

Indigenous rights to self-determination: The Institutional Design and Policy Process of the Swedish Sami Parliament

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The Swedish Working Committee on Constitutional Reform (Grundlagsutredningen) presented a proposal in 2008 that the Sami people ought to be mentioned in the introductory chapter of the Instrument of Government (Regeringsformen) due to their status as an indigenous people. One of the primary motives was to constitutionally confirm Sweden's approval of the United Nations Declaration on the Rights of Indigenous Peoples of 2007. The UN resolution states, among other things, that "[i]ndigenous peoples have the right to self-determination" (art. 3). In order to grant the Sami cultural autonomy, the Swedish Sami Parliament (Sametinget) was established in 1993, and today the parliament is considered to be the main body to ensure Sami self-determination. Ever since its inauguration, however, the institutional design of the parliament has been severely criticised by the parliament itself, Sami organisations and NGO's for not being in accordance with the right to self-determination in international law. A part from an official report in 2002, proposing an extended sphere of responsibility for the parliament, there is no research done on if and how the Sami Parliament actually works

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to safeguard the publicly recognised Sami right to self-determination.

The purpose of the project is to analyse the capacity of the Sami Parliament to safeguard the Sami right to self-determination. Is the institutional design of the Swedish Sami Parliament enough to guarantee the Sami people self-determination?

The project has three parts. In the first, the focus is on the actual meaning of the right to self-determination in the contemporary political debate, as it is contested in many ways. The meaning of the right to self-determination will be analysed by a comparative and descriptive analysis of the policies of individual nation-states. The research question in this part is: Does the Swedish state's interpretation of the right to self-determination differ from that of other states?

In the second and main part of the project, the empirical study will focus on the policy process of the Sami Parliament. The parliament's legal status is as an administrative authority, but it is elected by the Sami people. This organization has created dual roles for the parliament: to both function as an administrative authority and as a representative body of the Sami people in Sweden. The policy analysis will focus on the Sami Parliament's role as representative body. The analysis will be conducted in two steps. The first is a traditional analysis of the political decision-making process within the parliament in four different phases: agenda setting, alternative specification, the formal decision, and implementation. Who are the actors involved in the different phases of the decision-making process, and what actors are most important and influential? As the parliament does not have any actual power in its political role, the phase of implementation warrants another empirical question, namely what happens on a

national level with the policy proposals decided by the Sami Parliament. Thus, in the second step, the same four phases in the decision-making process will be used in order to analyse the actual influence of the parliament on a national level. The research questions in this second part of the project are: How does the Sami Parliament work in its role as representative body of the Sami people? And what are the possibilities of the Sami Parliament to set the agenda, and to influence the actual outcome on a national level?

In the third part of the project, the results from the two empirical studies will be brought together with a normative analysis of the meaning of the concept of self-determination in international law and political theory, in order to evaluate if and how the institutional design of the Sami Parliament meets the normative criterion of self-determination. The research question in this part is: What institutional design of the Sami Parliament is desirable?