

# Chapter 12

## Who Is Sami? A Case Study on the Implementation of Indigenous Rights in Sweden

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**Abstract** This chapter focuses on the complications that arise in implementing Indigenous rights in Sweden, in particular in deciding who belongs to Indigenous groups and as such to whom Indigenous rights are accorded. I discuss the political mobilisation of the Indigenous population of Sweden, the Sami, and introduce a case study based on interviews conducted with parliamentarians in the Sami parliament, a governmental institution, as well as Sami rights activists and scholars. My interest in “Who is Indigenous”, or rather “Who is a Sami”, is based on the impact this has on the workings of an Indigenous rights movement and its leaders, and the possibilities of achieving the rights they claim.

**Keywords** Sweden · Sami · Sami Parliament · Indigenous Peoples Rights · Arctic · Identity

### 12.1 Introduction

The inherently generic manner in which the international Indigenous legal system is written allows opportunities for states and Indigenous groups to interpret their accorded rights in a number of ways. While theoretical discussions on the international legal nature of Indigenous rights have been useful in defining the legal parameters of terms integral to Indigenous rights, such as self-determination and self-identification, they cannot capture the diversity of domestic laws concerning Indigenous peoples. Therefore, analysis of specific cases is arguably the best way of understanding the contemporary legal and political position of Indigenous peoples.

This chapter is built around a case study of the Indigenous population in Sweden, the Sami. Interviews were conducted with Sami politicians in the Sami

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parliament, a governmental institution in Kiruna, as well as Sami rights activists and scholars during the months of April and May in 2014. During the research the identity question of “Who is Sami?” was a focal point, which allowed me to delve into several aspects of cultural revitalization, legal implications of setting boundaries for self-identification, and political manoeuvres within the Sami parliament.

## 12.2 Who Are the Indigenous Peoples?

Du Gay argues identity becomes a question of power and contestation when a group seeks to realize its identity in a political form, to ensure the survival of one’s own culture, to gain the right to utilise natural resources or to take over a territory (Du Gay/Hall 2011). One of the main issues pertaining to Indigenous rights is the question of who is Indigenous? When rights are tied to a culture or identity it is pivotal to define who belongs to the said culture (Åhrén et al. 2007).

A working definition of indigeneity, from the United Nations, refers to descendants of populations which inhabited the country, or geographical region to which the country belongs; at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions. Furthermore, the definition states that social, cultural and economic conditions distinguish Indigenous peoples from other sections of the national community, and their status is regulated wholly or partially by their own customs or traditions or by special laws or regulations. They are *peoples* to the extent that they have retained a continuity of existence and identity that links them to the communities, tribes or nations of their past (Anaya 2004). Most importantly, self-identification as Indigenous has been regarded as the fundamental criterion for determining the groups to which the legal protection scheme applies (Office of the High Commissioner for Human Rights 2013). This “subjective” criterion has been widely accepted but it is not clear whether or not it would be sufficient if other “objective” criteria (i.e. ancestry) were not also present (Hannum 1996).

While the self-identification criteria is given most importance it can lead to controversy, with both state authorities refusing to acknowledge a group as Indigenous despite their self-identification as such and people who have no features of the Indigenous claiming indigeneity in order to benefit from their rights.

## 12.3 The Sami People

The Sami people traditionally inhabit a territory known as Sapmi, which spans the northernmost parts of Norway, Sweden and Finland, and the Russian Kola Peninsula. The Sami have inhabited the area much longer than the Nordic/Russian people. They have the oldest languages and cultures of these countries, long

pre-dating the present-day states, and today several language groups are divided across the national borders of the Nordic and Russian states. The Sami people have traditionally relied on hunting, fishing, gathering and trapping. Reindeer herding, in particular, is of central importance to the Sami people. Many Sami communities historically practised a semi-nomadic lifestyle, moving reindeer between the mountain areas and coastal areas according to the season (Lantto 2010; The Sami Parliament 2004).

The Sami population is estimated to be between 70,000 and 100,000 people in total, with 40,000–60,000 in Norway, 15,000–20,000 in Sweden, about 9,000 in Finland and around 2,000 in Russia. Sami people constitute a numerical minority in most of the Sami region, except in the interior of Finnmark County in Norway and in the Utsjoki municipality in Finland (Anaya 2011).

## 12.4 The Sami in Sweden

In order to analyse the conflict in contemporary Sami politics in Sweden it is necessary to understand the history of Sami in Sweden, as the system of Sami rights has throughout the years been legitimised and shaped by evolving ideas and public opinion.

Sweden's Sami policy by the end of the 19th century was heavily influenced by racial biology, to the extent that it permeated all interactions between the Sami and the Swedish authorities. In particular, nomads were considered culturally inferior to farmers and other people who practised stationary lifestyles. The Sami were forced to give up large areas of their traditional lands and herding areas to Swedish farmers. The Swedish authorities awarded substantial sums as aid to farmers settling in the Northern territories, with hardly any of it going to Sami farmers, as the official stand of the Board of Agriculture was that they were not suited to farming (The Sami Parliament 2004).

The Sami were also considered to be born with certain "racial characteristics" that made them unfit to take part in civilised society. In 1922, the Swedish Institute of Racial Biology was established with the official aim of "safeguarding the high quality of the Swedish race". While it began as a general study into the different 'races' living within Sweden, after a few years all of the Institute's resources were spent on studying the Sami, for example by measuring their skulls. These practices went on for over a decade (Spektorowski/Mizrachi 2004).

In 1928, the Swedish Parliament passed the Reindeer Herding Act, which distinguished the reindeer herding Sami from the rest of the Sami population, and restricted land use in most of the traditional Sapmi area in Sweden to the reindeer herders. The Reindeer Herding Act was a part of a wider governmental paternalistic policy toward the Sami named "The Lapps shall be Lapps" (Lapps was the preferred way of referring to the Sami but has since been considered derogatory), the intent of which was to protect the traditional culture of reindeer herding Sami, while disregarding those outside of the reindeer husbandry who were not seen as real

Sami and therefore in no need of cultural or economic protection. Those Sami outside of reindeer husbandry were expected to assimilate into the wider Swedish society. While the Reindeer Herding Act did provide the reindeer herders with rights to land usage it placed several restrictions on them, for example a ban on setting up permanent houses, as this was considered outside of their traditional culture (Lantto/Mörkenstam 2008).

## 12.5 The Political Mobilisation of the Sami People in Sweden

Indigenous peoples respond to colonialism and oppression in ways that reflect their individual circumstances, particularities in history and governmental structures. The Sami in Sweden began by focusing their activism on cultural rights and freedom of movement rather than land claim agreements. The primary goal was to ensure that the Sami could enjoy their collective rights as a people. Later, the self-determination principle became the focus of the Sami political movement. The peaceful political strategies adopted by the Sami reflect the fact that they are working within a democratic state. The Sami have focused on good relations with the Swedish government, strong cooperation with Sami in neighbouring states as well as other Indigenous groups in the Arctic, and building democratic organizations within the Sami community (Plaut 2012).

The Second World War brought about both a change in public opinion in Sweden towards the Sami and the political mobilisation of the Sami. An educated and politically active class of Sami leaders began to mobilise and a new self-understanding of the Sami slowly developed (Harald 1997). In 1950, the first national Sami organisation in Sweden was formed, The National Union of the Swedish Sami. The Union was in large part based on the organisational structure of the reindeer herding administrative entities, the Sami Villages, firmly establishing the reindeer herding Sami as the focus of the Sami movement in Sweden. The Sami were recognised as a minority or ethnic group with a unique culture during the 1960s. Again, reindeer herding was considered to be the ‘real’ Sami culture, reinforcing the previous categorisation and demarcations (Lantto/Mörkenstam 2008).

In the second half of the 20th century the political rhetoric on Sami rights in Sweden followed the international trend of increasing recognition and placed importance on minority and Indigenous rights. Sweden, along with the other Scandinavian states, became one of the leading states in this respect, creating an international image as global “good citizens”, peace loving and conflict-resolution oriented. In the 1970s and 1980s Sweden also actively engaged in anti-racist and anti-imperial activities, without questioning its own involvement in colonial and racist activities (Pettersson 2012).

It is in this context that the Sami rights movement works today. While both the international community, as well as the Swedish general public, see the state as

exemplary when it comes to human rights, the Sami have not fully enjoyed the rewards. Sweden has not ratified the ILO Convention nr.169, one of the most important international documents concerning Indigenous rights, and the UN has several times reported on the situation of the Sami in Sweden, concluding that the state is not providing them with the rights accorded to them by the UNDRIP convention of 2007. There is, therefore, a contradiction between the image of Sweden and the actual situation of its Indigenous population (Anaya 2011).

## 12.6 The Sami Parliament in Kiruna

The Sami Parliament in Kiruna was established in 1993 by Act of Parliament in recognition of the fact that the Sami are a separate, Indigenous people. The Parliament acts as an institution of cultural autonomy for the Indigenous Sami people but has very weak political influence. It is formally a public authority, ruled and funded by the Swedish government, but has 31 democratically elected parliamentarians, whose mission is to work for the Sami people and culture in Sweden. More than 8000 Sami are now registered on the Sami Parliament electoral register (around 15–20,000 Sami are estimated to live in Sweden in total). The Parliament's main job is to support the Sami people and raise awareness of their cultural heritage and unique situation (Åhrén et al. 2007).

## 12.7 The Research

Seven people were interviewed for the research: four parliamentarians, the Sami Parliament's communications officer, one former parliamentarian and current international activist, and the president of the Sami council. The interviews took place in the months of April–May in 2014, both in person at the Sami Parliament and over the phone (Table 12.1).<sup>1</sup>

## 12.8 Who Is Sami?

The Sami have had great difficulty defining the characteristic features of members of their group, or what it means to be Sami. As has been discussed earlier, the Sami have faced centuries of systematic cultural repression by the Swedish state. This has led to their languages being nearly extinct, and their culture and traditional way of

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<sup>1</sup>The interviews were conducted as part of my Masters thesis. All interviewees were aware that the interviews would be used and published.

**Table 12.1** List of interviewees

Name	Profession	Political party
Marie Enoksson	Communications officer for the Sami parliament	X
Matti Berg	Ecotourism organiser and leader of a reindeer herding district	Representative for “Samilandspartiet” political party in parliament
Ol-Johan Sikku	Economist and vice president of the Sami Parliament	Representative for “Min Geaidnu” political party
Lars-Paul Kroik	Began as a reindeer herder but worked as a firefighter for most his life	Representative for Albmüt political party in parliament
Josefina Skerk	Law student	Representative for “Jakt-och Fiskesamerna” (Hunting and fishing Sami) in parliament
Lars-Anders Baers	A lawyer and former president of the Sami Parliament for two terms. Currently a member of the Sami Council (a non-governmental Sami organisation with members from Finland, Russia, Norway and Sweden)	X
Mattias Ahren	A lawyer and legal scholar focusing on Indigenous People’s rights. Has been the president of the Sami Council and a member of the expert group that drafted the Nordic Saami Convention	X

Source The author

living practised actively by only a small percentage of those with Sami heritage in Sweden. The Sami Parliament has since its creation struggled with finding appropriate criteria for those who wish to sign up for the voting register, finally settling on a language criterion requiring people to prove that one of their parents or grandparents spoke/speak a Sami language. Lars-Anders Baer discussed how the Parliament needs the criteria “in order to consider it legitimate as a Sami institute”. Before the language criterion was in place there was concern that people with no real connection to the Sami culture would register to vote. Ol-Johan Sikku explains:

It’s hard to make an exact definition. The language definition is quite good because every Sami now today can have someone two generations back, and all the Sami could speak Sami. But then there is also that you *feel* Sami...so you can choose if you want to be Sami or not. Because if you have another competing culture, some people will simply feel Swedish rather than Sami.

Not all groups in the parliament agree on this language criterion. Lars-Paul Kroik is of the opinion that anyone who self-identifies as Sami should be able to participate in the Sami Parliament, without restrictions, as this is in line with international law on Indigenous Peoples that stresses self-identification as the most important factor. In his view, the large majority of the Sami in Sweden today have no access to their traditional way of life or lands, and he feels the Sami Parliament

supports this development of a voting criterion. Josefina Skerk echoed this sentiment: “We should be less worried about those who want to be Sami than those who do not feel Sami at all but have Sami heritage.” Matti Berg, however, described it from his point of view as the leader of one of the reindeer herding villages:

Who is Sami and who is not? If you look at the political part of the Sami Parliament you have two factions. One that is close to the reindeer herding, traditional, and then the part that is not. And many of the people that vote for the other side, from my point of view, they live in the south in big city areas. And they are not too close to the reindeer herding and the Sami communities. So they have, how shall I put it? They have lost the connection to the land.

While Marie Enoksson understood Matti Berg’s concerns, she also spoke of the responsibility of the Parliament to those who want to reconnect with their Sami heritage. Due to the negative connotations of the Sami culture up until the 1980s, when the Sami rights movement really developed, many people raised their children without any mention of their heritage:

In the southern part of the Sami area you have the older generation that says “We aren’t Sami, I don’t think about that anymore” but their grandchildren say, “I want to be Sami, we are Sami, why didn’t you tell us?” They have discovered as grown-ups that their relatives are actually Sami. So it’s also a struggle to take back the culture and the identity when you realise where you come from...They need tools in order to reconnect to the culture.

It was clear from the interviews that the question of who is Sami is a major issue for the parliamentarians. It is both very personal to them as well as highly politicised. Thus one of the problems the Sami Parliament faces is navigating between the Sami people’s right to self-identification—that is, not denying people access to the Sami Parliament—and the need for people to support their claims to indigenous identity status with some cultural specificity or proof of earlier repression.

## 12.9 Getting Sami Messages Across to the Public

All interviewees agreed that the Sami have struggled to get recognition from the Swedish society, not only as a distinct people, but also for recognition of the colonising that took place against them. Lars-Paul Kroik spoke of this struggle:

Sweden has not been interested in acknowledging that there is a Sami population. But the Sami are stubborn and so now they have been forced to accept that we do exist and that we are here. Because we have survived throughout the ages.

Josefina Kroik attributed this ignorance in large part to the lack of information about the Sami in the Swedish school system. She wrote that the “problem is with the education system. No one learns about the Sami...I may sound like I have some conspiracy theories now, but the government really does seem to be strategic about this”.

When asked about the lack of knowledge about the Sami in Sweden, Ol-Johan Sikku expressed his view that “I think it’s still the same frame of mind from the beginning of the 19th century. They don’t want to see the Sami culture...they don’t see the problem at all, because they are educated to not see that.”

Matti Berg agreed that by keeping people in the dark about the situation of the Sami in Sweden, the state gets away with doing very little for them. He asserted that, “It’s a way to deny us; they have done it from the colonizing start. Denying it is part of the assimilation process. If you are not seen or heard you don’t exist.”

Lars-Anders Baer emphasised how the lack of education about the Sami has led to stereotypical ideas about them:

I once showed up to a meeting in Sweden years ago as a representative of the Sami and was told, “Oh you can’t be Sami, you’re blonde and blue eyed and they are dark and short”. So there is this racism, but you can’t really call it that. It’s more a lack of knowledge, and instead of knowledge there are these strange stories and stereotypes that people hear.

While many of the issues discussed during the interviews were on political topics and showed a clear divide within the Sami Parliament, the lack of support and understanding from the Swedish authorities was one topic they unanimously agreed on. Finding ways to introduce the situation of the Sami to the Swedish people is therefore an important project the Parliament works on, with support from all parliamentary groups.

## 12.10 Representing the Sami Abroad

Some of the politicians interviewed also spoke of the paradox of Sweden’s international reputation as democratic, liberal, and respectful of human rights, and their treatment of the Sami, which is not in line with this. Both Lars-Anders Baer and Ol-Johan Sikku described some hesitation on behalf of other Indigenous leaders at international conferences when they show up. Lars-Anders Baer said you first need to, “prove that we are in fact also ‘non-white’ and ‘non-European’ just like the other participants at the conference.”

Ol-Johan agreed and described his experience with participating at international conferences in this way:

I speak of land grabbing and the same things as are happening in South America or Africa, the only difference is they (the Swedish) don’t shoot us. But the others don’t believe me, because it’s Sweden, the perfect land. Because Sweden has been so good in marketing themselves as the perfect country, with democracy and everything, but democracy isn’t for us, it’s only for the Swedish society.

## 12.11 Divisions Within the Sami Communities in Sweden

During the interviews it became apparent that there is a clear divide between those close to the reindeer herding and traditional way of life and the others. The parliamentarians see it as by far the largest political cleavage in the Sami Parliament and the wider Sami society in Sweden.



The Sami politicians interviewed believe this friction among the Sami in Sweden stems from the Swedish reindeer pasture law of 1928, which limited reindeer ownership and membership in any Sami village to nomadic herders and their families. Historically, many Sami had practised mixed husbandry, involving keeping both farms and reindeer. The law of 1928, according to the Sami politicians I spoke to, divided the Sami population and gave the reindeer herders a monopoly over the reindeer business as well as creating a legal definition of who is Sami, which excluded most of the population. This had, in Ol-Johan Sikku's view, widespread repercussions, which are still seen today:

The Swedish state created those laws about reindeer herding and divided the Sami: the reindeer herders as the real Sami and the others are not. And still today it is like that because it has been such a long time, so it is in the society and also in the Sami society. You know if you colonise the mind for a hundred years, then you colonise also the minds of the Sami, so we start to create exactly what the state wanted from us.

Josefina Skerk described her understanding of the situation as someone from outside of the reindeer herding business:

The herders believe they protected the culture during hard times and were the ones that kept the language going and therefore they should have more rights than the others. But us, my group, we see it in another way, we believe that we never gave up, that we kept on being Sami even without any rights and being told by the state that we are not.

Mattias Åhren, however, disagrees with the point of view of the Sami parliamentarians:

This divide is, to a large extent, the result of people rewriting history as they wish it to be. A transition occurred, and this came from inside the Sami society, this is not anything that came from Sweden. The Sami realized that a more efficient way of using the land was to either practise a stationary lifestyle of farming or devote themselves fully to nomadic reindeer herding. That choice was completely free for all Sami at that time. But now there is a wish to rewrite history and say that they were forced out by Swedish legislation and that the Swedish legislation gave all these rights to reindeer herders when that is simply not the case. The reindeer herders won their rights by going to courts and claiming they established rights through traditional rights, an option that is open to every Sami, also outside the reindeer herding. But I can accept the argument that the legislation that came after the Reindeer Herding Act was biased.

Whether or not the 1928 legislation restricted reindeer herding to the nomadic Sami or came after a spontaneous societal change, it is clear that it was a part of a larger approach the Swedish state had to the Sami. This is the "Lapps shall be Lapps" policy, referred to earlier that identified the "real Sami" as those who are obviously different from the wider Swedish population, and protected that distinct Sami culture of nomadic reindeer herding.

Some say remnants of this can still be seen today. For example, the Sami villages, or reindeer herding districts, are the legally "affected party" in Sweden regarding possible projects on their lands that might disturb their traditional way of life and reindeer herding. Members of the Sami villages are also the only ones allowed to hunt and fish on their traditional lands. Matti Berg defended this position:

When they [people outside of the reindeer villages] try to come back they just try to grab it, the land. And if people do it in that way it is natural behaviour that you must defend yourself. And then you have conflict. And that's the biggest problem at the moment for the Sami Parliament.

Josefina Skerk, a member of the hunting and fishing Sami political party in Parliament, felt it was important to emphasize the part her people played in preserving the Sami area:

Many of the lands that the reindeer herders now use are areas we fought for, fishing and hunting...the reindeer herders are not the only ones that are affected by mining so they should not be the only ones to have a say. But there is a lack of trust, the reindeer herders are very protective of their rights, they are facing difficult times.

Marie Enoksson reiterated how different these two perspectives are:

Today from the Sami villages' perspective, it is so tough to pursue reindeer herding, it does not fit into the Swedish system, and you don't get rich by doing it. You have to fight to protect yourself and to carry on the culture. You have the exploration from mines and water power plants, tourists, and roads. And so those people are fighting and they are fighting each other as well, because those who are outside the villages think that the people inside have all the privileges. So it's like these people come from two completely different environments.

On the other hand, Lars-Paul Kroik and his party Albmüt would like to completely remove the restrictions to reindeer herding and land use in Sapmi.

They [the reindeer herders] are in no way better equipped to practise or protect the Sami culture than other Sami are. They are not protecting the culture but the right to use the land in general, and restricting others to do so. Other groups in the Parliament that do not have direct access to the land are fighting for their right to it, not so everyone can enjoy it but based on some ancestry or history. This is not right. All Sami should have access to our lands.

This topic proved the most controversial of the ones tackled in the interviews. The Sami Parliament is essentially split in two on the topic of land rights, which is highly problematic as land rights are arguably the most important topic for the parliament. Finding an agreeable compromise all political parties in Parliament could stand behind is of high importance but not achieved at this stage.

## 12.12 Conclusion

Since its foundation the Sami Parliament has struggled with finding appropriate criteria for those who wish to sign up for the voting register, finally settling with a language criteria requiring people to prove that one of their parents or grandparents spoke/speak a Sami language. The groups in parliament have not unanimously accepted this criterion, and there are constant discussions on modifying or removing it altogether. So, while there is a practical working definition for who belongs to the Sami community, there has so far been no definition all groups can agree on. Who is Sami therefore in part depends on the context. In reindeer herding it is based on

ancestry, in the Sami Parliament on proof of language capabilities of your relatives, while for enrolling children in a Sami school today no criteria is needed, and in day to day life it seems most of the interviewees agree self-identification is highly important.

Another problem the Sami Parliament faces is navigating between the Sami people's right to self-identification, a criterion that does not deny people access to the Sami Parliament, and the need to support the claim to indigeneity with some cultural specificity or proof of earlier repression. This is in line with international discussions on Indigenous rights, which stress the importance of self-identification, while also admitting some "objective" criteria (ancestry) is most likely needed in order to gain access to Indigenous rights.

Another specific issue the Sami in Sweden are faced with is gaining legitimisation for their claims within a society that conceives of itself, and is seen by the international community, to be highly human rights and minority rights oriented. The Sami Indigenous people have fought to have their presence, history, and circumstances within Swedish society told in Swedish schoolbooks but so far have had little success. The relationship between Sweden as the coloniser and the Sami as the colonised is not well known among the Swedish population, and leads to little support and interest in the Sami cause. The Sami politicians all agree that this is a major concern for them, with some suggesting this is a strategic policy by the Swedish state. To acknowledge racism as part of Swedish history would mean that it has to be dealt with seriously in the present time.

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