

# Sámi democratic engagement in green transition governance

**Rasmus Kløcker Larsen**

Team Lead & Senior Research Fellow

# Outline

---

The problem?

- Knowledge
- Process

Way's forward?

- Top-down
- Bottom-up



## Example figures:

"85% of the region is affected by at least one land-use pressure and 60% is affected by multiple land-use pressures"

(Stoessel et al. 2022,  
<https://www.nature.com/articles/s41598-022-20095-w>.)

"We found a 71 % decline in the area of lichen-abundant forests over the last 60 years."

(Sandström et al. 2016,  
<https://link.springer.com/article/10.1007/s13280-015-0759-0>)

# Epistemic injustice

## Impacts on the land and the reindeer



## Impacts on the economy



## Social and cultural impacts



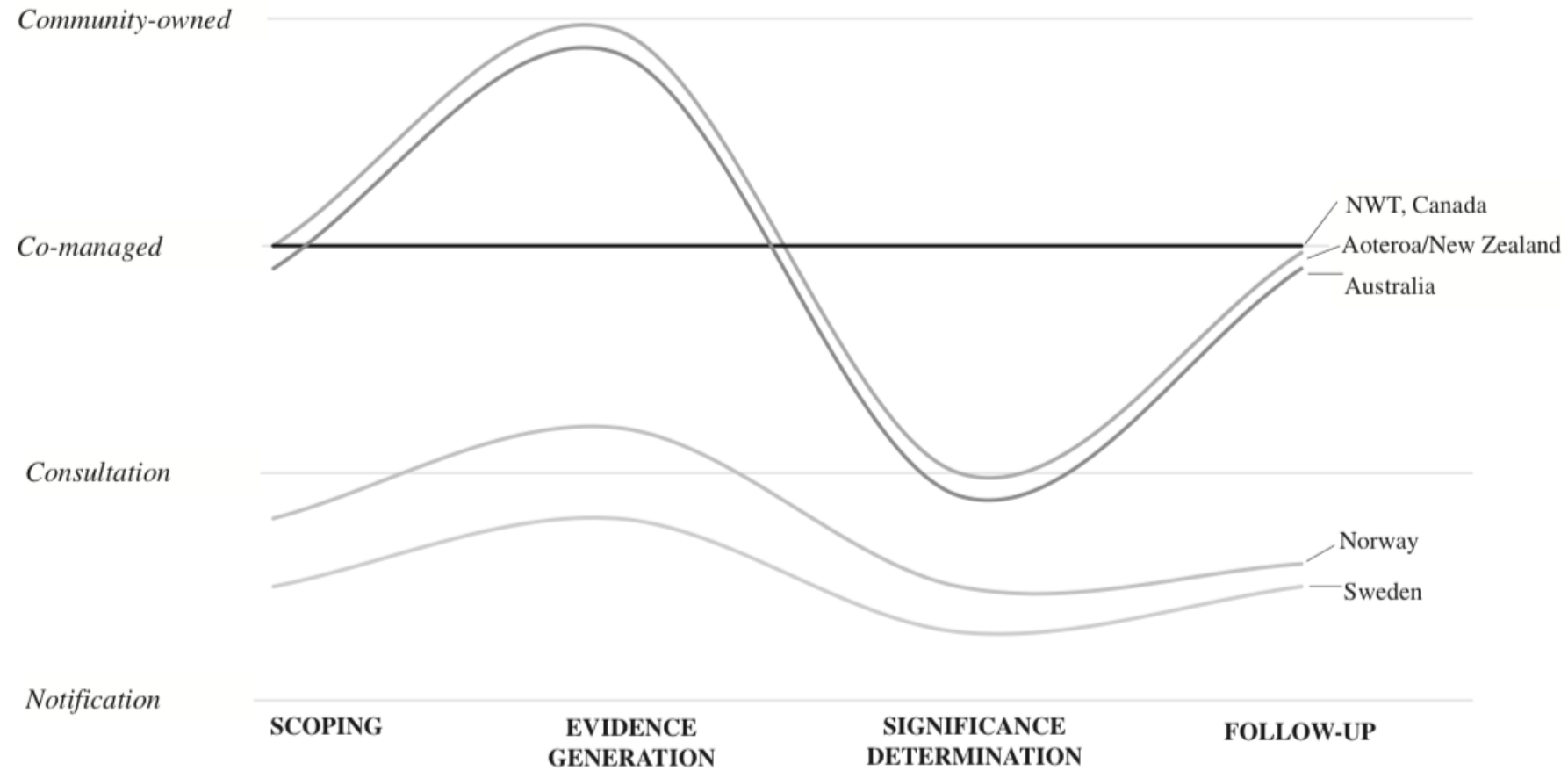
*Industry proposals tend to overlook risks for Indigenous Sámi rights, exposing a considerable knowledge gap about mining impacts on Sámi lands.*

Results for 11 impact assessments for mining projects in the Swedish part of Sápmi

Forthcoming paper, *Journal of Northern Studies*.



# Poor Sámi involvement





# Mining in Sápmi and new EU rules



SVERIGE

## LKAB kan tvingas att ta större ansvar för skador på renskötseln

Publicerad 2024-11-07



Gabna sameby ser med stor oro på att deras sista flyttled genom Kiruna kommer stängas när LKAB påbörjar sin brytning av Per Geijer-fyndigheten. Foto: Thomas Karlsson

**En ny EU-lag kan innebära att gruvjätten LKAB måste ta större ansvar för gruvdriftens negativa effekter på renskötseln.**

– Vår analys är att LKAB:s befintliga praxis troligtvis inte skulle vara tillräckligt enligt den nya EU-lagens krav, säger Rasmus Kløcker Larsen,

Table 2. Comparison of human rights due diligence requirements

	<b>Current Swedish framework (Kløcker Larsen and Raitio 2019; Raitio et al. 2020; Allard and Curran 2021)</b>	<b>CSDDD</b>	<b>International standards:</b> - The UN Guiding Principles on Business and Human Rights (UNGPs) - OECD Guidelines
Identify and assess actual and potential adverse impacts	No human rights impact assessment required.  Environmental impact assessments (EIAs) focus on potential environmental impacts of projects on reindeer herding, framed as a public interest in pursuing an economic industry.	Article 8 requires companies to identify potential adverse human rights impacts and carry out in-depth assessments.	Human rights impact assessments should take place at regular intervals and be based on external human rights expertise (UNGP 18).
Prevent or mitigate	Authorities and courts tend to rely on an assumption of co-existence of mining activities and reindeer herding, so companies are rarely, in practice, required to avoid adverse impacts – only to take measures aimed at mitigating them, including monetary compensation.	Article 10 requires companies to prevent adverse impacts, where possible; however, if “prevention is not possible or not immediately possible” companies should take measures to mitigate such impacts.	Both the UNGPs (UNGP 11) and the OECD Guidelines (p. 16) emphasize that the purpose of due diligence is first and foremost to avoid causing adverse impacts.
Engagement with stakeholders	Consultations are required in the context of the EIAs. In the exploration stage, no EIAs are required but companies must share their work plans and invite comments from potentially affected stakeholders, including herding communities.  Several specific issues have been documented in research:  Unclear connection between outcomes of consultations and analysis in EIAs.  Inadequate sharing of information on methods and evidence used in the assessments.  Limited or no funding made available for facilitating participation.	Article 13 requires companies to consult stakeholders at different stages of the due diligence process, including for the purposes of identifying and assessing potential adverse impacts.  Companies shall provide “relevant and comprehensive information”, and “address barriers to engagement” (Article 13.5).	Under the OECD Guidelines (Commentary on Chapter II, p. 28), engagement should be ongoing, two-way, conducted in good faith and responsive to stakeholders’ views.

# Negotiated agreements

“While many developments commence with scant regard for Sámi rights and interest, **herding communities have in recent years been successfully challenging developers** as well as government actors, both in the national court system and in international fora. This likely provides motivation for developers to take **proactive measures** beyond legislative requirements and negotiate consent from herding communities, and agreement-making may here play a role.”

SOCIETY & NATURAL RESOURCES  
<https://doi.org/10.1080/08941920.2024.2321874>



OPEN ACCESS [Check for updates](#)

## Negotiated Agreements and Sámi Reindeer Herding in Sweden: Evaluating Outcomes

Rasmus Klæcker Larsen<sup>1b</sup>, Jannie Staffansson<sup>1b</sup>, Inger-Ann Omma<sup>1</sup>, and Claran O'Faircheallaigh<sup>2</sup>

<sup>1</sup>Stockholm Environment Institute, Stockholm, Sweden; <sup>2</sup>SWEDES - Sustainability Learning and Research Center, Department of Women's and Children's Health, Uppsala University, Uppsala, Sweden; <sup>3</sup>Eajran Sijte and Tuorpon Reindeer Herding Community, Jihkámáhkke, Saepmie, Sweden; <sup>4</sup>Advokat Inger-Ann Omma AB, Lyckeå, Sweden; <sup>5</sup>School of Government and International Relations, Griffith University, Brisbane, Australia

### ABSTRACT

In the European north, there is a growing trend for Sámi reindeer herding communities to enter negotiated agreements with developers on projects that aim to exploit land and natural resources. This paper offers, for the first time, an evaluation of the content of a selection of these agreements, drawing on a sample of 15 agreements from five communities in Sweden. The evaluation was conducted from a Sámi perspective on how the agreements affect the ability of herding communities to safeguard reindeer wellbeing. The overall conclusion is that the agreements provide some positive contributions to mitigate harm to the reindeer, but also contribute considerable risks. We argue that agreements might have a meaningful role to play in the integration of Sámi rights in land and resource decisions, but herding communities have considerable space to increase the range of clauses – guided by larger goals of Sámi self-determination.

### ARTICLE HISTORY

Received 5 July 2023  
Accepted 4 February 2024

### KEYWORDS

Indigenous rights; natural resources; negotiated agreements; Sámi reindeer herding, Sweden

### Introduction

In the European north, there is a growing trend for Sámi reindeer herding communities to enter negotiated agreements with developers of projects that aim to exploit land and natural resources. One important driver of this trend may be a growing resistance to resource developments on Sámi lands. While many developments commence with scant regard for Sámi rights and interest, herding communities have in recent years been successfully challenging developers as well as government actors, both in the national court system and in international fora (e.g., Brännstrom 2021). This likely provides motivation for developers to take proactive measures beyond

**CONTACT:** Rasmus Klæcker Larsen [rasmus.klaecker.larsen@sei.org](mailto:rasmus.klaecker.larsen@sei.org) Stockholm Environment Institute, Postbox 24218, 104 51 Stockholm, Sweden.  
© 2024 The Author(s). Published with license by Taylor & Francis Group, LLC.  
This is an Open Access article distributed under the terms of the Creative Commons Attribution License (<http://creativecommons.org/licenses/by/4.0/>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited. The terms on which this article has been published allow the posting of the Accepted Manuscript in a repository by the author or with their consent.

World ▶ Europe US Americas Asia Australia More



**Sweden**  
**Developer contracts with Sámi reindeer herders 'harmful' to Indigenous people**

**Analysis of secretive renewable energy contracts finds 'the harmful outcomes generally outweigh the limited gains'**

**Miranda Bryant** *Nordic correspondent*

Thu 14 Mar 2024 13.35 CET

[Share](#)

Agreements between Sámi reindeer herders and commercial developers in **Sweden** are having an overall detrimental impact on such Indigenous communities, research has found.

[theguardian.com](https://theguardian.com)

<https://doi.org/10.1080/08941920.2024.2321874>





---

'My experience is that, by and large, we're forced to sign agreements. Since we don't see other options, because there is no real protection for us'.

'I don't want any financial compensation. What I want... is lands that I can use...'



# Evaluating the outcomes for reindeer well-being

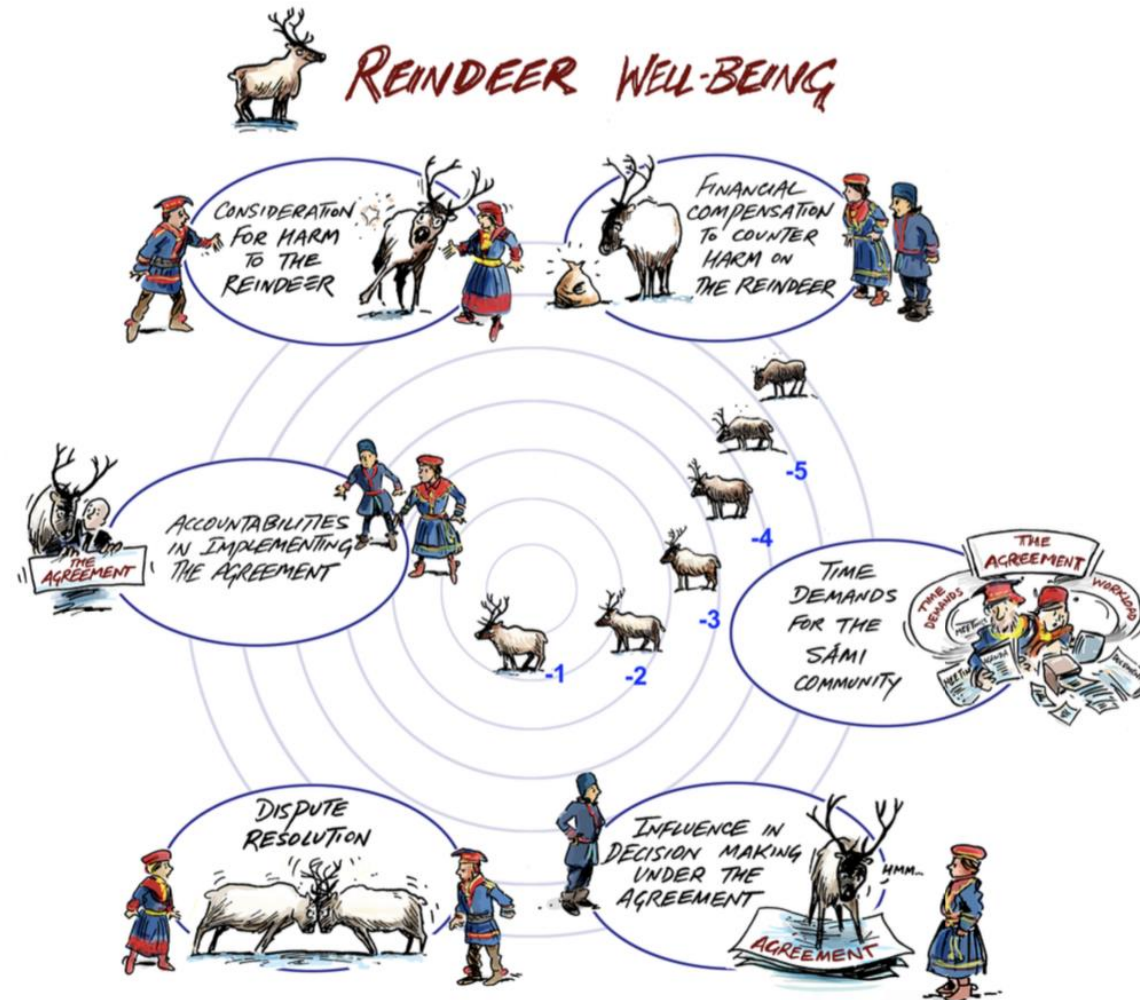


Figure 1. Schematic of the scale of reindeer well-being, with its six Sub-themes.

# Findings (scale of -1 to -5)

Agreement	Development	Consideration for harm	Financial compensation	Time demand and workload	Influence in decision-making	Dispute resolution	Accountabilities
1	Wind power	-3	-3	-3	-3	-1	-4
2	Wind power	-4	-5	-5	-3	-2	-4
3	Wind power	-3	-4	-4	-4	-2	-3
4	Wind power	-5	-4	-4	-3	-2	-4
5	Wind power	-3	-4	-4	-3	-4	-4
6	Wind power	-3	-3	-4	-3	-2	-2
7	Wind power	-5	-3	-4	-3	-1	-4
8	Wind power	-5	-4	-3	-3	-4	-5
9	Tourism facility	-3	-3	-4	-2	-4	-3
10	Tourism facility	-4	-3	-4	-3	-2	-3
11	Tourism facility	-3	-4	-4	-4	-2	-4
12	Outdoor sporting	-5	-3	-4	-4	-4	-3
13	Car test facility	-3	-3	-5	-3	-2	-5
14	Hydropower	-3	-5	-4	-3	-4	-4
15	Quarry	-5	-1	-4	-3	-4	-3

**Figure 2.** Evaluation results for the collected agreements. Shows the score for each agreement across the six themes, all part of the scale for reindeer well-being. The numbering of agreements is random.

# Sámi Democratic Engagement in the Energy Transition: Advancing Justice, Legitimacy, and Participatory Governance

---

*What to consider?*

- **The status of the Sámi as an Indigenous people** (collective rights holders, not stake-holders, with specific requirements for decision making)
- **Cumulative effects of industry projects** (lack of coordination and knowledge deficits, with extensive pressures on Sámi territories, with direct implications for the sustainability and legitimacy of future industrial projects.)
- **Structural disparities in safeguarding Sámi rights** (failure of Nordic countries to fulfill their international and national commitments to Indigenous rights)



# Thank you! Gijtto!

---

The new project: <https://www.nordforsk.org/projects/sami-democratic-engagement-energy-transition-advancing-justice-legitimacy-and>

The SEI HQ Rights & Equity Team:

<https://www.sei.org/centres/headquarters/research-areas/rights-and-equity/>

Contact: [rasmus.klocker.larsen@sei.org](mailto:rasmus.klocker.larsen@sei.org) / +46 73 7078564