On the other hand, the State can grant land within Sami districts to private owners, but only if it can be done without considerable inconvenience for the Sami village (31-32§§ RHA). Similarly, private landowners within reindeer herders' all-year-around areas can not use the land in a way that brings "considerable inconvenience" for reindeer herding (30§ RHA).

The County Board (länsstyrelsen) is the authority primarily responsible for ensuring that RHA is upheld. For example, they limit the number of reindeer allowed within a Sami Village district (15§ RHA), where the moving path for reindeer should be, and the borders of Sami Village districts (23§ RHA). The County Boards ensure that sami villages respect RHA and impose fines if laws are violated (65, 66, 72§§ RHA).

### **7.2.2. Forestry Act**

The legal framework regarding forestry within Sweden is The Forest Act (Skogsvårdslagen 1979:429), the Forest Regulation (Skogsvårdsförordningen 1993:1096), and Swedens Forestry Agency directions and general advice (SKSFS 2011:7).

The Forestry Act states that the forest is a renewable resource and a national asset. It must be managed sustainably and yield good revenue. Forest owners must consider other public interests (1§ Forest Act). Forest owners must restock woodland within three years after a felling (5-8§§ Forest Act). They must use established methods to prepare the land and use suitable tree species for the site (6, 8, 9§§ Forest Act). Felling of the forest must be carried through efficiently and promote forest development and regrowth. Felling is not allowed until the trees on the site have reached a certain age, dependent on the stands (10§ Forest Act; 11§, Forest Regulations). The Swedish Parliament lowered the lowest felling age, first in 1964 and

then in 1993 (Fries, Bergquist, & Wikström, 2015). A General recommendation (3:2 SKSFS 2011:7) is to promote forest development through clearing or thinning, which usually reduces the height and diameter spread of the forest.

Within an area where reindeer herding may be conducted throughout all-year-round it is prohibited to fell the trees if it: (1) results in such a significant loss of reindeer grazing that it affects the possibility of maintaining the permitted number of reindeers, or (2), makes the customary collection and movement of reindeer herds impossible (13b§ Forest Act). The Forest Agency gives no directions or general recommendations on determining if this will be the effect of a felling. Before felling within the all-year-around reindeer herding district, the land owner must prepare the Sami Village and propose a consultation (20§ Forest Act). No directions or recommendations are given as to what extent the reindeer herders' interests should be considered. If you own woodland where reindeer husbandry is allowed, their interests should be considered by adjusting harvests, forest road sites, and locations. Consideration must be taken by leaving groups of trees on harvest sites and adjacent to low-production areas and migrations routes (31§ Forest Act).

The directions and general recommendations (7:7, SKSFS 2011:7) from the Forest Agency state that forest owners should adapt to the forest biodiversity, and naturally growing trees should be able to develop. Clear-fellings' size should be adapted to the natural- and cultural environment (7:10, General Recommendation, SKSFS 2011:7). The use of foreign tree species has particular guidelines, like the tree species *Contorta* that cannot be planted in Southern Sweden, close to nature reserves, or forests close to the mountains (2.28 Directions, SKSFS 2011:7).

### **7.2.3. The Act on Consultation**

On the 27th of January in 2022, Sweden implemented a new Act on Consultation (2022:66, Lag om konsultation i frågor som rör det samiska folket), obligating the government and government agencies to consolidate with Sami representatives in matters that may affect them. Municipalities and County Boards will have the same duty two years after the law enters into force. The rule results from international criticism of the Swedish state for not respecting the principle of FPIC (CRD, 2022). The purpose of the law is to advance the Sami

people's influence over their matters through consultations (1§ Act on Consultation). The Sami parliament should be consulted as representatives for the Sami people. If a matter can significantly affect a specific Sami Village, that village should be consulted (7§ Act on Consultation). The law has no provisions regarding how Sami's positions must be considered in the decisions that follow a consultation.

## 8. Experiences from Forest Samis

The results from the interviews are presented in the following sections. A general overview of the value of reindeer herdings and their conditions is presented (8.1.). Followed by a section on the fragmentation of the landscape (8.2.) and how this has been caused by forestry methods (8.2.1.). Samis's ability to influence forestry management through consultations is described in the following section (8.2.2.). The impact of the fragmented landscape on reindeer herding is elaborated upon in section 8.3. The structures of the Swedish state (8.4.) are described to understand the context of this issue better; this involves how the participant perceives their right to land (8.4.1.), the majority community (8.4.2.), and structures of consumerism (8.4.3.).

### 8.1 Reindeer Herding

The reindeer is central to Sami culture and Sami's right to land in Sweden. C-58 stated,

The reindeer is, after all, the hub of this whole life. ... I would like to say, now, I'm a bit biased, but it is the case that the reindeer is the right holder. When the reindeer is gone, then no one will have special rights to fish and hunt. ... It's a lot with this, well, the culture, its a lot with both clothes and knives; everything is from the reindeer, so to speak. So it's kind of built upon it. It's a very important part.

This quote demonstrates the centrality of the reindeer within Sami culture and captures the complexity of Sami's rights to land within Sweden, as these are directly connected to reindeer herding. The reindeer's well-being becomes essential for Sami's right to land.

The participants describe a coherent picture of the prerequisites of Reindeer Herding and how this has deteriorated over time. The focus lies on pasture as D-55 states that "Pasture is the resource; it's not the reindeer per se; it's the pasture. When the entire landscape becomes

fragmented, then reindeer herding can't be carried out in the same way." The herders describe how infringements on their districts reduce their pasture and disturb the reindeer. The prerequisites for reindeer herding have deteriorated over a long period due to various infringements. G-54 states that

If you say that in the 50s-60s, if you had presented these land exploitations that we've had now until 2023 and said that "This is what it will look like in 60 years." It would've either been stopped because of the madness, or all the reindeer herders had slaughtered all their reindeer. But you've taken piece, by piece, by piece, so you've been pulling away small pieces all the time.

## **8.2. Fragmented Landscape**

The participants describe that the landscape has become fragmented by various actors infringing on the reindeer's pasture land. E-26 states that "There is so much pressure from developers that, well, the pastures are shrinking with each passing day, it feels like, or really it is how it is. Roads are built, cities expand, wind power, forestry, mines, well everything like that." F65 connects current natural resource exploitations as part of a historical trend. Before describing how hydroelectric plants were built in the rivers at the beginning of the 20th century, he states, "This has escalated, you never say, the companies or the state, 'now we have taken what we need, now this is yours.' There is no end to the need for natural resources." The fragmentation of nature is described with sorrow by many participants, G-54 expresses,

For us, it is our home, our home environment and our work environment, and our living environment. That's why it's extra hard when areas like that, where you grew up and where you carry out Calf-marking and slaughtering when those areas change a lot.

The participants describe how the forest industries are central actors in shaping the nature within which they practice reindeer herding. C-58, B-68, and A-26 emphasize that it has a special impact on them as they are Forest Sami herders. Three participants explicitly separated state-owned company Sveaskog and argued that it has a special responsibility to protect indigenous rights and sustainability. H-35 describes how the Forest Industry impacts the landscape "Perhaps the biggest exploiter of all is forestry. ... It's an intrusion with effects

just about everywhere; that's how it is. A mine can have a huge impact, but in a local place. Forestry is on every single square meter.”

### **8.2.1. Forestry Methods**

The methods used by Forest Industries hurt reindeer herding. The main issue is the high rate of felling trees. D-55 describes that he wishes that the logic used within predator politics was applied to forestry. He states,

The authorities understand that if we shoot too much, then the tribe will be damaged, so then we have to be careful, so it's like logical thinking. But with forestry, that way of thinking does not exist. ”But if we take out too much, we can still take out a little too much in the future as well.”

Many participants highlighted that the Government has repeatedly lowered the lowest allowed felling age for trees and expressed that there ”is no old forests left,” which leads to a lack of hanging lichen. The industries use the method of clearcuttings, which G-54 describes reduces hanging lichen. ”Hanging lichen is such that it spreads, it blows in the wind and gets stuck in the next tree. And if you do such giant clearings, there is no forest from which they can spread to the new forest.” A-26 describes how clearcuttings affect the reindeer during different seasons. ”These cooling forests don't exist anymore, and I see when they have felled an area in the summer, it almost gets too warm for the ground to handle it, so it burns, everything gets killed.” The use of clearcutting creates homogenous landscapes, and the forest is commonly described as plantations with a lost Biological diversity where the reindeer is displeased. E-26 states,

It doesn't work if you only have one type of forest all the way, along your migration route. Today, it's like one plantation with a young forest and then one with a 60-year-old forest; it doesn't work ... you need to have nature.

The Forest Industry uses many methods with adverse effects on reindeer herding. For example, during the preparation of reforestation, C-58 describes, ”Well then they harrow everything, so then you lose all the grazing too.” An issue that the herders commonly highlight is the plantation of the tree-specie Contorta, which is described to become dense forests disliked by the reindeer. Some methods can improve the prerequisites of the reindeer,

such as thinning and clearing forests; three participants state that the companies do not prioritize these activities due to economic priorities.

### **8.2.2. Consultations with Forestry**

The Forest Sami villages' main tool to impact forest management is consultations with the forest companies. G-54 describes that these meetings historically "... have been useless. It has been a one-way communication where they tell us which land they plan to log." The descriptions of Sami villages' current influence are somewhat divided, as some participants are cautiously optimistic and claim that the forest industries have started to consider their opinions. D-55 states, "We hope and believe there is a change going on that will improve things. Still, it's not like you're cheering quite yet, but there are signs that it's going in the right direction." Other participants are more doubtful and argue that while companies have an increased understanding of reindeer herding, the practices are unchanged. A-26 states, "They turn a deaf ear to it, so in the end, it still doesn't have much effect." One reason for this contradiction can be explained by a point raised by H-35, which is that the effectiveness of consultations is influenced by the person being consulted. H-35 argues that it is problematic that forest companies sometimes send persons to consultations without mandates. He states, "I would say that forestry, in particular, is probably very, very individually managed, depending on whom you consult with and whether that person wants to help you or not." The participants highlight that the consultations increase their workload and that they must be engaged in various consultations with different actors. A-26 describes consultations with forest companies and states,

It's very time-consuming, and you must, like, go out and see what it looks like in the area to be able to give a good description of why this is bad. And it usually ends there with them putting it off for five years, to later on take it up again on the next consultation.

### **8.3. Effects of a fragmented landscape**

Reindeer herders describe how they are affected by forestry in interplay with other infringements. One central issue is that the lack of pasture forces the herders to feed their reindeer with animal feed. G-54 describes how they lack pasture as wind-power-plants have been established on their land and forestry has reduced the hanging lichen; he states, "If we had bad pasture before in the spring and the snow froze, and it was cold, the reindeer lived on



hanging lichen in the forests. The lichen forests that remain do not feed any herds.” H-35 describes that he can see that the reindeer have become used to being fed during winter and worries this will cause a long-term change in their behavior

I think we haven't seen those consequences yet, you can already see tendencies that the reindeer is changing. ... It's like he expects to get fed somewhere, and what kind of consequences that will have in the long run, yes you can only speculate about it, but I mean that reindeer herding will probably change, or the reindeer, it becomes more dependent on fodder, tamer.

The participants describe that the industry of reindeer herding has increased in costs. This is partly due to technical development and that the fragmented landscape makes reindeer wander over larger areas. C-58 describes,

The problem is the expense of this branch. Back then, you had a pair of skis and a dog; that was really the equipment you needed. Now you have to have snowmobiles, cars, trailers, and whatever. Well, everything around this is very expensive, and the reindeer will have to bear that cost. That is a big problem.

According to the participants, a reindeer herder must have a larger herd to sustain a living. However, this poses a problem as three participants expressed that reducing the herds is necessary due to the shrinking pasture lands. B-68 says that ”With the encroachments, we see, we had to limit our reindeer number to 2/3 of allowed reindeer. And, with that, the financial outcome drops quite significantly”. E-26 describes this trend ”It becomes a moment 22 if you just let the majority community to force you to reduce, in the end, you may reduce it so much that the reindeer herding... that it doesn't work to carry on.”

The challenging economic situation forces many to have a double income; three participants have worked other jobs during shorter periods, and many have colleagues who try to combine full-time reindeer herding with other full-time jobs. All participants describe a trend of decreasing number of reindeer herders, and the economic challenge is given as the main reason. C-58 states,

Well, the forest reindeer herding will disappear first; that's how it is. ... You have to be able to support yourself somehow. It's just the way it is. I can see by going to myself that I work

seven days a week and never have a penny left. It's not good. After all, no young people think that that is funny.

H-35 finishes his description of how the number of herders shrinks by stating, "And then you see that every day there is someone who takes a small piece here and there, which then, in the long run, causes your finances to deteriorate even more" Which connects the economic challenges directly to infringements of their land.

The younger participants described how these challenges cause them stress and mental distress. E-26 explains, "The hardest part is perhaps the psychological part when you see that you don't catch up, you see that the reindeer are being worn down, and you are constantly one step behind in the process and unable to turn the trend." One of the older participants is active within the Sami Parliament and described mental illness and high suicide rates among young Sami men as a widespread problem.

One thing that I see is the psychosocial part. It affects the young reindeer herders enormously, this infringement thing that you can't get any space, etc. In many cases, it means that if you have ten families, maybe seven can continue; because the land is gone, there is no possibility. ... You feel that "I want to work with this all my life. But it is the influence of the state which makes that I cannot." And then life ends.

When the participants discussed the future of reindeer herding, two patterns emerged: that reindeer herding will cease to exist or that the herders' fight for a continuation of reindeer herding succeeds. All participants refer to the possibility of reindeer herding ceasing due to the infringement and marginalization. E-26 describes its implication: "Well, basically, the reindeer is a central carrier of culture... If the reindeer disappears and the reindeer husbandry disappears, it would be... devastating for Sami culture and our community." The other pattern is that the reindeer herders will manage to fight and change the current trend, D-55 states,

In some strange way, reindeer husbandry has always survived, so my belief and hope are that we will still have a future. There are good signs, like areas where it feels like we might be taking steps in the right direction. I'm thinking of rights and so on. But it's probably not possible to just go on doing nothing. I think that we really need to see the problem and fight to defend our branch. Otherwise, I think we will slowly be suffocated.

## 8.4. Swedish structures

The fight to maintain reindeer herding is described to be carried out towards structural oppression from the Swedish state and majority community. E-26 states,

Well, you fight against a majority community all the time, with structural... so it is structural racism right through in Sweden, unfortunately. You have to tell it like it is, it is like that, against the Sami people. It's just been refined now how you are actually pushed down by the Swedish state.

He further elaborates that the state use laws and regulations to oppress Samis. C-58 describes the state's oppression as part of a strategy toward the Sami people and exemplifies it with education in elementary school.

It is not even in the curriculum about our own indigenous people. It's a little strange; we know more about America's indigenous people than we do about the Sami. We learned about streams in Southern Sweden, I don't know if you talk about these big rivers, Ume-river, Lule-river. ... That's what we were taught; it wasn't anything about Northern Sweden. ... If you don't talk about it, it does not exist. Yes, you can wonder if it was a strategy right from the start."

Many of the participants connect forestry management with the Swedish state. F-65 made the connection clear as he described Samis's traditional land to be used by the forest industries. "... and then there is land that no one claimed to be the owner of, or could prove. It must have been Sami who owned it once upon a time, but now it is the states, Sveaskog's lands, so they can strip them as they find appropriate." The interconnectedness with the Forest Industry, official authorities, and the state is manifested in one of the participant's (that is part of Sami Parliament) statements, where he describes the challenge of fighting towards forestry management at various levels.

And so, laws are passed that are directly opposed to reindeer husbandry, and it's unfortunate... It is the parliament that decides on forestry, while the Forestry Agency draws guidelines, and then you have the user, which is Sveaskog leaders. It has been extremely difficult to get this compatible.

Some participants highlighted how the forestry law enforces practices with negative consequences for reindeer herding, C-58 describes that

It is written in the Forest Act that one must prepare the soil. Nothing about having to clear and thin and take care of it. Because there will be so much brushwood and millions of plants that you can't walk through it. But there is no legal support for it, but it states that it should be harrowed and planted. That is the only thing that is stated.

Three participants highlighted another issue with the law concerning the borders of the Sami villages district, which H-35 points out that "it is the County Board that has decided to draw a line on paper, we reindeer herders have not decided anything." G-54 describes that their village struggle with keeping their reindeer above the cultivation border.

The reindeer do not thrive in our areas they wander elsewhere. ... They move down on the winter pasture too quickly. And then there are complaints, threats of fines, the County Board (which is the extended arm of the state, which has approved this) threaten us with a fine because the reindeer are down on winter grazing too soon. So we have now seen ourselves forced to build a fence that is 55 kilometers long, and each mile costs about a million to build.

#### **8.4.1. Samis's Right to Land in Sweden**

We come back to C-58s statement that "the reindeer is the right-holder," which highlighted that Sami's rights to land are currently dependent on the continuation of reindeer herding. The ability to practice reindeer herding is described to be undermined by current land use. A-26 says that he wishes that

... we'll be given the right to exist. ... We must have the preconditions for the reindeer to survive. They must be allowed to have food because we are dependent on free roaming, so we must be able to make it through a whole year on the land's resources. Right now, we don't have those conditions; no, we don't.

The participants have all highlighted the same problem within the current land use while formulating it differently. Some pointed out that the infringements never end, like F-65 said, "You never say (the companies or the state) 'now we have taken what we need, now this is yours.'" Others wished for some form of veto, C-58 stated, "One would like to be able to say no to loggings," and G-54, "I want that in all the natural forests... Sami villages have a right of veto." B-68 refers to the same problem within the new consultation law "There, the Swedish side didn't want to go all the way, to give the right to say no. And that's a dilemma, having a law, but you can never use it." H-35 highlights the state's responsibility and argues that it should place a clear limit on what land must be reserved for reindeer herding. "Well, in

some way, it would be that we had some kind of clear guideline from the government that reindeer husbandry must remain and that they determine what is required for it to remain”

The participants expressed disbelief in gaining respect for Sami land rights by the political system. In contrast, they expressed optimism towards progress within the juridical system, often referring to Girja's verdict. This is explicitly stated by D-55, who said,

You start to feel like this... to achieve success for our issues politically is incredibly difficult, almost impossible anyway. With these sensitive issues. If we are to defend our rights, then only the legal way remains. (*Interviewer: What are these sensitive issues?*) It's the right to land.

Similar opinions are expressed by F-65, who emphasizes the importance of the adoption of IHRL in national court but remains hesitant towards federal laws adopted by the Government. He said,

What will change the situation, and which is already doing so, is this judgment in the Supreme Court. When the Supreme Court's lawyers refer to HR instruments that the international community has adopted but which Sweden has not implemented or ratified - it affects everything everywhere. The Consultation Act, it's good, of course. But it is not intended to make major changes or improvements.

#### **8.4.2. The majority community**

The majority community contributes to the marginalization of Samis. The participants describe how they can be criticized and receive hate when they use their land. D-55 describes, "Then you are sometimes questioned, 'Why do you have to have the reindeer all the way out with the road where they get hit' But no one thinks that it's the road that goes straight through a grazing area." H-35 describes that the Sami villages carry the burden of defending their districts from intrusions, which causes tensions among the reindeer herders and the majority society.

I believe in changing such an attitude. It must come from someone else. It won't change just because we say so, but there needs to be a directive from the County Board, which consistently says all the time... "We can't spread out as much as we want; we need to have some kind of nature somewhere."

Many participants describe how the Forest Industry has played a vital role in Swedish economic development and is defended by society. The Sami villages must defend themselves against these attitudes when criticizing forestry management. B-68 describes this "We have to defend our industry against society, so to speak. Society's common expression is that 'Well, if you stop forestry, then society will collapse.'" Some participants have also expressed how forest companies' statements can increase tensions between reindeer herding and the majority of society. G-54 refers to a specific statement from Sveaskog and says,

They have reduced the logging rate, and we are happy about that, but we think they could have presented it a little softer. We are in a part of the country where tensions are pretty common. After all, we often get blamed when other exploiters are forced to back off.

The participants highlight another aspect of the majority community which is that it can support the Reindeer Herder's fight against marginalization. They receive support from scientists, NGOs, and public opinion. The participants describe that they see themselves as part of Swedish society and wish to co-exist. H-35 states,

You want the whole community to function. Because my children will one day go to the same class, that part must work as well. It must not be that reindeer husbandry is one separate part of the world and the rest something else. It must be a common one.

### **8.4.3. Structures of Consumerism**

The participants describe society as driven by economic and material growth, which causes unsustainable land use and undermines the Sami right to land. E-26 speaks about what he sees as the biggest obstacle to a forest suitable for reindeer and says, "The biggest obstacle is that the majority society always wants more. Everyone just wants to be more comfortable and raise the standard of living. Nobody wants to go back. So that is the biggest challenge, how to manage to stop this wheel."

The participants state that these structures drive forestry with a primary end of economic growth. G-54 describes that the companies used Contorta "to get quick economic returns from the forests." C-58 describes that the forestry profits from state-owned Sveaskog go to the investors "It's all about mammon. It's one thing if it benefits the village and everyone, but unfortunately, that's no longer the case." E-26 states, "Forestry favors consumption, it favors

society's strive to increase, and grow and become bigger, constantly, and above all, it favors financial gain.” The participants argue that reindeer herding is not driven by an economic end. H-35 states that this causes misunderstandings in consultations with other actors "And I think that's where there will be very big conflicts when you have to combine an industry that is supposed to take up such huge areas but still has no economic interest. I think that is difficult for people to understand.”

Some participants highlighted the herders’ struggle to preserve nature to be part of a fight against these unsustainable structures. E-26 says,

I actually think that Sweden should consider itself lucky to have an Indigenous people who fought back against the forest invasion and its pace. ... I think it would have looked completely different if there hadn't been someone complaining that ”You can't continue at this rate!” Then it would have been just free to cut and cut in at an even faster pace.

F-65 connects their fight to the global indigenous community and states, "We must realize that 5-6 percent of the world's population is indigenous, and we possess 25 percent of the earth's surface, on which there is 80 percent of the remaining biodiversity - and this is extremely valuable for having an inherent power against global warming.”

## **9. Analysis**

In this section are the results from the legal analysis and the interviews analyzed in correlation to one another and to the theoretical framework. The initial part (9.1.) highlights the legal framework, revealing a disparity between IHRL and domestic laws. The next part (9.2.) illustrates how land use in Sweden results in violations of Forest Samis' rights. The final section (9.3.) discusses how land disposal impacts the structures of Swedish society.

### **9.1. The Legal Framework**

There is a discrepancy between the IHRL and Sweden's national laws. The severest difference is expressed by C-58 as he describes that the ”reindeer is the right holder” of land rights. This is in direct contrast to IHRL and UNDRIP's first and second article that ascribes rights to Indigenous people as a collective or as individuals, which they should enjoy without any form of discrimination. The Swedish legal framework does not ascribe land rights to Samis as

individuals or collective but to a profession depending on the existence of reindeer. Not only is this regulatory design incoherent with IHRL, but it also implies that the elimination of reindeer habitat eliminates Sami land rights.

Indigenous peoples have the right to own, use, develop, and control their traditional land (UNDRIP, art. 26). Samis in Sweden only possess usufruct rights and have no disposal over land. This is, for example, seen as Samis must receive consent from forest owners if they wish to build a paddock. In contrast, forest owners must consult Sami villages before clearcuttings but are not obligated to receive their consent (16§ RHA; 10§ Forest Act). The Swedish state has formed the framework for Sami rights to land, such as the district borders of the Sami villages (23§ RHA), which causes problems for the herders. UNDRIP art. 26 states that legal land recognition of Indigenous people shall be done concerning their customs and traditions. These laws demonstrate that the ownership of the land has been transferred from Samis to the Swedish State, in line with Settler-Colonialistic strategies (Wolfe, 2006; Tuck & Yang, 2012).

The Sami people's right to own, develop, and control their land is violated (UNDRIP, art. 26). The Swedish legal framework for forestry allows land to be used in ways that undermine the practice of reindeer herding. The main challenge, the lack of pasture, is caused by clearcutting and the high rate of tree-felling. It seems like it is presupposed that clearcutting is the most common method, as the law states that soil preparation and restocking must be done to ensure the quick regrowth of trees (5, 7, 8§§, Forest Act). One could argue that the guidelines for reforestation ensure sustainable forestry. The participant's stories, however, demonstrate that the quick rate of felling and reforestation results in a loss of Biological diversity and creates a forest that resembles plantations. The Government has repeatedly lowered the allowed lowest felling age, which has enabled the quick felling rate (Fries, Bergquist, & Wikström, 2015). The law states that forest owners should adapt to the forest biodiversity and use naturally growing trees (Direction 7:7 SKSFS 2011:7). It appears that the current regulations in place are insufficient in safeguarding the diversity of the forest. An example of this is the Regulation of Contorta (Forest regulation 2.28). It has been observed by participants that Contorta contributes to the development of plantations that are unsuitable for reindeer and reduces the natural diversity. The lack of other laws that would benefit sustainable and



biologically diverse forests, such as the obligation to thin and clear planted forests, reinforces unsustainable forestry that yields good revenue but alters the landscape.

The Free, Prior, and Informed Consent principle is well-developed within IHRL (UNDRIP, 18, 19, 32; CERD, 1997). The consultations established by Swedish domestic laws do not reflect this principle. While forest industries must consult with the Sami villages, there are no guidelines on how their interests should be considered (20§ Forest Act). The same problem is reflected in the new Consultation Law, which is problematic as these authorities shape the legal framework of land use. As B-68 said, "... that's a dilemma, having a law, but you can never use it."

One issue with the current law is that consultations concern one specific logging and specific infringements. It is established that clearcutting that "affects the possibility of maintaining the permitted number of reindeer" are prohibited (13b§ Forest Act). The participants express that it is likely that they must reduce their herds due to the loss of pasture land. It seems that forest industries violate this law. However, while one clearcutting may not directly compel a Sami Village to reduce its herds, it is the cumulative effects of various infringements. As Österlin and Raitio (2020) demonstrated, there is no spatial planning of land use, and the responsibility to protect one's district is left to Sami villages. This aligns with the participants' descriptions, which also highlights that there is no spatial planning within forestry management. They must consult with each industry regarding their planned loggings. They also expressed that the current system makes Sami Villages responsible for protecting their districts through various consultations but without the ability to stop an infringement. Other participants highlighted that the state has not taken on its responsibility to get a holistic picture of the reindeer husbandry needs to protect some parts of the forest from exploitation.

The discrepancy between Swedish domestic laws and IHRL is reflected in the participants' disbelief in receiving land rights through the political system. At the same time, they were optimistic about the juridical system. The participant's positivism was often expressed by referring to Girja's case, in which the judges referred to IHRL in their verdict.

## 9.2. Sami Rights

Norgaard (2019) highlights that access to land is not only a matter of quantity but also quality. While the Sami village districts' borders remain the same, the quality of the land has worsened, and Samis cannot continue with their traditional way of life. The participants describe how the landowners' practices have pushed reindeer herding into a downward spiral — the pasture land shrinks, the herders have adopted methods that increase the cost, one needs a greater herd to make a living, but the pasture land cannot support more reindeers, many herders leave their vocation. The landscape's fragmentation is described as part of historical oppression and exploitation. This causes violations of Sami's rights.

Indigenous people "have the right to self-determination" and to "pursue their economic, social, and cultural development" (UNDRIP, art. 3). Access to land is closely linked with Indigenous people's ability to enjoy their culture, to transmit it to future generations (UNDRIP art. 11-13, 32). The reindeer has a central role in Sami culture, and the participants described reindeer herding as a lifestyle rather than a vocation. The situation for reindeer herding is described as a "moment 22" as the herders must decrease the number of reindeer while the cost of practicing reindeer herding increases. The fact that many are forced to leave their vocation due to economic difficulties violates their right to practice reindeer herding as their economic activity (Länsman vs. Finland).

The violence that the Samis are subjected to can be described in the term Colonial Ecological Violence, coined by Bacon (2018), as their relationship with their traditional land is disrupted. This harms indigenous people in various ways. The participants expressed a feeling of sorrow over the changing landscape, and the fragmentation of the landscape brought multiple violations of their rights. Traditional practices are left as the herders must adapt to the changing landscape. This violates Sami's right to practice, develop and transmit their culture and tradition to future generations (UNDRIP 11-13, 31). The right to life and physical and mental integrity (UNDRIP, art 7) is violated as the fragmented landscape aggravates the prerequisites for reindeer herding. This causes stress and mental strain upon those who practice reindeer herding and those forced to leave their vocation. Furthermore, the participants describe that their fight to practice reindeer herding brings hate and discrimination from surrounding society, augmented by the exploitive industries' media

statements. There is a lack of knowledge about Sami Reindeer Herding among the majority community. C-58 highlighted that the Swedish school system does not educate its student in Sami history and culture. This goes against UNDRIP, article 15, where it is stated that "Education and public information should reflect Indigenous peoples history. ... States must take effective measures to combat prejudice."

Like Norgaard (2019) has highlighted, the alteration of land forces Indigenous people to leave their traditional way of life. UNDRIP explicitly states, " Indigenous peoples and individuals have the right not to be subjected to forced assimilation" (Art. 8). Sweden's fragmentation of the forest has pushed forestry reindeer herding into a downward spiral as many seem to be left with no choice but to leave their vocation and lifestyle as reindeer herders; they are forced to assimilate.

### **9.3. Disposal of Nature in a Settler-Colony**

In the following sections, it is described how the disposal of the land impact social (9.3.1), economic (9.3.2), and political (9.3.3) structures.

#### **9.3.1. Social Structures**

Norgaard (2019, 2.6) describes how the quality of nature plays a crucial role in preserving the traditions, culture, and spiritual practices of indigenous peoples. To alter nature is to alter the ecosocial relationship within a region. The participants describe how forestry has changed the landscape. Reindeer pasture is exchanged for fodder, and the reindeer becomes tamer; the biodiverse forests are turned into plantages, and traditional reindeer husbandry is left for more modern and costly practices. This indicates that the ecosocial relationships within Forest Sami districts have been altered. What is most alarming is that more and more people leave the vocation of reindeer herding. The lifestyle of forestry reindeer herders is becoming eliminated. According to the participants, persisting with reindeer herding is seen as a battle against the prevailing trend, as it helps maintain and nurture the ecosocial relationships within their regions.

Norgaard (2019) emphasized that the ontological separation of nature and society is a product of Settler-Colonialism as it justifies the disruption of native ecosocial relationships. One can see a reciprocation between settlers' control over land and the perception that they have the

right to own and exploit the land, as Sandy (2004) referred to as Colonial Ontology. The participants stated that the majority community lacks knowledge of reindeer herding, partly due to the absence of education on Sami matters. Interestingly lack of knowledge about Sami was connected to a lack of knowledge about northern Sweden's nature, and C-58 stated, "If you don't talk about it, it does not exist. Yes, you can wonder if it was a strategy right from the start." This directly relates to Wolfe's (2006) description of how the public discourse contributes to the elimination of the native. It seems like the awareness of the natives' landscape is part of this elimination. Nature is limited to property dominated by the sovereign human, in line with Colonial ontology. D-55 spoke about conflicts along the road where the drivers asked, "Why do you have to have the reindeer all the way out with the road where they get hit, ' But no one thinks that it's the road that goes straight through a grazing area." This demonstrates clashing ontologies where settlers perceive the land as their property and the reindeer (and its owners) as a hinder. The participant expresses another ontology, where the road- which can be seen as an expression of the settler society, has come in the way of the grazing area- nature.

### **9.3.2. Economic Structures**

The legal framework of land use in Sweden enables economic growth, contributing to the economic structures that are described as an unsustainable wheel of consumption. Forestry is part of these structures, and the participants describe how the Forest Industry and the Swedish state overlap; this is mainly manifested in the state-owned Sveaskog-company. This demonstrates how Settler-Colonialistic domination is described as ongoing structures rather than occasional events, as described by Wolfe (2006).

It becomes clear that mere access to land cannot result in economically sustainable reindeer husbandry. Disposal over nature is essential to be able to manage land in ways fruitful for one's economic activity. The participants describe how forestry methods are used to maximize economic revenue while the herders struggle to make reindeer husbandry economically beneficial on the shrinking pasture land. The fragmentation of the landscape is described as a strategy of the state to impoverish reindeer herding as more people leave their lifestyle for other jobs. Sweden has, by conquering the forest, turned it into a product to generate economic yield. The state and industries have grown economically and brought more land

into production. This has, at the same time, eliminated the land quality and eliminated more and more practicing reindeer herders. This is in line with Tucks and Yang's (2012) description of how land is the most valuable resource in a Settler society.

### **9.3.3. Political Structures**

The political structures in Sweden reinforce the settlers-state disposal of land, and the disposal of land reinforces Sweden's political power. The Swedish state has historically used its political power to stipulate laws that reinforce landownership to settlers and limited Sami land rights to usufruct rights (Korpijakko-Labba, 1994, p. 238-249; Marklund, 2020). The current legal framework seems to strengthen the economic growth of forest companies which increases the power of the settler society and undermines reindeer herding. Wolfe (2006) argued that the logic of elimination is incorporated into various agencies in a settler state and its society. The participants have witnessed about challenges of having to deal with various exploiters and authorities that all contribute to the infringements on their land. Infringements that further limit Sami's ability to influence the disposal of land.

The current framework of Sami's rights to land carries many problems. The responsibility to protect reindeer herders' districts from exploitive actors is laid on Sami villages without giving them any real possibility to stop infringements. This makes Sweden and the forestry companies' disposal of land unchallenged. Sweden uses its political power to maintain the disposal of land by portraying the Sami as a minority rather than Indigenous people (Marklund, 2020), undermining their claim to land as Indigenous people. Sweden's reluctance to take responsibility as a duty bearer must be understood within the context of Settler-Colonialism. Wolfe (2006) described how the settler state reinforces its own and its communities, disposal of land to ensure the settlers-society's future by undermining natives' access to land. This might explain the discrepancy between Sweden's domestic laws and IHRL; while IHRL strives to protect indigenous rights to land, the domestic laws of Sweden are formed from the logic of the elimination of the native.

## 10. Conclusion

There is a discrepancy between indigenous rights to land in Sweden's domestic laws and international obligations to IHRL. The domestic laws do not meet Human Rights standards concerning Indigenous peoples' right to own, develop and control their land and their right to Free, Prior, and Informed Consent. The Forest Industry alters the landscape, which undermines Forest Sami reindeer herding. This leads to other violations of Sami's rights. The participants have described that they are targets of discrimination, suffer from mental distress, and that their ability to practice their culture and traditions is hindered. This trend is a demonstration of how Settler-Colonialistic structures operate and how the disposal of the land influences these structures.

The disposal of the land influences the social structures, reindeer herders are hindered from practicing their culture and transferring their traditional knowledge. The elimination of the natives from public awareness is closely linked to knowledge of Samis's traditional land contributing to discrimination and hate within the majority community. The economic structures are directly influenced by land disposal. The forest industries receive economic yield from their production, while the financial situation for forest reindeer herders worsens with time. There seems to be a self-reinforcing effect within the political structures in Sweden, where political power is reinforced by access to land, and access to land enhances the state's political power. The legal framework of land ownership has been developed over time and transferred land from Samis to settlers. The current legal framework frees the state from its responsibility of protecting Sami districts from infringements. It lays the burden on Sami villages without giving them any power to hinder an encroachment. This reinforces the status quo. The domestic laws operate with the logic of elimination, while the supreme court has started to apply IHRL to protect Sami's rights to land.

## 11. Discussion and Final Remarks

This paper has demonstrated a discrepancy between domestic law and IHRL, which aligns with Strömberg (2015), who argued that there is a problem with the fact that RHA is the only law regulating Sami's rights to land. The participants' attitude toward using the political or

judicial system to gain land rights reflects the findings of Allard and Brännström (2021) and Bengtsson (2015, p. 65-68). They argued that the development of Sami land rights in Sweden had been achieved through courts rather than action from the legislative body. The participants described access to lichen as one of the main issues brought upon them by forestry. They have adopted adjustments that increase the workload and expenses, which aligns with the findings from Kivine et al. (2010) and Uboni, Åhman & Moen (2020). However, the impacts of forestry extend even further, as Vihervaara et al. (2009) demonstrated. The participants describe that the impact of forestry limits access to shadow, a calm environment, and biodiverse forests within which the reindeer feel at home. Österlin and Raitio (2020) demonstrated a lack of spatial planning to protect the landscape within Forest Sami districts. The participants have described the same issue and that it exists within one form of infringement and one company. The herders must attend various consultations and discuss single loggings with companies who do not have a holistic understanding of their industry's impact. Forestry undermines the prerequisites of reindeer herding. This demonstrates how nature influences social life and that land-use regulations of Settler-Colonies contribute to the elimination of the native, as Norgaard (2019) argued. Settler-Colonialism (Wolfe, 2006; Veracini, 2015) demonstrates that legal development cannot be understood in separation from the power dynamics within a state, nor can the processes of various exploiters be understood in separation from one another. Like Wolfe stated (2006), it is not a single event but a structure in which the logic of elimination is incorporated into all areas of society.

The participants expressed their desire for a sustainable coexistence between reindeer herding and Swedish society on the land. Their constructive approach is a good example for future research and political decisions on how to create a more socially and environmentally sustainable society. During this study, it became clear that indigenous rights, land use, and Settler-Colonialistic structures are profoundly interconnected and connected to various other aspects. It brought challenges of how to limit and reduce the material. The Forest Act mandates sustainable management of forestry and the protection of biodiversity. However, the participants revealed noncompliance with these regulations. Further research is needed on forestry and sustainability and the policy level of Sami rights and land-use practices. The

participants' holistic perspective on nature is instructive, highlighting the interdependence between local and global sustainability. One factor that the participants often highlighted was the climate crisis and the green transition. The herders described how the Climate crisis and the windmills' expansion limit pasture access. The Climate crisis is described as a product of Western culture, which aligns with Sandy's (2004) description of Colonialistic Ontologies that reduce the land to property and use it for economic growth. Establishing wind parks within Sami districts follows the logic of elimination as it undermines reindeer herders' access to their traditional land. It seems like it is worth exploring if and how a de-colonization of Swedish society could contribute to sustainable land use and combating the Climate crisis instead of relying on current practices that perpetuate the same structures that caused the crisis. This calls for further research on various matters, such as green colonialism within settler states, the relationship between forestry and the Climate Crisis, and how nature influences our social sphere. We seem to face rapid changes in nature to understand the full consequences of this, we must reduce the Colonial Ontological gap between nature and society.



## Bibliography

Alaimo, Stacy. 2010. *Bodily Natures: Science, Environment, and the Material Self*. Bloomington: Indiana University Press.

Allard, Christina and Brännström, Malin. 2021. Girjas Reindeer Herding Community v. Sweden: Analysing the Merits of the Girjas Case. *Arctic Review on Law and Politics* 12(0): 56-79. <https://doi.org/10.23865/arctic.v12.2678>

Amnesty sapmi. 2021. *Infekterad debatt mellan Muonio sameby och Sveaskog*. <https://amnestysapmi.se/infekterad-debatt-mellan-muonio-sameby-och-sveaskog-2/> (2023-05-01).

Andersson, Jenny and Westholm, Erik. 2018. Closing the future: Environmental research and the management of conflicting future value orders. *Science, technology, and human values*. 44(2). <https://doi.org/10.1177/0162243918791263>.

Aurini, Janice D.; Heath, Melanie, and Howells, Stephanie. 2016. *The How To of Qualitative Research*. London: Sage

Bacon, Jules M. 2018. Settler colonialism as eco-social structure and the production of colonial ecological violence. *Environmental Sociology* 5(1):59-69. doi: 10.1080/23251042.2018.1474725.

Bengtsson, Bertil. 2004. *Samerrätt, En översikt*. Stockholm: Norstedts Juridik AB

Bengtsson, Bertil. 2015. Reforming Swedish Sami Legislation: A Survey of the Arguments. in Allard, Christina and Funderud Skogvang, Susann (ed.). *Indigenous Rights in Scandinavia: Autonomous Sami Law*. London: Routledge, 65-78.

Carlsson, Nina. 2020. Revitalizing the Indigenous, integrating into the colonized? The banal colonialism of immigrant integration in Swedish Sápmi. *Ethnic and Racial Studies*. 42(16): 268-286. <https://doi.org/10.1080/01419870.2020.1776360>.

Civil Rights Defenders [CRD]. 2022. *Kommentar till ny lag om konsultationsordningen för det samiska folket*. <https://crd.org/wp-content/uploads/2022/03/Kommentar-till-ny-lag-om-konsultationsordning-for-det-samiska-folket.pdf> (2023-03-24).

Domínguez, Laura., and Luoma, Colin. 2020. Decolonising Conservation Policy: How Colonial Land and Conservation Ideologies Persist and Perpetuate Indigenous Injustices at the Expense of the Environment. *Land*. 9(3): 65-87. doi: <https://doi.org/10.3390/land9030065>.

Farrell, Edward; Fuhrer, Erwin; Ryan, Dermot; Andersson, Folke; Huttel, Reinhard and Piussi, Pietro. 2000. European forest ecosystems: building the future on the legacy of the past. *Forest Ecology and Management* 132(1) 5-20. [https://doi.org/10.1016/S0378-1127\(00\)00375-3](https://doi.org/10.1016/S0378-1127(00)00375-3).

Fries, Clas; Bergquist, Jonas and Wikström, Peder. 2015. *Lägsta ålder för föryngringsavverkning (LÅF) – en analys av följder av att sänka åldrarna i norra Sverige till samma nivå som i södra Sverige. Jönköping: Skogstyrelsens böcker och broschyrer*. [http://shop.skogsstyrelsen.se/shop/9098/art13/28129213-4ca1a-Foryngringsavverkning\\_webb.pdf](http://shop.skogsstyrelsen.se/shop/9098/art13/28129213-4ca1a-Foryngringsavverkning_webb.pdf) (2023-04-12)

Fur, Gunlög. 2013. Colonialism and Swedish History: Unthinkable Connections? in Naum, Magdalena and Nordin, Jonas, M. (ed.). *Scandinavian Colonialism and the Rise of Modernity: Small Time Agents in a Global Arena*. New York: Springer, 17-36

Greenpeace. 2021. *Samebyar i öppet brev till Sveaskogs ledning*. <https://www.greenpeace.org/sweden/artiklar/skog/samebyar-i-oppet-brev-till-sveaskogs-ledning/> (2023-05-01)

Grosz, Elizabeth. 2010. The Untimeliness of Feminist Theory. *NORA—Nordic Journal of Feminist and Gender Research* 18 (1): 48–51. DOI: 10.1080/08038741003627039.

Harnesk, David. 2022. The decreasing availability of reindeer forage in boreal forests during snow cover periods: A Sámi pastoral landscape perspective in Sweden. *Ambio* 51: 2508–2523. <https://doi.org/10.1007/s13280-022-01752-w>.

Human Rights Council Special Rapporteur on Rights of Indigenous Peoples and UN. Human Rights Council Secretariat [UNHRC Special Rapporteur & Secretariat]. 2016-08-16. *Report of the Special Rapporteur on the Rights of Indigenous Peoples on the human rights situation of the Sami people in the Sápmi region of Norway, Sweden and Finland*. A/HRC/33/42/Add.3. [https://digitallibrary.un.org/record/847081\(2023-02-22\)](https://digitallibrary.un.org/record/847081(2023-02-22)).

International Labour Organization. 1989. *Indigenous and Tribal Peoples Convention*, (No. 169).

Korpijaakko-Labba, Kaisa. 1994. *Om samernas rättsliga ställning i Sverige-Finland : en rätthistorisk utredning av markanvändningsförhållanden och -rättigheter i Västerbottens lappmark före mitten av 1700-talet*. Helsingfors: Juristförbundets förlag.

Kovach, Margaret. 2009. *Indigenous Methodologies: Characteristics, Conversations, and Contexts*. Toronto: University of Toronto Press.

Kuokkanen, Rauna. 2020. Reconciliation as a Threat or Structural Change? The Truth and Reconciliation Process and Settler Colonial Policy Making in Finland. *Human Rights Review*. (21) 293–312. <https://doi.org/10.1007/s12142-020-00594-x>.

Kvale, Steinar and Brinkmann, Svend. 2009. *Interviews: Learning the Craft of Qualitative Research Interviewing*. California: Sage Publications Inc..

Landman, Todd and Carvalho, Edzia. (Eds.). 2010. *Measuring Human Rights*. London: Routledge.

Lundgren, Patrik., Andersson, Magnus., Nutti, Tomas., Mangi, Anna-Carin., Påve, Nils-Mikhal., Gråik, Inger-Helene., Stenberg, Jonas., Holma, Hans., Engrund Sohlberg, Birgitta., Larsson, Kjell., Inga, Niila., Allas, Aslak., Fjällgren Valkeapää, Anja., Jonsson, Johan., Berg, Mats., Stinnerbom, Jonas., Nilsson, Per., Andersson, Peter., Stenlund, Thomas., Larsson, Peter., Omma, Arne., Mattson, Markus., Salmijärvi, Jonas., Länta, Jan-Erik., Persson, Stig., Klemensson, Kjell Ove., Simma, Áslat., Sunna, Anders., Jannok, Sofia. 2020. Skogsbolagen skövlar våra renbetesmarker. 29 samebyar: Att verksamheten skulle vara klimatanpassad och rättvis är en bluff. *Aftonbladet*. 2020-11-26. <https://www.aftonbladet.se/debatt/a/X891bo/skogsbolagen-skovlar-vara-renbetesmarker> (2023-05-03).

Lundmark, Hanna; Josefsson, Torbjörn and Östlund, Lars. 2017. The introduction of modern forest management and clear-cutting in Sweden. Ridö State Forest 1832–2014. *European Journal of Forest Research* (136): 269–285. <https://doi.org/10.1007/s10342-017-1027-6>.

Marklund, Bertil. 2020. Skogssamernas historia, ett oskrivet kapitel? In Össbo, Åsa; Marklund, Bertil; Nillson, Lena M. and Stoor, Krister (Ed.). 2020. *Skogssamisk Vilja: En jubileumsantologi om skriften "Dat läh mijen situd", Karin Stenberg och skogssamisk historia och nutid*. Umeå: Vårdduo- Centrum för samisk forskning, 117-144.

McConnell, Lee and Smith, Rhona. (Eds.). 2018. *Research Methods in Human Rights*. London: Routledge.

Naturskyddsföreningen, Norrbottens län. 2020. *Baksidan av de vackra formuleringarna om hållbart skogsbruk!*. <https://norrboten.naturskyddsforeningen.se/baksidan-av-de-vackra-formuleringarna-om-hallbart-skogsbruk/> (2023-05-01).

Norgaard, Kari M. 2019. *Salmon and Acorns Feed Our People: Colonialism, Nature, and Social Action*. New York: Rutgers University Press. <https://doi.org/10.2307/j.ctvscxrxd>

OHCHR. 2022. *Joit Communication from Special Procedures*. AL SWE 2/2022.[https://www.google.com/url?sa=i&ret=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=0CAQQw7AJahcKEwiApIHS\\_-f-AhUAAAAAHQAAAAAQAw&url=https://www.amnesty.se/documents/232/AL\\_SWE\\_03.02.2022\\_2.2022.pdf&psig=A0vVaw3xx42VC93QYNIqPeHSQM7y&ust=1683713481636615](https://www.google.com/url?sa=i&ret=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=0CAQQw7AJahcKEwiApIHS_-f-AhUAAAAAHQAAAAAQAw&url=https://www.amnesty.se/documents/232/AL_SWE_03.02.2022_2.2022.pdf&psig=A0vVaw3xx42VC93QYNIqPeHSQM7y&ust=1683713481636615) (2023-02-11).

OHCHR. n.d.a. *Leaflet No 4: Human Rights Treaty Bodies and Indigenous Peoples*. <https://www.ohchr.org/sites/default/files/Documents/Publications/GuideIPleaflet4en.pdf> (2023-02-22).

OHCHR.n.d.b. *Pamphlet No. 7. MINORITY RIGHTS UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS*. <https://www.ohchr.org/sites/default/files/Documents/Publications/GuideMinorities7en.pdf> (2023-04-13).

Olofsson, Sven. 2022. Att få utrymme i skogen: Staten och skogssamerna i mellersta Sverige under 1700-talet. In Johansson, Catrin; Nilsson, Hans-Erik; Öhman, Peter; Jonsson, Beng-Gunnar (ed). *Skogens Värden - forskares reflektioner*. Mittuniversitetet. <https://www.miun.se/contentassets/5eadb642622a45c189d35963c14fcb68/skogens-varden.pdf> (2022-02-06)

Park, Lisa Sun-Hee, and Pellow, David. 2004. Racial Formation, Environmental Racism, and the Emergence of Silicon Valley. *Ethnicities* 4 (3): 403–424. <https://doi.org/10.1177/1468796804045241>

Pinderhughes, Charles. 2011. Toward a New Theory of Internal Colonialism. *Socialism and Democracy* 25(1): 235-256. <https://doi.org/10.1080/08854300.2011.559702>.

Rennstam, Jens and Wästerfors, David. 2018. *Analyze!: crafting your data in qualitative research*. Lund: Studentlitteratur AB.

Sámidiggi [Sami Parliament]. 2017-11-14. *Comments of the Swedish Sami Parliament regarding Sweden's 22nd and 23rd Periodic report to the Committee on the Elimination of Racial Discrimination*. Dnr. 1.2.7–2017-1532 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FNGO%2FSWE%2F30951&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FNGO%2FSWE%2F30951&Lang=en) (2023-02-22).

Sámediggi [Sami Parliament]. 2020a. *Forskningspolitisk strategi*. <https://www.sametinget.se/156606> (2023-02-20).

Sámediggi [Sami Parliament]. 2020b. *Uttlanade om Skogsbruket. 2020*. <https://www.sametinget.se/155898> (2023-05-02)

Sandy, Grande. 2004. *Red Pedagogy. Native American Social and Political Thought*. Washington: Rowman & Littlefield.

Strömgren, Johan. 2015. The Swedish State's Legacy of Sami Rights Codified in 1886. In Allard, Christina and Funderud Skogvang, Susann. *Indigenous Rights in Scandinavia: Autonomous Sami Law*. London: Routledge, 95-110.

Sveaskog. 2023. *Det här är Sveaskog*. <https://www.sveaskog.se/om-sveaskog/det-har-ar-sveaskog/> (2023-05-03).

Svensson, Johan; Bubnicki, Jakub W.; Jonsson, Beng G. and Andersson, Jon. 2020. Conservation significance of intact forest landscapes in the Scandinavian Mountains Green Belt. *Landscape Ecology* 35(7): 2113-2131. DOI:10.1007/s10980-020-01088-4

Swedish Research Council. 2017. *Good Research Practice*. Stockholm: Swedish Research Council. [https://www.vr.se/download/18.5639980c162791bbfe697882/1555334908942/Good-Research-Practice\\_VR\\_2017.pdf](https://www.vr.se/download/18.5639980c162791bbfe697882/1555334908942/Good-Research-Practice_VR_2017.pdf) (2023-02-20).

Tuck, Eve and Yang, K. Wayne. 2012. Decolonization is not a metaphor. *Decolonization: Indigeneity, Education & Society* 1(1): 1-40 <https://clas.osu.edu/sites/clas.osu.edu/files/Tuck%20and%20Yang%202012%20Decolonization%20is%20not%20a%20metaphor.pdf> (2023-04-13).

UN Committee on Economic, Social and Cultural Rights (CESCR). 2009-12-21. *General comment no. 21, Right of everyone to take part in cultural life (art. 15, para. 1a of the Covenant on Economic, Social and Cultural Rights)*, E/C.12/GC/21. <https://www.refworld.org/docid/4ed35bae2.html>

UN Committee on Elimination of Discrimination All Forms of Racial Discrimination (CERD). 1997-08-08. *General Recommendation No. 23: Indigenous Peoples (General Comments)*, A / 5 2 / 1 8 . [http://www.eodseu/library/UN\\_International%20Convention%20on%20the%20Elimination%20of%20Racial%20Discrimination\\_General%20recommendation%2023\\_1997\\_EN.pdf](http://www.eodseu/library/UN_International%20Convention%20on%20the%20Elimination%20of%20Racial%20Discrimination_General%20recommendation%2023_1997_EN.pdf)

United Nations General Assembly. 1965-12-21. *International Convention on the Elimination of All Forms of Racial Discrimination*.

UN General Assembly. 1966-12-12. *International Covenant on Civil and Political Rights*.

UN General Assembly, 1966-12-16. *International Covenant on Economic, Social and Cultural Rights*.

UN General Assembly. 2007-10-2. *United Nations Declaration On The Rights Of Indigenous Peoples*.

United Nations. n.d. *United Nations Declaration On The Rights Of Indigenous Peoples*. <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html> (2023-02-22).

United Nations Permanent Forum on Indigenous Issues [UNPFII]. n.d. *Frequently Asked Question. Declaration on the Rights of Indigenous Peoples*. [https://www.un.org/esa/socdev/unpfii/documents/faq\\_drips\\_en.pdf](https://www.un.org/esa/socdev/unpfii/documents/faq_drips_en.pdf) (2023-02-22).

UN Human Rights Council [UN HRC]. 2011-06-06. *Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya. The situation of the Sami people in the Sápmi region of Norway, Sweden and Finland, A/HRC/18/35/Add.2*. [https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/SR/A-HRC-18-35-Add2\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/SR/A-HRC-18-35-Add2_en.pdf) (2023-02-13).

UN Human Rights Council [UN HRC]. 2016-08-09. *Report of the Special Rapporteur on the rights of indigenous peoples on the human rights situation of the Sami people in the Sápmi region of Norway, Sweden and Finland, A/HRC/33/42/Add.3*. <https://www.refworld.org/docid/57cd77714.html> (2023-02-13).

Veracini, Lorenzo. 2015. *The Settler Colonial Present*. London: Palgrave Macmillan

Vihervaara, Petteri; Kumpula, Timo; Tanskanen, Ari and Burkhard, Benjamin. 2009. Ecosystem services—A tool for sustainable management of human—environment systems. Case study Finnish Forest Lapland. *Ecological Complexity*. (7): 410-420. <http://dx.doi.org/10.1016/j.ecocom.2009.12.002>.

Wolfe, Patrick. 2006. Settler Colonialism and the elimination of the Native. *Journal of genocide research* 8(4): 387-409. <https://doi.org/10.1080/14623520601056240>.

Össbo, Åsa. 2020. Från lappmarksplakat till anläggsamhällen: Svensk bosättarkolonialism gentemot Sápmi. *Historisk Tidskrift* 140 (3): 420-443. <https://www.historisktidskrift.se/index.php/june20/article/view/93> (2023-02-14).

Össbo, Åsa. 2022. Hydropower Company sites; a study of Swedish settler colonialism. *Settler Colonial Studies* (13):115-132. <https://doi.org/10.1080/2201473X.2022.2037293>.

Österlin, Carl and Raitio, Kaisa. 2020. Fragmented Landscapes and Planscapes—The Double Pressure of Increasing Natural Resource Exploitation on Indigenous Sámi Lands in Northern Sweden. *Resources*. (9)9: 104. <https://doi.org/10.3390/resources9090104>.

## Appendix - Interview Guide

Vad heter du?

Hur gammal är du?

Kan du berätta lite om dig själv?

Hur länge har du sysslat med renskötsel?

Vilken sameby är du med i? Kan du berätta lite om den?

What is your name?

How old are you?

Please tell me a little bit about yourself.

For how long have you practiced reindeer herding?

In which Sami Village are you a member? Can you tell me a little bit about it?

Har förutsättningarna renskötseln ändrats jämfört med när du var började? Hur? Varför har de ändringarna skett?

Have the conditions for reindeer husbandry changed compared to when you started? How? Why have those changes taken place?

Vilka skogsägare finns inom ert område?  
Hur påverkar deras metoder er mark?  
Vad får det för effekter för dig som renskötare?  
Har det några ekonomiska konsekvenser?  
Kan du se att det har några kulturella och sociala konsekvenser?  
Får det här några konsekvenser för samerna som kollektiv?

Which forest owners are there in your area?  
How do their practices affect your land?  
What effects does it have on you as a reindeer herder?  
Are there any financial consequences?  
Does it have any cultural and social implications?  
Does this have any consequences for the Sami as a collective?

Skogsindustrin framställer sig ofta som hållbar. Hur ser du på deras metoder, är de hållbara?

The forest industry describes itself as sustainable. How do you perceive their practices? Is it sustainable?

Hur är ert inflytande över hur skogen vårdas?  
Hur fungerar samråden med skogsindustrin?

What is your influence on the forest management?  
How does consultation with the forest industry work?

Hur skulle du vilja att skogen inom ert område vårdades?  
Vad är det största hindret från att det ska bli så?  
Var finns de största möjligheterna för att nå dit?

How would you like the forest to be tendered for?  
What is the biggest obstacle to that happening?  
Where are the most significant opportunities to get there?

Vad betyder renskötseln för dig?  
Vad betyder naturen för dig?

What does reindeer husbandry mean to you?  
What does nature mean to you?

Det var alla frågor, har du något du vill tillägga?

That's all the questions. Do you have anything you want to add?