



Revista de Direito da Faculdade Guanambi
ISSN: 2447-6536
revistadedireito@centrouniversitariounifg.edu.br
Centro Universitário FG
Brasil

INDIGENOUS RIGHTS TO DEFEND LAND AND TRADITIONAL ACTIVITIES: A CASE STUDY OF THE SAMI IN NORTHERN SWEDEN

Tsiouvalas, Apostolos; Poto, Margherita Paola

INDIGENOUS RIGHTS TO DEFEND LAND AND TRADITIONAL ACTIVITIES: A CASE STUDY OF THE SAMI IN NORTHERN SWEDEN

Revista de Direito da Faculdade Guanambi, vol. 5, no. 1, 2018

Centro Universitário FG, Brasil

Available in: <https://www.redalyc.org/articulo.oa?id=608065719001>

DOI: <https://doi.org/10.29293/rdfg.v5i1.211>



This work is licensed under Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International.

INDIGENOUS RIGHTS TO DEFEND LAND AND TRADITIONAL ACTIVITIES: A CASE STUDY OF THE SAMI IN NORTHERN SWEDEN

DIREITOS INDÍGENAS PARA DEFENDER A TERRA E ATIVIDADES TRADICIONAIS: UM ESTUDO DE CASO DO SÁMI NO NORTE DA SUÉCIA

Apostolos Tsiouvalas [1]
University of Akureyri (UNAK), Iceland., Islandia
apostolostsiouvalas@gmail.com

DOI: <https://doi.org/10.29293/rdfg.v5i1.211>
Redalyc: <https://www.redalyc.org/articulo.oa?id=608065719001>

Margherita Paola Poto [2]
K.G. Jebsen Centre for the Law of the Sea (UIT), Tromsø, Norway., Noruega
margherita.p.poto@uit.no

Received: 27 September 2018
Accepted: 16 October 2018

ABSTRACT:

One of the largest remaining unexploited iron ore deposits in Europe is the Kallak Iron Deposit in the province of Norrbotten in northern Sweden, where a significant Sámi population is located. Since 2011, the UK-based company, Beowulf Mining, has begun a large campaign for extraction in northern and southern Kallak. However, the Sámi of the region, together with environmentalists and non-Sámi individuals have drastically expressed their opposition blocking with various ways the processes. The Sámi being aware of the environmental risk have concerns about their ability to drive reindeer across the land, and the impact Beowulf's operations are likely to have on the reindeer migratory patterns. Nowadays, seven years after the initial application for licensing, the approval of the application is still pending and Beowulf is pressing more and more the Swedish authorities for a final response in order to start extracting. Only the County Administrative Board of Norrbotten, despite its initial consent, still advocates for Sámi and their reindeer refusing to issue licensing for the British company. Accordingly, this article was designed as a descriptive study of the legal framework of the implementation of this endeavour addressing the legal arguments of both sides as they derive from a qualitative study of official documents, environmental reports, and relative articles of scholars. Concluding, the article illustrates the gaps of legal protection of indigenous land-rights in Sweden presenting their vulnerability to such kind of challenges.

KEYWORDS: Sámi people, Kallak, Reindeer herding, Indigenous land-rights, Mining.

RESUMO:

Um dos maiores depósitos de minério de ferro ainda não explorados na Europa é o Kallak Iron Deposit, na província de Norrbotten, no norte da Suécia, onde está localizada uma população significativa de Sámi. Desde 2011, a empresa britânica Beowulf Mining iniciou uma grande campanha de extração no norte e no sul de Kallak. No entanto, os Sámi da região, junto com ambientalistas e não-Sámi expressaram drasticamente seu bloqueio de oposição de várias maneiras pelos processos. Os Sámi que estão conscientes do risco ambiental têm preocupações sobre sua capacidade de conduzir renas pela terra e o impacto que as operações de Beowulf provavelmente terão nos padrões migratórios de renas. Hoje, sete anos após o pedido inicial de licenciamento, a aprovação do pedido ainda está pendente e a Beowulf está pressionando cada vez mais as autoridades suecas para uma resposta final a fim de iniciar a extração. Apenas o Conselho Administrativo do Condado de Norrbotten, apesar de seu consentimento inicial, ainda defende os Sámi e suas renas, recusando-se a emitir licenças para a empresa britânica. Nesse sentido, este artigo foi delineado como um estudo descritivo do arcabouço jurídico da implementação desse esforço, abordando os argumentos jurídicos de ambos os lados, uma vez que derivam de um estudo qualitativo de documentos oficiais, relatórios ambientais e artigos relativos

AUTHOR NOTES

[1] LL.M Candidate of Polar Law in the University of Akureyri, Iceland (UNAK).

[2] Postdoctoral fellow at the K.G. Jebsen Centre for the law of the Sea (UIT), Tromsø, Norway.

apostolostsiouvalas@gmail.com

de estudiosos. Concluindo, o artigo ilustra as lacunas da proteção legal dos direitos territoriais indígenas na Suécia, apresentando sua vulnerabilidade a esse tipo de desafio.

PALAVRAS-CHAVE: Povo Sámi, Kallak, Pastoreio de renas, Direitos indígenas à terra, Mineração.

1 INTRODUCTION

The present contribution will shed some light on the challenges that the indigenous peoples in Northern Sweden - known as Sámi people - have been facing in the Arctic and in particular in Kallak, in the Northern part of Sweden. The narration of the indigenous struggles to defend land and traditions will serve as a synecdoche of the challenges that Nordic indigenous peoples have been facing, and that are connected to stories of long lasting marginalization and discrimination, economic exploitation and environmental degradation.

In particular, three escalating and almost concomitant factors have caused a deep fracture between the peoples and the natural environment: the aftermath of assimilation policies; the effects of the globalized economy; the risks and damages to the environment caused by climate change. First, the side and prolonged effects marginalization and colonization process, undermined the Sámi language and culture with the idea to assimilate the Sámi people into the rest of the population. According to the scholars, the effects of the disruptive assimilation policies are of such a magnitude, that requires at least one more century to be completely eradicated[3].

Second, the effects of globalization and natural resources exploitation, that started in the early 1980s[4], when the Scandinavian economy changed into an oil-based economy and have been escalating since then, to the detriment of self-sufficiency, owner farming and subsistence economy, at the base of the Sámi culture. As a side effect[5], the economic changes turned into a tragic loss of identity as well[6].

Third, the climate change effects, with the rising temperatures and exposure to polluted water[7], to name but a few[8].

As said, these three factors caused severe disruptions in the connection between the indigenous peoples and the environment[9].

Yet, this trend can be reversed by returning power to the knowledgeable peoples that live in the threatened areas.

The involvement of the Sámi in the safeguard of the Arctic environment and in the protection of their traditions and cultures, is likely to have multiple positive effects: it can function as a moral and substantial restoration after the distortion of the assimilation and of the economic exploitation of their areas, and it is beneficial for the nature as well.

2 A FOCUS ON THE SÁMI IN NORTHERN SWEDEN

As mentioned in the previous section, the Sámi have historically suffered various types of discrimination and repression as regards to their ancestral land-rights and their traditional activities. Nowadays, these violations have been significantly diminished, but in the era of climate change, indigenous rights seem to be in many cases in collision with mining interests, especially in the Arctic where both land and ocean tend to become more and more accessible for exploration and extraction than ever before in the past. One of these cases illustrates the recent example of Kallak.

The Kallak Iron Deposit (originally Gállok in Swedish) is located between the villages of Björkholmen and Randijaur in the municipality of Jokkmokk in the province of Norrbotten in northern Sweden. The British company Beowulf Mining through its subsidiary, Jokkmokk Iron Mines AB, acquired the Kallak north licence in 2006 and the south in 2010[10] and since then has invested 77 million SEK in the region[11].

An exploratory drilling program conducted in 2010 has found at least 600 million tonnes of iron ore at an average grade of 30% in both sides of Kallak[12]. As expected, in May 2013, the company announced it would not renew its exploration permit for the site near Kvikkjokk in Jokkmokk municipality because of inadequate infrastructure, but would continue at another of its 18 exploratory sites, at Kallak in the same municipality recognising the upcoming environmental risks but making clear that is willing to follow all the demanded legal procedures with the outmost diligence[13]. Simultaneously, as it was obvious, the local community reacted drastically to this new decision and tried to prevent its implementation. In particular, the indigenous Sámi people of the region, members of the local municipality of Jokkmokk and many activists and environmentalists, despite the initial consent of the local county Norrbotten, resisted the mining policy and successfully blocked it[14]. In the summer of 2013 a large number of road blockades and demonstrations were conducted and the mining process was temporary paused[15]. Main arguments of the resistance were the danger of environmental degradation of the region, the ecological protection of flora and fauna in Lapland and the possible obstruction in the traditional Sámi activities mostly related to reindeer herding[16].

Indeed, the land of Kallak where the minerals have been identified is considered to be a crucial part for the indigenous subsistence playing a significant role in the survival of the reindeer herding and being closely connected to their migration paths[17]. Finally, in 2014 the county of Norrbotten changed its previous policy about the case and asked Beowulf to cancel the mining process until the Swedish governmental geology decision-making body Bergsstaten gives its consent[18]. However, Bergsstaten's statement dissented from the county's refusal and it is now up to the government of Sweden to give a final answer to the question since the county of Norrbotten continues to ignore Beowulf's application[19].

Up to the present, the Swedish government has not yet submitted a final decision to the company, and the case is still pending. Still, Beowulf has increased its pressure to the governmental authorities and nowadays the completion of the mining project looks more possible than ever before, posing a possible danger for the indigenous Sámi people of the region whose land rights look to be exposed to the upcoming challenges[20].

Consequently, this study was designated as a descriptive study of the legal framework of the specific conflict addressing the potential environmental risk and highlighting the need for further protection of the indigenous and minority rights in Sweden in general.

3 A POTENTIAL ENVIRONMENTAL RISK

Before analysing the framework under which Beowulf is planning to start exploitation soon, it would be beneficial to address firstly the importance of reindeer herding and husbandry for Sámi, the environmental risk of this project and the sensitivity of reindeer to changing environmental conditions. Below, are illustrated the grazing and migration patterns of reindeer and the possible dangers that the iron ore extraction in Kallak can pose.

Traditionally, Sámi people rely on subsistence reindeer herding[21]. Today, only a minor share of the Sámi people have reindeer herding and husbandry as their main occupation, although it remains an important part of the culture organized in family-based small businesses[22]. Reindeer herding has since time immemorial been the main employment of Sámi deriving from their ancestral land rights and their deep connection to the nature which compose their special 'sui generis' legal status as an indigenous people. Since 1971, the Swedish Reindeer Herding Act has been regulating all reindeer herding activity in Sweden securing reindeer herding as an exclusive right for the Sámi people of Sweden[23]. In addition, as of January 1, 2011, as a result of its latest amendment, the Constitution of Sweden explicitly recognizes the Sámi as a people, as distinguished from a minority group reassuring their right to practice reindeer husbandry[24].

Reindeer herding actually involves eight seasons of migration to higher or lower pasture, depending on temperatures and vegetation available.[25] In particular, reindeer remain on hills and mountains during the summer season, but during the winter season the sensitive mammal has to go down to the forest and seek food

and, therefore, it needs a big area to graze[26]. Consequently, reindeer in Fennoscandia migrate twice per year in order to access their pastures. The little peninsula that Kallak mine has been established is located one hour distance from the closest reindeer herds[27]. Sámi herders insist that the new infrastructure and mining activities would block two routes used by reindeer to migrate from summer pastures in the mountains north of Kallak to winter grazing land in the forested valley south of Jokkmokk[28]. This suggested infrastructure development includes the construction of a tailings facility, new roads and, potentially, a railroad spur connecting the site to an existing rail line that would carry the ore to ports on the Baltic Sea and Norwegian coast where it would be shipped to steel plants in northern Europe and used in the production of everything from cars and ships to electronics and paper clips[29]. Indeed, as the former county governor Sven-Erik Österberg stated, the haulage roads will affect the area much more than the mine itself[30].

The disturbance of grazing patterns can bring dramatic consequences to the fore such as increased energy consumption from the reindeer and loss of grazing time[31]. Scientists predict that an increasing disturbance can gradually lead to a permanent loss of pastures[32]. In addition, obstruction in the access to pasture area can lead to a decrease of the average slaughtering weight for a reindeer giving a long-term negative impact on the husbandry in general[33].

Furthermore, it should be taken into consideration that a hindrance to reindeer migration roots has been noticed in more cases in Sweden, a fact that justifies the general fear and tensions that have risen as response to the recent process in Kallak. Sámi reindeer herders and mining companies have coexisted uneasily in the forests of northern Sweden since 1890[34]. For example, since the previous century, locals from the region around Kiruna have already faced the prospect of new open-pit mines with low ore content and they feared a high risk of pollution and disturbance to the reindeer migration[35]. Encroachments into reindeer pastures grazing conditions are seen among both reindeer herders and researchers to be the largest threat to the future of Sámi reindeer husbandry and therefore, the establishment of a mine Kallak explicates the huge opposition of Sámi.

4 REGULATORY COMPLIANCE AS THE KEY FOR EXTRACTION

Acknowledging the risks stated above Beowulf has come with a strong folder of arguments to appease the constant concerns against the extraction project, while seems to comply with almost all the demanded requirements to start an extraction process in Sweden[36]. The Swedish Minerals Act (No. 45 of 1991) is the principal law regulating the mining industry and it governs the procedure for acquiring exploration permits and exploitation commissions on land, irrespective of who owns the land to be explored or exploited.[37] In particular, the mining process in Sweden demands the following licences: an exploration license issued by the County Administrative Board which requires an Environmental Impact Assessment (EIA) including a formal stakeholder consultation process, a permit for test mining issued by the Swedish Mining Inspectorate (Bergsstaten), which requires a further EIA focusing on land use and finally an Exploitation Concession issued by the Land- and Environmental court requiring a final approved EIA.[38]

There is no doubt about the compliance of Beowulf with the legal procedure stated above,[39] but it is worth noting that the local county of Norrbotten, despite its initial consent has consistently failed to follow the prescribed process for assessing an Exploitation Concession application arguing that mining and reindeer herding cannot coexist. Therefore, the licensing process is still pending and now the government of Sweden has been called to give its acquiescence to Beowulf to start exploiting.[40] However, the issued EIAs and the suggested sustainability of the mining process based on studies conducted by the Economics Unit of Luleå University of Technology[41] together with the compensations that the company offers in cases of disturbance of reindeer grazing seem to be sufficient enough to urge the Swedish government to give an affirmative response.[42]

Furthermore, the UNESCO World Heritage Site Laponia, governed since 2010 by Laponi atjuottjudus, an association controlled in majority by Sámi, is 34 km at its closest point away from Kallak, and cannot be connected to a direct impact, as the Swedish National Heritage Board confirms.[43] Indeed, Kurt Budge, the chief executive of Beowulf Mining plc has claimed that existing mines operate in closer proximity and have not yet threatened Laponia's World Heritage Status.[44]

Moreover, what has to be examined as well is the European network Natura 2000 of nature protection. Designated respectively under the Habitats Directive and Birds Directive, Natura 2000 has established more than 4000 Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in Sweden, many of whom belong to the county of Norrbotten.[45] However, the region where Kallak Iron Ore mine has been established does not overlap any protected place by Natura 2000, while there is not clear evidence that the mining itself could in future pose a danger to the closest protected areas.[46] In response to the concerns of the County Administrative Board of Norrbotten about a specific transport corridor under consideration, Beowulf eliminated from its future planning the transport corridor that passes in a north/north-easterly direction through the Jelka-Rimakåbbå Natura 2000 area.[47]

Finally, worth mentioning is the procedure of an EIA that Beowulf has followed. Based on the section three of the 6th Chapter of the Swedish Environmental Code private entities that constitute an EIA shall also consult private individuals who are likely to be affected by their activities.[48] In the specific case Beowulf has several times cooperated with private individuals and has achieved the consent of a majority of the population of Jokkmokk, but there is no clear evidence whether in these procedures has participated the limited number of Sámi herders that reside in the nearby regions and constantly oppose this endeavour.

5 'TRICK OR TREATY'?

It is well known that during the 20th century, Sámi people faced various challenges and difficulties until they obtained their present status, experienced violations of their rights and discriminating State policies.[49] Despite their common culture, Sámi people received a different treatment around the Scandinavian North and there are many cases that states and private sectors conducted activities in violation of their fundamental rights. In Sweden, the situation began to ameliorate after 1977 when the Swedish government first recognized the Sámi as an indigenous minority within the State.[50]

The reindeer herders whose land-rights are violated by a mining process could first of all seek protection under the Swedish constitution. Particularly, Article 2 of the latest amended Swedish constitution provides that the opportunities of the Sámi people and ethnic, linguistic and religious minorities should be preserved and the development of the cultural and social life of their own shall be promoted, while Article 17 protects the right of Sámi people to reindeer herding as a fundamental freedom.[51] For Sámi as an indigenous people reindeer herding is an indivisible part of their ancestral culture and should not be hindered by any private or public sector. However, it has to become clear that the Sámi do not own the land according to the law, but they have the right to use it in order to exercise their traditional activities. Therefore, the placement of a mine in Kallak practically bans their right to use this land. The responsible instrument for representing the Sámi interests against land rights violations is the Swedish Sámi Parliament.

The Sametingslag was established as the Swedish Sámi Parliament on the 1st of January 1993 succeeding a closer dialogue with the rest governmental bodies in order to build openness and agreement.[52] Since this time an order of acts and legal instruments has been followed and the situation has started to improve towards an optimistic future. However, is the Sámi parliament empowered by the present legal framework sufficient enough for the legal protection of the Sámi herders in Kallak against the almighty company which has already invested 77 million SEK in the region?[53]

The answer is rather controversial. The Swedish Sámi Parliament itself, despite the fact that has been granted a greater degree of autonomy and influence during the last years,[54] remains an entity charged with

implementing government policy, a fact that can be already identified in the text of Sámi Parliament Act.[55] This means that opportunities for Sámi to decide for themselves through this forum as regards to decisions affecting them are still limited.[56]

A further framework in controversy is the 2007 adoption of the United Nations Declaration of Rights of Indigenous People. Indeed, the Declaration is the most comprehensive international instrument on the rights of indigenous peoples defining that indigenous people should be given a strong position particularly in issues concerning land, since they reserve customary rights to these areas.[57] However, it should not be ignored that UNDRIP remains a declaration lacking per se legal enforceability and binding status, while does not either give right for taking action against violating parties.[58] So in practice, the Sámi cannot seek protection neither under this soft law document.

In response to this legal uncertainty regarding to the protection of indigenous land-rights in Scandinavia the United Nations Special Rapporteur on the Rights of Indigenous Peoples has several times interfered giving recommendations to the Swedish authorities. In 2005 the Sámi Parliament prepared an extended report for the United Nations Special Rapporteur on the Rights of Indigenous Peoples, ms. Victoria Tauli-Corpuz, calling the Swedish Sámi policy in respect to the case as an illegal act and violation of Indigenous rights under international law.[59] During the last decade the government pressed by constant interventions of the United Nation Special Rapporteur on the Rights of Indigenous Peoples has adopted an order of measures such as the Act on National Minorities and Minority Languages (2009:724) reinforcing the position of Sámi. However it is still clear that the existed framework is not yet sufficient and the reality has shown that the more the Sámi seek for protection under these instruments, the more Beowulf fortifies its legal arguments providing finally even compensation for each individual case of disturbance of reindeer activities close to Kallak.[60]

Nevertheless, only a strong international law framework could reassure the Sámi the appropriate legal protection as regards to their rights as an indigenous people. Thus, Sweden in contrast to Norway has not yet ratified the ILO Convention 169 as regards to indigenous and tribal peoples, which is the most important international agreement with legal force specialized to indigenous people.[61] For example regarding to the uncertainty of Sámi participation in the procedure of Beowulf's EIA Article 7§3 of the 169 Convention defines:

Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.

If Sweden had ratified the ILO Convention C169 the above stated article would commit the government to carry out studies related to Kallak mine including participation of the affected Sámi herders as well, while their herding rights would be further secured.

6 CONCLUSIONS

Concluding, what is the most likely, is that the Swedish government will give soon a final solution to the open case, the licensing application will be approved in the fullness of time and the company will start extracting the large iron ore deposit. Weighing the advantages and disadvantages of this endeavour it is apparent from an economic perspective that the completion of mining progress in Kallak would provide around many direct jobs and millions of SEK in additional tax revenues to the Municipality of Jokkmokk over 14 years, as the company guarantees, while on the other hand it will possibly disturb the herding activity of only a limited number of Sámi herders. However, the matter of this opposition is not monetary at all. Although the conflict concerns access to natural resources, it also illustrates the everyday struggle of the Sámi population claiming justice through their historical rights and culture. This struggle is about much more than Kallak.

It's about what is generally happening all over the Nordic region and has been happening for decades in the entire Arctic. Modernization and commercialization of each last pristine place of the North driven by climate change and the trend of globalization have whether marginalized or affiliated indigenous peoples. Amongst them have always been Sámi. The resistance to a mine in Kallak will undoubtedly continue based on the belief that the right to decide about this land historically falls on the Sámi population. For indigenous peoples being entitled to make decisions that concern land-use is detrimental for the survival of their culture illustrating the historical context of Sámi struggles for recognition against the Swedish state. For them has always been a distinct relationship with the land extending to environmental stewardship. Land is not merely a supplier for resources for the current generation, but an environment to be looked after for the next generations. Therefore, this specific case of Kallak is an example of a global matter which has to be drastically changed.

A change of course in Sweden's Sámi policy can only be achieved if it is based on international law concerning indigenous peoples. In this connection, Sweden must undoubtedly ratify ILO Convention 169. Measures need to be taken without delay to remedy the present unsatisfactory situation concerning Sámi rights, participation in governance and influence on decisions affecting them. The reinforcement of their legal remedies and framework will lead to joining Sámi in establishing long-term, sustainable structures for participation at local, regional and national level, where it is the Sámi and not the majority society that defines both the indigenous matters in hand and what measures are required to deal with them. Under these preconditions not only the reindeer herders in Kallak but each indigenous individual in Sweden will be honing in on a hospitable future.

BIBLIOGRAPHY

- Agresta M. (2014, June 19). *Pay Attention! We Live Here!* Michigan Technological University. Disponible in: <http://www.mtu.edu/magazine/research/2014/stories/pay-attention/>; Accessed in: 22 apr. 2018.
- Arctic environment: European perspectives Why should Europe care?, Environmental issue report, n. 38, EEA p. 7. Disponible in: https://www.eea.europa.eu/publications/environmental_issue_report_2004_38; Accessed in: 22 apr. 2018. (Error 4: El enlace externo https://www.eea.europa.eu/publications/environmental_issue_report_2004_38 debe ser una URL) (Error 5: La URL https://www.eea.europa.eu/publications/environmental_issue_report_2004_38 no esta bien escrita)
- Barelli M (2009, October 1). The Role of Soft Law in the International Legal System: The Case of the United Nations Declaration on the Rights of Indigenous Peoples in International and Comparative Law. *Quarterly*, Vol. 58, pp. 957-983.
- Beowulf Mining plc (2010, December 23.) Update re Kallak Iron Ore Project. Disponible in: https://beowulfmining.com/wp-content/uploads/2015/03/10-12-23_Kallak_Iron_Ore_Project_Update_Kallak_South.pdf; Accessed in: 22 apr. 2018. (Error 6: El enlace externo https://beowulfmining.com/wp-content/uploads/2015/03/10-12-23_Kallak_Iron_Ore_Project_Update_Kallak_South.pdf debe ser una URL) (Error 7: La URL https://beowulfmining.com/wp-content/uploads/2015/03/10-12-23_Kallak_Iron_Ore_Project_Update_Kallak_South.pdf no esta bien escrita)
- Beowulf Mining plc (2011, March 22). *Update re Kallak Iron Ore Project*. Disponible in: https://beowulfmining.com/wp-content/uploads/2015/03/11-03-22_Kallak_Iron_Ore_Project_Update_March_2011.pdf; Accessed in: 22 apr. 2018.
- Beowulf Mining plc (2011, September 21). The licensing chain for mining in Sweden. Disponible in: https://beowulfmining.com/wp-content/uploads/2015/03/11-09-21_Beowulf_environmental_review_9_September_2011.pdf; Accessed in: 22 apr. 2018. (Error 14: El enlace externo https://beowulfmining.com/wp-content/uploads/2015/03/11-09-21_Beowulf_environmental_review_9_September_2011.pdf debe ser una URL)

- (Error 15: La URL https://beowulfmining.com/wp-content/uploads/2015/03/11-09-21_Beowulf_environmental_review_9_September_2011.pdf> no esta bien escrita)
- Beowulf Mining plc (2016, March 21). Kallak North Exploitation Concession Update. Disponible in:<https://beowulfmining.com/news/kallak-north-exploitation-concession-update-4/>; Accessed in: 22 apr. 2018. (Error 18: El enlace externo <https://beowulfmining.com/news/kallak-north-exploitation-concession-update-4/>> debe ser una URL) (Error 19: La URL <https://beowulfmining.com/news/kallak-north-exploitation-concession-update-4/>> no esta bien escrita)
- Beowulf Mining plc (2017, September 21). Study of Kallak's Potential Economic Benefits. Disponible in:<https://beowulfmining.com/news/study-of-kallaks-potential-economic-benefits/>; Accessed in: 22 apr. 2018. (Error 22: El enlace externo <https://beowulfmining.com/news/study-of-kallaks-potential-economic-benefits/>> debe ser una URL) (Error 23: La URL <https://beowulfmining.com/news/study-of-kallaks-potential-economic-benefits/>> no esta bien escrita)
- Beowulf Mining plc (2018, March 6). Kallak North Exploitation Concession Update. Disponible in:<https://beowulfmining.com/news/kallak-north-exploitation-concession-update-28/>; Accessed in: 22 apr. 2018. (Error 26: El enlace externo <https://beowulfmining.com/news/kallak-north-exploitation-concession-update-28/>> debe ser una URL) (Error 27: La URL <https://beowulfmining.com/news/kallak-north-exploitation-concession-update-28/>> no esta bien escrita)
- Bush D. (2013, September 30). Mine dispute intensifies in Arctic Sweden. Barentsobserver. Disponible in:<https://beowulfmining.com/news/kallak-north-exploitation-concession-update-28/>; Accessed in: 22 apr. 2018. (Error 30: El enlace externo <http://barentsobserver.com/en/business/2013/09/mine-dispute-intensifies-arctic-sweden-30-09>> debe ser una URL) (Error 31: La URL <http://barentsobserver.com/en/business/2013/09/mine-dispute-intensifies-arctic-sweden-30-09>> no esta bien escrita)
- Claes H (2001). The politics of oil-producer cooperation: The political economy of global interdependence. *Journal of Energy and Development*.
- Diskrimineringsombudsmannen (2010, February 24). The Sámi indigenous people in Sweden and the Right to Participate in Decision-Making. Disponible in:<http://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/3rd/docs/contributions/SwedishEqualityOmbudsman.pdf>; Accessed in: 22 apr. 2018. (Error 32: El enlace externo <http://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/3rd/docs/contributions/SwedishEqualityOmbudsman.pdf>> debe ser una URL) (Error 33: La URL <http://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/3rd/docs/contributions/SwedishEqualityOmbudsman.pdf>> no esta bien escrita)
- Gerasimova A. (2014, October 6). Sami reindeer herders win mine reprieve. Disponible in:< <http://reindeerherding.org/blog/sami-reindeer-herders-win-mine-reprieve/>; Accessed in: 22 apr. 2018. (Error 34: El enlace externo <http://reindeerherding.org/blog/sami-reindeer-herders-win-mine-reprieve/>> debe ser una URL) (Error 35: La URL <http://reindeerherding.org/blog/sami-reindeer-herders-win-mine-reprieve/>> no esta bien escrita)
- Giddens A. (1994) *The consequences of Modernity*, Stanford: Polity Press.
- Government of Sweden (2005). A National Action Plan for Human Rights 2006-2009. Disponible in:<http://www.government.se/49b72e/contentassets/0580a8d5127a40439edca003a7f19a0f/a-national-action-plan-for-human-rights-2006-2009>; Accessed in: 22 apr. 2018. (Error 36: El enlace externo <http://www.government.se/49b72e/contentassets/0580a8d5127a40439edca003a7f19a0f/a-national-action-plan-for-human-rights-2006-2009>> debe ser una URL) (Error 37: La URL <http://www.government.se/49b72e/contentassets/0580a8d5127a40439edca003a7f19a0f/a-national-action-plan-for-human-rights-2006-2009>> no esta bien escrita)
- Hughes S. (2014, July 30). The reindeer herders battling an iron ore mine in Sweden. BBC. Disponible in:<http://www.bbc.com/news/business-28547314>; Accessed in: 22 apr. 2018. (Error 40: El enlace externo <http://www.bbc.com/news/business-28547314>> debe ser una URL) (Error 41: La URL <http://www.bbc.com/news/business-28547314>> no esta bien escrita)
- International Labour Organization (ILO), *Indigenous and Tribal Peoples Convention*, C169, 27 June 1989, C169.

- Jernsletten L. & Klov K. (2002). Basic concepts in the reindeer industry. In Jernsletten L. & Klov K. (Eds.), *Sustainable Reindeer Husbandry* (pp 17-22). Tromsø: Centre for Saami Studies, University of Tromsø
- Kuhnlein H V, Erasmus B, Spigelski D and Burlingame B (2013). Indigenous Peoples' Food Systems (Commentary). *World Nutrition*, 4, 488–513.
- Labba N. and Jernsletten L. (2004). Sweden. In B. Ulvevædet & K Klov (Eds.), *Family-based Reindeer Herding and Hunting Economies, and the Status and Management of Wild Reindeer/Caribou Populations* (pp 131-142). Tromsø: Centre for Saami Studies, University of Tromsø.
- Miljöbalk (1998:808) Svensk författningssamling 1998:1998:808 t.o.m. SFS 2018:1427.
- Minde H (2005). Assimilation of the Sami-implementation and consequences, 2005. *Journal of Indigenous Peoples Rights*.
- Näringsdepartementet RS L (1971, June 18). *Rennäringslag* (1971:437). *Rennäringslag* (1971:437) t.o.m. SFS 2018:364
- P4 Norrbotten (2015, February 15). Bergsstaten gåremot länsstyrelsen om brytning i Kallak. Sveriges Radio. Disponible in: <http://sverigesradio.se/sida/artikel.aspx?programid=98&artikel=6092964>; Accessed in: 22 apr. 2018. (Error 42: El enlace externo <http://sverigesradio.se/sida/artikel.aspx?programid=98&artikel=6092964> debe ser una URL) (Error 43: La URL <http://sverigesradio.se/sida/artikel.aspx?programid=98&artikel=6092964> no esta bien escrita)
- P4 Norrbotten and Perdahl E. (2014, October 2). Länsstyrelsens ägerne till Kallak. Sveriges Radio, Disponible in: <http://sverigesradio.se/sida/artikel.aspx?programid=98&artikel=5980980>; Accessed in: 22 apr. 2018. (Error 44: El enlace externo <http://sverigesradio.se/sida/artikel.aspx?programid=98&artikel=5980980> debe ser una URL) (Error 45: La URL <http://sverigesradio.se/sida/artikel.aspx?programid=98&artikel=5980980> no esta bien escrita)
- Riksantikvarieämbetet (2013, June 18). Mining projects in the vicinity of the World Heritage property 'Laponian Area', Sweden. Disponible in: <http://naturvardsverket.se/upload/stod-i-miljoarbetet/rattsinformation/rattsfall/gruvor/gamla-filer/kallak/yttrande-kallak-unesco-130618.pdf>; Accessed in: 22 apr. 2018. (Error 46: El enlace externo <http://naturvardsverket.se/upload/stod-i-miljoarbetet/rattsinformation/rattsfall/gruvor/gamla-filer/kallak/yttrande-kallak-unesco-130618.pdf> debe ser una URL) (Error 47: La URL <http://naturvardsverket.se/upload/stod-i-miljoarbetet/rattsinformation/rattsfall/gruvor/gamla-filer/kallak/yttrande-kallak-unesco-130618.pdf> no esta bien escrita)
- Sametinget (2015). Preparatory Report from the Sami Parliament in Sweden for the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Ms. Victoria Tauli-Corpuz, prior to her 2015 August visit to Sápmi and Sweden. Disponible in: <https://www.sametinget.se/92639>; Accessed in: 22 apr. 2018. (Error 48: El enlace externo <https://www.sametinget.se/92639> debe ser una URL) (Error 49: La URL <https://www.sametinget.se/92639> no esta bien escrita)
- Schertow J. A. (2013, August 5). Sweden: Ongoing Road Blockade Against Mining in Saami Territory. Intercontinental Cry, Disponible in: <https://intercontinentalcry.org/sweden-ongoing-road-blockade-against-mining-in-saami-territory-19953>; Accessed in: 22 apr. 2018. (Error 50: El enlace externo <https://intercontinentalcry.org/sweden-ongoing-road-blockade-against-mining-in-saami-territory-19953> debe ser una URL) (Error 51: La URL <https://intercontinentalcry.org/sweden-ongoing-road-blockade-against-mining-in-saami-territory-19953> no esta bien escrita)
- Sikku, N.H., Teilus, M., & Kvarfordt, K. (2005). *The Saami – an Indigenous People in Sweden*. Västerås: Edita Västra Åros.
- Søreng S U (2008). Fishing Rights discourses in Norway: Indigenous vs non-indigenous voices. *Maritime Studies*, 6 (2), 77-99.
- Søreng S U (2007). Fishing Rights Struggles in Norway: Political or Legal Strategies? *Journal of Legal Pluralism*, 55, 187-210.
- Sveriges Riksdag (2009). *Swe. Const. Amend. I*.

- SverigesGeologiskaUndersökning (2007). Minerals Act - Minerals Ordinance. Västerås: EditaVästraAros AB, Disponible in:http://resource.sgu.se/dokument/mineralnaring/SGU-rapport_2007-26_minerals-act_ordinance.pdf; Accessed in: 22 apr. 2018. (Error 52: El enlace externo http://resource.sgu.se/dokument/mineralnaring/SGU-rapport_2007-26_minerals-act_ordinance.pdf> debe ser una URL) (Error 53: La URL http://resource.sgu.se/dokument/mineralnaring/SGU-rapport_2007-26_minerals-act_ordinance.pdf> no esta bien escrita)
- Sverigesnationalparker (2018). Protected nature in Sweden. Disponible in:<http://www.nationalparksofsweden.se/national-park-facts/protected-nature-in-sweden/>; Accessed in: 22 apr. 2018. (Error 54: El enlace externo <http://www.nationalparksofsweden.se/national-park-facts/protected-nature-in-sweden/>> debe ser una URL) (Error 55: La URL <http://www.nationalparksofsweden.se/national-park-facts/protected-nature-in-sweden/>> no esta bien escrita)
- SverigesRiksdag (1992). *Sametingslag (1992:1433)*.
- SVT Nyheter (2013, May 17). Gruvbolaglämnar Laponia. Disponible in:<https://archive.is/20130830224716/http://www.svt.se/nyheter/regionalt/nordnytt/gruvbolag-lamnar-laponia>; Accessed in: 22 apr. 2018. (Error 56: El enlace externo <https://archive.is/20130830224716/http://www.svt.se/nyheter/regionalt/nordnytt/gruvbolag-lamnar-laponia>> debe ser una URL) (Error 57: La URL <https://archive.is/20130830224716/http://www.svt.se/nyheter/regionalt/nordnytt/gruvbolag-lamnar-laponia>> no esta bien escrita)
- Swedish Institute (2017, August 17). Sami in Sweden. Disponible in:<https://sweden.se/society/sami-in-sweden/>; Accessed in: 22 apr. 2018. (Error 58: El enlace externo <https://sweden.se/society/sami-in-sweden/>> debe ser una URL) (Error 59: La URL <https://sweden.se/society/sami-in-sweden/>> no esta bien escrita)
- UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples* : resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295.

NOTES

[3]H Minde (2005)

[4]D H Claes (2001).

[5]S U Sørensen (2008).

[6]For a deeper understanding of the matter around fishing rights, please refer to S U Sørensen (2007), cit. The author describes the struggles to regain fishing rights that took place in North Norway, involving a group of north Norwegian coastal fishers and the Sámi Parliament.

[7]H V Kuhnlein, B Erasmus, D Spigelski and B Burlingame (2013).

[8]See Arctic environment: European perspectives Why should Europe care?, Environmental issue report, cit., p. 7.

[9]A Giddens (1994).

[10]Beowulf Mining plc (2010).

[11]Beowulf Mining plc (2018).

[12]Beowulf Mining plc (2011).

[13]SVT Nyheter (2013).

[14]S Hughes (2014).

[15]J A Schertow (2013).

[16]D Bush (2013).

[17]Ibid.

- [18]P4 Norrbotten and Perdahl (2014).
- [19]P4 Norrbotten (2015).
- [20]Supra note 12.
- [21]N Labba andL Jernsletten (2014).
- [22]Swedish Institute (2017).
- [23]Näringsdepartementet RS L (1971, June 18). Rennäringslag (1971:437). Rennäringslag (1971:437) t.o.m. SFS 2018:364.
- [24]Riksdag (2009).
- [25]M Agresta (2014).
- [26]L Jernsletten andK Klovov (2002).
- [27]Supra note 17.
- [28]Ibid.
- [29]Ibid.
- [30]A Gerasimova (2014).
- [31]Supra note 28.
- [32]Ibid.
- [33]Ibid.
- [34]Supra note 27.
- [35]Ibid.
- [36]Beowulf Mining plc (2011b).
- [37]Sveriges Geologiska Undersökning (2007).
- [38]Ibid.
- [39]Supra note 38.
- [40]Supra note 12.
- [41]Beowulf Mining plc (2017).
- [42]Supra note 12.
- [43]Riksantikvarieämbetet (2013).
- [44]Supra note 12.
- [45]Sveriges nationalparker (2018).
- [46]Ibid.
- [47]Beowulf Mining plc (2016).
- [48]Miljöbalk (1998:808) Svensk författningssamling 1998:1998:808 t.o.m. SFS 2018:1427).
- [49]N H Sikku, M Teilus and K Kvarfordt (2005).
- [50]Ibid.

- [51]Sveriges Riksdag (2009).
- [52]Supra note 51.
- [53]Supra note 12.
- [54]The Government of Sweden (2005).
- [55]Sveriges Riksdag (1992).
- [56]Diskrimineringsombudsmannen (2010).
- [57]UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295.
- [58]M Barelli (2009).
- [59]Sametinget (2015).
- [60]Supra note 12.
- [61]International Labour Organization (ILO), Indigenous and Tribal Peoples Convention, C169, 27 June 1989, C169.

ADDITIONAL INFORMATION

COMO CITAR ESTE ARTIGO: TSIOUVALAS, Apostolos; POTO, Margherita Paola. Indigenous rights to defend land and traditional activities: a case study of the Sami in the northern Sweden. Revista de Direito da Faculdade Guanambi, Guanambi, BA, v. 5, n. 1, p. 01-16, jan./jun. 2018. ISSN 2447-6536. Disponível em: <http://revistas.faculdadeguanambi.edu.br/index.php/Revistadedireito/article/view/211>. Acesso em: dia mês. Ano. doi: <https://doi.org/10.29293/rdfg.v5i1.211>.

ALTERNATIVE LINK

<http://revistas.faculdadeguanambi.edu.br/index.php/Revistadedireito/article/view/211> (html)