Different institutions within similar states:
The Norwegian and Swedish Sámi Parliaments

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Introduction

In September 2007 the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples. The declaration states, among other things, that ‘[i]ndigenous peoples have the right to self-determination’ (Art. 3). This recognition of indigenous rights can be seen as part of an increasing emphasis on political rights in global norms and international law in general (Steiner et al, 2008). However, this development is first and foremost a result of indigenous mobilization during the last decades, deeply influenced by the general internationalization of grass-roots politics (de Costa 2006; Niezen 2003). The nation-states have responded to indigenous demands for self-determination, as well as demands from international law, in different ways (see, e.g., Minnerup & Solberg 2011; Nettheim et al. 2002; Wessendorf 2001; Robbins, forthcoming). In some cases, separate institutions have been created to ensure political representation of indigenous peoples; in other, indigenous peoples have reserved seats in the national parliament, or self-governance within a well-defined territory (intra-state autonomy).

The three Nordic states of Finland, Norway and Sweden all chose to establish a Sámi Parliament – Sámediggi in Northern Sámi – consisting of popularly elected Sámi representatives. The electorates of these Sámi Parliaments are defined ethnically: one must be registered in the Sámi electoral roll to have the right to vote. Registration requires that certain criteria are fulfilled: a subjective – self-declared Sámi identity – as well as an objective, language-based criterion.

The response to indigenous rights claims was thus similar in the Nordic countries, in their establishment of representative bodies for non-territorial autonomy. The political systems of the Nordic countries are also generally regarded as similar: they are all small, parliamentary democracies with similar party systems and a shared political history. Furthermore, the Sámi of the Nordic countries is one people divided by national borders. One might therefore expect the Sámi parliaments to be similar as well. There are nevertheless considerable differences between the Nordic Sámi parliaments: The legal basis, status, authority and mandate of the Sámi representative institutions, as well as the electoral systems, vary significantly between the countries. In this paper, we describe and compare two of these institutions: the Norwegian and Swedish Sámi Parliaments.

In the next section we discuss different models of indigenous representation, in order to put the Nordic Sámi Parliaments into a comparative perspective. We then briefly discuss the historical context for the two institutions: What was the national policy towards the Sámi in the two countries, before the Sámi Parliaments were established? In the main part of the
paper we map and describe the two institutions, starting with elections and party systems before we proceed to their autonomy and influence. In the concluding discussion, we compare the role of the two parliaments and ask why they differ.

**Indigenous representation: The Sámi Parliaments in comparative perspective**

National responses to demands for indigenous self-determination have been diverse. Some indigenous peoples live in a geographically concentrated area. In these cases, some kind of territorial autonomy may be a feasible option. This does not necessarily mean the creation of a separate nation-state, but more often institutions for regional or local government within an existing state structure. The establishment of the territory of Nunavut in Northern Canada, and the increasingly autonomous position of Greenland within the Danish state, may serve as examples. The Inuit constitute a large majority of the population in both cases.

However, indigenous peoples often constitute a minority within their traditional land, or they are dispersed across a large area. In these cases, systems for non-territorial autonomy will be more attractive solutions. These include institutional arrangements on the basis of some cultural or subjectively-defined characteristic, instead of place of residence.

There is considerable variation in such systems. A useful starting point may be Weaver’s (1983) distinction between different models for indigenous representation, ranging from government appointed advisory bodies to publicly supported indigenous pressure groups (see also Robbins, forthcoming). Both models have some drawbacks. On the one hand, government advisory bodies are less autonomous. If they also are appointed by the government, they may not be representative of the people which they shall represent. On the other hand, interest groups may lack the resources necessary to develop and articulate policy positions. Both models may yield a degree of non-territorial representation, but not necessarily non-territorial autonomy.

As shown in Robbins’ (forthcoming) overview of indigenous representation at the national level in seven countries, the institutional arrangements vary a lot. In Canada and the United States, no indigenous assemblies are included in the official government structures at the national level. Instead, these countries follow the ‘pressure group approach’, where autonomous interest organizations represent indigenous interests. Australia, on the other hand, had three successive indigenous representative bodies, elected by the indigenous population. They were all established and later abolished by the Australian government. A fourth indigenous – and more independent – body is now established, and its impact remains to be
seen. Finally, New Zealand has chosen yet another solution: there are no separate indigenous representative assembly, but designated Maori seats in New Zealand’s parliament.

The Nordic countries Finland, Norway and Sweden apparently chose the same model: a representative assembly – a Sámediggi – elected by and among the Sámi population. These are parts of their state’s official political structure, and therefore far from the ‘pressure group’ model. As elected assemblies, they are also more independent than a government-appointed advisory board. Even though the parliaments are established by the national government, the representatives are elected by and accountable to the indigenous electorate. The degree of autonomy may nevertheless be disputed. As we will see, there are differences between the Norwegian and Swedish Sámi Parliaments in this respect.

But the historic national policy towards the Sámi in the two countries was somewhat different. The ideology was the same – the Sámi was looked upon as inferior. In practice the two countries carved out different policies, in Sweden the policy was split into both a segregative and an assimilative approach, where the nomadic reindeer herders were to be segregated while the settled Sámi were to be assimilated. In Norway there were no such division, all Sámi were to be assimilated and turned into Norwegians.

Before the Sámi Parliaments: the historical Sámi policy legacies

Segregation and assimilation

Contemporary Swedish and Norwegian Sámi policies have their origins in the late 19th century, in the Swedish case with the discussion on and enactment of the first Reindeer Grazing Act in 1886. In this context the potential Sámi ownership rights to land, water and other natural resources were ignored. Nomadic use of the land was not considered a legitimate type of property, as nomads did not cultivate the land, i.e. they were not settled farmers. Underlying the legislation was a firm conception of an existing cultural hierarchy, where the Sámi culture was conceived of as inferior to the Swedish. The Sámi were defined as a ‘tribe’, or ‘race’ in need of protection by the Swedish State and a common idea was that a ‘too close contact with a superior race’ was ‘the main reason for the misfortunes of the Lapp’ (Statement by the King’s representative in Jämtland’s län, in Prop. 1886:2, 30). Only as reindeer herders could the Sámi survive as a people, and proper reindeer herding practice could be

1 ‘Lapp’ is an originally Finnish term that the Sámi themselves perceived as derogatory, and mainly through their ethno-political struggle after WWII the term used in the public debate changed to ‘Sámi’. The term Sámi will be used consistently throughout the article, except for quotations and expressions in the historical part in which the old term Lapp occurs.
accomplished by forcing the Sámi to remain in a nomadic way of life, what is often referred to as the ‘lapp-shall-remain-lapp’ policy (see, e.g., Mörkenstam, forthcoming).

In this formative moment in Swedish Sámi policy, an emerging system of Sámi rights evolved around reindeer herding. The Sámi had a specific right to herd reindeer – as this was perceived of as being ‘the Lappish occupation’. After WWI this developed into an explicit policy to segregate the reindeer herders and to actively assimilate the Sámi outside of reindeer herding. This policy created a clear distinction between two different categories of Sámi: reindeer herders and non-reindeer herders. This ‘category-split’ divided the Sámi as a people and weakened them in their common struggle against the Swedish state, and constituted a ground for internal conflicts between the Sámi included in the system of rights and other Sámi (see, e.g., Lantto & Mörkenstam, forthcoming; Ruong 1982: 187–188).

During the first decades after WW II this dual policy of segregation and assimilation was replaced by an assimilation policy (Mörkenstam 1999, Ch. 6). Adjustment to the expanding Swedish welfare state and integration in the Swedish society called for assimilation – i.e. to transform the reindeer herding industry into an industry like any other, in which profit and efficiency were the main objects – otherwise the Sámi would never rise to a socio-economic position equal to Swedes.

In Norway, the policy of Norwegianization of the Sámi from the 1850s to the end of the Second World War was – just like in Sweden – based on a general hierarchical ideology. The assimilation of the Sámi was seen as an indisputable civilizing task for the Norwegian state because of Norwegians’ alleged racial superiority. The emphasis on assimilation, however, was stronger in Norway. The aim was to turn all Sámi into Norwegians, abandoning their own culture and language and adopting the Norwegian one. This policy was laid down in various laws. The School laws, stating that all education was to be performed in Norwegian, were probably most effective, and had huge cultural and socio-cultural consequences in terms of a feeling of shame, self-denial and defeat in terms of being Sámi (Minde 2005). There were also economic incentives for teachers that could report on language change among children. A targeted policy of wiping out Sámi culture and language may also be found in legal provisions. For example, in regulations to the Norwegian Agriculture Act from 1902, it was stated that land was only transferable to those who could speak, read and write the Norwegian language on a daily basis (Pedersen 1999). In Norway, all use of so called ‘crown land’ by both nomadic reindeer herders and settled Sámi was regarded as ‘tolerated use’ (Pedersen 1999).
The fact that the Norwegian government had the harshest minority policy compared to Finland and Sweden, can be seen as a result of the relatively large immigration from Finland with a peak in the 19th century. As this coincided with the Norwegian nationalism period, and the Norwegian authorities also wanted to keep national control over Northern Norway, all kinds of foreign and ‘non-Norwegian’ influences were strongly opposed.

**Sámi mobilization and government response**

As early as 1906, the first Sámi – Isak Saba – was elected to the Norwegian Parliament, on the basis of a Sámi election program and as a result of a Sámi mobilization. Isak Saba got no support from his own Labour Party or from other representatives in the Norwegian parliament during his six years as an elected MP. But still, other efforts were done to improve the Sámi situation. In 1917 the first Sámi congress was held in Trondheim, Norway. This was the first time that Norwegian and Swedish Sámi came together across their national borders to work together to find solutions for common problems.

In Norway, the end of the Second World War marks a shift in the political climate towards minorities, and the ideologies of ethnical hierarchies were officially condemned by the government – but the goal of assimilation had by no means disappeared. In 1948 the Norwegian Reindeer Herder Association was established, and the Norwegian Sámi Association (*Norgga Sámiid Riikkasearvi*, NSR) followed in 1968. In Sweden, the political mobilization of the Sámi changed radically due to the establishment of the National Union of the Swedish Sámi (*Svenska Samernas Riksförbund, SSR*) in 1950. Thus, Sámi political organizations were in place.

In Sweden, SSR rejected the dominant State view that the Sámi usage of the land was a ‘privilege’ (Lantto and Mörkenstam 2008, 36). This challenge escalated from the early 1960s, especially evident in two legal processes: Altevatn and the Taxed Mountain Case. In Norway, the conflict around the damming of the Alta/Kautokeino River in the late 1970s and early 1980s put Sámi rights on the national political agenda in an unprecedented way. The civil disobedience actions in Alta, the Sámi hunger strikes and the occupation of the prime minister's office in Oslo, made way for dialogue between the Norwegian government and Sámi organizations. In both countries, these conflicts led to appointment of a Sámi Rights Commission during the 1980s – in Norway also a Sámi Culture Commission. The outcomes of both the Norwegian and Swedish Commissions were, among other things, the establishment of Sámi Parliaments. The special status of the Sámi people was also constitutionally recognized in both countries, but this happened as late as 2010 in Sweden.
The Sámi political development in the Nordic countries can be characterized as a success story, at least compared to other indigenous people around the world. Yet, the deeply rooted attitude towards Sámi language, culture and way of living that was formed during a century of assimilation is not eliminated. The ethnic hierarchy are still evident in the everyday life of many Sámi, both because they themselves have learnt to downgrade their own origin, and because the majority population has never dealt with its history (see, e.g., Minde 2005, Lile 2011). For those who underwent the most painful experiences of assimilation, it is also highly taboo-ridden.

The Sámi parliaments as representative organs: elections and party systems

The electoral roll

Indigenous rights usually presume a basic delimitation: which peoples are regarded as indigenous, and which individuals are included in those peoples? The criteria for designation of particular individuals as ‘indigenous’ vary considerably between countries (see de Costa, forthcoming).

In the case of the Nordic Sámi, there was no registration of Sámi ethnicity in national censuses or other official registers after World War II (see Pettersen, forthcoming, for a discussion of the Norwegian case). The establishment of elected Sámi parliaments in 1989 (Norway) and 1993 (Sweden) thus created a need for some kind of ethnic demarcation: who shall have the right to vote?

The electoral rolls of the Norwegian and Swedish Sámi parliaments are founded on similar principles: All Sámi above the age of 18 can register as voters, if they fulfil two criteria. First, there is a question of self-declared identity: those who register must declare that they regard themselves Sámi. Second, there is an objective, language-based criterion: the voter himself/herself or one of his/her parents or grandparents (in Norway also great-grandparents), must have used Sámi as home language. Alternatively, one of the parents must be (or had been) registered in the electoral roll. The registration is highly based on trust. Any registered voter can appeal decisions to register anyone else (see SFS 1992:1433, Ch. 3, §5a for the Swedish case), but the threshold for forwarding such a complaint against others seems high.

It should be kept in mind that these electoral rolls are just systems for voter registration, not official registers of the Sámi population. Enrolment is voluntary: a Sami may choose not to register, for example because he or she dislikes the Sámi Parliament, or simply
does not care about politics. Nevertheless, some Sámi also see electoral registration as a way to express their Sámi identity.

In both countries, the number of voters who have joined the Sámi electoral roll has increased continuously. This increase has been strong in Norway, where the number of registered voters increased from 5,505 (1989) to 13,890 (2009) (see Pettersen, forthcoming). The increase is more modest in Sweden, where the corresponding figures are 5,320 (1993) and 7,812 (2009) (Valmyndigheten 2013c). Turnout – measured in per cent – has declined in Sweden (from 71.7 to 59.2 per cent) as well as in Norway (from 77.8 to 69.3 per cent). However, the actual number of persons casting their votes has increased in both countries. The increase in votes has just not kept pace with the increase in the electoral register. One could therefore argue that turnout has increased, measured in per cent of the ‘true’ – but unknown – Sámi population.

**Elections**

In both countries, the Sámediggi elections are held every fourth year. The Norwegian Sámi elections are held concurrently with the Norwegian parliamentary elections, while the Swedish counterpart is clearly separated from the national and local elections (one year in time, and a completely different month). Both the Norwegian and Swedish Sámediggi are elected by proportional representation, where voters can choose between party lists. The votes are counted according to the modified Sainte-Laguë method, and there is no electoral threshold for the parties to participate in the distribution of the parliamentary seats.

There are, however, two major differences between the electoral systems. First, the whole country is a single constituency (with 31 seats) in Sweden, while Norway’s elections take place in seven multi-member constituencies. In Norway, 39 seats are elected from these constituencies, ranging from three seats in the smallest constituency to nine in the largest. The number of seats in each constituency is revised before each election, to adjust for changes in the number of registered voters.\(^2\)

Second, voters can choose between candidates as well as lists in Sweden, while personal votes have no effect in Norway. In the Norwegian case, a voter can – in principle – change the order of the candidates on the list. But this has no effect in practice, so it is reasonable to say that closed lists are used (see Josefsen and Aardal 2011). The Swedish system gives the voters more influence: the political parties may participate in the election

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\(^2\) The constituencies were changed before the 2009 election. There were 13 constituencies, each with 3 seats, from 1989 to 2005.
with several lists with different candidates or different combinations of candidates. Most parties use this possibility to launch several lists. In the 2009 election, six out of the eight parties that received parliamentary seats had in between three to five different lists (Valmyndigheten 2013a). The voters, in turn, have the possibility to cast a personal vote on one of the candidates on the list of a political party, in order to elect his/her personal candidate (SFS 1992:1433, §§8-10). To be elected, however, a candidate must receive 8 per cent of the total number of votes on the party (and at least 25 personal votes in all). Personal votes are very common in the elections. Out of the total number of 4623 votes in the 2009 election, for instance, 3622 votes were on a specific person, and almost half of the elected candidates to the parliament (14) were elected on personal votes (Valmyndigheten 2013b).

**The party system**

In the elections to the Swedish Sámi Parliament only Sámi parties field candidates. The number of parties has varied between elections, but in the 2009 election nine parties fielded candidates, and eight of them had parliamentary seats. Although the parties in the parliament represent many different interests within the Sámi community, the main cleavage is the one between parties representing the Sámi Villages and the reindeer herders on the one hand, and parties representing other Sámi interests. The work in the parliament has thus in many ways been affected by the ‘category-split’ of the early twentieth century created by the Swedish State, in which only reindeer herders was included in the system of Sámi rights, and other Sámi excluded.

In contrast, Norwegian Sámi politics comprises a ‘double party system’ (see Bergh and Saglie, forthcoming), including the national parties represented in the Norwegian parliament as well as several Sámi lists or parties. Some of these Sámi lists are national organizations, fielding candidates in all or most of the constituencies. Others have a local basis: they represent minorities within the Sámi society such as the Southern Sámi community, or some local interests (e.g. the reindeer herders) – whereas some lists appear to be formed around an individual candidate. 19 lists fielded candidates in 2009. Three national Norwegian parties won parliamentary seats.

Even though there are many parties and lists, two main opponents have dominated Norwegian Sámi politics since the Sámediggi was established (Pettersen 2011). One is a Norwegian party – the Labour Party – and the other a Sámi organization – the Norwegian

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3 Not including a joint list between two parties that cooperated in one of the constituencies.
Sámi Association (NSR). As Gaski (2008: 4) points out, the two main competitors started out with very different histories. Both were established as political actors in the traditional Sámi settlement area long before the Sámediggi was founded. As a governing party in Norway, Labour had been responsible for implementing the assimilation policy towards the Sámi. In that respect, the NSR was a main opponent – as a Sámi cultural and political organization working for Sámi rights and for the revitalizing of a Sámi identity. Even though the political distance between these opponents seems rather small in present Sámi politics, this historical antagonism has left a mark on Sámi political cleavages in Norway (Bergh and Saglie, forthcoming).

Norwegian Sámi politics is thus more strongly integrated into the national political system than its Swedish counterpart, as the Norwegian political parties have incorporated Sámi political activities (such as preparing for Sámediggi elections) into their organizations.

Parliamentary government: the executive branch

The Norwegian Sámediggi has a system of parliamentary government: A president is elected by the plenary assembly. He or she appoints an Executive Council from the plenary assembly. The Council, which serves as a cabinet, consists of the President, the Vice-President and three other members.

Norwegian Sámediggi politics can be characterized as a case of two-party competition. The NSR won a majority of the seats in the 1989 and 1993 elections. No party has had a parliamentary majority since then, and the two main competitors need to build alliances with minor parties and lists to get their presidential candidate elected. The NSR stayed in power until 2007, halfway through the 2005–09 parliamentary term. At that point the cooperation between NSR and a minor group broke down, and a Labour Party president was elected. Labour continued in office after the 2009 election, this time in a coalition with the newly formed Sámi party Árja and three local Sámi lists. One of these lists broke out of this cooperation during the 2009–13 term, but the Labour-led Council continued in office as a minority government. In short: Norwegian Sámediggi parliamentarism has been quite stable despite the large number of parties.

In contrast, the Swedish situation seems more turbulent. The Swedish Sámi Parliament elects the Board of the Parliament (with a maximum of 7 members) and the Board’s Chairperson, i.e. the President of the Parliament. The Board can be elected either proportionally or to represent the majority within the plenary – the plenary itself decides how this shall be done. Until 2006, an elected Board of the Sámi Parliament could not be removed.
from office if the parliamentary situation in the parliament changed during the length of office. In 1997, for instance, the plenary decided that the Board was to represent the majority. During the length of office (1997–2001), the parliamentary situation changed and the Board lost its political mandate within the Parliament, something that caused cooperation problems between the Board and the Parliament. This situation was often described in terms of a political deadlock, not least in Swedish media (see, e.g., Mörkenstam, Gottardis and Roth 2012). An effect of this situation, was an amendment to the Sámi Parliament Act, which gave the Sámi Parliament the right to ‘revoke the assignments of elected members of the Board or a committee, when the political majority of the Board or committee no longer is identical to that of the Sámi Parliament’ (SFS 2006:803, §5a).

Today, then, the Board is depending on the majority situation in the Parliament for its political mandate. During the last length of office (2009–2013), the 31 parliamentary seats were distributed among 8 different political parties, as mentioned above, leaving the parliament with an unstable majority. As a consequence of this parliamentary situation, the parliament has been characterized by political turbulence and changed President – i.e. Chairperson of the Board – four times in a little more than two years. The contemporary situation is thus similar to other popularly elected parliaments or assemblies facing an unstable majority.

The political influence of the Sámi Parliaments

Dual roles: representative bodies or government agencies?

International law and the legal status of the Sami as an indigenous people was the basis for the establishment of the Swedish Sami Parliament in 1993. Even more important though, was the comparison made with the Sámi policy of the other Nordic countries, and especially Norway, and it was stated that the Swedish Sámi ought to have a situation similar to the Sámi in the neighbouring countries, where Sámi Parliaments were already established (Mörkenstam 1999, Ch. 7). The establishment of the Sámi Parliament was, however, explicitly explained and justified as a way to guarantee the Sámi people cultural autonomy, while making it absolutely clear that the parliament was not ‘a body for self-government, [acting] in place of the parliament or municipal councils or in competition with those bodies’ (Prop. 1992/93:32: 35). The Sámi Parliament was constructed as a government agency with special expertise in reindeer husbandry issues, and as a government agency authority it ought to ‘observe objectivity’ (SOU 1989:41, 151-159, 305-311; Prop. 1992/93:32, 35). The parliament thus had dual roles consciously built into its design – as both an elected representative body and a
government agency – with the explicit object to increase Sámi influence without simultaneously creating a body for any political self-determination.

The general mission of the Swedish Sámi Parliament is to work for a living Sámi culture. Substantially, it shall, among other things, allocate funding to cultural activities and Sámi organizations, appoint the Board of Directors for the Sámi School, guide and direct the work on the Sámi languages, and look after matters of special importance to the Sámi people (SFS 1992:1433: Ch. 2, Art. 1). Moreover, the Sámi Parliament shall keep track of, evaluate and keep the government informed on the development of the politics on national minorities and minority languages concerning the Sámi people and languages (SFS 2009:1395, Art. 2). The parliament is also responsible for a number of administrative tasks regarding the reindeer industry regulated in the Reindeer Grazing Act (SFS 1971:437). As a government agency, the parliament has no right to participate in decision-making, veto-rights concerning administrative decisions or independent sources of income (like taxation rights or royalties relating to natural resource exploitation in traditional Sámi settlement areas).

The Norwegian Sámediggi was also established mainly as an advisory body. However, the relationship between the Norwegian authorities and the Sámediggi is a dynamic process where the Sámediggi gradually has gained a stronger position (Josefsen 2011) – as we shall see below. A similar distinction between two roles is present in the case of Norway, as it is in the case of Sweden, but in a slightly different way. The Norwegian Sámi Parliament also performs several administrative tasks, related to, for example, language initiatives, Sámi industry funding, cultural heritage management, and support for sectors such as Sámi culture and education. Reindeer husbandry, in contrast, is not among the central tasks for the Norwegian Sámi Parliament. In the Norwegian case, the administrative role might perhaps be described as a semi-autonomous body that manages tasks delegated by the Norwegian government, rather than a government agency. This ‘organizational autonomy’ is however limited by national laws and regulations, and is highly dependent on generous budgets from the state. And in practice most of the budget is tied up and does not give any latitude in terms of political flexibility and new priorities. This may be the main challenge for the Norwegian Sámi Parliament and its relations to the Norwegian central government today (Selle 2011).

To further highlight the Swedish Sámediggi’s position as an agency under the government, the Chairman of the Sámi Parliament was to be formally appointed by the Swedish Government, upon proposal by the Sámi Parliament (Prop. 1992/93:32, 45). This is a role similar to that of the Speaker of a national Parliament, and thus only a symbolic position
of power. Nevertheless, it illuminates the formal subordination of the Swedish Sámi Parliament. In the case of Norway, the Speaker is elected by the plenary.

**Resources**

In both countries, three parts constitute the Sámi Parliament: the plenary, the board and the secretariat. Around 50 full-time staff work in the Swedish secretariat, headed by a Chief Secretary (SFS 2009:1395: §7; Sametinget 2009b). The Norwegian counterpart is better equipped, with an administration comprising 140 employees.

The Swedish Sámediggi’s opportunity to act on their own initiative is also limited by the grants from the Swedish state, which in 2011 amounted to around 21 million EURO (Lawrence and Mörkenstam 2012: 220). Most of the State funding (17.1 million) was, however, earmarked for specific purposes (such as predator compensation for the reindeer herders), which leaves little room for flexibility or prioritizing within the parliament in accordance with the political will of the Sámi constituency. Moreover, there is no budget for the parliament’s role as a representative body and its general task to protect Sámi interests. Instead, funding is clearly tied to its role and duties as a government agency. Again, the Norwegian Sámediggi has more resources: the total budget of the year 2012 was nearly 50 million EURO (369 million Norwegian kroner).

**The legal basis**

The legal basis of the two parliaments also differs, as illustrated by comparing the introductory paragraphs of the Norwegian Sámi Act and the Swedish Sámi Parliament Act. In the Norwegian Sámi Act (the second chapter concerns the Sámi Parliament), it is stated that the Act should ‘enable the Sami people in Norway to safeguard and develop their language, culture and way of life.’ (LOV 1987-06-12 No 56: §1-1). The first paragraph in the Swedish Act differs significantly: “[in] this Act provisions are made for a special government agency – the Sámi Parliament [...]” (SFS 1992:1433: §1). Regulations in the Norwegian Act are also drafted with a wider scope in comparison to Swedish regulations. In Norway, for instance, the parliament’s scope of responsibilities ‘is any matter that in the view of the parliament particularly affects the Sami people’ (LOV 1987-06-12 No 56: §2-1). This in contrast to the Swedish Act, which states that the Parliament’s main function is to ‘monitor issues related to Sámi culture in Sweden’ (SFS 1992:1433: §1). The Norwegian Act confers the parliament’s status as a mandatory referral body, which means that government agencies should consult the Sámi Parliament in matters concerning Sámi affairs. In Sweden, however, it has not been
considered appropriate to make it an obligation: ‘a general obligation for other authorities to consult the Sámi Parliament would take it too far’, it was argued in a Government Bill in 2006 (Prop. 2005/06:86, 56).

Another major difference between the countries is that Norway, in contrast to Sweden, has ratified the 1989 ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries. This is not only connected to a stronger recognition of the historical rights to land, water and other natural resources in capacity of being an indigenous people, but the convention also guarantees the Norwegian Sámi a solid platform in international law from which to make demands and rights claims towards the Norwegian State.

Norway has also implemented two key reforms that significantly strengthened the Norwegian Sámi Parliament's political influence in comparison to the Swedish Parliament. The first consists of the Finnmark Act (2005), which relates to the management of natural resources in Finnmark County ‘for the benefit of the residents of the county and particularly as a basis for Sami culture, reindeer husbandry, use of non-cultivated areas, commercial activity and social life.’ (LOV 2005-06-17 No 85: §a). One of the reasons for this legislation was, according to the preparatory work for the reform, was that it was no longer certain if the Norwegian State could actually claim ownership to land and water in Finnmark, due to the legal development both domestically and in international law. The land previously owned by the State was thus transferred to a new and local owner: the Finnmark Estate (Broderstad 2008: 174–176). The Act also states that it shall apply with the limitations that follow from ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (see section 3). The Board of the Finnmark Estate is appointed by both the Norwegian Sámi Parliament (three members) and the Finnmark County Council (three members). To address the central issue of land and water rights within the traditional Sámi settlement area (Finnmark), the law stipulates for the establishment of a Finnmark commission, which is to investigate, identify and protect land and water rights in Finnmark. Likewise, it establishes a Land Court (Utmarksdomstol) of Finnmark, in order to resolve any disputes arising from the Commission’s investigations (see, e.g., Bull 2008; Hernes 2008; Josefsen 2008).

The second major reform carried out in Norway involves the consultation arrangements institutionalized by a formal agreement between the State and the Norwegian Sami Parliament (Prosedyrer for konsultasjoner mellom statlige myndigheter og Sametinget, 2005: art. 1-8). The reform means that the Sámi are guaranteed participation in decision-making processes in all matters that may affect Sámi interests (see, e.g., Broderstad and Hernes 2008). This is in full compliance with the ILO Convention (Art. 6), which provides
that states should ‘consult with the public through appropriate procedures and in particular through their representative institutions’ and these consultations ‘should be confident […] in order to reach agreement for consent to proposed action’. The Sámediggi annual reports make the scope of the consultation subjects and the Sámediggi influence visible. The agreement gives the Sámediggi a better opportunity to influence national policy than before (FAD 2011). However, there are also challenges in effectuating the agreement. The Sámediggi has experienced objections to consult at an administrative level in ministries, and has met the argument that consultations cause additional work. And there has also been cases where agreement has been reached, but where ministries have changed the outcome afterwards (Sámediggi 2006).

**Why are the two parliaments different? Discussion and conclusions**

The two Sámi Parliaments have, in several ways, a similar institutional organization. Both countries have chosen to establish an institution for non-territorial autonomy, elected by the Sámi population. The two countries use similar systems for voter registration: Sámi electoral rolls. Both Sámi parliaments are elected using proportional representation, in accordance with the national electoral systems.

There are nevertheless noteworthy differences between the two institutions. At the ‘input’ side, the most conspicuous difference is the presence of Norwegian parties and the absence of Swedish parties. This has made the Norwegian Sámediggi more integrated in the national political system. Regarding policy-making – the ‘output’ side – the political influence of the Sámi Parliaments in Norway and Sweden are different. The Norwegian Sámi Parliament has achieved a wide range of structural changes that imply potential political influence on the Norwegian authorities. The consultation agreement between the Sámi Parliament and the Norwegian Government is maybe the most significant. This is another kind of integration: the Norwegian Sámi Parliament is much more interwoven with the government, by the consultation agreement in addition to delegated budgets and tasks from several ministries. This may be seen as an example of governance emphasising interaction and communication on a more equal basis (Pierre and Peters 2000). How can this difference be explained?

First of all, we may point to features of the national political systems. The legal bases of the two parliaments are very different. The Sámi Parliament Act in Sweden contains guidelines for specific administrative tasks, while the Norwegian Sámi Act is open ended. That is; on the Swedish side the Sámi Parliament may be instructed by the government, while
the Sámi Parliament on the Norwegian side is not subject to the government. Of course, this does not explain why the two countries chose different solutions in the first place. But the early institutional choices may have affected later developments. The Swedish Sámediggi’s lack of influence and conflicting roles may have exacerbated the internal conflicts and political deadlock, in a kind of vicious circle.

International law is another factor of importance. In Norway, The ILO Convention no. 169 turned out to be highly important for the process as well as the content, when the Finnmark Act was adopted. Again, this raises a new question: why did Norway – unlike Sweden – ratify this convention? One answer may be that the Norwegian government – unlike the Swedish – believed that domestic laws and practices already were in accordance with the requirements of the convention (Semb 2012). That perception was not necessarily correct, but the fact that Norway was committed by its ratification gave the Norwegian Sámi Parliament a lever to influence the Finnmark Act.

Still, the difference between the two parliaments cannot be explained only by the different legal basis. The national policy towards the Sámi in these two countries has most likely left its mark. The total assimilation policy towards all Sámi in Norway and the division of policy in Sweden – both assimilation and segregation – may explain why the Sámi in Norway seems to be drawing in the same direction, while the Sámi in Sweden have internal conflicts over reindeer herders’ rights. There is also a demographic difference: the Sámi population is assumed numerically larger in Norway than in Sweden. Moreover, another historical difference is the political experience. The Sámi in Norway have participated in local and regional politics, and have been members of Norwegian political parties for many decades. These skills are important also for the political work done in the Sámi parliament. As Minde (1980) states, the Sámi movement in the Swedish side had its strength in a region with strong conflicts between the Sámi and the Swedish majority, and therefore it was unthinkable to build any alliances with local parties. The result was that the Sámi movement in Sweden already in 1918 adopted a principle of non-cooperation with political parties; the Sámi should only perform political pressure outside the established Swedish political parties.

While these explanations point to Sámi choices and experiences, historical events may also have mattered. The political ‘earthquake’ of the Alta case shook the Norwegian political establishment, and turned upside down the traditional views on the legitimacy of policymaking towards the Norwegian Sámi. The national and international force of this issue more or less forced the Norwegian government into dialogue with Sámi representatives. Although there were prominent legal processes in Sweden – which served to mobilize Sámi interests –
Swedish politicians and parties had not been compelled to confront their own policies or face the ‘politics of embarrassment’ in a similar way.

A starting point for this paper was Weaver’s (1983) distinction between models for indigenous representation, ranging from government appointed advisory bodies to publicly supported pressure groups. The Swedish and Norwegian Sámi Parliaments do not fit either of these categories: they are established by the government, but elected by – and accountable to – the Sámi electorate. In principle, this should give the Sámi Parliaments both autonomy (as a democratically elected institution) and influence (as it is connected to the national political system). On both counts, the Norwegian Sámediggi seems to fare better than its Swedish counterpart. This indicates that a trade-off between autonomy and influence can be avoided. Some extent of autonomy may even be necessary, if an indigenous institution shall be accepted by the state as a partner for consultations.

References


Ruong (1982) ...
Sámediggi (2006): Protokoll fra det halvårlige konsultasjonsmøte 30.06.06 mellom Arbeids- og inkluderingsministeren og sametingspresidenten
Sametinget (2009b) ...