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**Comment on Sami politics and native title in Norway**

## **The White-Out at the End of History: A visitor in Sápmi**

BY PETER JULL<sup>1</sup>

This unpublished comment on the Sami native title crisis which followed reports leaked from Norway's Sami Rights Committee in 1993 was written for a Sami book of essays but was not included. See the boxed Post Script at end of this paper for update on these issues with relevant literature.

### ***INTRODUCTION***

At the Arctic Peoples Conference of 1973 in Copenhagen, Sami, Inuit, and Indians began the era of indigenous internationalism (Kleivan 1992). Indigenous needs and grievances were so many and so obvious in those days that agreement was easy. Physical isolation within countries and social isolation from indigenous peoples elsewhere were recognised as a source of indigenous weakness. The value of cooperation was obvious in providing mutual inspiration and support, including a range of ideas about forms of recognising and establishing indigenous autonomy and rights.

Since that conference the Inuit of Greenland and Canada, and the Indians of Northern Canada have negotiated new political arrangements within Canada, including the governing of their territories, management powers for lands, freshwater, and seas – and their use – and the rewriting of national policy and even the Constitution to meet indigenous needs. In a discussion of this for a Canadian national commission I called the process ‘Re-Inventing Canada’, a title which does not exaggerate the extent of change negotiated by indigenous peoples across the Northern half of that country (Jull 1995). Since 1973 the most important policy developments in Sápmi have resulted from the Sami rights and culture reports of 1984 and 1985 in Norway, including establishment of the Sami Parliament, a development also seen in Sweden. It would seem to an observer from Canada that much more remains to be done in Sápmi.

When a visitor encounters the view that the Sami Parliaments are ‘the end of history’ and ethno-political dispute in Scandinavia, to borrow the notorious phrase of the Fukuyama article, and that now all indigenous needs will happily solve themselves within the Scandinavian state system, he/she may be forgiven for scepticism. Indeed, the latest official studies and inquiries by Scandinavian governments show continuing resistance to, and lack of understanding of, indigenous rights and autonomy (Brantenberg 1993). The test for the Sami Parliaments will be their ability to

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<sup>1</sup> Peter Jull [Adjunct Associate Professor, School of Political Science & International Studies, University of Queensland], was assistant to the President of the Inuit Circumpolar Conference and director of the Nunavut Constitutional Forum of Inuit leaders in Canada after working in the prime minister's department as an adviser on Northern territories and indigenous policy and earlier as assistant to the head of government in the Northwest Territories. He now lives in Brisbane, Australia, where he is a consultant to Torres Strait Islander and Aboriginal organisations.

negotiate basic sea, land, and freshwater rights and management powers for Sami and to acquire full decision-making power in specific territorial and/or subject areas. Without such achievements their official status will mean no more than the recognition given to Boy Scouts or the Royal Model Airplane Club.

### ***THE INDIGENOUS 'FIRST WORLD' TODAY***

The identity and culture of indigenous peoples derives from their use of traditional territories – land, sea, and freshwater. Political progress in these matters today depends on the extent to which legal rights and actual control of territories – and the use of those territories – is achieved. In some countries much progress has been achieved in the past 25 years, with indigenous peoples gaining substantial legal, administrative, or political control of traditional territories. Surprisingly little of this has been achieved in Sami regions, however. When one considers that many Sami know about and visit Greenland, Northern Canada, Alaska, the USA's 'Lower 48' states, New Zealand, and Australia where considerable legal, administrative, and political control of indigenous territories has been recognised or is in the process of being recognised, this is surprising. Nor is there any more inspiring story than how the Faroese fought back from language loss and economic and political marginalisation as a Danish-run backwater to develop a strong, proud society and culture under Faroese control, a situation which has many elements in common with Sápmi.

Many Sami in the fjord areas and interior of Sápmi are deeply worried about sea and land resources, and the way these are regulated by governments. They are concerned about the loss of productive areas and access to traditional livelihoods. They have put forward various proposals for recognition of indigenous or local rights. Some of these ideas challenge the centralist ideologies of the Scandinavian governments, ideologies which, their supporters point out, have produced outstanding socio-economic outcomes in all areas of those countries in the past. Nevertheless, world experts are increasingly convinced that resource use must be sensitive to local needs and local cultures. The Brundtland Report on world environment and development is very eloquent about the needs of indigenous peoples in this regard (although it coyly omits the continent of Europe from specific mention).<sup>2</sup>

There are important issues here which are being debated world-wide. However, it is safe to say that unless the seas and lands of Sápmi and their living resources are under greater control by the people of the region for the use and benefit of those people, there will be disaster. One thinks of that famous American national park which is now beautiful and dead: thousands of cars full of tourists come each weekend to look at an empty landscape which has been 'protected' for them as a national treasure. First the local Indians were made extinct, and now the birds, fish, and other animals are gone.

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<sup>2</sup> [Jull P, 2003. 'The Politics of Sustainable Development: Reconciliation in Indigenous Hinterlands', *Indigenous Peoples: Resource Management and Global Rights*, ed. Svein Jentoft, Henry Minde & Ragnar Nilsen, Eburon, Delft, 21-44. Original paper online: <http://eprint.uq.edu.au/archive/00000097/>]

The actual social and economic conditions under which people live are another critical element of the indigenous situation. In this respect the Scandinavian countries have done well. Since World War II they have provided all residents of Sápmi with public facilities and personal well-being of which no better exist anywhere in rural and remote areas of the world. This is a major achievement and the Scandinavian governments deserve praise and admiration for it. It is not an indigenous policy, but a policy for everyone. I am now trying to persuade the Australian government to study and apply this Norwegian policy experience.

Since the 1950s the Danish and Canadian governments adopted similar policies to the Scandinavian ones in Inuit Greenland and the Northwest Territories (including the Inuit homeland, Nunavut). Although this has brought many material benefits, it has also brought many problems. The social and cultural preferences of Danes or Southern Canadians are different from those of Inuit. The moving of people into new communities, the replacement of so many forms of traditional social culture, the removal of decision-making from Inuit families and communities, and the reorganisation of the whole country into something new has had traumatic effects for many individuals. This attempt to re-shape an Inuit society as a European one has also fuelled anger which has resulted in the Inuit rights and self-government movements. The same thing has also happened in the Northern regions of Alaska where Inuit have resisted domination by Europeans, winning land claims and establishing regional and local governing bodies. It may seem ironic that socio-economic improvement is both resented and cause for political resistance, but that is the case.

Sami have also lost some of their traditional culture and society, especially in some coastal areas and other places inland where non-Sami settlement and development are spreading. They have lost most of their local autonomy, and even 'Sami occupations' like reindeer herding and coastal fishing are hemmed in by regulations made by another culture. When some Sami leaders or organisations say that they cannot hope to resist the Norwegian state or Norwegian society, and that they should not fight for Sami rights and interests in case Norwegians become angry with them, that does not sound like a vote of confidence in the Scandinavian way of life. Quite the contrary. It is true, however, that a people who believe themselves already defeated are unlikely to win many battles. A powerful Coastal Sami document of 1985, of which an abridged translation was made in English by the Inuit Circumpolar Conference office in Canada, said:

*In many places this development has gone so far as to erase all exterior signs of the Sami. It looks as if all Sea Sami have disappeared from many big areas. ... In the Sea Sami context, exodus and assimilation are well-known phenomena. (SLF 1985, 16)*

They may be well-known phenomena, but they are not morally or politically acceptable phenomena. If they were a product of deliberate government policy they amount to ethnocide. However, Norwegian ministers and delegations overseas have frequently fretted about North Norway. The trouble is that they have seen the problem as loss of population rather than loss of culture. No doubt a regional indigenous land and sea rights agreement and more secure economic base for Sami would be the best anchor for population and well-being. It seems that Norwegian

élite opinion has not considered such a view, however, and that Sami have not been putting forward proposals for how such outcomes might work, despite valuable background discussions of the issues, e.g., SLF 1985. The idea that such fundamental matters can merely be left to Scandinavian experts is a defeat – or rather, a surrender.

Equal rights and freedom from discrimination are another basic issue. Here the plot thickens for Sami. The Scandinavian courts would claim to treat Sami equally, but not as ‘equally’ as in past centuries in Sweden and Finland, as Korpijaakko-Labba has shown (1993). Sami rights recognised in the past by Norway and Sweden have been steadily eroded or forgotten. When Sami today face the courts they do so with fewer recognised rights than at various times in the past. In other countries the turning point in modern indigenous policy and indigenous relations with non-indigenous majorities has come from court cases in which, again, the courts have recognised indigenous rights even when those rights are not clearly spelled out in modern legislation. Australia's *Mabo* (1992) is the most recent of these major decisions. Canada, USA, and New Zealand also have such legal turning-points. In each case one might say that the court used its moral judgment to re-shape existing legal precedents to come to new conclusions, even if the ‘new’ outcome was in fact only a return to ‘old’ outcomes from times when ‘race’ relations were more equal.

This selective invisibility of Sami was highlighted for me many years ago in a North American city where I lived. There was a large store which was proudly Swedish. Under a map of Sweden were 5 or 6 facts about that country. Right next to the ‘fact’ that Sweden was ethnically homogeneous was another one saying that ‘the Lapps’ live in the North. In other words, one of these ‘facts’ was untrue. The recent excursion by Norwegian lawyers into Sápmi looking for rights sounds more comical than serious, and might make a postmodern play, but it resulted in a very serious Samerettsutvalget publication in 1993. Sami may be glad to know that Australia has seen the same thing. A swarm of Brisbane lawyers rushed into two small islands in Torres Strait to investigate accusations of local corruption for the Criminal Justice Commission. The reports of the two Island investigations seem to be modernist hangovers of Kafka and Beckett: the lawyers found nothing, or rather found so much, all conflicting and changing as they studied it, unable to deal with the Melanesian oratorical culture, that they became quite unsure of themselves (CJC 1994). The Islanders, glad to have such attention from Brisbane, apparently told many wonderful stories and enjoyed the whole experience. Although the lawyers did not find what they were seeking, they may have learned something about culture and society.

Indigenous cultural presence in national and regional society is another important indicator. Sami culture is beginning to be used by the Scandinavian states, as in the *yoik* segment of the Lillehammer Olympic opening ceremony. Of course, British Columbia for many decades has used Indian totem poles for tourism, too, while ignoring the Indian peoples who made them. The totem poles might have been left by visitors from another planet. There is some Sami teaching in the main Sami areas. Sami Radio is very important. Of course, indigenous culture has a stronger position in national political and cultural life today in New Zealand, especially, and Australia, and in Alaska and New Mexico, say, while Greenland is an indigenous society. Some regions of Canada are also doing a great deal, and national policy-making in that country includes indigenous consultation in most subject matters. Sami have not yet made that sort of impact, but one hopes that in future they will do so, especially in

light of Norway's constitutional amendment which recognised, in effect, Sami and Norwegians as co-equal national cultures.

The question of political presence is ultimately the most important issue after land and sea rights. After all, with political power and territory people can address the rest of their problems even when non-indigenous governments lack the interest or understanding to do so. They may not always do a better job, but the job they do will be more acceptable and legitimate to the people affected. Some Sami are very proud of the Sami Parliaments and some are not. What do they mean in practice? Norway's case, which seems the most impressive, is that an elected group of Sami have an advisory function in relation to the Norwegian government and also some few administrative duties. Of course, one hopes that in future this will grow into more real power. It would be foolish to judge too much at this early stage because any new political or administrative body in a larger system takes time to become accepted. In the meantime, Sami have national bodies with the moral authority of elections behind them to speak on Sami affairs in Norway, Sweden, and Finland, and governments can show the world how seriously they treat their Sami minority.

It is difficult to compare the Sami Parliaments with experience elsewhere. The Greenland Landsting governs a large country. Various indigenous bodies in Canada and USA govern small or large territories, and many more of these are now being created. Those indigenous overseas peoples would prefer to govern, for instance, Finnmark *fylke* or Kåfjord *kommune* with their own policies than advise Norway's government on how it might improve its indigenous policies. They would wish to make the decisions about what their children are taught, how land and sea resources are used and by whom, in what ways to strengthen their language and culture, and what public building and public holidays they will have. They would also negotiate their own benefits with mining or oil companies, use some of their traditional means for resolving disputes and applying family law, represent themselves in resolving environmental disputes affecting their region, and hire and fire their own public servants. They prefer to define their own membership, not on simple racial lines, but in accord with community values just as Norway establishes who is a Norwegian citizen and who may live in Norway. Such peoples have also formed effective coalitions to work together on larger issues such as national constitutional or environmental policies.

The most important effect of the Sami Parliaments to date may be symbolic. They provide Sami with a higher profile in the countries where they live. However, unless they quickly gain more real power they may become a trap: useful to governments in showing off to foreigners their tolerance of minorities and convincing people at home that the Sami 'are being looked after', while having little real impact on Sami lives.

The point is, Sami are not unique in their politics. The issues they face, their political and social differences with the majority population, and their needs and aspirations are all matters under intense negotiation by other indigenous peoples in 'first world' countries. Sami have much to gain by discussing their experience and sharing ideas with others.

All 'first world' countries reveal similar patterns of indigenous policy and political evolution. What is lacking is the systematic use by indigenous peoples and their

political organisations of the experience of others. This is unfortunate because a major cause of national political reform is emerging informal and formal growth of international practice and standards. Sami, who have a political scholar-élite to a greater degree than any other indigenous people, would seem to be especially well-equipped to provide leadership in harnessing and using such knowledge. Many volumes are already available in which Sami political and rights experience is discussed in the context of other peoples (e.g., Dahl 1993; Dodson 1995a; Dodson 1995b; Harhoff 1982, & 1985, & 1986; Jull & Roberts 1991; Jull 1991; Korsmo 1992; MRG 1994; Osherenko & Young 1989).

## **CONCLUSIONS**

The most depressing thing the visitor to Sápmi may find is the attitude of some Sami and Scandinavians that because this is Scandinavia, the universal laws of human psychology, social process, and politics no longer apply. It sounds dangerously like the attitude ridiculed by Voltaire, that ‘everything is for the best, in this the best of all possible worlds.’ This is not charming innocence – it is false innocence, the triumph of hope over a thousand years of actual experience of Sami-Scandinavian relations and of indigenous-European relations everywhere else.

In reality, all the difficult debates and changes of national and regional public opinion, not to mention negotiation by Sami of territorial and decision-making powers, remain to be done. These have been difficult enough in recent decades in countries with official commitments to multi-culturalism and recognised indigenous legal rights; they will not be easier in Scandinavia. Sami have many articulate and capable leaders skilled in the worlds of Scandinavian élites, and the Scandinavian public is responsive to moral and intellectual arguments. Those are great potential assets for Sami, but they do not replace the need for Sami leadership in political debate and skill in negotiation.

Sami may be proud that in Sápmi the socio-economic conditions of daily life are better than in some parts of other countries. However, as the late Inuit leader, Mark R. Gordon, angrily told Canadian official bodies more than once, ‘I don't want to have to be poor to be ‘native’!’ He objected to the idea that indigenous identity could only be a badge of poverty and shame – a right to hunt caribou (wild reindeer) to keep his family from starving or to obtain special social programs to bring them up to Canadian middle-class averages. Inuit society and culture should be matters of pride, not of disadvantage. The improvement of social conditions is the beginning, not the end, of the process of indigenous politics. It provides the base for a strong and healthy Inuit or Sami community, not for assimilation or disappearance.

There is some evidence in various countries that the leaders who have brought indigenous peoples so far, so fast, in the past 25 years may not be able to consolidate those achievements. Their attitudes and strategies, as well as goals, may belong to an earlier time. This may be less obvious in Norway where the same prime minister has, herself, dominated the political scene for so long, but will be more clear when she departs. In Canada the indigenous movement had a terrible time trying to adjust after the departure of Trudeau under whom all the great initial victories were won, and the same will probably occur in Australia when the Hawke-Keating government leaves

office. What indigenous leaders may think is the normal situation of majority politics is revealed at such times to be no more than a passing era. Effective political strategies require a deeper and longer view of social and political dynamics, with immediate tactics devised to suit circumstances of the moment within that larger view.

The social achievements of Scandinavian governments are immense. There is no question that they have been world leaders. However, promoting social equity is very different from the acceptance of social and cultural pluralism. As thoughtful Scandinavian commentators have often noted, e.g., in the *Dædalus* discussions (1984a; 1984b), recognition and acceptance of differences is a difficult task for countries which have preferred in the past to think of themselves as ethnically homogeneous.

The Sami leaders of today have won social respectability and a symbolic place in the organisation of the state for their people. Their work is perhaps now done. The task for the next generation of leaders is to win recognition of rights and the practical exercise of autonomy in a new political relationship with Scandinavian majorities. Meanwhile, the Australian national ombudsman for indigenous peoples in a report released in March 1995 has identified the Scandinavian denial of Sami right as a danger to indigenous peoples everywhere:

*If a leading progressive country like Norway can wish away the history, land occupation, and rights of its Indigenous peoples with a stroke of the pen, how many other governments will react to such a convenient precedent – governments less open to amenable to Indigenous aspirations?* (Dodson 1995a, 211)

Australia is a good example of what is possible. At the end of the 1980s both indigenous peoples and their many opponents were dug into entrenched positions. They were so used to nothing happening that they believed that nothing could happen to change the situation. However, increasing contact with overseas experience, through visits and published literature, and then the impact of the *Mabo* court decision which drew on other 'first world' experience, followed by a surge of media and elite interest in how other countries were dealing with indigenous rights, propelled rapid change [(Tickner 2001)]. A discussion of how such processes can work is provided, again, by the national ombudsman, Dodson (1995a, 203-219), and in a further report in which he provides a complete guide to how this new world order of indigenous rights and autonomy can work within 'first world' countries (Dodson 1995b). This is a world in which each people finds its own solutions, but where the lessons of one indigenous people assist all the others. Only such continuing contact can prevent the suffocation of ideas which has afflicted Sápmi on rights issues, and which so recently has been overcome in Australia.

To use an Arctic image, the firm footing of law and the surrounding atmosphere of politics appear to have merged into a white-out<sup>3</sup> in which Sami and other Northern

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<sup>3</sup> 'n. *Cdn.* 1 an arctic weather condition in which the snow-covered ground, the cloudy sky, and the horizon become a continuous, shadowless mass of dazzling white. 2 a temporary blindness resulting from this condition', Gage Canadian Dictionary, 1983. [White-out conditions can be extremely dangerous for anyone caught in them.]

residents have lost their way in Sápmi. All is confusingly the same, without limits or definition. They are unsure of what is under their feet and unable to find the horizon. They are disoriented, uneasy, and in danger of entirely losing their way. *The Pathfinder*<sup>4</sup> may be one of their indigenous friends from overseas.

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**Post Script, September 2003.** There are now valuable materials in print in English updating this story, e.g., references within this box below. See also the updates on ILO and *Finnmark Act* issues at the Norwegian Sami Parliament website, [www.samediggi.no](http://www.samediggi.no). Essentially the reliance on mainstream Norwegian politicians, law, and political processes proved barren, and now – 2003 – a full-blown crisis has united Sami politicians against the national government in relation to a proposed *Finnmark Act* which wishes away past Sami rights gains and returns Norway to the realm of good old-fashioned *terra nullius*, see Jull 2003b, in press.

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<sup>4</sup> [Reference to *Ofelas/The Pathfinder*, an important Sami legend made into an international film of the same name. Film in UQ library.]



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