The Rise of Indigenous (Pluri-)Nationalism: The Case of the Sámi People

Aslak-Antti Oksanen
University of Bristol, UK

Abstract
Indigenous peoples have found the nationalist language of peoples’ inherent right to self-determination helpful in articulating their political demands. Gerald Taiaiake Alfred’s model of indigenous nationalism explains the emergence of this form of indigenous self-assertion as a reaction to settler-colonial incursions. However, it cannot account for the timing of its recent successes in unsettling the status quo of indigenous–settler-state relations. This article addresses this limitation by incorporating Michael Keating’s concept of post-sovereignty, which highlights the supranational plane constraining states’ freedom of action, while providing indigenous peoples with laws and norms above state level to appeal to. Additionally, Keating’s concept of plurinationalism is drawn upon to capture the emerging reconfiguration of indigenous–settler-state relations. This combined conceptual framework is used to illuminate the Sámi people’s relations to the Nordic states as expressive of emergent indigenous nationalism, formed in reaction to settler-colonialism and enabled by international norms, laws and global indigenous peoples’ networks.

Keywords
decoloniality, indigenous peoples, nationalism, plurinational, post-sovereign, Sámi people

Introduction
Indigenous peoples have long resisted colonial incursions and settler-states’ efforts to assimilate them. This has generally been a losing struggle, with indigenous peoples experiencing dwindling territories and demographics. Only recently have they achieved some successes in curbing further territorial encroachments and reversing assimilation policies. Gerald Taiaiake Alfred’s model of indigenous nationalism offers a partial explanation for this development in indigenous–settler-state relations. It accounts for how
settler-colonial incursions stimulated indigenous political self-assertion, taking the form of modern indigenous nationalism through appropriation of the language of peoples’ inherent right to self-determination. This is a novel form of nationalism, that is not premised on the establishment of new nation-states, but on transforming existing states from their claimed mononational status to mediators of indigenous–settler nation-to-nation relations. However, while Alfred’s model can account for the existence and nature of modern indigenous nationalism, it cannot explain the timing of, or reasons for, indigenous nationalism’s recent successes in challenging the legitimacy of continued settler-colonialism, where prior attempts at indigenous political self-assertion failed. To address this, I incorporate Michel Keating’s concept of post-sovereignty. It draws attention to supranational constraints on states’ freedom of action, which increase the leverage of indigenous peoples by providing them with a set of norms and laws above state level to appeal to. Combining Alfred’s model of indigenous nationalism with Keating’s concept of post-sovereignty enables understanding indigenous nationalism as a global emergent phenomenon, that arises from dynamics internal to states, but only becomes a viable political project with the existence of supranational laws and norms affirming minority rights. The article also uses Keating’s concept of plurinationalism to analyse reconfigurations of indigenous–settler-state relations resulting from indigenous peoples’ successful efforts to challenge the legitimacy of settler-states. These emergent dynamics in indigenous–settler-state relations are illustrated by applying the combined conceptual framework to the case of the indigenous Sámi people’s relations to the Nordic states of Norway, Sweden and Finland.

This study draws on a combination of secondary and primary sources, and interviews with individuals who have held institutional leadership positions among the Sámi people, one each from Norway, Sweden and Finland. The informants are Pekka Aikio, the former President of the Finnish Sámediggi (Sámi parliament), Bror Saitton, a former long-time representative of the Swedish Sámediggi and Nils Henrik Sara, the former Chairman of the National Association of Norway’s reindeer herding Sámi.

The article is structured into three sections. The first contextualises this study in relation to the field of nationalism studies. The next analyses the evolution of Nordic state–Sámi relations through Alfred’s model of indigenous nationalism, complemented by Keating’s concept of post-sovereignty. The final section assesses whether Nordic state–Sámi relations have moved towards a plurinational configuration of indigenous–settler co-existence.

**Nationalism Studies and Indigenous Nationalism**

Within the interdisciplinary field of nationalism studies, the longstanding prevalent assumption was that nationalism entails aspirations for building new nation-states or capturing existing ones in the name of a nationalist ideology, as expressed in the seminal works of Benedict Anderson (1983: 7), Ernest Gellner (1983: 1) and Eric Hobsbawm (1990: 10). The field has diversified since the late 1990s, to include claims to self-determination within and across state boundaries as alternative expressions of nationalism (Guibernau, 1999; Keating, 2001; Özkirimli, 2017: 4). In this context, indigenous peoples’ nationalism remains understudied.
Indigenous peoples’ nationalism shares 20th-century decolonial nationalisms’ opposition to colonial rule. However, the demographic and geographical realities of indigenous peoples differ markedly from those of former colonial subject peoples. Today’s indigenous peoples are predominantly minorities in settler-states. This makes sovereign statehood neither feasible nor desirable, as the potential land and tax bases of indigenous majority areas would be small and often discontinuous (Alfred, 1999: 57). It is therefore unlikely that indigenous nationalisms would follow the path of some prior anticolonial nationalist movements in morphing into exclusionary forms of post-colonial nationalism (Bhatt, 2001: ch. 4; Foxeus, 2019: 664–679; Stokke, 1998: 97–102). Indigenous peoples are not immune to exclusionary forms of nationalism, as exemplified by some Canadian First Nations’ practice of evicting from their reserves those band members who marry non-natives (Simpson, 2014: 13). However, indigenous peoples simply lack the coercive resources for implementing large scale exclusionary nationalist projects (Alfred, 1999: 59).

Mohawk scholar Gerald Taiaiake Alfred (1995) has produced the most comprehensive study of indigenous nationalism to date, formulating a three-phase model of modern indigenous nationalism’s emergence in response to settler-colonialism, based on the historical experience of his community on the Mohawk reserve Kahnawake and of the broader Iroquois Confederacy.

Alfred terms the initial phase of indigenous–settler relations as ‘cooperative’, characterised by mutual respect, where treaties are honoured, reflecting the settler-colonies’ precarity and dependence on relations with natives (Alfred, 1995: 180). Once the settler-states have consolidated themselves, they begin disregarding treaties, usurping control over indigenous lands and reducing their populations to dependence, with the long-term goal of their assimilation. This phase is termed ‘cooptive’ (Alfred, 1995: 180). Eventually, the natives react by challenging the legitimacy of the settler-state enterprise, demanding a fundamental redefinition of indigenous–settler relations, resulting in a phase of ‘confrontation’ and ‘crisis’ (Alfred, 1995: 181). This involves the natives appropriating the language of nations’ inherent right to self-determination, reconstructing themselves as ‘nations’ by drawing selectively on their history, myths, culture and institutions, while the settler-states counter by intensifying their cooption efforts through selective concessions and bribery (Alfred, 1995: 181). To Alfred, the ideal of national sovereignty threatens meaningful indigenous self-determination. If adopted as an aspiration by indigenous nationalists, their demands for self-determination can easily be dismissed as secessionist by settler-states, and the adversarial, hierarchical form of sovereign power risks alienating indigenous peoples from their traditional flat, intensely consultative governing practices (Alfred, 1999: 58–59). To succeed, indigenous nationalist projects should not imitate the settler-state, but nurture indigenous institutions to substitute and complement those imposed through settler-colonial regimes (Alfred, 1995: 183–184).

Alfred’s model captures the dynamics of indigenous nationalism’s emergence in response to settler-colonialism and its unique nature, but it cannot account for why it has been relatively successful in challenging the legitimacy of settler-states, where prior efforts at indigenous self-assertion failed. This applies to indigenous–settler-state relations in Canada, and beyond as will be seen below. Alfred’s model can also not explain why the Iroquois Confederacy’s 1923 delegation to the League of Nations failed in
gaining a formal hearing to make a case for their right to self-determination (Niezen, 2000: 124). Missing from Alfred’s model is the international normative and legislative context as a contributing factor to the success or failure of indigenous self-assertion.

The Iroquois delegation to the League of Nations foreshadowed what was to come. They appealed to the League’s official principle of national self-determination. Yet, the League’s existing member-states reserved the power to confer and deny nationhood to any aspiring member, and the British effectively vetoed the Iroquois’ pleas (Niezen, 2000: 123–125). The United Nations’ (UN) human rights agenda would eventually provide more leverage for indigenous peoples through legally binding treaties, like the Covenant on Political and Civil Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which imposed restrictions on state sovereignty pertaining specifically to minority rights (Niezen, 2000: 125–133).

The leading scholar of stateless nationalism, Michael Keating (2001), assigns great importance to international laws and norms in enabling stateless nationalist movements. He uses the concept of ‘post-sovereignty’ to bracket states’ decreased ability to control their polities economically, juridically and normatively, which opens space for expressions of national self-determination, short of establishing new nation-states (Keating, 2001: 27). Keating uses the term ‘plurinational’ to describe the polities that typically result from accommodation between states and emergent stateless nationalist movements. Plurinational differs from multinational, which can be a polity with multiple discrete and separate nations, whereas nations in a plurinational polity may have overlapping or non-existent national territories and non-mutually exclusive national identities (Keating, 2001: 27). Another defining trait of plurinationalism is legal pluralism, with different layers of legal authority; for example, federal, regional and supranational (Keating, 2001: 138–143). With indigenous peoples, legal pluralism includes recognising the potential legal authority of customary practices that exist alongside statutory law and can take precedence over it (Keating, 2001: 118–119).

Keating has included indigenous nationalisms in Canada among his case studies, and recognises that they differ from other forms of stateless nationalism, as they are premised on indigenous governing structures, and customary practices of land use and resource management, making them hard to accommodate within the state’s institutional framework (Keating, 2001: 97–98). Moreover, while the question of separatism rarely disappears entirely from non-indigenous stateless nationalist movements, very few indigenous peoples desire independent statehood (Keating, 2001: 100). This is consistent with Alfred’s insight on the fundamental incompatibility between the ideal of sovereign nation-statehood and indigenous practices of self-governance.

Keating uses ‘plurinationalism’ as an analytical concept, and has overlooked that the term has been claimed as a core political aspiration by indigenous political movements in the Andean region. The political success of Ecuador’s and Bolivia’s indigenous peoples’ movements has prompted both countries to adopt new constitutions in 2008 and 2009 respectively, declaring them as plurinational states with multiple indigenous nations, recognising indigenous customary legal systems and languages, and creating provisions for forming autonomous indigenous municipalities (Becker, 2012: 73; Hammond, 2011: 654–655). In practice, these changes have mostly been symbolic, as both countries still prioritise extractive industries’ interests over indigenous land rights.
to facilitate economic growth and fund social programmes (Alderman, 2018: 5; Augsburger and Haber, 2018: 54). Still, that a conception of plurinationalism strongly reminiscent of Keating’s definition has been adopted by indigenous political movements and states trying to rebuild state–indigenous relations shows its potential for advancing indigenous self-determination without threatening the integrity of the host states.

Though its substantive meaning is similar in both contexts, there are important differences between Andean indigenous peoples’ and Keating’s uses of the term “plurinationalism”. Andean indigenous peoples use plurinationalism to express their political aspirations. Keating uses it as an analytical concept to assess conditions in polities with stateless nationalist movements, regardless of whether plurinationalism has been adopted as a political aspiration by any of the involved parties. For the remainder of the article, plurinationalism is used in Keating’s sense, as an analytical concept, to assess whether Nordic indigenous–settler-state relations have moved towards a plurinational configuration.

In summary, Alfred’s and Keating’s works both enable partial understandings of indigenous nationalism. Alfred’s model offers the insights that indigenous nationalism emerges in response to settler-colonialism, combining aspects of modern nationalism with revitalised indigenous traditions. Keating’s concept of post-sovereignty highlights the key role of the international legal-normative context in influencing the success or failure of indigenous peoples’ efforts at political self-assertion. This article combines these aspects of Alfred’s and Keating’s works into an integrated conceptual framework that enables understanding indigenous nationalism, and its successes in challenging the legitimacy of settler-states, as an emergent global phenomenon, driven both by dynamics internal to states, and by developments in the international legal-normative context. This is demonstrated below by applying the combined conceptual framework to the indigenous Sámi people’s relations to the Nordic states of Norway, Sweden and Finland. Modern Sámi nationalism emerged in response to intensifying settler-colonial pressure, but it only became a viable political project once enabling international legal-normative conditions were in place. This eventually led to renegotiations of Nordic indigenous–settler-state relations, towards a plurinational configuration.

**Nordic State–Sámi Relations and the Emergence of Modern Sámi Nationalism**

**Background on the Sámi People**

The Sámi are the indigenous population of the Northern Calotte, a geographical area spanning mid-to-northern Norway and Sweden, northern Finland and the Russian Kola Peninsula. They consider this area their homeland Sápmi, where they currently are a minority with an estimated population of 80,000 to 100,000 (Korsmo, 1988: 511–512; Lehtola, 2004: 85). Sámi societal existence has changed over time, going from hunter-gathering and fishing, to a partial transition to nomadic reindeer herding around the turn of the 16th century, with more sedentary villages starting to form from the 17th century (Bjorklund, 2013: 174–177; Lehtola, 2004: 26; Paine, 1958: 170–183). Today, about 10 per cent of the Sámi population practise reindeer herding, while the rest are in the
The Historical Evolution of Nordic Sámi–Settler-State Relations

Sámi–settler-state relations follow a pattern broadly consistent with Alfred’s model, with one important difference. The initial contact phase cannot be considered ‘cooperative’. There were no treaties between the Sámi and the states,2 which simply began imposing arbitrary proxy rule through chaotic overlapping sovereignty claims over the Northern Calotte in the 11th century (Aikio, 2011a: 187–191; Lehtola, 2004: 22–23). After the initial chaos, state–Sámi relations settled into more cooperative forms. The first cornerstone of Sámi rights was the Lapp Land Tax regime, that granted them land titles over their hunting and fishing areas and reindeer rangelands in return for taxes paid mostly in furs (Hyvönen and Korpjaakko, 1979: 35). The second was the Lapp Codicil of the 1751 border demarcation treaty between Denmark (then including Norway) and Sweden (then including Finland), which codified then longstanding practices in state–Sámi relations into statutory law (Aikio, 2011b: 104–105). Specifically, the Lapp Codicil affirmed the ‘Lappish nation’s right to survival’ (Forrest, 2002: 257) by guaranteeing the Sámi’s rights to cross state boundaries on their seasonal migrations, recognising the jurisdiction of intra-Sámi courts and the Sámi’s right to stay neutral in a war.

From the mid-19th century, state–Sámi relations began reflecting Alfred’s ‘cooptive’ phase. The states’ – or pre-independence autonomous administrations’ – changing attitudes towards the Sámi were motivated in part by their northward agrarian expansionism, and in part by their ethno-political nation-building projects. This led them to illegally gradually close their borders to Sámi seasonal migrations between 1853 and 1923 (Beach, 1981: 144; Lehtola, 2004: 37), reallocate Lapp Tax Lands to pioneer settlers and assert state ownership over remaining ‘unclaimed’ Lapp Tax Lands, without formally abolishing the Lapp Codicil or the Lapp Land Tax regime (Bjørklund and Brantenberg, 1981: 104; Korpjaakko-Labba, 2003: 331–334; Lundmark, 1999: 70–74).

The three states/pre-independence autonomous administrations regarded the Sámi differently through their nation-building projects. Norwegian nation-builders saw no place for Sámi culture or language and pursued an aggressive assimilation policy through the public education system (Lehtola, 2004: 44; Minde, 2005: 15). The Finnish considered the Sámi a kindred Finno-Ugric people, belonging within the envisioned ethno-nation. When Finland gained independence in 1917, republican principles prevailed and the Sámi were granted ‘equal’ citizen rights, with little room for group rights (Nyyssönen, 2007: 59–66). In Sweden, two competing agendas combined into a segregationist policy. The first sought to protect agrarian settlements from Sámi reindeer herds, and the second the ‘primitive’ Sámi from the destructive influences of civilisation (Beach, 1988: 8; Lundmark, 2008: 205). The resulting policy, implemented through the 1886 and 1928 Reindeer Grazing Acts (RGA), confined all reindeer herding Sámi to designated rangelands termed ‘Lapp Villages’, and stripped all non-Lapp Village members of Sámi status and accompanying reindeer herding rights (Lantto, 2000: 125–126). This was reinforced by racist categorisation of the Sámi as genetically suited only for pastoral nomadism. The Lapp Authority was created to enforce the policy. It was also responsible for

salaried economy or have combined fishing and agriculture-based livelihoods (Riseth, 2006: 547).
representing the Sámi towards the state, implying their incapacity for self-representation (Lundmark, 1999: 94–100).

Signs of a ‘confrontational’ phase of state–Sámi relations emerged in the early 20th century, as Sámi in areas undergoing acute conflicts with settlers began organising politically, culminating in the first political Sámi mass rallies in Trondheim, Norway, 1917, and in Östersund, Sweden, 1918 (Lantto and Mörkenstam, 2008: 31). After these events, the Sámi movement faded, in part due to inter-war economic hardship (Lantto, 2000: 152), and remained largely dormant until the 1950s, when it re-emerged in response to intensifying hydropower incursions into Swedish Lapland.

Hydropower dams have manifold negative effects on reindeer herding. They destroy rare lush spring pastures and calving grounds along watercourses, decimate fish stocks and render ices brittle (Beach, 1988: 9; Svensson, 1987: 139–140). Northward hydropower expansion drove Sweden’s reindeer herding Sámi to unite under the umbrella of Svenska Samers Riksförbund (National Union of the Swedish Sámi People, SSR). It gained organisational strength from the structure of the Lapp Villages, reflecting Alfred’s assumption on the importance of indigenous institutions to organise around3 (Lantto, 2000: 265–268). The SSR sought to curb further hydropower expansion through a sustained lobbying campaign towards the Swedish authorities (Lantto, 2003: 67–68). It also became instrumental to modern pan-Sámi nationalism by providing organisational backbone to the Nordic Sámi Council (NSC), formed with other Sámi organisations from Norway, Sweden and Finland in 1956 (Minde, 2003: 80).

While the SSR had strength in numbers, unity and political competence, its lobbying campaign towards the Swedish authorities was largely fruitless, resulting in only limited concessions like the abolishment of the Lapp Authority and symbolic renaming of Lapp Villages into Sámi Villages in 1971 (Lantto, 2003: 94–96, 111–123). Alfred’s model cannot account for why the well-organised 1950–1960s Sámi movement spearheaded by the SSR and the NSC failed to generate a viable nationalist movement or gain significant concessions from the states, while subsequent, largely spontaneous, resistance to the Alta-Guovdageaidnu watercourse hydropower project would generate mass Sámi national consciousness and trigger fundamental renegotiations of Norwegian state–Sámi relations (Lehtola, 2004: 57). Understanding this discrepancy requires examining the intersection between the post-war international normative and legislative order, the emerging global indigenous peoples’ movement and their impact on Nordic state–Sámi relations.

Post-Sovereignty and the Emergence of the Global Indigenous Peoples’ Movement

The late 1960s and 1970s saw the emergence of new post-sovereign constraints on state power, pertaining to minority rights, as the ICCPR and ICERD gained legal force. This coincided with the emergence of a global indigenous peoples’ movement, which seized the opportunity to shape the global normative and legislative agenda. The catalyst for this was the Canadian government’s 1969 White Paper, which proposed blanket termination of Indian Status and accompanying treaty rights. The White Paper drew strong
opposition from Canadian indigenous peoples, who formed the National Indian Brotherhood (NIB) to coordinate their resistance to its implementation (Coulthard, 2014: 163). The NIB laid the groundwork for the global indigenous peoples’ movement by reaching out to other indigenous peoples across the Americas and the Arctic. This came to fruition through the 1975 inaugural conference of World Council of Indigenous Peoples (WCIP) in Port Alberni, British Columbia (Nyyssönen, 2007: 263; Sanders, 1977: 10–14).

The WCIP’s lobbying towards the UN contributed to a series of events that would impose further post-sovereign normative and legal constraints on states pertaining specifically to their relations to indigenous peoples. This included the formation of the UN Working Group on Indigenous Populations in 1982, the passing of the International Covenant on the Rights of Indigenous and Tribal Peoples (C169) in 1989, the formation of the UN Permanent Forum on Indigenous Issues in 2000 and the passing of the UN Declaration on the Rights of Indigenous Peoples in 2007 (Eide, 2007: 163–164). Though the WCIP ceased operating in 1996, it played a central role in sparking this global transformation of state–indigenous relations, and immediately gave the indigenous peoples of the world the capacity to speak in a unified voice (Minde, 2003: 88). The Sámi assumed a key role within the WCIP, being entrusted with hosting its second conference. Sámi WCIP participation transformed the outside world’s perception of them, earning tacit recognition of their indigenous status (Minde, 2003: 88; Nyyssönen, 2007: 263). This increased the reputational costs for states’ mistreatment of them, as became evident with the Alta conflict.

The Alta Conflict and Its Aftermath

The confrontation between Sámi protesters and the Norwegian state over a large hydro-power project on the Alta-Guovdageaidnu watercourse in Norway’s northernmost county of Finnmark became a catalysing event. It transformed the notion of pan-Sámi national solidarity from a utopian ideal held by the Sámi cultural and political elite, to one shared by the mass Sámi population. The project, first announced in 1968, endangered the largest Sámi reindeer herding system and would have flooded the Sámi village Máze, if not for its residents’ protest campaign, which succeeding in deferring and scaling back the project, sparing Máze (Paine, 1982: 20; Somby, 1999: 57). When the project was re-authorised in 1978, it was met by a massive direct-action campaign by Sámi protesters and Norwegian environmentalists, jointly blockading the planned access road site (Paine, 1985: 192; Somby, 1999: 58). During the standoff, a group of young Sámi activists set up a Sámi tepee outside the Norwegian parliament and went on hunger strike demanding rescinding of authorisation for the project, drawing a massive crowd of sympathisers and domestic and foreign media attention (Paine, 1985: 192–195; Somby, 1999: 58). During the standoff, the WCIP issued a public statement, urging Norwegian Prime Minister Odvar Nordli to recognise the Sámi’s land rights (Paine, 1985: 195–196). The Norwegian government temporarily halted the project and appointed a Sámi Rights Committee to assess the Sámi claims, but reauthorised the project soon thereafter, mobilising 600 police officers to clear the protesters from the access road site, attracting a significant foreign media presence (Minde, 2003: 91).
Though the protesters failed in stopping the Alta hydropower project, the movement had mobilised the Sámi on an unprecedented scale, and its media coverage generated sentiments of pan-Sámi solidarity among the mass Sámi population across the Nordic countries (Lehtola, 2004: 57; Nyysönen, 2007: 320). Crucially, the WCIP’s success in raising global awareness of indigenous peoples’ plight, and the Sámi having informally ‘earned’ indigenous status through their participation, increased the reputational costs of the Norwegian state’s mistreatment of the Sámi, as expressed through the extensive international media coverage. The Sámi Rights Committee, appointed at the height of the conflict, was subsequently given a strong mandate in large part to repair Norway’s reputation as a global champion of human rights (Lehtola, 2004: 82; Minde, 2003: 91). The Alta conflict and its aftermath demonstrate that Alfred’s model is insufficient because of its lack of consideration for the international context, which in turn means that it cannot account for why the politically well-organised SSR’s campaign of the 1950–1960s bore such meagre results, while the improvised Alta protests triggered a fundamental renegotiation of Norwegian state–Sámi relations.

The NSC sought to capitalise on the newfound pan-Sámi solidarity at its first post-Alta 1986 conference in Åre, Sweden (Heith, 2014: 43). The conference agenda closely resembled Alfred’s notion of indigenous peoples reconstructing themselves as nations by drawing selectively on their traditional symbols and institutions, reframing them for contemporary political purposes. However, there is a difference in terminology. The Sámi word for expressing their unity as a people is albnut, which is sometimes translated as ‘people’ and sometimes as ‘nation’. The Sámi avoid using ‘nation’ in a politicised way to avoid charges of separatism. Nevertheless, their use of ‘people’ expresses a claim for self-determination, that is antithetical to state sovereignty, making it consistent with Alfred’s characterisation of indigenous nationalism. The Åre conference defined the Sámi as a single people with their own territory where they have rights to land, water, their own language, culture, traditions, history and their own ways of organising society. It also fashioned the national symbols of a Sámi flag and Isaak Saba’s poem Sámi Soga Lávlla (Song of the Sámi People) as a national anthem (Heith, 2014: 43). The NSC’s 1992 Helsinki Conference made 6 February, the day of the 1917 Trondheim Sámi gathering, Sámi national day. Sámi artist Hans Ragnar Mathisen’s map of Sápmi without national borders, first created in 1975, began decorating Sámi homes (Semb, 2001: 188), and the formerly stigmatised Sámi joijk (throat singing), was elevated to folk music status (Åhrén, 2008: 143).

Sápmi in Plurinational, Post-Sovereign Nordic States?

The Alta conflict sparked a fundamental renegotiation of Norwegian state–Sámi relations, with ripple effects in Sweden and Finland. This section assesses whether the resulting configuration of state–Sámi relations approximates plurinationalism as defined by Keating, while remaining attentive to the continued influence of post-sovereign normative and legal constraints and enablers.
Renegotiation of State–Sámi Relations and Institutional Provisions for Sámi Self-Determination and Cultural Survival

The Norwegian Sámi Rights Committee appointed during the Alta conflict produced its initial report in 1984, recommending the creation of a Sámi representative assembly, a constitutional Sámi rights article and a Sámi Language Act making Sámi an official language while mandating arrangements for Sámi language education. These recommendations were all made into law within six years (Minde, 2003: 91; Oskal, 2002: 13; Smith, 2011: 24).

The three Nordic countries now each have an elected Sámi representative assembly called Sámediggi. The Norwegian and Swedish Sámediggis, established in the wake of Alta, were modelled on the prior Finnish Sámi assembly. They all have advisory roles and control public funds for promoting Sámi culture and livelihoods. Their voter eligibility criteria are to self-identify as Sámi and having Sámi as first language, or at least one grandparent with Sámi as first language (Lehtola, 2004: 80–82; Lundmark, 2008: 336–337; Nyyssönen, 2007: 220).

Finland’s 21-seat Sámi assembly was inaugurated as the Sámi Delegation in Aanar in 1975 and renamed as Sámediggi in 1996 (Nyyssönen, 2007: 220). Its creation was the result of fortuitous circumstances, as my informant Pekka Aikio skilfully utilised political contacts to request the appointment of a Sámi Committee, which recommended the assembly’s creation. However, the Committee had envisioned the assembly as managing Sámi autonomy over lands and waters in their domicile area, but these recommendations were rejected by the Finnish government, confining the assembly to an advisory role (Oksanen, 2017: 175; SCR, 1973: 5.1).

The Norwegian 39-seat Sámediggi was inaugurated in Kárášjohka in 1989, following the Sámi Rights Commission’s recommendation. It has a similar advisory role, but its standing was enhanced by the leadership of its first president, Ole Henrik Magga, and the Norwegian royal family’s endorsement. King Olaf presided over its 1989 inauguration and his successor, Harald, declared at its 1997 opening that the Norwegian state was founded on the land of two peoples, the Norwegians and the Sámi, and apologised for the Norwegian state’s past transgressions (Lehtola, 2004: 82). The Sámediggi must now be consulted by the government on any matters concerning the Sámi, but it lacks veto powers (Oskal, 2002: 13).

The Swedish 31-seat Sámediggi was established in Giron in 1993, following a contentious process that began indirectly in 1961 with the Taxed Mountain case, where a group of Lapp/Sámi Villages sued the Swedish state for ownership of mountains on old Lapp Tax Lands. Though they eventually lost the case in 1981, the supreme court’s ruling conceded that reindeer herding, hunting and fishing in principle can form the basis for landownership. After the Norwegian Sámi Rights Commission’s appointment, the SSR requested the appointment of an analogous commission to assess the ruling’s implications on Sámi rights (Lundmark, 2008: 334). However, this process was hijacked by the government, which used it to strip Sámi Villages of their exclusive hunting and fishing rights to appease northern Swedish voters, resulting in the simultaneous inauguration of the Sámediggi and stripping of Sámi Villages’ exclusive hunting and fishing rights in 1993, despite the SSR’s strong objections (Lundmark, 1999: 131).
Overall, the Sámediggi have been of limited utility for Sámi national self-determination due to their advisory roles. A cooptive tendency was evident in the Finnish government’s rejection of Sámi demands for land rights, and the Swedish government’s stripping of Sámi Villages’ exclusive hunting and fishing rights. Moreover, the Sámediggi are not national Sámi institutions, but subordinate Sámi politics to the nation-state framework. However, the Sámediggi counter-acted this by forming a pan-Nordic inter-Sámediggi council in 1996 (Lantto, 2010: 551–552). The three Sámediggi have also been driving the process of negotiating a Nordic Sámi Convention with the Nordic parliaments since 2002 (Smith, 2011: 28). Its wording has been agreed, but it remains unratified (Swedish Sámediggi, 2020). It would help restore Sámi unity by allowing cross-border arrangements between reindeer herding bands and affirming the rights of Sámi towards all three states regardless of citizenship (Smith, 2011: 28–29).

The three Nordic states also provide institutional support to Sámi culture through Sámi language education and public information in Sámi domicile areas, and by sponsoring Sámi language radio and TV media. Finland has provided limited Sámi language education since the early 1970s, expending its offering following the 1995 Cultural Self-Government Act (Beach, 1988: 6; Lehtola, 2004: 79). Sweden operated Sámi nomad schools with rudimentary curriculums, reflecting their official racist understandings of the Sámi until 1977, when they were transformed into Sámi language schools after persistent SSR lobbying (Lundmark, 1999: 99–100). Norway’s Sámi language teaching offering was extremely narrow until the passing of the 1990 Sámi Language Act, after which it has built the most comprehensive Sámi language education system (Smith, 2011: 25). The Nordic states have sponsored limited Sámi language radio and TV media since the 1960s, expanding their airtime significantly in the 1990s, culminating with the jointly produced northern Sámi daily TV news programme Oddasat, launched in 2001 (Lehtola, 2004: 93). This is particularly significant considering the role of national media in creating the shared imaginary space of the nation among the mass population (Anderson, 1983).

Legal Pluralism

There are two potential sources of legal pluralism – meaning laws originating outside the state legislatures – relevant to state–Sámi relations. The first is international law, through legally binding covenants pertaining to minority and indigenous peoples’ rights. The second is Sámi customary practices, which could potentially be treated as taking precedence over – or be integrated into – statutory law.

These two levels are interrelated, as international law is relevant to state–Sámi relations mainly when it demands respect for indigenous customary practices. The most important examples of such international laws are Article 27 of the ICCPR, stating that minorities have the right to practise their own culture, which the United Nations Human Rights Committee (UNHRC) interprets to protect indigenous peoples’ land and water rights (Eide, 2007: 163), and Article 14 of C169 which demands respect for indigenous customary land ownership (Smith, 2011: 26). The Norwegian Sámi Rights Committee’s recommendations (see above) were in large part motivated by their interpretation of the Sámi’s right to practise their culture under Article 27 of the ICCPR (Smith, 2011: 23). The weight of the ICCPR’s Article 27 was also evident in 2005, when Finnish Sámi
reindeer herders succeeded in prompting the UNHRC to demand halting of loggings on their pastures with reference to it (Lawrence, 2007: 172–173).

Norway became the first state to ratify C169 in 1990 (Minde, 2003: 93–96). A process is still underway, aiming to restore local ownership over the public lands of Finnmark County to comply with C169’s demands for respecting indigenous customary landownership (Ravna, 2014: 301–302; Smith, 2011: 26–27). Finland and Sweden have not ratified C169, maintaining that their laws are not yet compatible. Despite their non-ratification, C169 still provides the Sámi additional leverage towards the Finnish and Swedish states, as their inability to ratify it embarrasses them on the global stage, pushing them towards compliance with it (Lantto and Mörkenstam, 2008: 39).

There are historical precedents of the Nordic states recognising Sámi customary practices on their own accord by integrating them into statutory law, as exemplified through the Lapp Land Tax regime and Lapp Codicil (Aikio, 2011b: 104–105). These two cornerstones of Sámi rights were systematically disregarded during the ‘cooptive’ phase of state–Sámi relations, after which Sámi customary practices were accorded much less weight. Recent decades have seen some movement towards greater respect for Sámi customary practices as a source of law existing independently of statutory law in Norway and Sweden, but less so in Finland.

The Swedish Taxed Mountain case (see above) produced the first modern ruling recognising in principle that Sámi customary land use practices through reindeer herding, hunting and fishing could form the basis for landownership. However, this did not stop the government from stripping Sámi Villages of their exclusive hunting and fishing rights in 1993. The legality of this action was challenged by my informant Bror Saitton’s Sámi Village, Girjas, through what became known as the Girjas case. Girjas won the case at district, appeal and supreme court levels by asserting that their exclusive hunting and fishing rights exist independently of statutory law, based on immemorial customary right (Oksanen, 2017: 192–193; SR, 2020). This should set a precedent for restoring Sámi Villages’ exclusive hunting and fishing rights and mark a decisive step towards legal pluralism, where longstanding Sámi customary practices are treated as a legitimate source of law that can take precedence over statutory law.

According to my Norwegian Sámi informant, Nils Henrik Sara, the Norwegian legal system is top-heavy in its capacity for legal pluralism, as the district and appeal courts show little understanding of Sámi customary practices, while the supreme court has developed a high level of understanding, often overturning the district and appeal courts’ rulings in cases involving Sámi customary practices (Oksanen, 2017: 233–234). The republican principles underpinning the Finnish legal system, which equate equal rights with identical rights for all individuals (Nyyssönen, 2007: 59–66), make it averse to treating longstanding local customs as having potential legal force. The only effective source of legal pluralism in Finland is binding international law, as exemplified by the above referenced conflict over logging on reindeer pastures.

Non-Mutually Exclusive National Territories and Identities?

The Sámi’s relation to their territorial homeland is shaped by their history of deriving subsistence from the land and water in the arctic and subarctic, entailing extensive
lifestyles to access dispersed natural resources. This was not limited to reindeer herding, as the more settled coastal, lake and riverside communities also had mobile lifestyles for foraging, fishing, hunting and access to livestock pastures (Korsmo, 1988: 514; Paine, 1958: 176–178). Sámi territoriality was therefore dynamic and flexible, with continuous territorial access negotiations between neighbouring communities in response to changing environmental and demographic conditions (Korsmo, 1988: 514; Paine, 1994: 16). While most Sámi are now in the salaried economies, the 10 per cent who practise reindeer herding maintain this extensive form of territoriality (Lehtola, 2004: 26).

The flexible extensive nature of Sámi territoriality means that their claim to a homeland does not entail exclusive sovereign ownership or desire to evict settlers. In fact, Sámi reindeer herding only became viable with the presence of settlers, as pastoralism requires sedentary populations for complementary surplus trade (Bjørklund, 2013: 183–186). Sharing a territorial homeland with other peoples is therefore not an alien concept to the Sámi. Indeed, Mathisen’s map (see earlier) does not demarcate Sápmi, but simply omits state boundaries from the Northern Calotte. However, there must be clear conditions for acceptable forms of land use, or in other words, respect for customary law, between the cohabitants. The Sámi have not reacted against the existence of non-Sámi settlements or against the states’ sovereignty claims, but against their blatant disregard for Sámi customary practices. The challenge is to find mutually acceptable institutional and legal arrangements to allow for plurinational co-existence on a shared territory. Ratification of the Nordic Sámi Convention would be a first step. It has been negotiated between all the Nordic legislatures and Sámediggi, expressing their current common ground.

The question of whether Sámi and other Nordic national identities are mutually exclusive is more contentious to the Sámi. The states have preferred treating the Sámi as minorities within their nation-states, whereas the premise for Sámi claims to having rights as a people/nation entails a distinction between the Sámi and other Nordic peoples and consequently some level of exclusivity.

Sámi identity questions have become increasingly contested after the inauguration of the Sámediggi. There have been calls to relax voter eligibility criteria, to include all who can prove descent from an ancestor on the Lapp Tax register (Laakso, 2016). This has been resisted by the current Sámi legal and political leadership, as relaxing the voter eligibility criteria could increase assimilatory pressure by further blurring Sámi/non-Sámi distinctions (Aikio and Åhrén, 2014: 141–143).

Contestation of indigenous identity and perceptions of entryism by outsiders is not unique among the Sámi. For example, the indigenous status question is more contentious in Canada, where it is tied to Indian reserve residence rights (Lawrence, 2004: 194). The situation in Canada is also expressive of natives having internalised colonially imposed authenticity criteria, as demonstrated by Bonita Lawrence’s work on how Indian Status – stemming from the 1876 Indian Act’s classification of parties to treaties with the British Crown as ‘Status Indians’, to the exclusion of all others – is treated as a proxy for being a ‘real Indian’ among the natives themselves (Lawrence, 2004: 222–223). Similarly, an ethnographic study among Swedish Sámi by Christian Åhrén (2008: 157–161) observed internalisation of the Swedish state’s prior reificatory authenticity policy, with reindeer herding Sámi ranking internally as having the strongest Sámi credentials, and urban
Sámi and ‘new Sámi’ (those of Sámi descent, raised outside Sámi cultural environments, reclaiming Sámi identity) as having the weakest. In Norway, there have generally been positive attitudes from the broader Sámi community towards efforts to revive Sámi language and culture in coastal Sámi areas where a generation had already been fully assimilated to Norwegian language and culture. Those who have embraced their Sámi identity in such areas have self-deprecatingly described themselves as ‘plastic Sámi’, reflecting their conscious choice to reconstruct their Sámi identities (Pedersen and Høgmo, 2012: 115–116, 298).

Overall, the Sámi and the Nordic states are predisposed to opposite views on questions of non-mutually exclusive territorial homelands and national identities. The Sámi’s traditionally flexible relation to land allows for co-existence of more than one nation on shared territory, while the states’ mutually exclusive territoriality is a hurdle to their coming to terms with a nation transcending their boundaries. Non-mutually exclusive national identities would be consistent with the states’ preference for treating the Sámi as minorities, but in variance with the Sámi’s self-image as a distinct people. Therefore, any blurring of the lines is likely to be resisted by the Sámi. These lines are nevertheless getting blurred with intermarriage and the influx of ‘new’/‘plastic’ Sámi, making it a question the Sámi must face.

**Concluding Remarks on the Potential for a Plurinational Sápmi**

When assessed against the criteria as defined by Keating (2001: 27), there is some distance between the ideal of plurinationalism and the realities of Sápmi. The Sámediggi are of limited utility for Sámi self-determination while restricted to advisory roles. The Swedish and Norwegian courts have slowly started treating Sámi customary practices as potentially having legal force, while the Finnish courts appear resistant to change. Non-exclusivity of national identities could open the door for further cooptive fragmentation of the Sámi along nation-state lines and is thus not conducive to Sámi national self-determination. The Sámi are naturally more open to non-mutually exclusive forms of territoriality, but the states have resisted re-integration of Sápmi across state boundaries through their unwillingness to ratify the Nordic Sámi Convention. Despite this gap between the ideal of plurinationalism and current realities, it nevertheless offers a promising template for future state–Sámi relations, except for the non-exclusivity of national identities. Developments in recent decades have been in the direction of its realisation. Ratification of the Nordic Sámi Convention would represent a significant further step.

**Conclusion**

The nationalism of indigenous peoples shares conventional nationalisms’ principle of nations’ right to self-determination, but differs fundamentally on what this entails. Indigenous nationalism is not premised on establishing new nation-states, or on capturing existing ones, but on renegotiating indigenous–settler-state relations to gain acceptance for indigenous customary practices as the basis for self-governance. Alfred’s (1995: 183–184) model captures this unique trait of indigenous nationalism by emphasising how it consists of reconstructed indigenous traditions, myths and social institutions as
the fabric of nationhood. However, Alfred’s model is insufficient on its own, as it cannot account for why recent indigenous nationalist projects have succeeded in questioning the legitimacy of settler-states, where prior efforts at indigenous political self-assertion failed. Keating’s (2001: 27) concept of post-soverainty addresses this limitation in Alfred’s model by highlighting how the absence or existence of relevant supranational norms and laws has a decisive influence on the fortunes of indigenous political self-assertion. The presence of effective supranational laws and norms affirming minority rights significantly increases indigenous peoples’ leverage towards states by heightening the reputational costs of their mistreatment. Keating’s (2001: 27) concept of plurination-alism, signifying states containing multiple nations with overlapping territories and multiple layers of legal authority, outlines the configuration of indigenous–settler-state relations that is likely to result over time from the emergence of indigenous nationalist movements under post-sovereign conditions. The limitation of Keating’s work is its inability to account for the dynamics of indigenous nationalism’s emergence or its qualitative differences in relation to other forms of stateless nationalism. Alfred’s model remains indispensable for its ability to capture the dialectic process of indigenous nationalism’s emergence in response to settler-colonialism, and its unique nature. By integrating Alfred’s and Keating’s models into a combined conceptual framework, this article enables perceiving indigenous nationalism as a global emergent phenomenon that will form an integral part of nationalism’s futures. It highlights both how indigenous nationalism emerges in direct response to settler-colonialism, taking a unique expression by combining traits of modern nationalism with traditional indigenous practices, and how it becomes a viable political project only once post-sovereign supranational laws and norms affirming minority rights come into existence, increasing the leverage of non-titular nationalities, setting indigenous–settler-state relations on a trajectory towards a plurinational configuration of mutual accommodation.

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ORCID iD

Aslak-Antti Oksanen [ID] https://orcid.org/0000-0002-6211-8149

Notes

1. The Canadian Indian Act (RSC, 1985, c. I–5, 2020) designates recognised aboriginal First Nations as ‘bands’ and requires them to maintain band membership lists specifying all individuals entitled to reside on their Indian reserves.
2. Except for the Kola Peninsula Skolt Sámi and the Russia state.
3. Though the Lapp Villages were imposed by the state, they largely maintained the Sámi structures they formed from.
4. The most widely spoken Sámi language.

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**Aslak-Antti Oksanen** is Honorary Research Associate and Assistant Teacher at the University of Bristol. His research interests include the position of indigenous peoples in global politics and indigenous peoples’ nationalism.

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