



The institutionalisation of Sami interest in municipal comprehensive planning – a comparison between Norway and Sweden

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Abstract

The Sami are recognized as an indigenous people and a national minority in both Norway and Sweden. *Inter alia*, the Sami's involvement in any planning concerning their traditional territories is required. The aim of this paper is to examine how the Sami interest is secured and institutionalized in municipal comprehensive planning. We use two case study areas: Sortland municipality in Norway and Vilhelmina municipality in Sweden. Analysis of various qualitative materials indicates that despite contextual and institutional differences, the planning processes in the case study areas have similar outcomes. We conclude that formal rights of the Sami are not always acknowledged by politicians who take final decisions. Rather, the Sami depend on the politicians' willingness to consider their needs.

Keywords

indigenous people, reindeer herding, land use, sustainability, Sami parliament/Sametinget

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Introduction

Article 27 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) requires the establishment and implementation of a participatory, open and transparent process in relation to decisions concerning indigenous peoples' right to land and resources. It also requires respect for the indigenous peoples' laws, traditions, customs and social structures. According to UNDRIP, large-scale landscape projects affecting an indigenous territory or resources (e.g. that seek to extract minerals or generate energy) must be approved by the indigenous people's representative institutions through open dialogue and in good faith with the respective state. Furthermore, indigenous people have the right to develop priorities and strategies for their own territories, and projects that may adversely affect their environment, economy, culture or religion should be avoided (UN, 2007). In light of this, indigenous planning is emerging as a context and research field of its own (Bouvier & Walker, 2018; Hibbard, Lane & Rasmussen, 2008; Jojola, 2008; Matunga, 2013; Prusak, Walker & Innes, 2016; Walker, Natcher & Jojola, 2013).

The Sami are an indigenous people who practice reindeer herding across Sápmi, the traditional Sami homelands split by national borders of colonial expansion northwards in Finland, Norway, Sweden, and the Kola Peninsula in Russia. According to recent population estimates, there are 50-65,000 Sami in Norway, including 3,307 individuals recognized as reindeer herders (Landbruksdirektoratet, 2018). Corresponding numbers in Sweden are 20,000-40,000 and approximately 2500 individuals, respectively (samer.se, 2018). Both countries have a long history of

marginalizing the Sami people through assimilation (Norway) and segregation (Sweden) of children in the majority language educational system, denying property rights and restricting traditional use of pasture for reindeer husbandry. Thus, as other indigenous peoples, Sami people share experiences and a history of colonialism, i.e. dispossession of their lands, marginalization, racism and discrimination (Reimerson, 2015). The Sami's experiences of colonialization mainly depart with the geographical intrusion by the nation states without their consent, against their resistance and sometimes also by force. The nation states have subjected the Sami people to political control, cultural domination, economic exploitation and undermining their own social, cultural and economic structures (cf. Koukkanen, 2011). In this respect the territorial rights to land are at core, i.e. the nation states want control over natural resources in Sápmi, while the Sami people has their livelihood and cultural survival at stake. Loss of identity and language has nevertheless awakened struggle, and in the late 1980s, the governments of Norway and Sweden passed laws recognizing the Sami as an indigenous people, established national Sami Parliaments and ratified conventions (among them UNDRIP), to protect rights of the indigenous Sami. A major difference between Norway and Sweden is that Norway has ratified the Indigenous and Tribal Peoples Convention (ILO 169), while Sweden has not yet done so. The ILO ratification requires all branches of the national government in Norway to consult with representatives of relevant Sami interests, in addition to the Sami Parliament. As a result of these international commitments, both Norway and Sweden have overall responsibility for the survival of reindeer husbandry as an important part of Sami cultural heritage and land use practice. This requires the establishment and use of planning processes that properly include the Sami, for example when decisions are made regarding natural and cohesive pastures and migration routes that are basic

prerequisites for reindeer husbandry. However, competition between reindeer husbandry and other land use, such as forestry, mining, energy production, as well as tourism and recreational activities (hunting, fishing, hiking, skiing, snow mobile driving etc.) has increased over time. For reindeer husbandry, it has contributed to the decline and fragmentation of reindeer pastures (Larsen, Raitio, Stinnerbom & Wik-Karlsson, 2017; Riseth, 2005). Intact pastures are of the utmost importance, and are the background for the designation of areas of national interest¹ that have been identified (in Sweden) and the intention of strengthening and visualizing the interests of reindeer husbandry in planning in the new Planning and Building Act² (in Norway), described more thorough in the section on “Regional and national government tools for securing Sami interests”. However, Bongo (2012:4) observes that in a Norwegian municipal planning case considered as a ‘best-practice’ example, “reindeer herders have participated, but there was little involvement in the plan. Several factors may explain lack of real influence, *inter alia* plan organization and communication challenges. Planning processes that involve the reindeer herders in an earlier phase, may provide better preconditions for their involvement.” This is crucial because the initial phase usually settle an interest balance between the stakeholders involved, in Norway formalized through pre-planning (i.e. plan program), see Figure 3. Additionally, in Sweden, Näsman (2016:4) concludes that, “Planning practices in the north of Sweden present a direct threat to indigenous cultural heritage and the livelihood of traditional practices such as reindeer herding.”

¹ In Swedish municipal comprehensive plans, the development of areas of national interest have to be approved by the County Administrative Board (CAB) as representing the state (SFS 2010:900). Within an area of national interest, land use can only be changed provided the value of national interest are not severely compromised. Thus the municipalities must handle the national interest through dialogue with the CAB, as in the case with reindeer husbandry.

² The Norwegian PBA commits the municipalities and regions to secure the natural foundations for Sami reindeer husbandry in their planning and involve the Sami interest at an early stage of the planning process.

These observations clearly indicate that obstructions raised (such as exclusion and ignorance) in the ‘contact zone’ or ‘action arena’ (i.e. the formal municipal comprehensive planning context) between the indigenous and majority society may hinder Sami participation, thereby impairing the effectiveness of provisions intended to promote their interests (Barry & Porter, 2011). Thus, exploration of the sufficiency of formal recognition in the planning process, and whether Norway’s recognition of the ILO leads to stronger formal indigenous rights than those in Sweden, is warranted. Therefore, the aim of this study is to analyse the role of institutions in securing Sami interests in municipal comprehensive planning (MCP) in Norway and Sweden. We do this by comparing planning outcomes in two case study areas: the municipalities Sortland in Norway and Vilhelmina in Sweden. Using a diagnostic approach (Ostrom, 2007), we explore similarities in, and differences between, the two areas, and effects of the institutional context when politicians are prioritizing interests and taking decisions that affect Sami interests during the MCP process.

Analytical framework

The Institutional Analysis and Development (IAD) framework (Ostrom, Gardner, Walker & Walker, 1994) was developed to facilitate analysis of policy problems and provides a methodology to identify key elements that researchers need to consider when assessing the efficacy of a planning system. The framework is rooted in rational institutional theory, and based on the assumption that actors or individuals act in their own self-interest and are ‘utility maximizing’ while collective action is governed by specific institutions. This applies, for example, to the participation of individuals and organizations in the management of natural resources (Ostrom, 2005). Institutional actors are viewed as ‘goal-oriented’, and as needing to develop processes

that promote predictability when there is uncertainty in order to facilitate decision-making. Institutions may, for example, set formal rules regarding property rights and laws, or may establish informal norms that permit or prohibit certain actions while stipulating sanctions for breaking such norms (Crawford & Ostrom, 1995).

The IAD framework has been widely applied in efforts to address diverse policy issues, including important questions related to the multiple use of forests, wildlife and fisheries management, and planning processes *per se* (Benson, Jordan, Cook & Smith, 2012; Nigussie et al., 2018; Rudd, 2004). The IAD framework has also been widely employed in research aimed at studying local management of common resources which often include indigenous peoples, their particular policies and governance systems based on the development of traditional ecological knowledge (e.g. Ostrom, 1990; Smajgl, Leitch & Lynam, 2009; Walsh, Dobson & Douglas, 2013). It provides a valuable lens for examining multi-level action arenas where decision-making or (as in our case studies) planning processes occur and identifying the characteristics, behaviour patterns and interactions of actors involved in the arenas, which ultimately determine outcomes of the processes (Ostrom, 2005).

The general elements of the IAD framework are illustrated in Figure 1. First, it is necessary to identify the focal 'action arena(s)'. In studies on land use planning, analyses of action arenas enable identification and characterisation of links between contextual variables (e.g. institutional arrangements, the biophysical environment and socio-economic conditions) and outcomes (ecological, social and/or economic). Our case studies focus on municipal-level action arenas, and specifically the process of developing MCPs within them.

Insert Figure 1.

Hence, at the core of the framework is the action arena (where actors, individuals or representatives of organizations confront each other and shape plans and planning initiatives). The actions within the arena are constrained by overarching institutional arrangements at multiple levels. In the arenas considered here, these arrangements include the international-level commitments made by the Norwegian and Swedish governments, together with national- and regional-level regulations concerning implementation of the planning framework in the respective national contexts. These multiple level rules set not only the overarching rights and responsibilities for land use, but also the rules (or procedures) for policy development, decision-making, and eligibility for participation (Ostrom, 2011).

Contextual variables that frame and constrain the action arena include those related to the biophysical and material world within which the actors interact. Here, we primarily refer to parts of Norway and Sweden within Sápmi i, the Sami's traditional area of settlement. We focus on two municipalities (Sortland and Vilhelmina; for locations see Figure 2) that recently have adopted or are in the state of finalizing MCPs. For each municipality, we identify traditional and modern land use activities in relation to socioeconomic conditions. These contextual variables are assumed to set constraints for the actors' preferences and perceived incentives within the action arena, and consequently their consideration of the costs and benefits of various behaviours. Their patterns of interaction (in this case framed by the planning process) lead to outcomes (the development of an MCP) that can be evaluated according to socially relevant criteria (e.g. effectiveness, efficiency, and equity). Outcomes feed back to the action arena at multiple levels, and may lead to change at the local, regional or national level. While we focus mainly on the institutional context and its impact on the action

situation, we also consider aspects related to the biophysical and socio-economic contexts.

Material and method

To compare how Sami interests are secured in the two case study areas we use several types of qualitative empirical information, drawn from official documents, strategy descriptions, focus groups (FGs), observations and interviews. Data pertaining to Sortland are drawn from interviews with municipal planners, governors and administrative staff of the Sami Parliament responsible for delivering outcomes of municipal planning processes. We also use written reports from the governors (Riseth & Nygaard, 2018), case documents and political resolutions from Sortland municipality, as well as relevant reports and comments in local media. Data pertaining to Vilhelmina are drawn from observations and written documentation from FGs with representatives of Sami interests who worked on the vision and priorities for the municipality's new MCP. For a detailed description of the participatory planning process and role of the research team, see Bjärstig, Thellbro, Zachrisson and Svensson (2018a). These data were complemented by political referrals and statements, see appendix for a detailed account of the empirical material. Vilhelmina does not represent a typical municipality, since it is included in a project (and is being used as a testbed) to develop a more participatory MCP process. Thus, stakeholder involvement has already been implemented during the visionary stage of the planning process in Vilhelmina (i.e. not only in the mandatory consultation and exhibition stages, as described in connection to Figure 3).

Insert Figure 2

The case study areas: biophysical environment and socioeconomic conditions

Sortland municipality covers an area of 722 km² (including 24 km² of water bodies), has approximately 10,000 inhabitants (half residing in the main town, also called Sortland), and it is the regional trading and administrative centre of Vesterålen (population 30,000). The Sami are a minority; only 68 of Sortland's inhabitants were registered in the electoral roll for the Sami Parliament in 2017, and the municipality is not part of the administrative area for the Sami language. The municipality is located on the islands of Langøya and Hinnøya, united by a bridge across Sortlandsundet (Sortland sound). The Kanstadfjord/Vestre Hinnøy reindeer herding district (RHD; a term commonly used to refer both to a strictly delimited geographical area and the communities or associations of people with reindeer herding rights in that area) is one of two RHDs on Hinnøya, and the only one in Sortland municipality. The RHD has only four family business units, but operates advanced mixed businesses including a slaughterhouse, two tourism ventures, food outlets and local culture-based activities, and home fisheries. The family living in Sortland runs the largest tourism venture in the municipality (Riseth, 2016). The reindeer herders' needs for pasture conflict with other land uses including farming, tourism, leisure activities and construction.

Vilhelmina municipality covers an area of 8,740 km² (including 670 km² of water bodies), and has a population of approximately 6,700 (about half residing in, or within a few kilometres of, Vilhelmina city centre). The Sami are a minority in the municipality; only 260 inhabitants were registered in the Sami Parliament's electoral roll in 2017. The municipality has a long history of various types of traditional and modern land uses, including fishing, hunting, reindeer herding, and latterly aquaculture, forestry, mining (during the 1970s and 80s), and energy production (through

hydroelectric power plants and wind parks). Hence, there is a strong dependency on the economic use of natural resources (Theellbro, 2017). About 16 percent of the municipality's land area is formally protected, mainly in the form of nature reserves in the mountain area whilst approximately 60 percent of the land area has designations indicating nationally-recognized interests. Recreation and tourism activities are conducted throughout the municipality. In the municipality there are two RHDs (Vilhelmina North and Vilhelmina South), with 43 reindeer herding family business units (Sandström, Sandström, Svensson, Jougda & Baer, 2012). Vilhelmina is also one of 25 Sami administrative municipalities established in accordance with the Act on National Minorities and Minority Languages (SFS 2009: 724), which aims to promote Sami culture and enhance protection of Sami interests (Kuoljok, 2016; Sami Parliament, 2016). Specific requirements are imposed on a municipality that is a Sami administrative municipality, e.g. Sami have the right to pre-school activities and elderly care entirely or to a substantial extent in their own language. Also, Sami has the right to use their language in contacts with the municipality and authorities in the area. The municipalities concerned receive state subsidies for the additional costs this might imply.

Institutional arrangements framing the action arena

In both countries, municipalities are the local authorities responsible for spatial planning, based on an MCP (LOV-2008-06-27-71, SFS 2010:900). However, land-use components of an MCP are legally binding in Norway, which means that deviation from the MCP requires a new full planning process. This is not the case in Sweden where the plan give guidance to more detailed planning which in turn is legally binding.

Insert Figure 3.

While comparing MCP processes in the two municipalities (Figure 3), we noted a stronger focus on pre-planning in Norway. Here, a municipal government is required, within the first year following its election, to develop and agree on a planning strategy for its four-year term (step 0). The next steps (1-3) involve development of a planning strategy programme. During these phases a decision is made regarding the need for an Environmental Impact Assessment (EIA), which is required when a plan exceeds a defined size or is considered likely to substantially affect the environment and society. These pre-planning steps are intended to clarify/visualize the governments' plans and promote both predictability and involvement (Holth & Winge, 2017). For reindeer husbandry, this means that RHDs should be notified and provided with opportunities to participate in the plan's initial development and all subsequent phases of the planning process.

In Sweden, a municipal government is required to adopt or develop policies regarding the strategic development of land and water use within its boundaries, once during each four-year electoral cycle, and compile policy statements in an MCP. It must adopt the current plan, or develop a replacement if the original is not considered fit for purpose. If necessary, the proposal is adjusted based on opinions received during a consultation phase and the final plan proposal is exhibited. Stakeholder involvement (e.g. RHDs amongst other actors) is only mandatory in the later steps (3 and 5 in Figure 3) and is not required during the early steps when the plan is conceptualised. If no major changes are made after the exhibition (which would necessitate an additional exhibition), the plan is adopted with a statement from the County Administrative Board (CAB) regarding the consideration of national interests.

Regional and national government tools for securing Sami interests

In Norway and Sweden, both the regional and national governments have core responsibilities for protecting Sami interests and reindeer husbandry land-use. However, the systems in the two countries differ considerably. The responsibility is exercised by the County Governor (CG) and CAB in Norway and Sweden, respectively, and key tools (described below) for protecting the interests are *Objection* in Norway and designation of geographical *Areas of national interest* in Sweden. The Sami Parliament also has a differing role in planning processes (due to differences in its legal status) in Norway and Sweden.

Norway: Reindeer husbandry provisions in the PBA

The Norwegian PBA is intended to “ensure the natural basis for Sami culture, businesses and community life” (§3-1c). This is reinforced by Part 4 of the same paragraph, which states that “plans shall contribute to the implementation of international conventions and agreements within the scope of the Act”.

Since it was passed in 1985, the PBA has evolved in several ways. In 1997, an official governmental report by the Sami Rights Committee, “Natural Foundation for Sami Culture” (NOU 1997:4), identified a need for explicit protection of Sami land use interests. Later, the Reindeer Husbandry Act Committee (NOU 2001: 35) agreed and recommended, *inter alia* to the Planning Act Committee (NOU 2003:14), that reindeer husbandry interests should be considered earlier in the planning process and resources should be committed to safeguard these interests in the planning work.

Following a review, the Planning Act Committee proposed that the Sami Parliament should have a right to object to decisions made during the municipal

planning process, and that rules related to reindeer husbandry should be included in the municipal planning process. Both international conventions and the country's constitution justified these proposals according to the committee. The Ministry's Legislative Declaration (MD 2009) explicitly states that there is "reason to give particular emphasis to the protection of the natural basis of Sami culture, business practice and community life". The declaration also states that overall effects of plans and measures that may affect reindeer herding must be evaluated in each RHD potentially affected.

Municipalities' authority to make binding planning decisions are limited by provisions for raising *Objections* (§5-4), which may be submitted by a relevant state or regional authority to ensure that national or significant regional interests are adequately safeguarded (KMD, 2014). These authorities include the Sámi Parliament and the CGs for regions in mid and northern Norway. If an issue raised in an *Objection* cannot be resolved by mediation, the final decision is made by the Ministry of Local Government and Modernization.

A reorganization of public reindeer husbandry management, completed in 2014, resulted in closure of a central agency based in the Ministry of Food and Agriculture. Consequently, regional reindeer husbandry offices were integrated into CG offices, and Regional Boards with majority herder representation were discontinued. However, the Regional Boards' closure was contested, primarily because they had the authority to voice an *Objection* on behalf of reindeer husbandry interests. There was also a fear that the CG would raise the threshold for consideration of an *Objection*, but this was not supported by a subsequent analysis of the frequency of objections considered by CGs (Riseth & Nygaard, 2018). Hence, so far it seems as the consequences of this change is less than many feared.

Sweden: The CAB and national interests

The concept of ‘national interests’ arose in Sweden in the early 1970s as a means for the state to influence and monitor nationally valuable natural resources through spatial planning (SOU 1971:75, SOU 2015:99). Today, regulations regarding national interests can be found in the Environmental Code (SFS 1998:808). Areas that are considered to contain valuable natural resources for industrial use (mineral deposits, wind power, communication, waste management etc.) or conservation (natural, cultural or recreational features etc.) may be designated as being of national interest by the national government via appropriate agencies. The geographical borders and value of such areas can be defined, and guidelines formulated for safeguarding natural resources of national interest while simultaneously considering nationally important economic sectors (particularly forestry, but also agriculture) through MCP involving dialogue with relevant CABs (SFS 2010:900).

Reindeer husbandry is regarded as a national interest, signifying that the State has primary responsibility for it, and can intervene if a municipality does not take account of reindeer husbandry interests in its planning. In the Natural Resources Act (SFS 1987:12), the most important areas for reindeer husbandry (e.g., gathering places, migratory routes, overnight pastures, difficult passages, special pastures and corals or pens) are also designated as national interests. Such areas may be classified as strategic locations, functional infrastructure or consecutive pastures.

The PBA (2010:900) requires municipalities to consult with *all* affected interests throughout the planning process following stringent rules for public scrutiny. Further, Chapter 6 §4 of the Environmental Code (1998) requires consultation with all affected interests in activities that will impact the environment, and special permission from

relevant CABs for activities with major impact. Since 1971, CABs located in the mountain region have been obliged to decide the number of reindeer allowed in each of the 51 RHDs then monitor the numbers. They must also oversee implementation of reindeer management interests in land use planning. All CABs in the region must have a *Delegation for Reindeer Management* comprising six members (three politicians representing public interests and three representing reindeer husbandry interests) and a chairperson (the CG). Since 2007 some of the responsibilities of the Delegations have been transferred to the Sami Parliament.

The Sami Parliament – Sametinget (in both Norway and Sweden)

In Norway, the Sami Parliament is responsible for ensuring that Sami interests are assessed holistically. While the CG can only submit an *Objection* when reindeer husbandry interests are not appropriately considered, the Sami Parliament may oppose plans of significant importance to Sami culture, business practice and community life. However, consideration of reindeer husbandry is normally the main reason for the Sami Parliament raising an *Objection*. Ten years after inclusion of the Sami Provision in the PBA (§ 3-1), the Sami Parliament still submits objections to municipal plans. The apparent need for this has been attributed to a general lack of willingness to safeguard Sami interests during planning processes (Riseth & Nygaard, 2018), possibly due to a lack of knowledge regarding the Sami presence and business practices, and/or competing interests attracting stronger support.

The Swedish Sami Parliament has special responsibilities under the Sami Parliamentary Act (SFS 1992:1433) to participate in land-use planning and ensure that Sami needs are considered, including needs related to reindeer husbandry, and land and water utilization. The Sami Parliament is both a state authority and an elected

parliament, with responsibility to improve opportunities for Swedish Sami. As an indigenous people there is a requirement for the parliament to both preserve and develop their culture. Every year, the Sami Parliament responds to numerous referrals relating to reindeer husbandry. The person responsible for planning in the Sami Parliament explains, “The Sami Parliament is involved in the planning process through the CAB, often through the opportunity to comment on MCPs, however our requirements are not taken into consideration”(Interview, 2018). It should be noted that, unlike its Norwegian counterpart, the Swedish Sami Parliament does not have the authority to voice an *Objection*. Accordingly, the Norwegian Sami Parliament operates with broader space for political agency than its Swedish equivalent, and Sami customary rights are stronger in Norway than in Sweden (Josefsen, Mörkenstam & Saglie, 2015).

Results – Action arenas and interaction

Sortland municipality

The process of establishing an MCP in Sortland illustrates several issues relevant to reindeer herding conducted outside Sami majority areas and within a municipality beyond the administrative Sami language area. In Sortland, there are relatively short distances between seasonal pastures of the Kanstadvjord/Vestre Hinnøy RHD. The most important winter and spring pastures on Hinnøya are located in a densely populated area, which creates considerable potential for conflicts, particularly in relation to the planning and establishment of new industrial, leisure and housing developments.

The municipal government decided in 2012 to start the process of working out a plan for the city areas of Sortland, and in 2014 to work on a new MCP (Sortland

kommune, 2017). Municipal planners defined the Sami interests solely in relation to reindeer herding, which (as already noted) is essentially performed by a single family within Sortland's municipal borders. The planners opted to involve the RHD in early stages to learn about challenges associated with migration routes and pastures, resulting in a request for an EIA on reindeer herding. The Sami Parliament raised an *Objection* to the first draft of the plan for the city areas as it lacked an assessment of consequences for, and measures in, the RHD. The municipal planners opted to resolve this through dialogue with the Sami Parliament and RHD, which resulted in the development of an agreement with the RHD and changes in the plan. The MCP process also evolved in parallel with the planning of a new main road (E10), which led to a reindeer herding EIA being commissioned to consider effects of both the new road and other developments within the borders of Sortland and neighbouring municipalities (Kristensen, 2016).

Efforts to address these challenges by Sortland municipality's planners (Sortland kommune, 2015; 2017) led to the RHD being granted access to important pastures. After this revision of the plan proposal, the Governor stated to Sortland municipality: "The Governor thinks the proposition of the MCP has largely realized its strategy to construct a plan with a clear profile for safeguarding reindeer herders' interests. Reindeer herding is well integrated in the plan and the municipality has safeguarded the business in a good way" (Governor of Nordland, 2016:2).

Nevertheless, the Sami Parliament and the Governor also raised an *Objection* to the second version of the MCP, seeking closure of a sandpit at Kringelen from January to April (when the reindeer are most vulnerable before calving), but withdrew following acceptance of the demand (Sametinget, 2017). At the time of writing, Sortland municipal government is being run by a left-wing coalition with a majority of only one

delegate. The leader of the RHD affected by the municipal plans is one of the Labour delegates, and a delegate to the Sami Parliament.

In the autumn of 2017, the Chief Officer (Rådmann) circulated a revised version of the MCP. This resulted in several letters being sent to the local paper opposing the “reindeer herding friendly plan”. One stated that, “The Chief Officer’s proposition only focuses on and supports reindeer herding. One active herder cannot stop all development plans on Hinnøya ... It is up to the municipal government to handle the proposition. Let’s hope the government will stand up and vote down the attempts to change Hinnøya into a reindeer reserve” (Enoksen, 2017:1-2). The author of this letter was a delegate from the Socialist party, who suggested an alternative approach in November 2017, after a motion to remove all the measures and changes in favour of the RHD. The delegate then garnered sufficient support from the opposition for almost 100 proposed amendments to the municipality’s proposed resolution, including withdrawal of previously agreed conditions regarding the Kringelen sandpit requested by the Sami Parliament and Governor. Further, some members of the municipality’s government questioned the Sami Parliament’s right to raise an *Objection* to the plan on the basis that this was the sole responsibility of the Governor. Objectors stated that “The Sami Parliament is not a legal institution to raise objections concerning reindeer herding. Only the Governor can raise an objection when future reindeer herding is at stake” (Sortland kommune, 2018:4).

The administration replied that, “The general view of the administration is that the municipality must be careful not to question the competence of the sectoral authorities. The administration is not entitled to undermine the elected, state or regional authorities’ competence to object.” (Sortland kommune, 2018:7), based on advice in

letters circulated from the Ministry and comments on the PBA regarding law proposals (Ot. prp. 2007-2008).

This development caused the Sami Parliament and Governor of Nordland to raise new objections as they could not accept the numerous substantial changes in the plan without a new hearing. In an attempted response to avoid a stalemate, the Governor suggested removal of plans affecting the disputed sandpit area from the MCP, with the intention to develop a separate zoning plan for this area. The municipal government did not support this suggestion and proposed a dispensation from the plan with regards to the sandpit area. This provoked a new dispute with the Sami Parliament, and the need to involve two Governors (Settefylkesmann) from neighbouring regions, who were also unwilling to accept the dispensation. In April 2018 the municipal government changed its strategy, moving back to the MCP, and decided to form a negotiating committee to initiate mediation with the Governor. Agreements were reached for most of the MCP, but the case of the sandpit area was during the spring 2019 submitted to the Ministry of Local Government and Modernisation for a decision. The lengthy process observed in this case is somewhat unusual, but similar outcomes might occur in most municipalities in the Norwegian part of Sápmi.

Vilhelmina municipality

Vilhelmina municipality had an outdated MCP that was established in 2000. The only concrete action and prioritisation of Sami interests it included was a proposed bridge to ease reindeers' migration and passage over a large stream (Vojmån). Eighteen years later, the bridge has still not been constructed. Nevertheless, the words "Sami" and "reindeer herding" were more frequently mentioned in the Vilhelmina MCP than in some old and outdated MCPs of other Sami administrative municipalities, although less frequently than in MCPs adopted by municipalities after January 1 2010, when the Act

on National Minorities and Minority Languages came into force (Ahlfeld, 2017). There is recognized importance of reflecting Vilhelmina's status as a Sami administrative municipality in the new MCP, and hence engaging representatives of Sami interests (RHDs and other Sami associations) as a specific stakeholder group in early stages of the participatory planning process. Thus, a FG was formed from these representatives to discuss visions and priorities for development in the municipality. This group had acknowledged importance (in addition to others in the region) and significantly influenced the content of the draft MCP (Bjärstig, Zachrisson, Svensson & Thellbro, 2018b).

The political parties in Vilhelmina were then given the opportunity to comment on the draft, before a final version was compiled and sent out for formal consultation according to the law. Comments by members of the Social Democratic Party, which has a majority in the Vilhelmina municipality government, directed the consultation document's wording. They required several amendments regarding statements on Sami interests and reindeer herding before sanctioning it for formal consultation. They stated that "Reindeer husbandry and Sami culture have received such extensive references and prioritization over other business that [the plan] will neither promote reindeer husbandry, nor other important interests or activities of the municipality's inhabitants" (Social Democratic Party, 2017:1). Compared to those of other political parties (e.g. the local party Political Alternative), the Social Democratic Party's comments regarding the Sami interests were quite harsh. They even proposed that some content should be entirely removed. However, in several cases the Social Democratic Party chose to retain the content, but amended the phrasing by replacing words such as "must" with "should", and reformulating the text so that its intention was vague. In addition, in some cases the content was retained, but clauses were added to show that financial and other

responsibilities were national or international obligations rather than responsibilities of the municipality.

When it came to the national interest of minerals in a certain geographic area, the Social Democratic Party had a total opposite view than the Sami FG (and all other FGs). The participants in the FGs did not see how that national interest could coexist with other national interests such as reindeer herding and recreation in the area, while the Social Democrat Party stated that the national interests indeed could coexist, and emphasised its importance for business development.

Nevertheless, despite the adjustments made by the Social Democratic Party, the draft MCP that was sent out for formal consultation had substantially more content focusing on priorities for Sami interests and reindeer herding than the previous MCP. This is illustrated by the statement, “The reindeer husbandry's claim should be considered in relation to other interests in the mountain landscape. When expanding infrastructure such as trails, roads, wind turbines and pipelines and/or development of activities such as snowmobiling, hunting, fishing and mountain tourism, the needs of reindeer husbandry should always be considered” (Draft MCP, 2018:49).

Responses by the municipal administration during the consultation highlight the stronger focus on, and prioritization of, Sami interests in the MCP, as exemplified by statements by the CAB in Västerbotten (who safeguard national interests), the Sami Parliament and the RHDs in Vilhelmina. None of these actors offered any profound criticism of the safeguarding and promotion of Sami interests in the MCP document, but all wanted some clarification, adjustments and explanation of motivations.

The Sami Parliament broadly welcomed the municipality's presentation of reindeer husbandry as a national interest and acknowledged the complexity of its conditions and requirements. The CAB proposed alterations to the text, particularly

parts of the initial draft changed by politicians. The CAB also proposed amendments to statements regarding the national interest in minerals, suggesting that “Previous coexistence of mining, tourism and reindeer herding interests in Stekenjokk has not been trouble-free. The municipality should set priorities for the overlapping national interests” (CAB, 2018:4). The CAB also stated that Sami culture and reindeer husbandry are crucial for achieving the environmental objective a ‘Great Mountain Environment’. In addition, the CAB said that the plan’s impact on reindeer husbandry should be more clearly stated in the impact assessment, which should mention (*inter alia*) that an upgrading of the airstrip could block a reindeer migration route (CAB, 2018). Vilhelmina North and South RHDs requested some clarifications and adjustments regarding the national interest in minerals and both climate effects and adaptation. These comments were similar to those of the CABs, for example, “The Sami RHDs oppose the municipality's view that national interest in minerals can be co-promoted with the national interest in reindeer herding in Stekenjokk given earlier coexistence problems. An impact assessment of past exploitation on reindeer herding is missing. Furthermore, the conditions have changed since the Stihken mine was in operation, and climate change and cumulative effects of intrusion on pastures make the year-round lands of Stihken increasingly important” (Vilhelmina North & South RHDs, 2018:3-4).

Vilhelmina municipality accounted for most of these requests and a new MCP was adopted in the end of 2018.

Discussion

Our case studies illustrate that Sami interests may be safeguarded in municipal-level planning processes in Norway and Sweden. In Sortland, municipal planners

documented and assessed the needs of RHDs through an EIA and participatory action. In Vilhelmina, an innovative participatory planning method provided opportunities for two RHDs and Sami entities to deliver input *before* a draft MCP was compiled (rather than simply react to an already developed plan). However, as both case studies also show, municipal governments that formally adopt an MCP can also make changes to the plans in accordance with political interests of the parties in power. In both Sortland and Vilhelmina, other economic interests (such as tourism, mineral deposits etc.) were undoubtedly promoted at the expense of Sami interests. Reindeer herding is often merely seen as an industry among others by the politicians, without the recognition to Sami rights and cultural survival.

Nevertheless, in Norway, the institutional arrangements at both regional and national levels made it possible to override the local opposition to the benefit of Sami interests. However, the lack of willingness in Sortland to accept objections from the Sami Parliament and the Governor's final legally binding words may postpone the planning process for years and jeopardize the Sami interests in planning practices during this time. Moreover, Sortland is not the only municipality struggling to implement the clause of the PBA intended to "ensure the natural basis for Sami culture, businesses and community life" in its MCP. There are also other documented examples of good governance of Sami interests in the planning process being set aside by municipal governments in favour of other interests (Riseth & Nygaard, 2018).

In Sweden, the CAB and Sami Parliament have much weaker roles during the planning process. However, both institutions have been able to submit informative comments on MCPs regarding reindeer husbandry and other national interests to the municipality during consultation. The final version of Vilhelmina's new MCP was

adopted in the end of 2018, and the Sami interests are much more strongly promoted in the new MCP, than in the previous MCP.

Insert Figure 4.

Our diagnostic analysis (Figure 4) indicates at least four factors that may contribute to the similarity of outcomes of the planning process in the two municipalities. Firstly, there are overarching similarities; both municipalities are situated in Sápmi and they are strongly dependent on natural resources, although they differ in size. Sortland is a rather small municipality where potential areas for development are concentrated along a fiord, while Vilhelmina is larger but clearly dependent on natural resources through aquaculture, forestry and tourism. Secondly, both municipalities are centres for significant socioeconomic drivers; Vilhelmina as a secondary school centre and Sortland as a regional trade centre. Thirdly, the Sami population is in a minority in both of the municipalities, consequently reindeer husbandry has suffered from competition with other land uses, which has contributed to the decline and fragmentation of reindeer pastures. Finally, local politicians in both case study areas have highlighted the minority position of the Sami to justify failure to prioritize reindeer husbandry in relation to other economic sectors. Thus, the politicians are not only making trade-offs between competing interests (which is a major element of the inherent nature and point of politics), but also denying the Sami's specific rights to land and water as an indigenous people that are enshrined in legislation and international obligations. We could additionally ask what is at stake in cases like these? For the Sami it is all about the sustenance of a culturally based livelihood that lives under the threat of marginalization (Riseth, Tømmervik & Forbes 2018). For the Governments, it more

seems that the main issue in practice is to avoid unpleasant political resistance and more or less continue “business as usual”.

In summary, Sami rights have stronger formal protection in Norway (provided by ratification of the ILO-convention 169 and the formal right to objection by the CG and Sami Parliament) than in Sweden. However, in both countries interests of the Sami minority often lose out to those of stronger actors (cf. Inga, 2014; Skum, 2017). There are several possible reasons for this. Firstly, international instruments such as UNDRIP are weak and apparently not fully implemented in Norway or Sweden. In Norway, where ILO169 has been ratified, it is only used in exceptional cases (Riseth & Tømmervik, 2017). In order to secure their rights and for example stop extractive industry projects, indigenous peoples are thus forced to resort to extra-parliamentary methods, the formation of alliances with other interest groups and lobbying towards decision-makers at national and international levels, which was shown in the case of Kalvvatnan windfarm (OED, 2016). Secondly, the planning process *per se* and the actors involved in the process affect outcomes. Previous research has shown that promoting participation in planning (for example through engaging RHDs early in the planning processes) could synergistically increase collaborative learning during the MCP process. Such inclusive governance can support local values, improve awareness of traditional knowledge, build trust and ownership of plans, strengthen enforcement of rules, and address inequitable power relations, thereby improving local implementation capacity, enhancing monitoring and sanctioning efforts, and supporting long-term sustainability of MCPs (cf. Bjärstig et al., 2018b; Nigussie et al., 2018). In Norway, the additional initial step in the planning process (involving all relevant interests from the start) clearly contributed to the consideration of Sami interests, especially in conjunction with the EIA approach that was also adopted. In Sweden, Sami

participation was also included through a FG during the early phase of the planning process. However, this was not mandatory (stakeholder involvement is only obligatory during consultation and exhibition phases of MCP). We conclude that there is strong potential for Sami interests to be appropriately integrated when they are included in early stages of the MCP process. In Norway in particular, and to some extent Sweden, Sami representation (in the form of the Sami Parliament and the CG/CAB) acts as an important monitor and contributor to the planning process because of its formal role. This highlighting of the needs of reindeer husbandry actors also promotes more general inclusion of Sami interests. However, these actions are often primarily ‘correctives’ of local processes, and may only postpone decisions, as the final outcomes are determined by political interactions.

Policy recommendations and concluding remarks

Our analysis of institutional design, implementation and perception of the MCP process has provided insights into both assumed and actual outcomes, and a platform to understand patterns of interactions among MCP activities and actors. MCP processes are explicitly intended to engage Sami participation and overtly consider Sami interests, but there is little convincing evidence that they do in practice. This can be seen as a problem of equity; colonization and historical marginalization of the Sami interest can explain some of the problems of integrating current Sami needs in the planning process in this study as well as in indigenous planning internationally (cf. Bouvier & Walker, 2018; Porter & Barry, 2014; Prusak, Walker & Innes, 2016). Other shortcomings arise from the priorities of both planning institutions and political priorities at the local level. A recommendation following these findings is that Sami interests could be more integrated in planning by strengthening the RHDs’ planning and administrative

capacity, inviting the RHD's to participate at the outset of the MCP process, and by providing guidance material. In a similar way the municipal competence and awareness of indigenous rights could be strengthened, and more advanced inter-municipal/regional planning processes could be developed. However, as long as the formal rights of the Sami are not acknowledged by the politicians with final decision-making power, the Sami will despite the recommended improvements above be dependent on those politicians' willingness to take their needs into consideration. This indicates an important limitation with the planning systems. Porter and Barry (2014) conceptualize this as *bounded recognition* "where a dominant power takes an emergent discourse or practice and recontextualizes it to construct and reinforce preestablished power relations" (Porter & Barry, 2014:16). This can be seen as a form of co-optation where planning power is an ability to not hear what is being said. The conclusion to this is that since planning processes has limitations, indigenous interests in many cases, as demonstrated in the above mentioned Kalvvatnan case, need to use the political means they have at hand, to be able to trump competing interests. Hence, this paper add to the growing field of indigenous planning in several ways; first by adding a more rural planning perspective as compliment to mostly indigenous urban planning studies; secondly by focusing on the high north and the Sami people (one of few officially recognized indigenous people in Europe) and thereby adding to ongoing planning research on indigenous rights and sovereignty in settler colonial states such as in Australia and Canada by broadening to also include the Nordic states; thirdly by highlighting the effects or limitations rendered by the way the contact zones (in this paper the MCP processes) are structured, produced and performed, and the implications this have on the possibility to negotiate and renegotiate the terms on which the planning system will accommodate indigenous interests (cf. Barry & Porter, 2011).

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Appendix

EMPIRICAL MATERIAL	NORWAY	SWEDEN
OFFICIAL DOCUMENTS*	3 National laws 3 Official Norwegian Reports 1 White paper	3 National laws 2 Official Swedish Reports 5 Propositions 5 documents from National Board of Housing, Swedish Environmental Protection Agency, and the Sami Parliament
STRATEGY DESCRIPTIONS, POLITICAL REFERRALS AND STATEMENTS	6 documents Correspondence between the Ministry of Agriculture & Food and County Councilors 40 planning documents and correspondence between Municipal level and Government + Political resolutions	5 political documents on the draft version of the MCP 19 documents in the mandatory consultation 13 documents in the exhibition stage 3 documents/responses by the municipal administration
FOCUS GROUPS (FGS)	-	FGs in two consecutive round; four FGs in the first round, and three FGs in the second round. In total, 78 persons participated in the FGs
OBSERVATIONS	Attendance at 2 planning conferences	Attendance at 2 planning workshops and participation at a municipal council in Vilhelmina
INTERVIEWS	Municipal planners, n=2 Municipal politicians, n=2 Governors, n=8 Administrative staff of the Sami Parliament, n=2	Responsible planner at the Sami Parliament, n=1
REPORTS AND COMMENTS IN LOCAL MEDIA	20 articles including own participation in the debate	-

*Description of the official documents in more detail

Norway:

- The Planning and Building Act
- The Reindeer Husbandry Act
- Constitution
- The Natural basis for Sami Culture – NOU 1997:4, Official Norwegian Reports
- Committee for Reindeer Husbandry Act - NOU 2001:35, Official Norwegian Reports
- Better Municipal and Regional Planning - NOU, 2003:14, Official Norwegian Reports
- Reindeer Husbandry. Long traditions and unique possibilities, St Meld 31 (2016-2017), White paper

Sweden:

- SFS. 2010:200. Planning and building Act.
- SFS. 2009:724. National minorities and minority languages Act.

- SFS. 1998:808. Environmental Act.
- SOU SOU (1971:75). *Hushållning med mark och vatten. Inventeringar, Planöversväganden om vissa naturresurser, Former för fortlöpande riksplanering, lagstiftning*. Civildepartementet: Stockholm, Sweden. 542 p.
- SOU (2015:99). *Planering och beslut för hållbar utveckling*. Riksstyrelsen, Stockholm, Sweden. 584 p.
- Prop. 2009/10:80 En reformerad grundlag. [Prop. 2009/10: 80 A reformed constitution.]
- Prop. 1998/99:143 Nationella minoriteter i Sverige. [Prop. 1998/99:143 National Minorities in Sweden.]
- Prop. 1985/86:3 med förslag till lag om hushållning med naturresurser m.m. [Prop. 1985/86:3 with draft law on the management of natural resources, etc.]
- Prop. 1985/86:1 Förslag till ny plan- och bygglag. [Prop. 1985/86:1 Proposition for a new Planning and Building Act.]
- Prop. 1976/77: 80 Regeringens proposition 1976/77:80 om insatser för samerna. [Prop. 1976/77: 80 Government Bill 1976/77: 80 on efforts for Sami People.]
- National Board of Housing, Building and Planning. 2016. Riksstyrelsen är nationellt betydelsefulla områden [National interests are nationally important areas].
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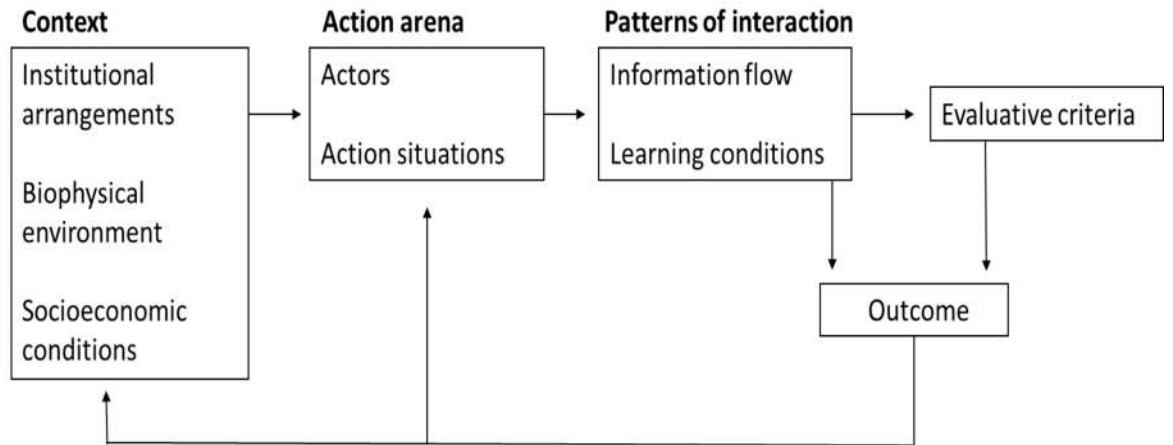


Figure 1. An adapted version of the IAD framework (Ostrom et al., 1994).



Figure 2. Map displaying the Sápmi area (in dark grey shading). The case municipalities Sortland and Vilhelmina are marked with white dots, while black dots indicate locations of the capitals of the four countries within which Sápmi is located.

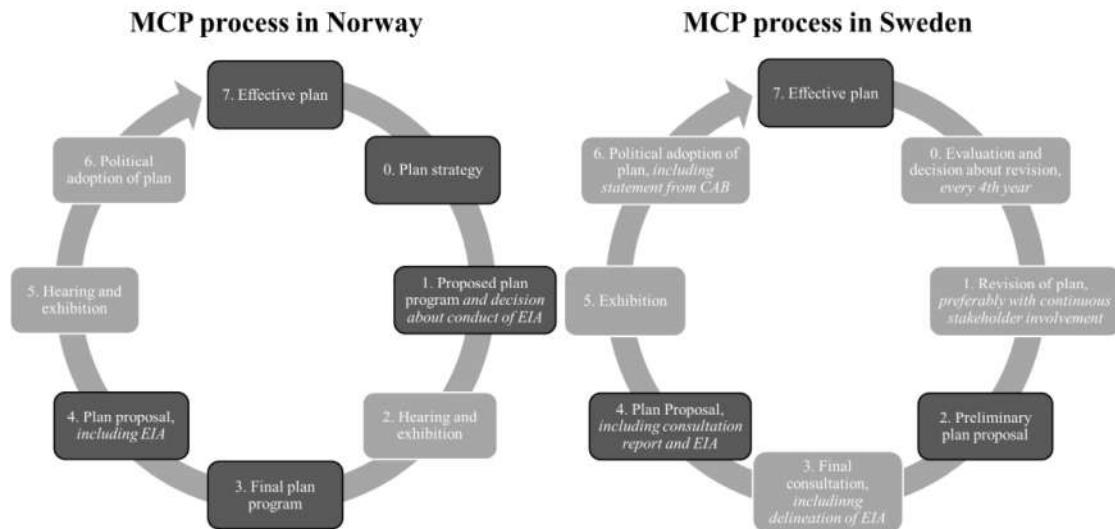


Figure 3. Simplified schematic diagrams of the MCP processes (light grey) and outcomes (dark grey) in Norway and Sweden. The main difference between the processes in the two countries are the initial preplanning steps in Norway which open for stakeholder participation both through the development of a plan program (1) and a public hearing (2). Sweden lacks these steps.

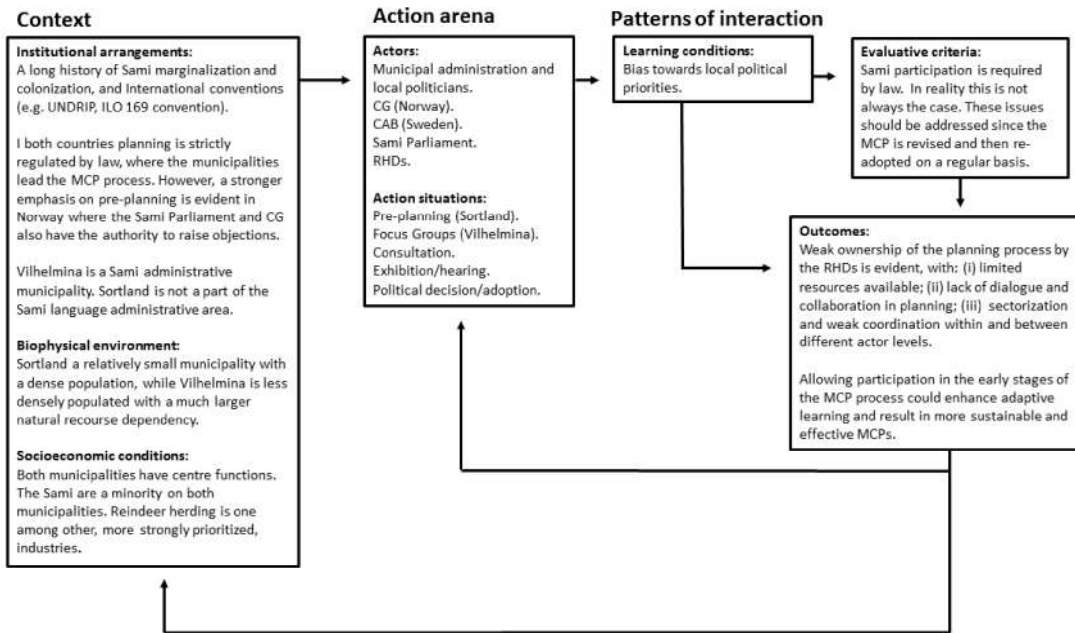


Figure 4. Adapted IAD framework for securing Sami interest in MCPs in Norway and Sweden.