

A Decolonial Approach to Comparing Bolivia and Sweden's Positionality on Indigenous Rights

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Abstract

This study examines the concept of coloniality in relation to states' approach to indigenous people's rights, through the perspective of decoloniality. The two countries being compared are Bolivia and Sweden, two countries that differ in many ways. Indigenous peoples are living in the present time and have struggled since modern/Western interference in claiming their position and rights in the part of a reality of existing together. The states' positioning towards indigenous peoples' rights is evidently contradicting depending on the context. Although international indigenous rights regimes are encouraging as well as setting new standards and norms, the challenges to fully implement them on a national level continue to exist. Through a semi-systematic literature review, this study aims to analyze and compare how the two states (Bolivia and Sweden) position themselves towards indigenous rights. The theoretical framework for this study is based on decolonial reasoning and indigenous rights regimes, to determine what processes of coloniality are present. In Bolivia and Sweden, the context of indigenous challenges is markedly different, but this study strives to point to some similarities as also incongruencies and gaps when it comes to the state's approach towards indigenous rights in the two countries.

Keywords: Coloniality, Indigenous Rights Regimes, Decolonial Theory, Indigenous Peoples, Indigenous-State relations, Bolivia, Sweden.

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1. Introduction

The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions, and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation, and evaluation of plans and programs for national and regional development which may affect them directly.

(International Labour Organisation, Indigenous and Tribal Peoples Convention no 169, Article 7, 1989)

Today, the rights of indigenous peoples' are a global issue and are intertwined with the right to self-determination, human, minority, collective and cultural rights. Indigenous rights regimes have become an important part of raising matters relating to indigenous peoples 'rights on the global scale. These can contribute to customary international law and states can work together in new ways to achieve these rights at the national level (Anaya, 2004: 14-15). The Indigenous and Tribal Peoples Convention no. 169 (ILO 169) of the International Labour Organization (ILO), established in 1989, and the United Nations Declaration on the Rights of Indigenous Peoples in 2007 (UNDRIP 2007) are central internationally renowned legal instruments, and indigenous rights regimes, where the rights of indigenous peoples are articulated, regulated and protected (UN, n.d; ILO 169, n.d).

The engagement of legal reasoning and institutions regarding indigenous peoples' rights outside Western traditions of international human rights is relatively new (Lightfoot, 2016: 3-4). The emergence of the global movement for indigenous rights can be recognized as a "subtle revolution" in exposing and challenging the patterns of colonial relationships that are reproduced and maintained (ibid.: 29). Western modernity and imperialism did not only contribute to colonialism and capitalism, but also to the marginalization and dispossession of indigenous peoples' rights to land, culture, and traditions. These forms of social discrimination interrelate systems of power, knowledge, and culture that are integrated into contemporary structures of society and referred to as coloniality "*the darker side of modernity*" (Mignolo, 2000: 463). The concept of coloniality is not equivalent to colonialism but refers to the persistent patterns of colonial structures that are the continuous matrix of power it lingers on (Mignolo, 2000, 473; Grosfoguel, 2011: 12, 14; Álvarez & Coolsaet, 2020: 52). In relation to indigenous peoples' rights, the dominating perception of society and nature has strained their possibilities to protect their rights.

This study intends to compare the Plurinational State of Bolivia¹ and the Swedish state's positioning towards indigenous peoples' rights on a national and international level by using the concepts of coloniality. Sweden and Bolivia are two historically, politically, economically, and geographically different countries both with recognized indigenous peoples'. The ratification of ILO 169 and adoption of UNDRIP 2007 is reflected in the Bolivian constitution and states that they have left their colonial and neoliberal legacy behind.

¹ Since 2009, with the establishment of the new Bolivian constitution, the name of the nation is formally the Plurinational State of Bolivia, i.e. a recognition of the rights, culture, traditions and identity of the Indigenous peoples (Lalander, 2017: 464).

Bolivia is seen as one of the most progressive countries when it comes to indigenous rights (Lalander, 2017). Sweden also recognized Saami as their indigenous peoples and as national minorities in the constitution (Sametinget, 2021). Sweden is seen as a country with a strong rule of law and is known for its welfare state model that advocates for human rights and equality. Together with the other Nordic countries, it has had an essential role in the United Nations' rights organs and has a reputation for promoting international peace and solidarity. However, Sweden has still not nationally fully committed to any fundamental international indigenous rights regimes (Mörkenstam, 2019: 1719-1720).

Analyzing Bolivia's and Sweden's approach to indigenous peoples' rights on a national and international level through the theoretical framework of decolonial reasoning and the concepts of indigenous rights regimes provides an understanding of the contemporary postcolonial structures, such as marginalization, oppression, exploitation, and dispossession of indigenous rights. This thesis argues that the structures of coloniality continue to impact indigenous peoples' through the two state's positioning towards their national and international legislative rights. This comparison will hopefully contribute to new insights and discussions about rights on paper and rights in practice as well as the importance of action towards indigenous rights.

With indigenous² peoples', we refer to the peoples that self-recognize them as indigenous, with no regard to any definitions made by governments or legislations. They may or may not be a part of an indigenous group or community but also simultaneously be a part of surrounding contemporary society, which also contributes to the emergence and awareness of indigenous identity and the search for indigenous peoples' rights.

We are aware of the many different existing groups and communities of indigenous peoples both in Bolivia and Sweden. Even though we use the term indigenous peoples generally throughout this paper, they are not a homogenized group that shares the same realities or understanding as indigenous. Saami peoples are the only recognized indigenous peoples in Sweden and this study makes the distinction between Saami and reindeer herders/husbandry Saami, because of the argumentation and definitions used in Sweden. There are many central indigenous groups in Bolivia, such as Aymara, Quechua, Guaraní, and Chiquitanos, which are mainly referred to as lowland or highland indigenous peoples'. These groups will be further defined and explained in the historical background.

1.2 Problem

The global debate on international indigenous rights has developed through the last decades and is evolving. The most known international indigenous rights regimes, ILO 169 and UNDRIP 2007 have influenced differently from one country to another. Since 1989 only 23 countries have ratified ILO 169, as the only international binding legislation on indigenous peoples' rights, whereas approximately 144 countries have done some sort of acknowledgment and adoption of UNDRIP 2007 (Mörkenstam 2019: 1718). Anaya (1996)

² There is no concrete definition of "indigenous". Basis of the definition proposed by José Martínez, Cobo, United Nations Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities: "Indigenous communities, peoples and nations are those which having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of societies" (quoted in: Hammond, 2011: 651).

claims that the advancing factors of indigenous rights regimes challenge the former dominant western conceptions of the modern state, with the intending goal to achieve unity and diversity based on equality (Anaya, 1996: 60-61). The decolonial theory describes the relations of coloniality/modernity, and its aim at changing the Westernized dynamics of knowledge and ontologies through de-linking, in order to strengthen and relink to the setting that is more true to our Pluri-versal existence (Mignolo, 2017: 41).

International indigenous rights regimes, such as the ILO 169 and UNDRIP 2007, can be seen as important instruments for the advocacy and implementation of indigenous rights. However, law and politics on a national level play a fundamental role in how the execution is fulfilled (Lalander 2017: 466). The principle of *De jure* and *De facto* entails how states interpret legislation in practice and principles for indigenous rights. *De jure* and *de facto* demonstrate the state's behaviour towards national issues and international treaties (Kröger & Lalander 2016: 683). How the states of Bolivia and Sweden position themselves towards their indigenous peoples can therefore be seen through *de jure* and *de facto* regarding indigenous rights.

The problem formulation of this study is therefore addressing that the concept of coloniality is affecting the state's positioning towards indigenous peoples'. To be able to examine the problem the aim is to analyze Bolivia's and Sweden's argumentation through a lens of decolonial reasoning and indigenous rights regimes to emphasize differences and similarities between them.

1.3 Purpose

This study aims to examine and problematize the positioning of the Bolivian and Swedish states towards indigenous rights, focusing on the states' rights on paper (*de jure*) and rights in practice (*de facto*). Specifically considering the time period between the establishment of ILO 169 in 1989 to the present time. Through the application of decolonial reasoning, the objective is to scrutinize the arguments and values involved in the state's positioning, since our argumentation is that the structures of coloniality still exist through the generality of adoption and implementation of indigenous rights.

1.4 Research Questions

1. How do the two states - Bolivia, and Sweden - position themselves regarding indigenous peoples' rights?
2. How is coloniality reflected in State-Indigenous relations in the two countries?

1.5 Disposition

After the contextualization presented above, the disposition of the thesis is as follows. First, the theoretical framework is presented. The theoretical framework explains the relation of the world order based on coloniality and indigenous rights on international levels. Decolonial theories and indigenous rights regimes are chosen to serve as the foundation for the analysis of the results. Previous research is then presented. Further, the methods of the research are presented which is a semi-systematic literature review. The following section is a historic contextual background that describes historical events of injustices for indigenous peoples in

Bolivia and Sweden, to deepen the understanding of contemporary states' approaches. The next section features the results of the semi-systematic literature review of Bolivia and Sweden. Followed by the analysis of the state's positioning towards indigenous rights in Bolivia and Sweden, completed with a comparative analysis between the two states. In the conclusion section, the answers to the research questions are discussed based on the results and analysis of the study.

2. Theoretical Framework

In the following sections, the theoretical fields of decoloniality and indigenous rights regimes are presented and discussed. At the end of these sections, we will discuss how the two theoretical fields can be applied to an analysis of indigenous rights in practice.

The reasoning of decoloniality and indigenous rights regimes are chosen as the theoretical framework to analyze the structures of coloniality that still exist through post-colonial societies. As already stated, these structures appear in both Bolivia and Sweden, even though there are significant differences between the two contexts. To analyze these structures, it is important to review the historical production of Western hegemony that motivated the conceptual foundation for modernity/coloniality (Bhambra, 2014: 120-121). Further, defining the key concepts of decoloniality and indigenous rights regimes perspectives is key to the purpose and research questions of the study. The theories together work as a lens throughout the study, that both include terms of marginalization, oppression, and exploitation of indigenous peoples.

2.1 Decolonial Theory

Theories of Marxist, postcolonialist, and poststructuralist ideas have contributed to the development of decolonial thinking. For example, French post-structuralist theorists such as Foucault, Derrida, and Deleuze discuss the dynamics and discourse of language, knowledge, and power (Bhambra, 2014: 116; Álvarez & Coolsaet, 2020: 52). However, decolonial thinking is a process of delinking from the dominant forms of power, knowledge, and being, and allows a more critical approach in analyzing significant perspectives widening beyond postcolonial review. Its suitability helps to account for the continued existence of the colonial characteristics represented today in the formulation of indigenous peoples' rights (Mignolo, 2013: 58; Sanchez, 2020: 279).

Decolonial theories emerged from the collaboration between scholars and Latin American social movements and communities with the focus on untangling the reproduction of knowledge and history primarily from a Eurocentric perspective. Decolonial scholars argue that the conquest of Latin America formed a new world order, reaching back to the 16th century, and emphasize that the impression of coloniality still impacts the global power structures (Bhambra, 2014: 115-117). Western society and ideas are based on a type of society that developed in a fashion of industrialization, urbanization, capitalism, and worldliness. In other words, it allowed certain structures and categorization of how some cultures, societies, and peoples are alike and not. To hierarchically classify populations has not only granted the justification of the nature of places and roles, but also the distribution of power and control (Hall, 1992: 186; Quijano 2007: 171). When the West's reality was presented with other ways of life and alternative conceptions of reality, the progression of "the superior" emerged. The West materialized as representing something preferable to the "savage" societies they confronted (Quijano, 2007: 173).

Quijano (2000) argues that these structures of power, did not end with colonialism and that the foundation of the modern capitalist world-systems power structures forced an ethnic categorization of people, explained as coloniality of power (Quijano, 2000: 216-217). Coloniality still influences the world order, hence it is not a peripheral dimension of history that is over and would not exist without modernity. Decolonial thinking is an incident through the concept of coloniality and connects modernity with the normative understanding of development. Recognized as a dualistic movement that is operating in the world and societies, building up civilized projects and simultaneously destroying other civilizations (Mignolo, 2017: 41-42; Mignolo & Walsh, 2018:109, 112).

The basis of what was and what is depends on the influences of modernity. This allowed the consistency of colonialism to dominate in areas of appropriation of land and resources, control of authority, subjectivity, and knowledge (Mignolo, 2007: 497). There is a necessity to scrutinize the connections between this and acknowledge the influences that created and produced a misrepresented cognition of power and knowledge that has been the powerful engine of coloniality (Quijano, 2007: 176-177). Knowledge is, according to Mignolo and Walsh (2018), interconnected in history, culture, economy, politics, ethnicity and it also prescribes and regulates the terms of the content. Western ontology serves as the basis for Eurocentric knowledge that has taken form through the rhetoric of modernity and the instrument that legitimizes and justifies the global world order that still lingers today (Mignolo & Walsh, 2018: 144, 151). Mignolo (2007) argues for epistemological decolonization to liberate the production of knowledge from the control of western epistemology. He describes western totality as the dominant (faulty) source of knowledge that steers the understanding of the world in political, social, and cultural aspects. To acknowledge where ideas are born and what traditions of knowledge have been cultivated creates more promising spaces for learning (Mignolo, 2007: 453, 494).

Indigenous rights are a globally debated topic and indigenous societies' relation to nation-states has changed in the last decades. Decoloniality breaks the objectifying approach and reconnects with the coexistence of different ontologies and ethics. Mignolo (2017) points out, the concept of coloniality is connected to the mobilization and political project by indigenous societies, marginalized and oppressed in former colonial settings and in recent times. The Western discourses preserve the structures of knowledge and power that are interlinked with the principle and practice of indigenous peoples' rights, which involves the social, cultural, political, and economic perspectives of being. This can be viewed as the hegemonic societies' influence on the nation-state to connect political and capitalistic projects, whereas decoloniality is a process to de-link and shift the standards and politics of understanding (Quijano 2007: 168-167; Mignolo 2007: 456-457).

When indigenous groups and communities are pushed aside, their rights become eroded. This in turn threatens their livelihood and the possibilities to protect their existence, culture, and heritage become less. Coloniality shows this relationship of whenever a hegemonic structure exists subordination will too and refers to the power asymmetry that creates space for those who possess power and leave others behind (Mignolo, 2007: 507; Quijano, 2007: 169). Processes and interpretations, connection to power, knowledge, and history, affect indigenous peoples' and their rights. The emancipation and liberation from the vision of dependency on one ideal structure of society are vital for understanding indigenous concepts

and embracing the multicultural representations of human life (Mignolo, 2007: 459; Mignolo, 2017: 39). Mignolo (2017) argues that decoloniality is not parallel to indigenous struggles, but the reconstruction of indigeneity is comparable to the decolonial delinking and relinking to a position of existence that they control (Mignolo, 2017: 45).

2.2 Indigenous Rights Regimes

Indigenous rights regimes are defined through institutional mechanisms to specifically address indigenous peoples' rights and concerns via the international human rights system (Anaya, 2009: 1). The international legal systems are incorporating these demands into the international human rights instruments. The purpose is to anchor indigenous peoples' rights to freely self-determine and pursue their own political status and cultural, social, and economic development complementary to the existing normative perception of human rights (ibid.: 58-59). Indigenous rights have become an important element of international law and policy. The fight to include indigenous peoples' agenda in the international law arena has come from the persistent work of indigenous organizations and networks. The accommodation of this agenda by nation-states in the international community has been relatively gradual (ibid.: 3). Today it is a ramification propelled by indigenous movements and civil society incorporated with States and international instruments on all levels and has developed to confront priorities and concerns of indigenous peoples' (ILO 169, UNDRIP 2007).

One of the main obstacles regarding indigenous rights on the international level has been an attempt to define who and what indigenous means, this has created limitations of how understandings of indigenous rights regimes should proceed (Kymlicka, 2001: 3). Between States, there have been many disagreements and uncertainties regarding the concept of indigeneity and indigenous peoples', whereas indigenous peoples have protested against any kind of universal definition as there can not be any singular overbearing definition. In the international context, it was seen as an important component to clarify any uncertainties and create a harmonized and inclusive understanding (Anaya, 2009: 28). During the creation of UNDRIP 2007, The African Commission on Human and Peoples' Rights (ACHPR) and the Inter-American Court of Human Rights (IACHR) played an important role in untangling the perspective of colonial legacy. That the struggles of claiming justice, being marginalized, and being assimilated to dominant civilization are strongly connected to the concept of indigenous peoples' (Barelli, 2010: 958-959, Anaya, 2009: 3). According to UNDRIP 2007, the historical context is an important component as well as other factors such as a strong connection to territorial land and natural resources, autonomous social, economic, and political structures as well as their own language, culture, and ideology (UNDRIP, 2007).

These forums of normative regulations with a focus on indigenous peoples' concerns have opened up a place where indigenous peoples can articulate their demands and rights on both a national and international level. ILO 169 and UNDRIP 2007 are both argued to be instruments that have contributed, with varying degrees, to the emergence of international indigenous rights as its own kind of legal genre and regime. Even without the legally binding power, UNDRIP 2007 has become one of the key instruments of the indigenous rights regime

discourse. In the context of indigenous peoples' rights, it demonstrates the important interaction between hard and soft laws (Barelli, 2010: 957).

Indigenous rights regimes' inclusion of vital rights such as the right to self-determination and traditional land challenges the principle of state sovereignty, which often collide with other interests of States (ibid., 2010: 956). The indigenous rights are also expressed and understood primarily as collective rights and this is a significant occurrence within the international human rights law. This varies from the Western/normative individualistic conception of human rights and has been a disputed concept between indigenous peoples, states, and social movements (Xanthaki, 2007: 15-16; Dahre, 2008: 44). Collective rights of indigenous peoples' are in connection with culture, education, development, traditional land, and social benefits that requires respect for indigenous communities' historical position of being oppressed (Anaya, 2009: 59)

Anaya (2004) argues that the normative foundations of the international indigenous rights regimes are strong. It has provided indigenous communities new leverage to oppose prejudicial state and corporational policies. Additionally, impact other international bodies to reflect on how various policies and projects affect indigenous communities, where it is evinced that indigenous peoples usually are excluded and not accounted for (Anaya, 2004: 57). Kymlicka (2001) agrees with Anaya on the importance of international bodies, contributing to changing the international norm and law for indigenous peoples' rights and concerns. But at the same time, he addresses the pivotal reasons for its imperfection where dominant interpretations and expectations stand in the way of a comprehensive and efficiently fulfilled operational plan (, 2001: 2). Kymlicka also implies that Anaya's attempt to prove that international norms of indigenous rights do not signify a solution outlined for a specific problem is contradictory. He states that the enforcement of these commitments entitles indigenous peoples to have distinctive rights with self-determining grounds but not disconnected from political structures and state sovereignty (ibid.: 7). Furthermore, the concrete benefits for indigenous peoples' rights provided through international law, are according to Kymlicka (2001) very few. Since the effectiveness of indigenous rights through international law is dependent on how the State commits or not (ibid.: 14-15). Kröger and Lalander (2016) also argue that there is a clear contradiction and conflict between practice and principle, de jure and de facto when implementing new international norms in national settings (Kröger & Lalander, 2016: 683).

The historically imperialistic nature of western human rights discourse has influenced the concept of the international law system even with a decolonial approach. It can be argued that these arising legal obligations and the impact of indigenous rights regimes have had a significant role in the progression of awakening the awareness of the discussion that has been building over the last decades. Recognition of the indigenous peoples' rights ultimately depends upon the advances in attitudes, tolerance, and a better understanding of the history, issues, and concepts underlying human rights standards (Anghie, 2006: 751-752). Indigenous communities have suffered patterns of cultural violence through the dispossession of land, appropriation, and use of indigenous cultural objects. Additionally, the exclusion from their own histories, forced assimilation, and denial of their roots. Indigenous rights regimes exist because of that, not to yield excessive human rights and to acknowledge indigenous peoples'

rights they should have been granted from the beginning (Xanthaki, 2007: 196; Anaya, 2009: 63).

2.2.1 Self-determination, Culture, and Land

From a historical perspective, colonial strategies have been used to deny indigenous peoples the right to their land and culture to assimilate to the majority of the population. These strategies come from the imagination of localizing “the other”. To maintain more power over indigenous peoples and limit their possibilities of control (Nilsson, 2020: 293; Anaya, 1996: 83). General human rights, minority instruments, and instruments particularly protecting indigenous rights are three different but incorporated systems that defend indigenous rights (Xanthaki, 2007, 197).

Self-determination, culture, and land rights are all central parts of indigenous rights regimes. The conception of self-determination, land, and cultural rights differs from the general non-indigenous understanding of these rights that are usually favored both on a national and international level (Xanthaki: 204, 277; Anaya, 1996: 107). The principle of self-determination is mainly about the equal rights to control their own destiny, in context with their colonial history (Anaya, 2009: 47). Indigenous self-determination can best be understood from its cultural foundation, where the protection of indigenous peoples’ value system and worldview play a huge role (Nilsson, 2020: 294). The indigenous demand for self-determination has been more comprehensive, with the right to reach full independence from the state. Many states have opposed this notion based on the possibility of undermining their territorial sovereignty. They insisted on the focus on a more internal self-determination concept and argued that human rights principles already cover a broad range of self-determination that impacts all peoples, including indigenous peoples (Anaya, 2009: 60; Barelli, 2010: 959; Nilsson, 2020: 295). UNDRIP 2007 is the first international human rights instrument to expressly recognize indigenous peoples’ right to self-determination according to their own political status, culture, and traditions, which also include their rights not to be assimilated or discriminated against (Anaya, 2009: 323). Moreover, indigenous peoples’ rights to self-determination have led to the implementation of remedies that can prevent discrimination, lack of democratic participation, protect cultures, and do not favor the formation of independent states.

The general understanding of cultural rights regards culture as property owned by the state or by the individual and does not fully attempt an indigenous perception. Indigenous cultural rights in international human rights systems are usually strongly connected to minority rights and cultural-historic sights and artifacts. This contributes to isolation and a focus on the cultural aspect of preserving history, language, education, and religion. The inclusion and understanding of the indigenous collectiveness, economic and political systems, or traditional land use as parts of the cultural identity, is more incorporated in the articulation of indigenous rights (Xanthaki, 2007: 196-198, 206, 277; Anaya, 2004: 21). Traditional land is strongly linked to indigenous peoples’ way of life, identities, and culture. National interpretation of international law of land rights does not usually include cultural values but focuses on legal deeds and titles articulated in existing law system (Xanthaki, 2007: 238-239).

The right to land has also been a controversial issue in indigenous rights regimes. Indigenous peoples’ connection to their land depends equally on their culture and right to

self-determination and vice versa. The meaning of land and culture interconnects with the relationship to humans, animals, and the environment, combined with spiritual values (ibid.: 131, 238). Indigenous peoples' collective rights to lands and natural resources are acknowledged in international instruments. The rights are not only emphasized through human rights instruments but also in environmental and developmental policies as well (ibid.: 243). The right to maintain and strengthen their own political, legal, economic, social, and cultural institutions usually are connected to the particular use of land and natural resources, it usually collides with the developmental interests of the nation-state (ibid.: 238; Anaya, 2009: 68-69). The challenge to ensure such rights would be to further specify standards on land rights but has rather enabled international bodies and states to appreciate the vagueness surrounding the issues, which grant them the ability to interpret to their advantage (Xanthaki, 2007: 243).

The right to free, prior, and informed consent (FPIC) reinforces indigenous peoples' ability to consult and cooperate with the state and corporations in order to agree or disagree with any project impacting indigenous territories and other resources (Anaya, 2009: 68). The essence of FPIC is included in ILO 169, especially in article 16 (ILO 169, 1989) and in UNDRIP 2007 the right to FPIC is referred to throughout the convention (UNDRIP 2007) However, it is fairly common that states and corporations do not take this principle into account. Lack of full incorporation in national law does not excuse the duty of this principle, in order to strengthen rights for self-determination and land in practice for indigenous peoples, this principle is an important component (Anongos et al, 2012: 207-208).

2.3 Theoretical Summary

The theoretical framework of decolonial reasoning and the concept of indigenous rights regimes is essential to be able to find and explain structures in Bolivia and Sweden regarding the rights of indigenous peoples according to the thesis argument. Theorists of decoloniality are influenced by Marxist, postcolonialism, and post-structuralist ideas but differ in the way decolonization of the world order is based on coloniality and modernity in a broader historical and geographical scope. Decoloniality demonstrates the impact of modernity/rationality and describes the epistemology of others and the process of delinking and relinking from existent knowledge and being. Indigenous rights regimes demonstrate the connotations of international law for indigenous peoples' rights based on self-determination, culture, and land and what is happening on a national level. Not only are these theoretical fields linked to indigenous peoples' rights on a national and international level. They also supplement each other in their definitions of different concepts, such as colonialism and coloniality, discrimination and marginalization of indigenous peoples which this study highlights in the different contexts.

3. Previous Research

In the last 30 years, the recognition of indigenous peoples' individual and collective rights have slowly emerged and concretized in various international human rights instruments and are still evolving (Mörkenstam, 2019: 1718). The global trend of awareness towards indigenous rights has led to changes in policy, adaptations to international indigenous regimes, but also contributed to improved political influence for indigenous peoples. At the same time, there is a contradiction with the western perception of development which tends to overlook their cultural values (O'Faircheallaigh, 2013: 20). For example, the increased exploitation of natural resources that is usually on indigenous territories is in this context where states tend to fail to maintain the conditions required for the territorial rights of indigenous peoples. O'Faircheallaigh (2013) argues that the normative biases are structurally integrated into processes revolving around development and the benefits for the majority population, not the indigenous. The central role of indigenous political organizations and their capacity to mobilize can help institutions, corporations, projects, and extractive activities on indigenous territories to include indigenous values and principles (ibid.: 28).

Standards for countries that comply with international rights, norms, and laws are when their national actions match the international standards. Ratifications and commitments on both international or national levels do not guarantee recognition and respect for indigenous peoples' rights (Mörkenstam, 2019: 1722). Mörkenstam (2019) uses the concept of organized hypocrisy to clarify this gap, where modern states do implementations on human rights because it is expected. Yet, indigenous rights stand in the shadow of other national interests, like extractive activities. It signifies the differences between what and how decisions are communicated and made in principles and practice, "*a behaviour characterizing all political organizations... trying to cope with conflicting values, interests and demands simultaneously*" (ibid. 1719).

Hathaway (2007) argues that the reason for countries to commit and comply with human rights treaties also depends on the context of effect and cost of the benefits or constrictions. A country with a stable democracy, strong political institutions, and a legal system that does not commit to international law might argue it is unnecessary when they already have national laws and norms that comply. A commitment then might be too successful and the outcome would cost more regulations than by not committing. On the other hand, countries with less or opposite conditions might adopt international human rights treaties because there is more to gain, even if they might lack the capability to be successful (Hathaway, 2007: 593-594). One central factor of what enforcements will follow depends on the national institutions, which are a pivotal factor in how stringent commitments to treaties may be (ibid: 590). Comparable to Mörkenstam (2019), Hathaway (2007) emphasizes that legal enforcement on a national and domestic level and collateral consequences are important determinants as to the degree of implementation that will be performed, or if it in fact will happen at all (Mörkenstam, 2019: 1722; Hathaway, 2007: 612-613).

Lawrence and Mörkenstam (2012) argue that the debate concerning the indigenous peoples' rights of self-determination is strongly influenced by the normative image that it includes political power. In most countries in the world indigenous peoples usually make up a minority of the total population. This affects the influence over political decisions and can

pose major obstacles in protecting their rights and ways of life. This occurs even in the most equal countries, where all citizens between different population groups, in principle, have the same political, social, and economic rights (Lawrence & Mörkenstam, 2012: 210-211). Deborah Yashar (2005) also points out that there are a few countries where the indigenous peoples constitute the majority, one of those countries is Bolivia (60-70%) (Yashar, 2005: 19-21). In situations where there are conflicts of interests, the voices, votes, and positioning of indigenous peoples, as a minority, risk never having a significant impact. Indigenous population without concrete political legitimacy is extremely limited too, in accordance with UNDRIP 2007, independently self-determine over their economic, social and cultural development but also their political status (Lawrence & Mörkenstam, 2012: 211).

Bolivia's progressive indigenous rights and indigenous political legitimacy are very different from Sweden's. According to Yashar (2005), the politicization of Indigenous identity in Bolivia was formed through a combination of transforming neoliberal citizenship regimes, networks, and political action. The heightened politicized ethnic identities threatened indigenous communities' cultural, political, and economic interests. The indigenous community's connections in central organizations and movements created an opening to organize and mobilize. This created new political leverage and has had a huge impact on the Bolivian state's positioning towards indigenous rights since the transition to a new constitution (Yashar, 2005: 218-220).

Indigeneity is now a global concept that relates to a discourse of injustice that connects events in former societies and underlines the connection to natural forces. This has created wide relatability for the indigenous population who have felt colonized and dispossessed by global powers economically and politically (Canessa 2012: 205). Parallel to this, indigenous populations depend on their specific connection to a place. This shows a combination of embracing the contemporary with the past to create powerful means for mobilization both on a national and international level (ibid: 206). Canessa (2012) argues that in connection with the indigenous agenda of the Bolivian government, indigeneity has contributed to its legitimacy to represent as the idealized defender of indigenous peoples' rights. Even though it might be a romanticized relationship in reality (ibid.: 218).

4. Methods

In this section, the method and empirical material for this study will be presented. The methodology of the findings for the result and analysis will also be presented.

This thesis is a semi-systematic literature review of two states positioning towards indigenous rights through a decolonial perspective using a comparative method. Based on an examination of official documents and research pertaining to the states of Bolivia and Sweden's *de jure* and *de facto* positions toward indigenous rights. This paper examines how these two different countries with recognized indigenous populations and how they have interpreted and adopted international indigenous rights regimes. It also reviews the processes that influence how indigenous rights are handled on a national and regional level.

4.1 Semi-systematic Literature Review

The literature review in this research intends to, in a semi-systematic way, collect and synthesize previous research, through integrating results and perspectives from several other research studies. A literature review is an analysis and critical evaluation of the existing knowledge related to chosen research problems (Hart, 2018: 3). By performing a literature review the research questions can evaluate different perspectives beyond a single study. A semi-systematic literature review allowed us to examine existing research and literature as empirical material (Snyder, 2019: 335). Using the meta-narratives this research aims to understand and distinguish the structures and arguments that the current research field covers and to synthesize these through a decolonial lens (ibid: 335). Through this research process, transparency has been important, to separate whose arguments are presented and to maintain reliability (ibid.: 337). Transparency and ethical awareness are essential when analyzing indigenous rights from a non-indigenous position (Smith, 2012: 140). To systematically scrutinize and classify was critical to assess the chain of reasoning throughout the arguments and interpretations for states positioning regarding indigenous rights. In doing so we were able to identify fallacies in arguments, assumptions, and theories to show that the issues and problems benefit from the application of decolonial reasoning. A critical approach was applied when selecting the relevant literature, evaluating other perspectives and the evidence they provided for the topic (Hart, 2018: 4). As a critical study, this research focused on processes that could affect indigenous rights, emphasize the scientific discussion regarding the subject and acknowledge presumably insufficiency within the global and national processes. To use a critical approach does not mean criticizing other researchers and their studies, but to asking questions about what the study aims to provide (Bryman, 2012: 98-99). The articles selected in the semi-systematic literature review are listed in Appendix A. Peer-reviewed articles (Semi-systematic literature review result).

4.2 Comparative Method

Comparative analysis is based on the process of analyzing specific categories or time periods to clarify their differences and similarities (Given, 2008: 100). By applying a qualitative

approach to comparative analysis, this research was able to in a more concentrated way examine a limited number of cases. This study is aimed to be a comparative analysis since it refers to two entities including comparisons of cross-national, and political patterns. This provided possibilities to maintain new information of the case and to contribute to a more qualitative analysis of the states, Bolivia and Sweden (ibid.: 101).

The results of the two case studies of Bolivia and Sweden are analyzed through the reasoning of decoloniality and indigenous rights regimes. The selected method is used in the research to collect information and empirical materials to construct, analyze and interpret data (Mikkelsen, 2005: 159). There is a clear dynamic of contrast between these two countries that highlights the two countries' specific components concerning the research problem and focus.

4.3 Material

The methodological approach of this thesis is qualitative. Qualitative studies generally approach behaviors or institutions to understand a certain phenomenon. By collecting information about values, formalities, and expectations (Frankfort-Nachmias, Nachmias & DeWaard, 2015: 242-243). This research paper is based on secondary data, since this study discusses research completed by other authors that have undergone scientific review and included official legal documents (ibid.: 262-263). The selection of literature included is based on the key concepts from the theoretical framework and through the references of the articles in related studies regarding the research questions of the study. The databases used were SöderScholar, Scopus, GoogleScholar, and ScienceDirect. Keywords used: Indigenous rights, Indigenous Peoples, State, Bolivia, Sweden. The selection was based on articles in both Swedish and English published in the last 12 years, however, most were published within the last 10 years. The number of articles in the results for Bolivia consisted of 9 articles, and for Sweden, the total number was 10 articles (see “*Peer-viewed articles (semi-systematic literature review result)*” in the reference list). From the total number of articles reviewed, a sample of articles was selected by reading the abstracts to gain an understanding and to evaluate the relevance for the study’s purpose and research question. Thereafter a search through the entire article was reviewed for applicability and arguments to be used in this study. It is important to acknowledge our commitment to not diffuse or put anything out of its content, yet include our perceptions and interpretations of the material. To ensure reliability and credibility of content every scientific article used in the study has been peer-reviewed.

4.4 Case Selection

The study compares and analyses the states of Bolivia and Sweden, scrutinizing the state’s positioning will highlight tensions and issues that intersect indigenous situations and rights both in Global North and South, in two different settings and separate political norms with the common factor of coloniality. The chosen time period focused from the establishment of ILO 169 in 1989 until now. This marks one of the most significant developments in international rights instruments concerning indigenous peoples' rights. Bolivia's ratification

and Sweden's lack thereof made it possible to extensively analyze and review the indigenous rights discourse in two different countries.

The Plurinational State of Bolivia and Sweden are chosen as examples since they represent qualitatively distinct states with different geographic location and the contrast between these two regions are rarely compared. Bolivia was chosen due to its fundamental steps towards indigenous peoples' rights and recognition, protected by the constitution, and compared to Sweden, the indigenous population represents the majority of the total population. Sweden is a welfare state with a strong rule of law that emphasizes questions of human rights and the importance of equality, yet the indigenous population is selectively incorporated in a few national legal standards.

4.5 Self-critical Methodological Reflection

Due to the pandemic of Covid-19, the research was limited to examining the difference through a literature review of the state's position towards indigenous rights. In another context, we may have chosen to analyze the difference in a different methodological approach. To complement with a field study or interviews with state actors may have further developed the research and discovered additional critical findings. Another limitation in this work is that it does not include any articles in Spanish or any legal publications in Bolivia, with the exception of the translated version of the Plurinational Constitution of Bolivia. We are therefore aware of the limitations that the current method is bringing. However, the chosen method was well adapted to provide a general discussion and analysis of the study's questions and arguments.

5. Historic-contextual Background

In this section, we will present some historical background in Bolivia and Sweden to give a broader view of the problem that this study aims to analyze.

5.1 Bolivia

In Bolivia, the indigenous population comprises 60% of the total population (Yashar, 2005: 19). There are a total of 36 recognized peoples in Bolivia: the Aymara and Quechua make up about half of the country's indigenous population and are often associated with the highland indigenous peoples living in the Andes regions. The Chiquitano, Guaraní, and Moxeño are predominate in the Eastern lowland regions (IWGIA, Indigenous World 2020: Bolivia, 2020).

In the first constitution of Bolivia, after their independence in 1825, only a minority of the population was considered as citizens based on the requirements of owning property or annual income (Canessa, 2012: 202). Throughout the 19th century, the state continued to dispossess and marginalize the native population as they did not have any role in society, except as the state's main source of revenue. Despite the major role indigenous communities played in keeping the state afloat, indigenous peoples had very few rights and were unable to vote (ibid). The use of the term *indigenismo* was already an idea during the 1920s to describe workers from indigenous peoples and mestizos (people of mixed European and indigenous ancestry). The goal was to improve the relationship between the non-indigenous working class and the indigenous peoples in Bolivia (Lalander 2017: 467). The Bolivian State recognized the legal existence of native communities as a rural population, but the citizenship was still limited to the Bolivian elite (literate nationals) (Canessa, 2012: 202).

During the national revolution, in 1952, a 'peasantification' of culture for indigenous communities, highland and lowlands, and their cultural practices began. Socio-political and organizational structures changed and in the agrarian reform of 1953, the mentions of the previously defined "Indians" (Indios) were erased and changed to peasants/campesinos. Citizenship for indigenous peoples' was equalized with assimilation to modern society (Canessa, 2012: 203; Lalander 2017: 467). The constitutions that followed still stated the importance of the Bolivian State promoting the country's colonization projects, exploiting the land and natural resources, mainly on indigenous lands (this remained a part of the Bolivian constitution until 2009). In the 1970s, the indigenous population of Bolivia began to contest the assimilation processes and the growing ethnic awareness demanded the country's need for decolonization (Hammond, 2011: 651).

After 20 years of neoliberalism, 1985-2005, the indigenous communities were even more deprived. The growing demand for commercial exploitation of natural resources on their land was privatized and led to high unemployment among the indigenous population. However, the neoliberal legislation also transmitted managing responsibilities to regions that were rarely controlled, which contributed to new possibilities for the indigenous communities to organize (Yashar, 2005: 195-196). The social and indigenous movements in Bolivia grew and began to demand recognition of the desires of the exploited and suppressed indigenous

majority. Churches and non-governmental organizations (NGOs) in Bolivia also played a major role in the capacity and opportunity in the possibilities for indigenous and social movements to organize (ibid: 55, 197).

The indigenous movements also played a central role in the mobilization for the political party MAS (*Movimiento al Socialismo*/Movement Towards Socialism) and Evo Morales's presidential win in 2005. Evo Morales, Bolivia's first indigenous president, pushed a more progressive development of indigenous and environmental rights both on a national and international level. However, many indigenous communities in Bolivia experience fissures between the government's rhetorical promises and commission (Anongos et al., 2012: 136).

5.2 Sweden

Sweden has a long history of colonial powers including the dominion over territories inhabited by indigenous peoples and ethnic minorities. Long into the twentieth century, the indigenous peoples in the Nordic countries were systematically repressed, with the ambition of erasing their languages, culture, and traditions (Samer, n.d). The indigenous population of Saami originated in Northern parts of the Nordic countries and Russia, the region often referred to as Sápmi. Sápmi in Sweden is rich in natural resources which have resulted in a history of conflicts of interests and internal colonialism. In Sweden, there are about 20 000 - 40 000 Saami peoples, and 2 500 of them are registered reindeer herders (Sametinget, 2021). As a reindeer herder, a Saami needs to be a member of a Saami Village (Sameby). A Saami Village is a designated geographical area and is organized as an economic and administrative association and Saami people own the right to run reindeer husbandry in Sweden (Lundmark, 2010: 225). Sápmi, the land of Saami, existed long before any borders were created, and ownership of land and property was not based on traditional Western legal systems where the state dominates the national jurisdiction (Allard, 2011: 161).

Colonization of the Northern parts of Sweden was initiated by the state during the 19th century, to further efforts to expand agriculture and spread out the civilization (Lundmark, 2010: 87). The consequences were that the Saami, who had previously held a strong and important position, were pushed away. As the state's view on property and land changed, Saami's rights were even further limited (Samer, n.d). During 1920–1939 new legislation and restrictions were made between Sweden and Norway that resulted in large groups of Swedish Saami from the far North being forcibly relocated further south (Lundmark, 2010: 204). Based on race ideologies the categorization of Saami as reindeer herders and non-reindeer herders became more prominent. The Reindeer Grazing Act from 1928 limited Saami groups even further by reducing the number of people that were “pure” Saami. Even though the forest-, hunting-, and fishing Saami also were a central part of their society (Nilsson, 2020: 299).

The expansion and development of extractive industries and infrastructure in Sweden became a major problem facing reindeer husbandry and the Saami culture (Lundmark, 2010: 222, Nilsson, 2020: 300-301). Even though these developments, to some extent also benefited Saami, they still limited their rights and contributed to lessening the ability to continue their way of life and culture. In response, Saami associations started to develop as a means to keep their knowledge, culture, and traditions alive (Nilsson, 2020, 300). With the new Reindeer Husbandry Act in 1971, the official term Saami replaced the previous racist name, although it

had the same context just a more democratic phrasing (Sametinget, 2019). There have been many interpretation disputes of this legislation. However in the end it is still the state that sets the limits and defines who and how the right is proceeded (Lundmark, 2010: 224).

In 1977 Swedish State recognized Saami as indigenous peoples and beginning in 2000 Saami is also recognized as a national minority. Not until 2011 did the Saami receive acknowledgment in the Swedish constitution (Sametinget, 2021). The Saami Parliament was founded in 1993 and is the governmental institution for Saami's representation. Operating as an instrument for voicing Saami's demands and claims in the political arena. The Saami Parliament has decision-making powers in matters relating to Saami culture, language, and schools, but measures of political influence towards the Swedish government are peripheral (Lundmark, 2010: 228-229). Today the Swedish government relies on legal discourses to define Saami culture, identity, and their connections to territorial land. This does not fully correspond to Saami's own claims and definitions (Arora-Jonsson, 2019: 83-84).

6. Indigenous Rights in Bolivia and Sweden

In this section, the results of the study are presented. To begin with, the results from Bolivia are presented followed by the results from the Swedish context. These are the foundation for the analysis.

6.1 Indigenous Rights in Bolivia

Indigenous- and social organizations and movements have been a huge part of the progression for the present indigenous rights in Bolivia. The indigenous struggle for the rights of natural resources, territory, autonomy, and self-determination hit a turning point in 1990 after the March for Territory and Dignity, mainly organized by the Moxeño (lowland indigenous) and the *Confederation of Indigenous Peoples of Bolivia* (CIDOB). The following year, ILO 169 was ratified and incorporated into national legislation. After the ratification of ILO 169 more indigenous organizations, both highland and lowland put the neoliberal state under more pressure and succeeded in several legislative changes. However, even though indigenous rights were recognized in the Law of Constitutional Reform, indigenous rights and their organizations were still seen at an inferior level (Lalander, 2017: 464, 466; Schilling-Vacaflor, 2013: 207). With the objective to decentralize political processes by giving regional and municipal governments additional political autonomy, the Law of Popular Participation was enforced in 1994. The law integrated a wide set of peasant indigenous leaders to be mediators between the government and indigenous communities but also worked as an entry for the state into these communities. These events had a significant influence on the state's changed understanding of the country's ethnic dilemmas and the significance of including indigenous peoples in their political agenda (Schilling-Vacaflor, 2013: 207; Regalsky, 2010: 42). Leading up to the March for Territory, Land, Political Participation and Development in 1996 the indigenous peoples and organizations were still frustrated with the states' adaptations, or lack thereof, of the new reforms. But it was not until 2007, during Morales's presidential period that the extended right to prior consultation was clearly articulated (Lalander, 2017: 468; Schilling-Vacaflor, 2017: 1062-1063).

After the implementation of ILO 169 and the new reforms the Bolivian state still held on to the neoliberal course and adopted further structural adjustment policies with stronger incentives to decentralize state power and privatize national resources. However, even though the indigenous communities gained leverage and stronger rights in principle, in practice the government still controlled the majority of their interests (Kröger & Lalander, 2016: 683-684). This resulted in the Water War in Cochabamba where citizens and highland indigenous groups fought to appeal to the state's privatization of water and succeeded (Regalsky, 2010: 44). The Gas War that followed was a similar wave of protests involving the lowland indigenous against the privatization of the country's hydrocarbon reserves (Postero, 2017: 31). The impact of the indigenous communities' advocacy, long-standing mobilization, and protests resulted in the new Hydrocarbon Law No. 3058 in accordance with international law on how to regulate prior-consult processes (Kröger & Lalander, 2016: 687). As mentioned

above, the Morales government later added two complementary supreme decrees that were adopted on prior consultation (SD 29,033) and indigenous socio-environmental monitoring (SD 29,103) (Schilling-Vacaflor, 2017: 1063).

During Evo Morales's presidency and his party MAS term of office, 2005-2019, the new constitution was produced to emphasize Bolivia as a new plurinational State (Postero & Tockman, 2020: 2). The UNDRIP 2007 was declared national law and the MAS, delegates, and six indigenous organizations (highland and lowland), stood behind the production of the new Constitution in 2009. The Constitution affirms the State's fundamental goal for decolonization, more comprehensive inclusion of indigenous rights, and recognition of Bolivia's diverse nature of indigenous culture, religion, language, and values (Postero & Tockman, 2020: 2; Eichler, 2019: 88). During the congregation of the new Bolivian constitution indigenous organizations voiced their dissatisfaction with earlier consultation procedures. They demanded better adaptation of the right FPIC, but the final draft still held that the rights over non-renewable natural resources should be under nation-state control and limited prior consultation (Schilling-Vacaflor, 2013: 208).

[With this constitution] we have left the colonial, republican and neoliberal State in the past. We take on the historic challenge of collectively constructing a Unified Social State of Pluri-National Communitarian law, which includes and articulates the goal of advancing toward a democratic, productive, peace-loving and peaceful Bolivia, committed to the integral development and self-determination of the peoples. (Estado Plurinacional de Bolivia, 2009. Preamble. Quoted in Lalander, 2017: 464)

Globally the creation of the new Plurinational State of Bolivia and the new Constitution is classified as one of the most progressive stands in legal development towards indigenous peoples' rights and prompted high hopes in the newly founded indigenous rights regime. At the same time, many scholars argue that it in fact still had the same undermining perception, especially in how prior-consulting was articulated in law and policies (Eichler, 2019: 93; Canessa: 2014: 154; Postero, 2017: 136; Lalander, 2017: 468, 478). Bolivia's constitution underlines the importance of a consultation that is free, prior in time, and informed when territory and the population living nearby are affected by the exploitation of natural resources. This process should be state-led and in cases of consultation with rural native indigenous people, their norms and procedures should be dealt with respect (Art. 352, Plurinational State of Bolivia, 2009). It does not expressly mention consent, instead, secondary laws demonstrate the higher status of consultation rather than of consent (Postero & Tockman, 2020: 11).

Soon after the implementation of the new constitution, the MAS government approved the highway construction through the national park *Territorio Indígena y Parque Nacional Isiboro Sécuré* (TIPNIS), connecting Bolivia's highland and lowland with Brazil. The indigenous community's rights to consultation were diluted and disregarded which resulted in large violent protests and marches. This resulted in the project being canceled and the government admitted its mistakes (Kröger & Lalander, 2016: 689-690). Postero (2017) claims that the TIPNIS conflict revealed a paradox, mirroring the government's plan to enforce its development agendas despite the disadvantageous and endangerment of the

indigenous way of life (Postero, 2007: 135-136). Canessa (2014) also argues that the economic interests of the powerful highland groups were favored over the lowland groups and the conduct towards the lowland peoples in this case uncover a form of internal colonialism (Canessa, 2014:163). The TIPNIS conflict also contributed to applying pressure and scrutiny on other transnational companies operating in the area and Lalander (2017) consider this conflict, between indigenous rights and state conduct as one of the most symbolic of '*ethno-ecologist resistance against extractive developmental policies*' with emphasis on the conceptualization of the natural elements and indigenous intension (Lalander, 2017: 466).

A law superior above all other laws is the Law of Mother Earth and Integral Development to Vivir Bien³, it ensures the protection of the rights of natural processes free of human interaction and life in fullness. It implies that any exploitation development is required to comply with this legislation (ibid.: 472). The law also reinforces sound ecological considerations and the transverse obligation of consulting indigenous peoples' but simultaneously points out the necessity of developmental elements (Eichler, 2019: 89; Lalander, 2017: 472). Canessa (2014), Postero (2017), and Lalander (2017) all argue that this prescribes a preconceived notion of how "natives" and indigenous peoples are always closer to "nature", which have given and can give political legitimacy to the state's various extractive- and development agendas in an indigenous spirit (Canessa, 2014: 163-164; Postero, 2017: 180-181).

These rights also came under threat in 2014 when interference through protest and NGOs was stated outlawed in the Law on Mining and Metallurgy. In addition, several decrees declared natural resources part of the public interest for Bolivia's social welfare and development (national authority), thereby considering indigenous peoples' final say in the rights to prior consultation process unnecessarily (Eichler, 2019: 93, Postero & Tockman, 2020: 13). At the same time, the Constitution declares fair distribution of benefits from the use of natural resources between the entire population giving priority participation to indigenous peoples and territories where natural resources are extracted. Also, the right to prior mandatory consultation through the State, where the territory must be respected, and exploitation executed upon agreement (Art. 11, 353: the Plurinational State of Bolivia, 2009). Postero and Tockman (2020) argue that the legislative changes that have been made through national regarding mining, and hydrocarbon law have shifted the focus on the dedication to indigenous rights towards a more permitting climate where the state is in control. This has created a prominent division between highland, lowland, and urban indigenous groups and the state, where indigenous identity and interests clash (Postero & Tockman, 2020: 3-4).

Although it was during the presidency of the Morales government that the major progression of indigenous rights and the indigenous principle of *Vivir Bien*/Good living were further established in national law and policy, these advances were mainly due to the successful political mobilization, advocacy, and persistency of indigenous and social

³ The principle 'Vivir Bien' (live well) is defined as living in harmony between nature and humans. In Bolivia, '*Vivir bien*' symbolizes the overarching principles defining the objectives of the state (Lalander, 2017: 465). Law of Mother Earth and Integral Development to Vivir Bien gives further definition. Art. 5(2) 'The Vivir Bien is the alternative civilizational and cultural horizon to capitalism and modernity that is born in the worldviews of nations and indigenous campesinos, and intercultural communities and Afro-Bolivian women, and is conceived in the context of interculturality.' (Estado Plurinacional de Bolivia (2012) (Own translation).

movements (Lalander, 2017: 469). The movements have through their intersectional mobilization played a prominent role in making political action possible as well as institutional changes, especially in achieving a wider indigenous recognition and political reorganization in Bolivia (ibid.).

Morales's presidential period did not end on the same terms as it started, it left the country divided and polarized. After Morales escaped from Bolivia, the indigenous rights regime came under serious threat when Jeanine Añez, a conservative and anti-indigenous politician, announced herself president and exclaimed the indigenous agenda as “criminal” and “dangerous”. MAS still succeeded in regaining power with a new presidential candidate Luis Arce. It remains to be seen what the future holds (Phillips, 2020).

6.2 Indigenous Rights in Sweden

Historically, Sweden has been considered conservative among the Nordic states in regards to recognizing Sami peoples' rights, especially when it comes to collective rights. Sweden has also traditionally been unwilling to acknowledge the right to self-determination of indigenous peoples (Nilsson, 2020: 304). Sweden was a part of the progress of ILO 169 and declared ratification appropriate. However, during the finalization of the convention, this was not the case, Sweden declined ratification. The rationale for a non-ratification was due to the Swedish legal tradition. It was considered incompatible with several articles in the convention that dealt with provisions of the rights for indigenous people's rights to land and natural resources (Mörkenstam, 2019: 1726; Yupsanis, 2010: 445). Semb (2012) argues that the Swedish non-ratification of ILO 169 mainly is due to issues concerning land rights. In 1989 the Nordic governments together with Canada and the United States, suggested a proposal to amend the rights of ownership and possession, according to article 14 to the same status as rights to use land (Semb, 2012: 128, 134). This demonstrates these governments' normative preferences are to the denotation of equalizing the definitions. Since the establishment of ILO 169, the Swedish government has changed coalitions multiple times which has influenced the argumentation for ratification of ILO 169 and has emerged in different contexts (ibid.: 133). The ratification was first argued problematic mainly due to the concerns of land rights (SOU 1999:25: 30) (SOU, Statliga Offentliga Utredningar translated State Public Inquiries). SOU 1999:25 considers that the cause of many existing conflicts is due to the vague formulation in existing legislation, but at the same time, it states that Sweden, in most regards, already meets the requirements for ILO 169. The problem with land rights is the matter of what land, how, and where divisions of this land should be made, where the Swedish state referred especially to article 14 (SOU 1999:25: 15). In the next report, SOU 2006:14 the state argued that ratification of ILO 169 could lead to further internal conflicts and exclusion of some Saami peoples (non-reindeer herders) (SOU 2006:14: 505-514). Neither of these reports succeeded in presenting the voice of the Saami peoples, who have never opposed ratification, instead they strongly advocate for it.

As mentioned in the historic contextual background the Swedish state relies on legislative discourses to define the rights of Saami. Today the Swedish Constitution articulates that “...opportunities shall be promoted for the Sami people and for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own...” and include Saami peoples' rights to reindeer husbandry which is regulated under the law

(Swedish Constitution 1974:152, Ch.1, 2§; Ch.2: 17§). Aside from this, the Constitution does not include any other specific conditions recognizing the rights of the Saami. However, in 1992 Sweden adopted the Sami Parliament Act (1992:1433) which supported the establishment of the Saami Parliament. The Act states that the Saami parliament shall actively enable Sami culture and dynamically be advisory for efforts promoting it (Sami Parliament Act 1992:1433: 1). The Sami Parliament in Sweden is defined as a special authority and has a formal status and mandate that is mostly focused on administrative tasks. Additionally, it distributes state funds supporting Saami activities, the preservation, and survival of the Saami language, education, reindeer husbandry claims, making sure Saami interests are taken into consideration (ibid.). Still, the Saami Parliament is not guaranteed real political influence or power, since they lack the rights to participate in decision-making, veto, and the opportunities to make legislative efforts regarding Saami issues. The Swedish state's indigenous approach is considered inadequate on many levels and, criticized both nationally and internationally. This highlights the state's passivity and unfulfilled commitments and the limitations in the Saami peoples' and reindeer husbandry opportunities to strengthen their social, cultural, and economic rights (Lantto & Mörkenstam, 2008: 27, 39; Raitio et. al., 2020: 5; Kløcker-Larsen & Raito, 2019: 7).

The Law on National Minorities and Minority Languages (2009:724) protects the Saami as a national minority, cultural identity, and the obligation to protect and promote the national minority languages, including Saami. The Law (2009:724) also emphasizes the responsibility of the state to give Saami people the ability to practice and develop their culture and rights to participate in decision-making regarding questions that have an impact on the Saami communities (2009:724: 5§). Kløcker-Larsen and Raito (2019) argue that even though this law is not considered to define specific indigenous rights regarding land and resources. It should have a bearing in the context of the Swedish state's obligations to include Saami while planning and handling projects on traditional lands and resources, given that it is rooted in another field of national law (Kløcker-Larsen & Raito, 2019: 7-9). Yet, the state maintains an unclear interpretation of how these rights may be applied to land and resource issues and solely concentrates on enforcing the minority law in areas concerning language and education (ibid.: 9).

The Reindeer Husbandry Act (1971:473) main purpose is to regulate the different conditions and issues in connections to reindeer husbandry. Besides regulations on who, where, and when reindeer husbandry can be practiced, many of this law's terms also concern different parties' rights and obligations. The Act (1971:473) states that unless allowed by the government, land users and owners may not take actions that can result in damage for reindeer husbandry (§30, 1971:473). It also grants members of a Saami village the right to hunt and fish in their territories (§25,31,34, 1971:473), but at the same time, anyone with a hunting and fishing license bestows this right. Reindeer husbandry is understood as a general right that is performed both on state and private land. The state-owned land also involves multiple actors and activities on the same land like forestry, agriculture, tourism, and mining. These interests collide and intensify the competition for access to land and resources. In this debate, there is little understanding of how all this affects reindeer husbandry, which is not something that can not easily be defined to a certain geographic territory like cattle (Allard, 2011: 174-175; Arora-Johnsson, 2019: 83-84). The Reindeer Husbandry Act (1971: 473, §1)

is also founded on prescription from time Immemorial, which is a legal right based on that through long-term usage and possession of the land, you establish rights similar to ownership. Allard (2011) argues that the concept of this right is hard to apply through Swedish legislation. Firstly because of the unclear and vague understandings of the meaning, and secondly, reindeer husbandry is performed over large areas with less impact and intensity than “standard” development, which complicates the process of proving the prescription (Allard: 2011: 179, 181).

As the Reindeer Husbandry Act leaves many of the other Saami without the same specific rights as reindeer herders, the Minerals Act (1991:45), and Environmental Code (1998:808) barely mention Saami rights and focuses on the importance possible impact and protection of reindeer husbandry (Art. 5a, 1991:45; Art. 5, 1998:808). Kløcker-Larsen and Raito (2019) argue that sectoral laws such as the Minerals Act and Environmental Code could complement and improve the state's commitment and implementation of Saami rights if those requirements are were more clearly stated (Kløcker & Raito, 2019: 15). As of today, they do not enact the state's duty to provide Saami peoples' consultation or participation on extractive development that has an impact on Saami and reindeer herders' situation. Another problematic matter pointed out by Kløcker-Larsen and Raito (2019) is the commercialization of reindeer husbandry which has contributed to less focus on Saami as right-holders (ibid.: 15).

Like in Bolivia, FPIC is essential for the Saami. Even though the concept of FPIC is vague, the principle should however be regarded as meaningful as it is well-established in international human rights law and included in the UNDRIP 2007. Both of which are accepted by the Swedish state. Still, the debate on how to implement FPIC practice remains unsolved as Saami peoples' are excluded from consultation processes and participatory rights (Raitio et. al., 2020: 5). In December 2020, the government sent a proposition (Prop. 2020/21:64) to the parliament which includes consultation on questions concerning Saami people's rights. The proposition suggests Saami people should have the right to consult regarding questions concerning their territories. The proposition was supposed to be implemented into national law in the summer of 2021, however, it was rejected by the parliament. Some of the parties then referred to the rights of FPIC and argued that without implementation of the principle of this right, this proposition is not sufficient in that sense (Möllby et al, 2021). As of recent development, a new Act (2022:66) on the consultation on issues concerning the Sami people enters into force in March this year (Swedish Government, 2022). Even though Sweden's endorsement of UNDRIP 2007 did clarify the state's positioning towards Saami and their rights to a certain point. The state clearly holds the vision that most of the legislative actions are already in order to selectively fulfill the rights for Saami (Mörkenstam 2019, 1727).

As mentioned above the Swedish state has through the years received multiple warnings and critiques from several international bodies, regarding the lack of implementation and commitment towards the Saami peoples' indigenous rights. The United Nations Committee on the Elimination of Racial Discrimination latest report in 2018 (CERD/C/SWE/CO/22-23) voice the remaining concerns regarding the rights of Saami. They imply that there is insufficient legislation to fulfill the rights of FPIC, as natural resource extraction and development projects continue to proceed. Also, the protection of the rights for reindeer

husbandry in their traditional land lacks adequate legislation, whereas some Saami groups engaged in other activities do not have adequate legal protection at all. Where different policies regarding Saami issues are not consistently applied and the difficulty to prove and seek compensation for hate crimes and discrimination (United Nations, 2018: 3-4). The Committee recommended the State party follow through with FPIC, to match international standards and fulfilling legislation protecting the rights of all Saami people. Additionally, provide sufficient transparency regarding documentation and investigation of hate crimes. Sweden's follow-up response concluding observations made by the report only summarized one of the paragraphs about the predator policy implementation and how reindeer husbandry is protected by the Constitution and individual law (United Nations, 2019: 1-2).

In 2021 the Girjas Saami Village won the rights for hunting and fishing in their area. Allard and Brännström (2021) argue that the Girjas case has historical importance, primarily because it is the first civil law case the Saami have won against the state. If they had lost the decision-making capability regarding fishing and hunting rights for the area it would have stayed under county and state control, without any new considerations towards the needs of the reindeer herding community (Allard & Brännström, 2021: 71). Allard and Brännström (2021) further argue that this case can have a major impact on other Saami villages in the future and their decision to contest the rights of their territories. It demonstrates that the global indigenous rights regimes' creation of a new norm can have an impact and influence even in a country that has not ratified any legally binding convention regarding indigenous rights (ibid.: 71).

7. A Decolonial Approach to Indigenous Rights Regimes

This research analysis is based on a comparison of the results for Sweden and Bolivia. The theoretical approaches of decoloniality and indigenous rights regimes will be analyzed in two separate sections. In the last section, the two states will be compared.

7.1 Bolivia

Bolivia is considered one of the most ambitious in the world regarding the recognition of indigenous peoples' rights and the Constitution's overarching goal of decolonization. The well-formulated and intersectional principles of indigenous rights show how the state has progressively incorporated international indigenous rights regimes, especially UNDRIP and ILO 169 in national law and policies (Postero, 2017: 136; Canessa, 2014: 154). Since Bolivia's independence, several processes of decolonization from their colonial past have been central. The indigenous mobilization through social movements has always been a crucial factor for the possibility that Morales was elected as the first indigenous president. The MAS indigenous agenda boosted the process of decolonization by promoting indigenous rights further, making efforts to regain control over the state's natural and capital assets as well as highly valuing the ecological and environmental aspects of life. The Law of Mother Earth articulates and enforces the indigenous way of life further by declaring the interconnectedness between land, environment, and culture. But at the same time, other laws regarding mining and hydrocarbons are contradictory in that sense.

The demands of the indigenous peoples were somewhat fulfilled during the creation of the new constitution. Unlike the modern conception of law and justice, the incorporation of indigenous perspectives and principles is a critical and a part of the whole society's structure (Lalander, 2017: 470; Anaya, 2004: 26). This can be viewed as the continuation of the proclamation by the indigenous peoples of their rights to their own culture and self-determination. It is an alternative and holistic perspective of the world that guides life and provides a uniting aspect for those who identify as indigenous no matter how and where they live (Anaya, 2004: 50; Mignolo, 2007: 492). In principle, Bolivia's constitution and national law also recognize the cultural attachment to land and territory as well as the community representation, a non-traditional representation that is not based on individualistic rights, which captures the indigenous perception of collective rights instead of the individual (Anaya, 2004: 14).

Nevertheless, there are clashes between the recognition of their rights of FPIC and the state's national interest in natural resources. The view of the state's national authority over natural resources to continue extractive activities for the better good is a neoliberal paradigm of development that still exists in the country (Canessa, 2014: 161-162; Schilling-Vacaflor, 2017: 1061; Postero, 2017: 201). This contributes to unfulfilled rights for indigenous peoples as the ones the Constitution proclaims and continues the colonial structure that dispossesses indigenous peoples in the form of land control affecting the essential capability for self-determination (Mignolo, 2017: 44; Anaya, 1996: 184)

Even though FPIC is both included and defined in ILO 169 and UNDRIP 2007 the prior consultation without the concept of consent the goal to achieve realistic and sustainable prior consultation can be viewed as inadequate and contradictory (Schilling-Vacaflor, 2017: 1060-1061). Self-determination and consultation are strongly linked to each other. Without a working prior consultation, with the possibility to withhold consent, the principle of and the right to self-determination are adversely affected (Anongos et al.: 353). The Bolivian state has taken advantage of the vagueness surrounding FPIC as the state has claimed political legitimacy through indigenous identity, as a protective and defending actor regarding the nation's natural resources (Postero & Tockman, 2020: 11). This indicates that the state holds a paternalistic position towards indigenous peoples' rights and that power of coloniality still impacts how the state governs their indigenous political agenda (Mignolo, 2017: 39; Quijano, 2007: 171).

The state's extensive use of indigeneity discourse, and being indigenous, is argued to have become a potential source of political legitimacy (Postero, 2017: 180). The TIPNIS conflict shows that the decolonization agenda had shifted, where the state's development plans claimed sovereignty through indigeneity discourse to legitimize its political, social, and economic ambitions (Postero, 2017: 180-181, 184). Postero (2017) argues that the state still has tied its economic development to a capitalist paradigm through natural resource exploitation, by diffusing these narratives with an emphasis on indigenous rights (Postero, 2017: 136). That in reality has led to undermining indigenous claims for consultation, land, and self-determination and diminishes the validity of the state's indigenous approach (Eichler, 2019: 93; Lalander, 2017: 468, 478; Quijano, 2007: 117).

The Bolivian state recognizes heterogeneity among the country's indigenous population and reflects indigenous matters, instead of targeting them as the problem. However, it still exists a clear indication of those who have the most benefits and legitimacy at a political and state level among the different indigenous groups (Canessa, 2014). The dominant group's interests are more beneficiary in the nation's politics and society, whereas the smaller and more marginalized groups have less adequate manifestation (Quijano, 2000: 220).

As mentioned above, one important driving factor of the institutional changes for indigenous peoples in Bolivia is the strong mobilization of indigenous organizations and other social movements. Yashar (2005) points out that the indigenous population in a country is unusually a minority, but in Bolivia, more than half of the population identifies as indigenous (Yashar. 2005: 19-21). This can be seen as a contributor to the success of the indigenous movement's progressive mobilization as well as a factor of the early ratification of ILO 169. By ratifying ILO 169 Bolivia's national law had to comply with the international law which provided pressure and better leverage for the indigenous communities to claim their rights. The state's recognition of multicultural "others" and understanding that all forms of knowledge should be placed in dialogue, demonstrates that interculturality is both political practice and an epistemological demand (Mignolo, 2007: 454). This provides a path towards new spaces that incorporate and negotiate both indigenous and western knowledge that can transform structures of government and the surroundings of the colonial matrix of power (Mignolo, 2017: 40-41; Postero & Tockman, 2020: 4, 10).

The state's political strategy and legal processes regarding consultation etc. could be considered as a way for the state to remain in control and retain power over natural resources.

The indigenous community's complaints regarding the state's failure to implement certain requirements of the Constitution reveal an unbalanced structural weakness as there are vague conditions of the indigenous rights to, for example, participate in decision making (Yupsanis, 2010: 450). These actions indicate the internal reproduction of the colonial matrix of power and many of the conflicts illustrate there is still friction between different conceptions of indignity, territorial land, and development in Bolivian politics (Quijano, 2000: 230-231; Mignolo, 2007: 485; Mignolo, 2013: 142).

With the new Constitution, the state took a clear departure from neoliberalism for a more alternative concept of development with the indigenous agenda being focused. However, it is clear that the indigenous people's lack of political influence in terms of Bolivia's environmental and development plans reveals some contradictions (Postero & Tockman, 2020: 2; Eichler, 2019: 88). The fact that transnational corporations are involved and beneficiaries of the country's extractive industries still link them to the globalized neoliberal hegemony (Kröger & Lalander, 2016: 683-684; Lalander, 2017: 466). The state's actions, limiting national laws decrees and watered-down version of the right of FPIC and diffusion of agendas confirms that the path for the decolonization of the state and society is bumpy and can disguise the power of coloniality (Quijano, 2000: 230-231). Even the most progressive indigenous rights regime is not always enough to fully sustain their rights in complex contemporary societies.

7.2 Sweden

Sweden's self-image as being a country that supports and fights for human rights is evident. It is a country that protects oppressed groups, minorities, and indigenous peoples according to international law. But what is also clear is that it does not always include its own indigenous peoples, the Saami. During the last thirty years, the Swedish state has defined and interpreted the Saami peoples' rights in probably just as many investigations and propositions. What is pointed out in several of the articles is, the possibility to achieve acceptance and result with indigenous rights regimes is that the states must take accountability for the consequences and the costs to make happen.

Conflicts and internal discriminations stem from centuries of old Saami politics and the early governmental division between reindeer herding Saami and non-reindeer herding Saami. As the results show it has led to one group's additional applied rights and has left the rest of the Saami outside that legal framework. The rationalization of reindeer husbandry has contributed to the fact that many Saami communities' existence today is dependent on reindeer husbandry for survival (Allard & Brännstrom, 2021:57; Arora-Jonsson, 2019: 85). This can be problematized by looking at how decoloniality links coloniality and discrimination to modern conceptions and the right way of life. This indicates that there are structures within the state that are founded and based on a Western approach towards its indigenous peoples (Quijano, 2007: 171-173).

Even though reindeer husbandry is considered a national interest it has to compete with other national interests of land exploitation. Where the state sees the "uninhabited" land full of development opportunities, the Saami are subjected to a threat to their existence. Indigenous legitimacy in Sweden is limited to the state's perception and legal definitions of Saami, indigenous/minority groups' and reindeer husbandry. As mentioned previously the

categorization also assigns more legitimacy to certain groups within the indigenous community. Another facet is that the Swedish Saami politics are still focused on the importance of “protecting” the Saami heritage and culture from extinction, which indicates a very paternalistic and hierarchical perspective. These two aspects counteract each other and instead reinforce the structures of the state’s jurisdiction over the indigenous peoples (the reproduction of coloniality of power and knowledge) (Quijano, 2007: 171, 175; Mignolo, 2007: 451).

The historical context and the Swedish state’s politics of Saami have continuing consequences for Saami’s identity that is difficult to break free from (Nilsson, 2020: 306-307). Many of the complex problems (especially land disputes) regarding indigenous rights in Sweden are in a way created and reproduced by the state (Mörkenstam, 2019: 1734). Cooperation and understanding of different values regarding interpretations of national laws and declarations regarding indigenous rights, and international indigenous rights regimes is essential in resolving issues correctly and equally in court (Anaya, 2009: 63; Mörkenstam, 2019: 1735).

The Swedish state's lack of commitment and ratification regarding ILO 169 is based on the strategy of presenting vague non-arguments as shown in the results (Semb, 2012: 146). In the Swedish case, where their values of human rights and equality are a priority by the state, the attitude towards indigenous people seems contradictory, in terms of the national interest in both reindeer husbandry and the development of extractive industries. This makes it clear that the non-ratification of ILO 169 is not a problem itself, rather it is a part of a much bigger problem affected by the reproduction of coloniality (Quijano, 2007: 171; Mignolo, 2007: 451). Understanding of the colonial aspects influenced by hegemonic/hierarchical relationships and history as a grand narrative, sway the knowledge of the indigenous community and culture, for both the public and the decision-makers (Mignolo & Walsh, 2018: 144, 151). This study argues that if the Swedish state does not transparently accept that its colonial past includes the Saami,⁴ the foundations of the government’s engagement regarding the Swedish Saami politics and indigenous rights will be insufficient. Prejudice and racism against Saami have always been present and their situation in Sweden is a direct result of the history of colonization. The state’s authorized ignorance and discrimination have preserved colonial structures (Nilsson, 2020: 304; Mignolo & Walsh, 2018: 239). Effects of an unresponsive state for existing contradictions and discriminations is the government's liability to remedy and is vital to be able to guarantee the right of Saami. This would also demonstrate the state’s willingness to delink from faulty patterns (Mignolo, 2007: 492).

The recurring issue with land rights or land use, as the Swedish state articulates it, indicates a lack of commitment to the Saami Parliament and self-determination. Saami’s political voice materializes through the Saami Parliament, but the state still has sovereignty to set the rules, guidelines, and policies concerning their self-determination and land rights. This is connected to the hegemonic discourse, which automatically creates a hierarchical structure of power and influence (Quijano, 2007: 216). The state’s ignorance towards Saami's rights to

⁴ In Sweden today, situations are often described as "postcolonial". As long as the Swedish state and its representatives have the interpretive prerogative the Saami are assigned to a bystander position (Össbo, 2021. Sveriges kolonisering av Sápmi EXPO. <https://expo.se/sveriges-kolonisering-av-sapmi> (2022.03.16)).

land and resources limits the formation of intercultural links and understanding between the majority society and the indigenous Saami society (Kløcker & Raito, 2019: 15).

Within the logic of the Swedish state, the ethno-cultural and ethno-territorial values of the Sami population are incongruous, where the importance of Saami survival is constricted to the protection that does not correspond with how it needs to be protected. Saami peoples/communities are also humans, not merely an interest group that needs to be preserved. Sweden's strong rule of law built upon principles might be a reason for not fully committing to any kind of indigenous rights regime given that this would have to be enforced in practice. Despite strong critique and recommendations from international bodies, Sweden has chosen a relatively passive role at the national level. As shown in the Girjas case, delinking from former interpretations of national laws and adjustments regarding indigenous rights and land use (Allard & Brännstör, 2021: 63, 71) provides evidence of small, but significant development in the Swedish indigenous rights context away from the normative standards (Anaya, 2009: 62). This indicates important steps have been made, even though it took ten years, that ILO 169 and UNDRIP 2007 have vital importance in changing normative discourses when it comes to indigenous rights (Kymlicka, 2001: 3; Anaya, 2004: 28; Xanthaki, 2007: 267). The impact of international indigenous rights regimes is not just a coincidence, but a long process of indigenous advocacy and resilience. It has provided wider global attention to indigenous peoples' rights and the possibility for Saami to identify themselves in a global context of indigenous communities (Anaya, 2009: 2; Xanthaki, 2007: 280). Even though the Swedish state's positioning towards Saami is not on the same wavelength yet, to include the international standards of indigenous rights into national and regional legislation.

The new Act (2022:66) on the consultation on issues concerning the Sami people that was put into force this month (2022.03.01), can be seen as progress towards contributing to the other Acts (Minerals Act, Environmental Code, Minority) that lack formulation of Saami consultation claims. This might further deepen decolonial processes in the Swedish state positioning towards the indigenous rights and create new conversations and opportunities for Saami political legitimacy (Oujano, 2007: 168). Instead of contributing to the discourse of undermining the understanding of indigenous rights that advocates the "normalized" understanding of rights to land and resources, this could create a more significant unification (Kløcker & Raito, 2019: 15-16; Nilsson, 2020: 305).

7.3 Comparison

The political legitimacy of the indigenous peoples' does matter, in terms of who and what the state sympathizes with (Canessa 2014: 163; Nilsson, 2020: 306). In the matter of national interests, both Bolivia and Sweden value economic development and are dependent on extractive industries, which affect indigenous territories. Bolivia is a country with high quality of de jure processes, where the constitution articulates indigenous rights specifically through the Constitution and other secondary legislation. Sweden on the other hand offers little constitutional protection regarding Saami rights, whereas reindeer husbandry, Saami Parliament, and minority rights are covered in separate national laws.

Indigenous peoples recognize their contemporary problems with historical events of conflicts and injustices (Canessa, 2012: 202). Historically, categorization and racist definitions of the indigenous population, made by the state, have helped to prevent indigenous peoples' rights and opportunities to strengthen their position. This kind of oppression has taken place in both Bolivia and Sweden, reflecting the coloniality of power and a colonial legacy (Quijano, 2000: 216). This has led to difficulties in granting political legitimacy historically, but a shift in this area has taken place in both countries since the emergence of ILO 169 and UNDRIP 2007. Even if reflected in varying degrees it is in accordance with the international instruments' attention and formulation of indigenous peoples' rights (Anaya, 2004: 13-14).

FPIC is essential when taking indigenous self-determination into account especially when these processes lead to the consent of a policy or a project. It is still unclear how FPIC should work in practice even though the concept is seen as a key feature in international norms for indigenous peoples' rights (Schilling-Vacaflor, 2017: 1059). Neither Bolivia nor Sweden has implemented the right in agreement with collective indigenous rights stated in international law (Schilling-Vacaflor, 2013: 208; Raitio et. al., 2020: 5). The right of self-determination is crucial for indigenous peoples to continue their way of life. Factors that can affect, modify or reject this should involve and reflect the indigenous community's interest, not only the state's (Nilsson, 2020: 293).

In addition, the indigenous social movements in Bolivia and Sweden differ in many aspects of opportunity and time for mobilization. Social movements open up to political action and state awareness of injustice. It concerns not only the ability of indigenous peoples to organize themselves but also how states are ultimately structured (Yashar, 2005: 223, 308). One example is how legal principles are imprinted in national law, where the Swedish parliament is very important when interpreting national law in a court and has the most influence in decisions according to Swedish legal principles (Mörkenstam, 2019: 1730-1731). This could have an impact on the penetrative power of the Saami organization in national law and political action. In negotiations between the state and the Saami Parliament this can lead to ineffective solutions regarding right claims (Anaya, 2004: 52-53). Whereas the indigenous movements in Bolivia have managed to establish an ongoing political impact, where their actions and demands have become an important part of the national politics, laws, and debates.

Both Bolivia and Sweden's mineral laws make them interesting mining targets that keep attracting transnational companies' willingness to invest. The need to find sustainable solutions for the conflicts surrounding land and natural resources is not only important for indigenous communities, but for everyone. This calls for governments to develop means for participation that broadly include prior consultation in national legislation and policy on environmental and natural resource management. That systematically engages and provides channels in decision-making processes that affect the indigenous population (Kløcker-Larsen & Raito, 2019: 7-8; Canessa, 2014: 164). Indigenous peoples are often marginalized in the political arena and therefore a greater need to address their disadvantaged position to change the terms of the conversation (Mignolo & Walsh, 2018: 11; Mignolo 2007: 498; Quijano, 2007; 170). Regardless of the state's sustainable intentions, their actions may affect many indigenous communities' ability to maintain a secure livelihood. This could be the cause of

conflicts between ontological perspectives of nature, land, and culture, where preservation of nature is contrasting to modern society. These paralleling factors also illustrate the linkage between indigenous self-determination and the state's plans where indigenous peoples experience an absence of political influence.

Categorization of peoples is not the same as understanding that all different, modern ideas about nature and being have created infected external and internal gaps and conflicts, that the state's reproduction of power structures enforces. In reality, there cannot be one universal definition and understanding of what indigenous is. Decolonial understanding requires a relationship between alternative and mainstream thinking and knowledge (Mignolo, 2007: 494). Decoloniality is a movement that finds the links that connect and creates an understanding of the multi- and intercultural reality we live in, that not only changes the terms of power and knowledge, but also the content (Mignolo, 2013: 133). The universal view of rights is both pragmatic and problematic. Ontological and epistemological realities are influenced by historic and current structures. Indigenous peoples' struggles claiming their rights and position is a part of the process of coloniality where decoloniality asks for alternative ways of existing together. What is clear with both Bolivia and Sweden, the remaining challenge, once international indigenous rights regimes are adopted, is to make it work on a national level (Lalander 2017, 466; Mörkenstam, 2019: 1719). This also demonstrates that the colonial matrix of power is a process and structure that is persistent and hard to completely erase. It is obvious that Sweden and Bolivia have diverse approaches and implementation methodologies when it comes to indigenous rights. However, the norm principle is founded on knowledge developed in the West, UNDRIP 2007, and ILO 169, and that in some senses, these decolonizing ideals displayed in processes are reproducing the opposite.

8. Conclusion

The comparison between the two countries - Bolivia and Sweden - with extremely different contexts, was analyzed through the theoretical framework of decolonial reasoning and the concept of indigenous rights regimes. Through the semi-systematic literature review this study has analyzed if the concept of coloniality is present in the relations between the state positioning towards indigenous rights, both on national and international levels.

From a comparative perspective, the two states both are examples of that coloniality is reflected in State-Indigenous relations, even though there are conceptual and sociocultural contrasts. The indigenous populations of Bolivia and Sweden differ significantly regarding how indigenous issues have a more or less comprehensive political legitimacy. However, when it comes to environmental and developmental issues in indigenous territories, the state's agenda does not always offer a space for open dialogue. Theoretically, the terms of protection and resource control will have a comparable outcome when indigenous peoples' requests to manage and exercise their own terms are missing.

Based on the material examined in this thesis, it is possible to conclude that both Bolivia and Sweden still face problematic and complex issues regarding indigenous rights. The distinctions of the political, social, and economic contexts of the state's attitude towards indigenous peoples' rights, are a possible reason for the progression of how indigenous rights regimes are regarded. However, these contrasts have also contributed to a discussion between an issue appearing in both the Global North and Global South.

Sweden's indigenous population constitutes a minority whereas Bolivia's indigenous peoples represent the majority of the population. The indigenous population in both countries has a history of political struggles, oppression, discrimination, and uncertainties regarding their rights. Through our decolonial lens, we conclude that the concept and structure of coloniality linger no matter what and how the state's indigenous rights regime appears. The dominant perception of development is present in both states and clashes with the positioning towards the indigenous rights agenda. The welfare of both states depends on an extractive and capitalist agenda that reproduces colonial power structures, where the state's sovereignty over the national interests has the most legitimacy and indigenous rights are being disregarded.

Alternative paths are necessary for both indigenous peoples' possibility to improve their rights as well as decolonial processes in the national arenas. International indigenous rights regimes such as ILO 169 and UNDRIP 2007 have helped to extend the debate. The development of international indigenous rights regimes has changed the normative conception of human rights and helped connect indigenous communities on a global level. However, there seems to be a challenge in fulfilling indigenous rights in practice if the principles are not adopted and implemented in legislation, policies, and politics on a national level. This proves that the decolonial project is an ongoing process in the development of legal systems for indigenous rights regimes and is always going to be a relevant topic, even with or without ratification. It seems that these international instruments are important and helpful for indigenous communities to claim their rights and challenge the states positioning both in Bolivia and Sweden.

References

- Allard, C. (2011). The Nordic Countries' Law on Sami territorial rights. *Arctic Review on Law and Politics*, 2(2), p.159-183. <https://arcticreview.no/index.php/arctic/article/view/21>
- Allard, C & Brännström, M (2021) Girjas Reindeer Herding Community v. Sweden: Analysing the Merits of the Girjas Case. *Arctic Review on Law and Politics*, 12: 56–79. <https://doi.org/10.23865/arctic.v12.2678>
- Álvarez, L & Coolsaet, B. (2020) Decolonizing Environmental Justice Studies: A Latin American Perspective. *Capitalism Nature Socialism*, 31(2): 50-69. <https://doi.org/10.1080/10455752.2018.1558272>
- Anaya S. J. (1996) *Indigenous Peoples in International Law*. Oxford University Press.
- Anaya, S, J. (2004) International Human Rights and Indigenous Peoples: The Move Toward the Multicultural State. *Arizona Journal of International & Comparative Law*. 20(1): 13-61. <https://scholar.law.colorado.edu/articles/844>
- Anaya, S.J. (2009) *International Human Rights and Indigenous Peoples*. New York: Aspen Publishers
- Anghie, A. (2006). The evolution of international law: Colonial and postcolonial realities. *Third World Quarterly*, 27(5): 739-753. <https://doi.org/10.1080/01436590600780011>
- Anongos, A, Berezkhov, D, Boengkih, S. J, Cavanaugh-Bill, J, Martínez de Bringas, A, Goodland, R, Kirsch, Dr. S, Moody, R, Nettleton, G, Saro Pyagbara & Wyatt, B & Whitmore, A (ed.). (2012), *Pitfalls and Pipelines: Indigenous Peoples and Extractive Industries*, Baguio City, Philippines: IWGIA.
- Barelli, M. (2010). The Interplay Between Global and Regional Human Rights Systems in the Construction of the Indigenous Rights Regime. *Human Rights Quarterly*, 32(4), pp. 951-979. <http://doi.org/10.1353/hrq.2010.0018>
- Bhambra, G.K. (2014). Postcolonial and decolonial dialogues. *Postcolonial Studies*. 17(2): 115–121. <http://doi.org/10.1080/13688790.2014.966414>
- Dahre, U. (2008). The Politics of Human Rights: Indigenous Peoples and the Conflict on Collective Human Rights. *The International Journal of Human Rights*, 12(1), 41-52. <http://doi.org/0.1080/13642980701725186>
- Eichler, J. (2019). Neo-extractivist controversies in Bolivia: Indigenous perspectives on global norms. *International Journal of Law in Context*, 15(1), 88-102. <http://doi.org/10.1017/S1744552318000150>
- Grosfoguel, R. (2011). Decolonizing Post-Colonial Studies and Paradigms of Political-Economy: Transmodernity, Decolonial Thinking, and Global Coloniality. *Transmodernity*, 1(1): 1-36 <http://doi.org/10.5070/T411000004>
- Hall, S (1992). The West and the Rest: Discourse and Power. In: Hall, S. & Gieben, B (ed.) *Formations of Modernity: Understanding Modern Societies: An Introduction. Book 1*. Cambridge: Polity Press.
- Hammond, J. (2011). Indigenous Community Justice in the Bolivian Constitution of 2009. *Human Rights Quarterly*, 33(3): 649-681. <http://doi.org/10.1353/hrq.2011.0030>
- Hathaway, A, O. (2007). Why Do Countries Commit to Human Rights Treaties? *Journal of Conflict Resolution*, 51(4): 588-621. <https://doi.org/10.1177/0022002707303046>

- IWGIA (2020), Indigenous World 2020: Bolivia, International Work Group for Indigenous Affairs. <https://www.iwgia.org/en/bolivia.html> (2021.08.16)
- Kymlicka, W. (2001) Theorizing Indigenous Rights. In: *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship*. <http://doi.org/10.1093/>
- Lightfoot, R. S. (2016). *Global Indigenous Politics: A Subtle Revolution*. New York: Routledge.
- Lundmark, L. (2010). *Stulet land: svensk makt på samisk mark* (New edition), Stockholm: Ordfront.
- Mignolo, W. D. (2007). DELINKING - the rhetoric of modernity, the logic of coloniality, and the grammar of de-coloniality. *Cultural Studies*, 21(2-3): 449-514. <https://doi.org/10.1080/09502380601162647>
- Mignolo, W. D. (2013). Geopolitics of sensing and knowing: On (de)coloniality, border thinking, and epistemic disobedience. *Postcolonial Studies*, 14(3): 273-283. : <https://doi.org/10.1080/13688790.2011.613105>
- Mignolo, W. D. (2017). Coloniality Is Far From Over, and So Must Be Decoloniality. *Afterall: A Journal of Art, Context and Enquiry*, 43 (1): 38-45. <https://doi-org.till.biblextern.sh.se/10.1086/692552>
- Mignolo, W. D. & Walsh, C. (2018). *On Decoloniality - Concepts, Analytics, Praxis*. Durham: Duke University Press.
- Mölleby, S., M. et al. (2021). Motion 2020/21:3839, On the occasion of prop. 2020/21: 64 - A consultation procedure in matters concerning the Sami people. https://www.riksdagen.se/sv/dokument-lagar/dokument/motion/med-anledning-av-prop-20202164-en_H8023839 (2021.08.25)
- Mörkenstam, U. (2019) Organised hypocrisy? The implementation of the international indigenous rights regime in Sweden. *The International Journal of Human Rights*, 23(10): 1718-1741. <https://doi.org/10.1080/13642987.2019.1629907>
- Nachmias, C. F, Nachmias, D, & DeWaard, J. (2015). *Research methods in the social sciences* (8th ed.). New York: Worth, a Macmillan Education Company.
- Nilsson, R. (2020). The Consequences of Swedish National Law on Sámi Self-Constitution - The Shift from a Relational Understanding of Who Is Sámi Towards a Right-based Understanding. *Ethnopolitics*, 19(3): 292-310. <https://doi.org/10.1080/17449057.2019.1644779>
- O'Faircheallaigh, C. (2013). Extractive industries and Indigenous peoples: A changing dynamic?. *Journal of Rural Studies*, 30(C): 20–30. <https://doi.org/10.1016/j.jrurstud.2012.11.003>
- Phillips, T. (2020) *Bolivia's new leftwing president: 'We have reclaimed democracy'*. The Guardian. <https://www.theguardian.com/world/2020/nov/08/luis-arce-bolivia-president-elect-left-morales> (2022.02.21)
- Quijano, A. (2000). Coloniality of Power, Eurocentrism, and Latin America. *International Sociology*, 15(2): 215-232. <http://doi.org/10.1177/0268580900015002005>
- Quijano, A. (2007). “Coloniality and Modernity/Rationality”. *Cultural Studies*, 21(2-3): 168-178. <http://doi.org/10.1080/09502380601164353>

Samer (n.d) Colonization of Sápmi (Koloniseringen av Sápmi). <https://www.samer.se/3600> (2021.08.15)

Sametinget. (2019) Saami Parliament. How Saami are affected by racism (Hur drabbas samer av rasism?). <https://www.sametinget.se/123918> (2021.07.08)

Sametinget. (2021) Saami Parliament. Saami in Sweden (Samerna i Sverige). <https://www.sametinget.se/samer> (2021.07.08)

Sánchez, G, D. (2020). Transforming Human Rights through Decolonial Lens. *The Age of Human Rights Journal*, (15): 76-303. <http://doi.org/10.17561/tahrj.v15.5818>

Smith, L. (2012). *Decolonizing methodologies: Research and indigenous peoples* (2nd ed.). London: Zed Books Ltd

Snyder, Hannah. (2019). Literature review as a research methodology: An overview and guidelines. *Journal of Business Research*, 104: 333-339. <https://doi.org/10.1016/j.jbusres.2019.07.039>

United Nations (2018) International Convention on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of Racial Discrimination, CERD/C/SWE/CO/22-23, *Concluding observations on the combined twenty-second and twenty-third periodic reports of Sweden**. <https://www.regeringen.se/4a70a9/contentassets/ddc2b527534e42d59218ba632d0df760/cerd-slutsatser-2018-06-06-engelsk-version.pdf> (2021.08.10)

United Nations (2019) International Convention on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of Racial Discrimination, CERD/C/SWE/CO/22-23/Add.1, *Information received from Sweden on follow-up to the concluding observations*. <https://undocs.org/en/CERD/C/SWE/CO/22-23/Add.1> (2021.08.10)

Xanthaki, A. (2007). *Indigenous Rights and United Nations Standards. Self-determination, Culture & Rights*. New York: Cambridge University Press.

Yashar, D. (2005). *Contesting Citizenship in Latin America: The Rise of Indigenous Movements and the Postliberal Challenge*. Cambridge: Cambridge University Press.

Yupsanis, Athanasios, (2010), ILO Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries 1989–2009: An Overview. *Nordic Journal of International Law / Acta Scandinavica Juris Gentium*, 79(3): 433–456. <http://doi.org/10.1163/157181010X512576>

Össbo, Å. (2021). Sveriges kolonisering av Sápmi. *EXPO*. 2021.02.05. <https://expo.se/sveriges-kolonisering-av-sapmi> (2022.03.17)

Legal references

Consultation on issues concerning the Sami people Act (2022:66) on the consultation on issues concerning the Sami people. Stockholm: Ministry of Culture.

Lag (2022:66) om konsultation i frågor som rör det samiska folket, SFS 2022:66. Stockholm: Kulturdepartementet. <https://rkrattsbaser.gov.se/sfsr?fritext=2022%3A66&upph=false> (2022.02.20)

Environmental code (1998:808), Stockholm: Ministry of Environment.

Miljöbalk (1998:808), SFS 1998:808, Stockholm: Miljödepartementet.
<https://rkrattsbaser.gov.se/sfst?bet=1998:808> (2022.02.02)

Estado Plurinacional de Bolivia (2012). Ley Marco de la Madre Tierra y Desarrollo Integral para Vivir Bien. La Paz: Asamblea Legislativa del Estado Plurinacional de Bolivia. <http://www.mineria.gob.bo/juridica/20121015-11-39-39.pdf> (2022.02.18)

ILO 169, (1989) Indigenous and Tribal Peoples Convention no 169, International Labour Organization.
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169
(2021.07.05)

Lag (2009:724) om nationella minoriteter och minoritetsspråk, SFS 2009:724. Stockholm: Kulturdepartementet
<https://rkrattsbaser.gov.se/sfst?bet=2009:724> (2022.02.02)

Minerals Act (1991:45), Stockholm: Ministry of Trade and Industry. Minerallag (1991:45), SFS 2021:120,
Stockholm: Näringsdepartementet. <https://rkrattsbaser.gov.se/sfst?bet=1991:45> (2022.02.02)

National Minorities and Minority Languages Act (2009:724). Stockholm: Ministry of Culture.

Plurinational State of Bolivia, (2009). Estado Plurinacional de Bolivia. *Constitución Política del Estado*. La Paz: Estado Plurinacional de Bolivia. https://www.constituteproject.org/constitution/Bolivia_2009?lang=en
(2021.08.15)

Prop. 2020/21:64 A consultation procedure in matters concerning the Sami people.
Prop. 2020/21:64 En konsultationsordning i frågor som rör det samiska folket.
<https://www.regeringen.se/rattsliga-dokument/proposition/2020/12/prop.-20202164/> (2021.07.28)

Sami Parliament Act (1992:1433). Sametingslagen (1992:1433), SFS 1992:1433
<https://www.sametinget.se/9865> (2022.01.25)

SOU 1999:25 Saami – an indigenous people’ in Sweden (1999). The question of Sweden’s ratification of C169.
Stockholm: Ministry of Agriculture.

SOU 1999:25 Samerna – ett ursprungsfolk i Sverige. Frågan om Sveriges anslutning till ILO:s konvention nr 169. Stockholm, Jordbruksdepartementet. <https://data.riksdagen.se/fil/631F8FFC-40FD-476F-A3B0-2B2C47E1916E> (2021.08.15)

SOU 2006:14 Sami Custom Lands (2006). Stockholm: Boundary Commission for the reindeer husbandry area.
SOU 2006:14 Samernas Sedvanemarkar. Stockholm: Gränsdragningskommissionen för renskötselområdet.
<https://data.riksdagen.se/fil/A5F664B4-938B-40FF-A488-CFC755EC3B36> (2021.08.17)

Swedish Constitution (1974:152), Regeringsform (1974:152) SFS 2010:1408
<https://rkrattsbaser.gov.se/sfst?bet=1974:152> (2022.01.25)

Swedish Government (2022), *A Consultation procedure for the Saami People. En konsultationsordning för det samiska folket*: Ministry of Culture. <https://www.regeringen.se/pressmeddelanden/2022/01/en-konsultationsordning-for-det-samiska-folket/> (2022.02.29)

UNDRIP 2007, United Nations, United Nations Declaration on the Rights of Indigenous Peoples, 2007
<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>
(2021.07.05)

Appendix A. Peer-reviewed articles (Semi-systematic literature review result)

Bolivia

Canessa, A. (2014). Conflict, claim and contradiction in the new 'indigenous' state of Bolivia. *Critique of Anthropology*, 34(2), 153-173. <https://doi.org/10.1177/0308275X13519275>

Eichler, J. (2019). Neo-extractivist controversies in Bolivia: Indigenous perspectives on global norms. *International Journal of Law in Context*, 15(1), 88-102. <http://doi.org/10.1017/S1744552318000150>

Kröger, M., & Lalander, R. (2016). Ethno-Territorial rights and the resource extraction boom in Latin America: Do constitutions matter? *Third World Quarterly*, 37(4): 682–702. <https://doi.org/10.1080/01436597.2015.1127154>

Lalander, R. (2017). Ethnic rights and the dilemma of extractive development in plurinational Bolivia. *The International Journal of Human Rights*, 21(4): 464–481. <https://doi.org/10.1080/13642987.2016.1179869>

Postero, N & Tockman, J. (2020). Self-Governance in Bolivia's First Indigenous Autonomy: Charagua. *Latin American research review*, 55(1): 1–15. <http://dx.doi.org.till.biblextern.sh.se/10.25222/larr.213>

Postero, N. (2017). *The Indigenous State: Race, Politics, and Performance in Plurinational Bolivia*. Oakland, California: University of California Press.

Regalsky, P. (2010). Political Processes and the Reconfiguration of the State in Bolivia. *Latin American Perspectives*, 37(3), 35-50. <http://doi.org/10.1177/0094582X10364032>

Schilling-Vacaflor, A. (2013). Prior Consultations in Plurinational Bolivia: Democracy, Rights and Real Life Experiences. *Latin American and Caribbean ethnic studies*, 8(2): 202–220. <https://doi.org/10.1080/17442222.2013.808497>

Schilling-Vacaflor, A. (2017). Who controls the territory and the resources? Free, prior, and informed consent (FPIC) as a contested human rights practice in Bolivia. *Third World Quarterly*, 38(5): 1058–1074. <https://doi.org/10.1080/01436597.2016.1238761>

Sweden

Allard, C. (2011). The Nordic Countries' Law on Sami territorial rights. *Arctic Review on Law and Politics*, 2(2), p.159-183. <https://arcticreview.no/index.php/arctic/article/view/21>

Allard, C & Brännström, M (2021) Girjas Reindeer Herding Community v. Sweden: Analysing the Merits of the Girjas Case. *Arctic Review on Law and Politics*, 12: 56–79. <https://doi.org/10.23865/arctic.v12.2678>
Arora-Jonsson, S. (2019) Indigeneity and climate justice in Northern Sweden. In: Bhavani, K-K., Foran, J., Priya, A. K. & Debashish, M (ed.) *Climate futures - Reimagining global climate justice*. pp. 83-91. London: Zed Books Ltd.

Kløcker-Larsen, R. & Raitio, K. (2019). Implementing the State Duty to Consult in Land and Resource Decisions: Perspectives from Sami Communities and Swedish State Officials. *Arctic Review on Law and Politics*, 10: 4–23. <https://doi.org/10.23865/arctic.v10.1323>

Lantto, P. & Mörkenstam, U. (2008). Sami Rights and Sami Challenges. *Scandinavian Journal of History*, 33(1): 26-51. <https://doi-org.till.biblextern.sh.se/10.1080/03468750701431222>

Mörkenstam, U. (2019) Organised hypocrisy? The implementation of the international indigenous rights regime in Sweden. *The International Journal of Human Rights*, 23(10): 1718-1741. <https://doi.org/10.1080/13642987.2019.1629907>

Nilsson, R. (2020). The Consequences of Swedish National Law on Sámi Self-Constitution - The Shift from a Relational Understanding of Who Is Sámi Towards a Right-based Understanding. *Ethnopolitics*, 19(3): 292-310. <https://doi.org/10.1080/17449057.2019.1644779>

Raitio, K., Allard, C. & Lawrence, R. (2020). Mineral extraction in Swedish Sápmi: The regulatory gap between Sami rights and Sweden's mining permitting practices. *Land Use Policy*, (99): 1-15. <https://doi.org/10.1016/j.landusepol.2020.105001>

Semb, A. J. (2012). Why (not) Commit? - Norway, Sweden, and Finland, and the ILO Convention 169. *Nordic journal of human rights*, 30(2): 122–147. <https://doi.org/10.18261/ISSN1891-814X-2012-02-02>

Yupsanis, Athanasios, (2010), ILO Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries 1989–2009: An Overview. *Nordic Journal of International Law / Acta Scandinavica Juris Gentium*, 79(3): 433–456. <http://doi.org/10.1163/157181010X512576>