

The Politics of Planning:

Assessing the Impacts of Mining on Saami Lands

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Abstract

This article examines the implications of undertaking community based impact assessment (CBIA) in the Swedish context where Indigenous rights receive little recognition and the institutional planning environment is disabling. It explores how normative biases built into the permitting process for mines ontologically privilege non-Indigenous ways of defining what constitutes relevant impacts. We show how the CBIA, undertaken by an impacted Sami community together with the authors, attempted to challenge these biases by constructing narratives about future impacts from the perspective of the Indigenous community. We also discuss how the research itself became embroiled in contestations over what constituted legitimate knowledge.

Keywords: planning, impact assessment, resistance, indigenous, Saami, Sweden

1. Introduction

Globally, over the last 20 years or so, we have seen the emergence of two contradictory trends. On the one hand, Indigenous peoples have received a greater international recognition of their rights, particularly so in regards to their rights over traditional territories and natural resources therein. The emerging norm is that as a general rule the consent of Indigenous communities is required prior to extractive industries taking place on Indigenous lands and where their rights are affected.¹ On the other hand, however, natural resource extractive activities have increased in Indigenous traditional territories, often in breach of those very same rights. This is due to multiple drivers, including rising global commodity prices, energy demands, and population increases. In this context, states frequently fail to acknowledge Indigenous peoples' territorial rights.²

This has led to increasing conflicts over extractive activities on Indigenous lands. Sweden provides an illustrative case: while it is generally seen as an international pioneer in regards to human rights and environmental standards more generally, it has received consistent and long-standing criticism from various United Nations (UN) bodies for its position on Sami rights.³ Yet, little academic attention has been devoted to the dynamics of mineral extraction in the European north. One possible reason for the 'under-researched' nature of mining impacts on indigenous rights in this context is the (erroneous) assumption that the governance challenges are somehow less severe in the political welfare states such as Sweden.⁴

We argue, however, that, practices of internal colonisation through resource extraction continue to dispossess Sami of their traditional lands.⁵ While the Swedish state has traditionally played an important role in the steering of development and the population's welfare, the regulation of resource activities on traditional Sami lands has been weak, if not non-existent. This takes place in a broader political context in which Sami land rights receive very little official recognition in Sweden.⁶ Mining laws are particularly lax, despite the fact that industrial developments have far-reaching consequences for traditional Sami land uses, such as reindeer herding, hunting and fishing.⁷ For instance, there are no formal mechanisms by which the state requires the consent of affected Sami prior to industrial intrusions being granted state permits, and consultations are minimal at best.⁸ Mundane, everyday and seemingly benign planning processes effectively ignore, extinguish, or at best compensate, Sami for their loss of reindeer pasture lands to industrial developments.⁹ It is precisely in these mundane spaces of government we find rich examples of political contestation, and particularly so in the case of resource developments on Indigenous lands.¹⁰

In this article we discuss our own research with an Indigenous Sami community affected by a planned mining operation and the community based impact assessment (CBIA) we undertook together. The CBIA concerned a proposed open-pit copper mine by Boliden Mineral AB (hereafter 'Boliden') in Laver, Northern Sweden, on the winter reindeer grazing pastures of the Semisjaur Njarg Sami community. Boliden is the second largest producer of extracted ore in Sweden (in terms of value) and is thus a key player in establishing norms for how the Swedish mining industry as a whole engages with indigenous issues.¹¹

The community of Semisjaur Njarg is a so-called mountain reindeer herding community (*fjällsameby* in Swedish). There are around 50 reindeer herding communities throughout Sweden; they are legal entities constituting both a geographical area and a kind of economic association between their reindeer herding members. These communities are heterogeneous and constitute a hybrid form of organisation. They are in part a colonial legacy of state attempts to regulate and control reindeer herders from diverse backgrounds, often consisting of Sami families with different language histories

and from different ancestral homelands.¹² But internally, the communities often organise as sub-groups along family lines, for example, during winter, when the herders separate into smaller, often family based, groups of herders, known as ‘winter groups’, or by the Sami term *siida*.

The community of Semisjaur Njarg has summer pastures in the mountain areas (from the Norwegian border down to Arjeplog) and with winter pastures in two separate coastal areas that are used by two distinct groups of herders: Tjidjakk (the northern winter pasture in the municipalities of Älvsbyn and Piteå) and Tjallas (the southern winter pasture in the municipality of Skellefteå) (Fig. 1). The proposed mine site in Laver is located in the northern winter pastures of Tjidjakk, and is used by one of Tjidjakk’s three winter groups. Winter pastures constitute a ‘bottleneck’ in the yearly nomadic cycle due to the loss of pasture to infrastructure, predation, and other human disturbances. Like many other communities, these cumulative land-use pressures, combined with the complex geographical and historical legacies of colonialism and dispossession of Sami lands, place strains on both the internal politics within the community and in their relations with the majority society more generally.

[insert Fig. 1 about here]

Figure 1: The Semisjaur Njarg reindeer herding community and the approximate location of Laver.

The aim of the research was conceptualised in line with action oriented research: ‘to generate scholarly insight while at the same time yielding results that are immediately useful to the protagonists of these struggles’.¹³ For the community, the immediate need was for an impact assessment that challenged the mining company’s own impact assessment, and instead gave voice to how the community members themselves perceived the future impacts of the proposed mine. The CBIA was thus a kind of ‘shadow’ Environmental Impact Assessment (EIA) process that ran parallel to Boliden’s own statutorily required EIA process. Given that the CBIA is now published, and (at the time of writing) currently in use by the community in their legal appeals process over the mine, we now find it timely to reflect upon our own scholarly insights around the research process itself.¹⁴

We structure our discussion around two broad, and overlapping, research questions. Our first research question concerns to what extent Indigenous groups can be ‘heard’, and their rights recognised, through planning processes that universalise the norms of the non-Indigenous majority society, and generally function to render Indigenous land-use practices and rights claims invisible, or marginal at best. We argue that impact assessment processes for mining concessions in Sweden provide an illustrative case, both of the way in which Sami rights are marginalised, and the kinds of resistances and contestations that can come about. They are an example of how – as Nicholas Rose has argued in his Foucauldian based theories of power – creative resistance ‘frequently arise in ‘cramped spaces’ – within a set of relations that are intolerable, where movement is impossible, where change is blocked and voice is strangulated’.¹⁵ As Hale and colleagues articulate, based on activist research in Latin America, we are concerned to explore the extent to which a CBIA might provide an ‘alternative participation mechanism’ for Indigenous communities faced with an impending development on their lands, in a space where ‘constrained manoeuvrings’ perhaps provide the most realisable form of transformative politics.¹⁶

But impact assessment processes – whether they be proponent or community driven – are arguably also part of a broader global trend in which political disputes around materials (i.e. minerals, oil and so forth) are increasingly entangled in ever growing quantities of information (assessments, reports, guidelines, fact-finding missions etc.), which themselves also become objects of dispute.¹⁷ Our second research question thus concerns how our applied research through the CBIA became embroiled in – and in fact came to contribute to the very creation of – a particular kind of ‘knowledge controversy’, or

‘political situation’.¹⁸ It, too, came to constitute a kind of ‘fact-finding’ mission with competing claims to truth.¹⁹ Because we as social scientists play an active role in these controversies and political situations, this raises multiple ethical dilemmas and challenges, particularly so as non-indigenous researchers in an indigenous context.²⁰

We proceed with a literature review, followed by a description of our material and methods. We then briefly outline some of the key features of the permitting processes for mines in Sweden and a more detailed description of our case study. On this basis, and drawing on the literature, we present and discuss our insights structured in two main sections linked to each of the above research questions; namely, focusing on how the CBIA infused alternative, competing claims to truth and the research dilemmas that we experienced as the research itself became embroiled in these controversies.

2. Political situations: controversies over community-based impact assessments

2.1 Social impact assessments and community based impact assessments

The practice of social impact assessment (SIA) largely developed as an element of Environmental Impact Assessment (EIA), which emerged throughout many Western countries during the late 1960’s. In an Indigenous context, SIA has significant roots in the social justice concerns of the 1970s, exemplified in the well-known Berger Inquiry into the social, environmental and economic impacts of the MacKenzie Valley Pipeline in Canada, on both Aboriginal and non-Aboriginal communities.

However, much of the mainstream literature on SIA today leaves aside broader questions of social justice and rights, and focuses instead on the regulatory or corporate driven processes in which companies do better or worse at utilising the SIA process to either a) get a regulatory permit and/or b) establish and maintain positive stakeholder relations.²¹ Here, industrial developments are generally taken as *a priori* and SIA is seen as a way of balancing and managing the positives and negatives of (an inevitable) development. Much of this literature consequently fails to engage with the particular issue of indigenous rights (including the right of affected indigenous communities to withhold their consent) and what that might mean for SIA practice.

Already in the late 1980s Howitt identified this rift within SIA practice and the literature: was SIA to be a process concerned with permitting and legislation, or a process for empowering Indigenous communities affected by natural resource extraction on their traditional lands?²² We contend that mainstream SIA literature continues to harbour some ambiguity in its engagement with Indigenous rights. For instance, in one of the recent collections on the topic, Vanclay and Esteves note that SIA practice increasingly is both seeing the recognition of the international principle of Free Prior and Informed Consent (FPIC) and being mobilised as means to negotiate impact-benefit agreements.²³ They argue that SIA should ‘provide the space... for disparate people to deliberate on public issues [so that participants] through respectful dialogue... can solve problems creatively’; and that SIAs must ‘take a major role in reducing conflict’.²⁴ Sometimes this may well be a legitimate goal of SIA. However, we argue that in cases of Indigenous resistance to developments, the aim may not be to solve a development-centric ‘problem’, nor may it be meaningful to put a lid on a conflict that reflects larger structural issues, such as unresolved land rights struggles.

We have been inspired by an alternative strand within the SIA literature that deals more explicitly with the question of Indigenous rights and how participation in, and contestation over, impact assessment processes comprise a critical site of resistance for Indigenous groups and movements. Across the world, scholarly work has shown how impact assessments are weaved into the fabric of neoliberal practices, whereby protective government measures are dismantled, and discourses of Corporate

Social Responsibility (CSR) relegates crucial responsibilities from government to corporations.²⁵ As ‘invited’ or ‘circumscribed’ spaces, where corporations commonly cast Indigenous participation not as a right but as a ‘privilege’, impact assessments processes are invariably framed and steered by corporate interests.²⁶

While these challenges may seem insurmountable, Indigenous communities do, at times, succeed in transforming assessments from ‘technical’ exercises into political devices for asserting rights, through mixed strategies ranging from overt activism, to legal pressure and to skilled negotiation. It is in these dynamics that researchers may play a supporting role through action oriented research processes and in these instances the delivery of products may assist communities to mobilize, strategize and articulate their visions.²⁷ This critical literature is helpful to elucidate the lacunas left by wider sustainability science, which has remained ‘almost completely disengaged from questions of indigenous science, indigenous knowledge, and indigenous rights’.²⁸

2.2 Knowledge controversies, political situations and political ontology

As action researchers we are concerned to experiment with more robust and ethical ways of doing SIA in collaboration with Sami communities affected by resource developments. Yet we are also acutely aware of our own constitutive role in the way in which expert knowledge is produced and contested in such contexts. As social scientists, we have not merely been observers to a knowledge controversy between Boliden and the Sami community of Semisjaur Njarg over the impacts of the proposed mine, but have also actively participated in the controversy in a multitude of ways.

Here, we have found several overlapping debates helpful in understanding this dynamic. First, is the more general point made by Callon, Rose, and Barry, among others, that the proliferation of information, knowledge, and research about a particularly controversy does not necessarily serve to reduce, or even limit, the conflict at hand.²⁹ As we demonstrate in this article, debates over technical improvements – in the assessment of social and environmental impacts of mines - produce further contestations over what actually constitutes legitimate expert and non-expert knowledge of mining impacts on Indigenous land uses. How, and by whom, are such impacts to be mapped, measured and interpreted?

Second, knowledge controversies are not necessarily limited in time or space, but may link up to a whole array of other – historically contingent and geographically dispersed – knowledge controversies through what Andrew Barry calls ‘political situations’. For Barry, the concept of a political situation captures ‘how the significance of a controversy is not so much determined by its specific focus...but needs to be conceived in terms of its relations to a moving field of other controversies, conflicts and events, including those that have occurred in the past and that might occur in the future’.³⁰ Coombes et al. have similarly paid attention to how the manifestations of resistance are ‘more-than-local’.³¹ It is without doubt that local context matters to a dispute at hand, but contestations go beyond the specificities of the immediate environment. Hence, in the present case, while we are concerned with a localised dispute over a mining permit, the community struggle is both foregrounded by and feeds into a much longer trajectory of Sami resistance to state permitting processes for natural resource developments on Sami lands as a colonial practice, and more recent international discourses concerning the rights of Indigenous communities to give – or withhold – their consent to resource developments on their traditional lands.

Third, debates associated with political ontology – in part growing out of past critiques of ‘knowledge integration’ and epistemological explanations of difference – are also helpful. As Blaser, among others, has argued ‘one must never assume that cultural perspectives on a single world are what is at stake in a

conflict or negotiation; rather, attention to the possibility that different worlds are what is at stake is warranted'.³² In this view, the CBIA can be seen as an effort to support larger and ongoing projects of Sami 'ontological self-determination'.³³ In this article, we thus seek to reflect on how our own CBIA process with the affected Sami community on the one hand, and the company's own EIA process on the other, mobilized fundamentally different ontological assumptions and processes of 'worlding'.³⁴ Our point is not to argue for the existence of any single set of 'Indigenous' ontological assumptions, or that they take precedence over western ones, but to highlight that Western ontological assumptions are not universal, although they may present themselves as being just that – and in doing so often work to render Indigenous world-views and human-environment relationships invisible.³⁵ This also has implications for how we view impact assessment as a mode of 'governance'. As Acuña has argued, colonial patterns of domination of indigenous communities may, then, be better understood as questions of fundamentally diverging political ontologies, i.e. worldviews including conceptualizations of the human-environment relationship, rather than as simply questions of ill-designed policies or problems of 'governance'.³⁶

3. Material and method

The case study in Laver was identified in close consultation with the Land Use Group (*Markandvändningsgruppen*) of the Swedish Sami Association (SSR). We sought to explore if a CBIA could provide an alternative form of participation for Sami communities affected by proposed developments, given the structural injustices inherent in formal planning and EIA processes in Sweden. Boliden's proposed mine at Laver was chosen given that it was, at the time, the only case in which a company was currently in process of preparing an EIA for submission for a mining concession to the permit authorities. The case was also of interest because it concerned a large, established mining company with a strong Swedish history, which had thus far received little attention for its operations on Sami territories.³⁷ Crucially, the affected Sami community of Semisjaur Njarg was also willing to participate in the study, without the support of whom this research would not have been possible. A co-operation agreement between the community and our-selves was made.

Multiple workshops, meetings and interviews were held during 2014 and 2015 with different groups and individuals within the community (e.g. a separate workshop was held for youth and women), in order to explore how community members viewed reindeer herding today, and how they saw that it would be impacted with the planned mine. Following the generally accepted structure of EIAs, the study generated 1) a 'baseline' of the present and 2) an assessment of potential impacts of the proposed mine. The latter was organized as a scenario analysis, which allowed space to present different narratives and visions from the community.³⁸ The study focused on the community's own concerns about the most likely impacts of the proposed mine over a period of 25 years. Given that there was no published research on the impacts of mining on Sami reindeer herding in Sweden, we also undertook a review of experiences from a number of Sami communities through first hand conversations with them, including one in-depth study of the Gällivare Forest Sami community's experiences of Boliden Aitik mine (located near Gällivare, north of Laver). This comparative case study was suggested by the Board of Semisjaur Njarg Sami community since the Aitik mine was of similar style and scale as the kind of open-pit copper extraction envisioned in Laver.

In estimating direct impacts, we adopted the notion of 'disturbance zones', referring to the fact that a mine not only results in a direct loss of pastures at the actual mine site, but also in an indirect loss by way of a zone of disturbance around the operation, where the reindeer herd is so disturbed by noise and human activity that the majority of the herd will avoid the area.³⁹ Yet, like is often the case with scientific 'boundary objects', they proved difficult to quantify.⁴⁰ First, the mining industry themselves

have been generally opposed to quantifying buffer zones. For example, when Boliden was asked by a Semisjaur Njarg community member why the company had not applied buffer zones in the company EIA a Boliden representative replied that, ‘Yes, there has recently started to come some relevant research [on buffer zones], but it is only through a number decisions [by the courts and permitting authorities] that one can define the course ahead...’. Second, the question of how the community themselves were to interpret the research on buffer zones was also open to debate. The concept – like much of Western science – was not directly compatible with the traditional knowledge in the community.⁴¹ We thus had extensive discussions with the Semisjaur Njarg Sami community, with other Sami communities affected by mining, and with the geographic information systems (GIS) staff at the Sami Parliament, about how to interpret and apply the relevant research findings. After deciding upon a buffer zone of 10 kilometres for the proposed mine (and other zones for other encroachments, such as wind power, roads etc.), participatory GIS maps were produced. This was much in the spirit of counter mapping, to make visible not only the mine and its buffer zone, but also existing and future land encroachments within the community’s reindeer grazing lands, something which had not been mapped in Boliden’s own EIA.⁴²

4. Permitting processes for mines in Sweden

While Sweden’s mining industry constitutes only around 1 per cent of its GDP, it is one of the largest suppliers of metals and minerals to the EU and provides over 90% of the EU’s domestic production of iron-ore. Moreover, mineral extraction in Sweden is concentrated in the north of the country and around 98.5 per cent of the value of the mineral extraction is situated on Sami traditional territories.⁴³ Yet the Sami have little real influence over if and how mining and exploration takes place on their lands, something we expand upon below through a brief summary of the permitting process for mines.

In Sweden, applicants for mining concessions (*bearbetningskoncession*) are statutorily required to undertake an impact assessment that addresses the impacts of proposed mining activities on existing lands uses – including Sami lands uses – yet they are not legally required to consult with affected Sami communities. The majority of mining proponents have thus historically undertaken impact assessments without any consultation or contact with affected Sami communities, although this is less common today.⁴⁴ Where consultation now does generally occur, it is routinely limited to a fairly narrow one-way communication: Sami communities are asked to provide proponents with information about Sami land uses in the proposed concession area. The assessment of actual impacts is generally undertaken by the proponent/consultant with limited Sami participation, consequently rendering Indigenous knowledge and experiences of impacts invisible, or subservient at best.⁴⁵ This is also in line with Howitt’s argument concerning the marginalisation of ‘non-specialist’ knowledge more generally in impact assessment processes: it is precisely in the assessment or prediction phase of an impact assessment that technical ‘specialists [i.e. consultants, engineers etc.] see their expertise as most important and in which “participation” is limited in order to reduce interference in the technical work of impact assessment’.⁴⁶

The permit process is moreover characterised by a ‘slicing and dicing’ of individual projects so that no complete assessment is made of the entire project. Planning praxis thus far has limited the assessment of impacts to the actual mine site in the mining concession permit stage, and surrounding infrastructure and environmental impacts are assessed later, in the environmental permitting stage.⁴⁷ This fragmentation is particularly problematic since the legal assessment of whether reindeer herding can be expected to co-exist with the mine is made before the whole project is presented and assessed.⁴⁸ Moreover, few considerations are made of the cumulative impacts arising from the interaction with

other developments in the landscape – a challenge well recognised also by civil servant, who often are unable to find ways to account for cumulative impacts in their reviews.⁴⁹

Various assumptions also tend to inform the judgment by courts and permitting authorities on whether impacts will be significant. First, courts and authorities generally simply assume that mining and reindeer herding can co-exist.⁵⁰ Second, when significant impacts are recognized, it is often assumed that technical solutions can serve to sufficiently compensate for land dispossession, including through the use of planned feeding, eco-ducts, and fencing off the landscape to steer the movements of the reindeer herds. This assumption builds on a die-hard myth of the continuous adaptability of Sami communities and reindeer herding in the face of industrial expansion.⁵¹

The ways in which these permitting processes marginalise Sami rights and interests have resulted in repeated criticism of Sweden from both the UN and EU.⁵² Yet, there are no emerging norms within the mining sector that require Indigenous consent prior to extractive activities taking place. On the contrary, mining companies operating in Sweden are generally opposed to any such development.⁵³ These regulatory and governance failures have led to increasing critiques of permitting and EIA processes by Sami communities, with claims that such processes are ‘meaningless’, as they presume *a priori* that the development will take place and do not respect Sami rights. Instead, they have put their energies and resources into protests and other forms of resistance.

Against this background, the CBIA we undertook together with the community of Semisjaur Njarg was essentially an experiment in resistance. It was the first of its kind in Sweden, in so far as it 1) provided independent resources to the community (via researchers’ time, and not tied to the proponent), 2) created a framework where the community themselves - together with us (the researchers) – governed the scope and content of the impact assessment process, and 3) fed into an on-going permitting process regarding a specific resource development.⁵⁴

However, this approach was not without its risks: could it involuntarily serve to co-opt both the community and ourselves as researchers into a permit process fraught with structurally induced discrimination against the community? Could the CBIA divert attention from other, perhaps more effective, forms of resistance? Furthermore, was the study in some ways setting a precedent for a non-viable path for other Sami communities, given that the CBIA process was extremely demanding on time and financial resources, for both the community and the researchers? Other experiences have suggested that the creative use of multiple resistance strategies is effective.⁵⁵ Indeed, the community was, parallel to the CBIA, engaged in the larger political Sami resistance to mining that proceeds without respect for Sami rights, through for example the work of the Swedish Sami Association (SSR). Still, these questions remain open-ended as the process itself continues to evolve: at the time of writing the CBIA is itself assessed for its merits by permitting authorities, alongside Boliden’s own EIA, as they both compete to tell the ‘truth’ of the future impacts of the mine for a multitude of audiences.

5. Competing impact assessments – competing claims to truth

The legislatively required EIA that Boliden undertook was based on limited community consultation over a period of a few months, and included a 9 page ‘reindeer herding analysis’. The company submitted this document to permit authorities, despite the community wanting more detail of the mine’s impacts on Sami land use and rights. The CBIA was developed in collaboration between researchers and the community, aiming to highlight the community’s perspective of impacts, provide a deeper analysis of long-term and cumulative impacts than the company was willing to engage with, and contextualise resource projects in Sami areas in a broader critique of permitting processes and

their lack of recognition of Sami rights. The CBIA report was about 115 pages long and took nearly two years to complete. The contents of these impact assessments differed in many ways, some of which we discuss below.

Like many other proponent sponsored EIAs before it, Boliden's assessment concluded that the proposed Laver mine could co-exist with the Sami community's herding activities.⁵⁶ Given that the majority of the winter pastures would be affected by the mine and buffer zone, (or other already existing and planned encroachments) Boliden's main proposed compensatory measure was that the reindeer be fed almost exclusively by pellets during the winter, rather than allowing them to freely graze on the community's winter pastures. While Boliden's EIA conceded that pellet feeding would not be a sufficient measure, and that several reindeer herders would in fact be forced to leave reindeer husbandry – due to the significant loss of pastures – this admission was couched in a discourse of compensatory measures and 'co-existence'. Affected reindeer herders would be offered employment by Boliden and co-existence would thus be secured, at least from the perspective of the company.

In contrast, the scenario-analysis in the CBIA gave considerable ethnographic detail to the long-term consequences of the mine. This included the social and cultural impacts of a transition from a traditional model of reindeer husbandry based on free-grazing, to one based on pellet feeding; the social and cultural impacts of forcing several reindeer herder out of their traditional livelihood; and of the impacts on the property rights of the community. Through the scenario-analysis, the report fleshed out multiple narratives that sought to give voice to the various concerns of different individuals and groups within the community. One of the community's key concerns was that they would become dependent on a corporate-sponsored mode of 'reindeer farming' through exclusive pellet-feeding during the winter months. This was seen to be fundamentally at odds with traditional Sami culture and reindeer herding. As the chairman noted: 'then it's just not reindeer herding anymore!'. It was understood that this would deter future Sami generations from entering reindeer herding. These findings were by and large confirmed by the experiences that Gällivare Forest Sami Community has of Boliden's Aitik mine: they testified as to how the Aitik mine was a contributor in preventing new generations of herders from establishing themselves: '[herding] isn't perceived as a credible livelihood... [several herders] try but have to quit since it doesn't work out'. As we elaborate further below, these claims were disputed by Boliden, who argued that the scenario-analysis presented an exaggeratedly 'bleak' picture of the future impacts of a mine.⁵⁷

Contestations over how to meaningfully present the impacts of the mine also extended to the making of maps. We highlight here two aspects regarding the competing maps presented by the company and the community. First, the company's EIA mobilized maps that gave a narrow view of the impacts only within the actual mining site. In contrast, the CBIA emphasized the need to take into account a buffer zone (10 km) around the site, thus significantly enlarging the scope of the impact zone. Second, the company EIA was solely concerned with depicting the mine as the only variable on the maps, limiting its purview to the winter group directly affected. It thus did not provide any visual representation of other impacts from current developments and activities or those that could be expected to take place in the foreseeable future. In contrast, the CBIA did this, taking a more systemic view on the whole of Tjidjaks winter pasture (i.e. the three winter groups), including all relevant disturbances, zones for existing encroachments and foreseeable impacts of future encroachment, such as already approved windmill farms and other resource activities within the community's pasture lands.

Yet the proliferation of knowledge – through, for example, participatory map making and scenario analysis - did not serve to reduce conflict, but to feed ever more conflicts about the knowledge itself. As both Barry and Rose have demonstrated, forms of calculation and audit - such as impact

assessments - that are assumed to establish a limitation on the field of potential disagreement actually serve to 'to amplify and multiply the points at which doubt and suspicion can be generated'.⁵⁸ This was illustrated well in debates between Boliden and the community over what constituted relevant knowledge. In one meeting between the community and the mining company, the community argued that the company's EIA did not go into enough detail in regards to the impacts on reindeer herding. The company representatives presented maps, illustrating reindeer movements around the proposed mine site, and one company representative claimed that a 'smaller amount of reindeer could pass by the mine site'. One community member questioned this claim and critiqued the company's EIA for not going into the further detail: 'what do you mean by a smaller amount of reindeer? Whose reindeer are going to disappear? It matters a lot to us how many reindeer we have to reduce'.

The discussions in the meeting continued and it appeared that the company were not wanting to commit to more detail in their EIA, until one company representative rather suddenly indicated the contrary: 'We will gladly supplement the EIA [with more detailed information regarding reindeer herding]. Anything that helps us get a [mining] permit is good'. Several community members appeared perplexed, and the chairman of the reindeer herding community replied: 'Then we misunderstand one another, because any information that we want to include [in the EIA] is not going to help you get a [mining] permit'. It thus became evident that facts and details were welcome as a part of the company's EIA process, so long as they were in the interest of the company. This is in line with the more general observation that proponent driven impact assessments invariably have development approval as a main goal.⁵⁹

This somewhat heated exchange between the company representative and the Chair of the community also contradicted the company claim that its EIA was in fact a joint effort. The community experienced that Boliden controlled the process by delimiting the scope of the questions to be addressed and were unwilling to go into the level of detail that the community believed was required. Boliden, however, maintained that its EIA process succeeded well in generating an open and respectful dialogue that led to the best possible quality of results.⁶⁰ The community and company thus held fundamentally different views on what constituted the legitimate scope of the EIA, how successful the process was and what, if anything, ultimately was agreed as an outcome. It also revealed contestation over whether there was in fact a conflict: while for the community there was a clear conflict between them and the company, Boliden was not willing to acknowledge any conflict per se, maintaining that their EIA process had worked well and had demonstrated that mining and herding could co-exist. This experience appears similar to situations observed in many other natural resource conflicts around the world, and which Viveiros de Castro has termed an 'uncontrolled equivocation' – i.e. a conflict situation in which the antagonists 'are not talking about the same thing and do not know this'.⁶¹ This also suggests that Boliden is at the first phase of 'normal' corporate responses to critique, namely denial. In their 'anthropology of capitalism', Benson and Kirsch locate such tactics within a larger strategy by corporations and their supporters to foster a politics of resignation in opposing parties, which seek to legitimise dispossession and render invisible alternative futures.⁶² In other words, companies seek to shut down critique by ignoring its very existence.

7. Conclusions

As Coombes et al. argue, our research demonstrates that there is 'no pre-determined, singular or authorized suite of methods', particularly in the case of research in an indigenous context.⁶³ The research process has entailed an on-going experiment with various action research methodologies, but also an experiment in testing the limits of planning practice in Sweden. If a genuinely participatory and community based impact assessment were undertaken, which included Sami perspectives on Sami

rights, interests and land-uses, how would such material be received by the proponent, permitting authorities and appeals courts? For the proponent – Boliden - our research methodologies were considered subjective (and thus invalid). This ontological framing posited the two EIAs in direct opposition with one another: the proponent's own EIA based on objective facts and the CBIA based on subjective and incorrect 'opinions'. These contestations over relevant and objective 'facts' revealed fundamentally different world views over what constituted legitimate research methodologies. But they also pointed to a more systematic marginalisation in the permitting process of Sami rights to land and Sami traditional knowledge of the impacts of resource extractive activities.

In so doing, we suggest that the CBIA was a practical exercise in support of the on-going Sami struggle for 'ontological self-determination'. The aim – even if it not always fully realised due to our own limitations, including as non Indigenous researchers – was to give full recognition to the indigenous ontologies and counter the relegation of the community and its concerns as being 'purely local'.⁶⁴ Inspired by Coombes et al., among others, we sought to avoid micro- and single-scale analysis that would 'confine' the Indigenous interests within the colonial paradigm and sought to unpack, in small ways, the larger structural and institutionalised violence.⁶⁵ We thus sought to highlight fractures in the permitting regime and its strategies of dispossession, including the attempts to silence alternative Sami views. Importantly, the CBIA was submitted to the permitting authorities as a part of the affected Sami community's appeal over Boliden's development application, and was not framed in a 'CSR dialogue' with the company, thus emphasizing the human rights responsibilities of the state.⁶⁶ As one of several strategies adopted by the community, the process arguably served to aid the community's resistance and supports previous experiences that engagement in impact assessment, when configured towards social justice goals, do have a relevant function to perform – in conjunction with other strategies.⁶⁷

Whereas it is too early to know which path the permit process will take at this moment in time, it is worth noting that the County Board (the permitting authority that advises the Mineral Inspectorate prior to its permit decision on mining concession) did in fact reject the mine proposal. Their reasoning was based on several arguments strikingly similar to those made in the CBIA, particularly in regards to the mine's 'disturbance zone' and the risk that the company's proposed mitigation measures, such as pellet feeding would create a corporate financed mode of 'reindeer farming'. Yet, several key impacts contained within the CBIA were not acknowledged or discussed in the County Board's review. Crucially, while the CBIA attempted to shift the discourse from one centred squarely on a positivist dispute over the 'purely local' impacts to one cognizant of indigenous rights – by highlighting the mine's infringement on the community's property rights and the individuals' right to culture – the County Board's review did not include any explicit reference to these rights.

This echoes a more widespread practice within Sweden whereby Sami rights claims are either ignored, or simply denied. Thus, while the CBIA may have contributed to opening up the discursive space within the confines of current planning practice, these 'cramped spaces' do indeed only allow, at best, 'constrained manoeuvrings'.⁶⁸ Moreover, the permitting process is ultimately a political one, as both the company and community can appeal the Mining Inspectorate's decision to the Swedish government, who themselves have significant discretionary powers in mining permitting matters. Action research must thus necessarily aspire to test the limits of such spaces, but we remain acutely aware of the important role of protest, and the need to work against institutionalised and political permitting processes by refusing to engage with them entirely.

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- ¹ Thornberry, “*Integrating the UN Declaration*”, 71; Åhrén, *International Human Rights Law*
- ² United Nations “*The situation*”
- ³ Anaya, *Report of the Special Rapporteur* .
- ⁴ Kröger, “*Spatial causalities*”
- ⁵ Lawrence “*Internal colonisation*”
- ⁶ See also Vapsten Sami community’s complaint to the UN (CERD/C/86/D/54/2013) over the Swedish state’s granting of a mining concession on the community’s traditional lands. The Swedish Government argued that the Sami do not enjoy any property rights protected under the International Convention on the Elimination on All Forms Of Racial Discrimination. The UN Committee disagreed with the Swedish State’s argument and found that the Sami do enjoy such protection of their property rights.
- ⁷ Lawrence & Åhrén, “*Mining as Colonisation*”
- ⁸ Allard, *Two sides of the same coin*
- ⁹ Lawrence, “*Internal colonisation*”
- ¹⁰ Richardson & Weszkalnys, *Resource Materialities*
- ¹¹ Boliden have made commitments to multiple guidelines and codes regarding indigenous and human rights.
- ¹² See Lawrence & Åhrén, “*Mining as Colonisation*” on the history of how Sami communities were legally formed. During the early 1900s the Swedish state forcefully relocated many Northern Sami families to the southern parts of Swedish Sápmi.
- ¹³ Hale, “*Resistencia para que?*”: 185, Greenwood and Levin, *Introduction to Action Research*
- ¹⁴ [Reference to the CBIA report – to be inserted after blind review]
- ¹⁵ Rose, “*Powers of freedom*”: 280
- ¹⁶ Hale, “*Resistencia para que?*”: 197
- ¹⁷ Barry, “*The anti-political economy*” and “*Political situations*”; Rose, “*Powers of freedom*”
- ¹⁸ Barry, “*Political situations*”
- ¹⁹ e.g. Saarikoski and Raitio, “*Science and Politics*”
- ²⁰ Due to space constraints this article does not address the specific ethical challenges we negotiated as non-indigenous researchers in an indigenous context but acknowledge this is an important issue worthy of further discussion. See Lawrence and Raitio “*Academia and activism in Sami research*” and references therein.
- ²¹ e.g. Esteves et al., “*Social impact assessment*”; Michell and McManus, “*Engaging Communities*”
- ²² Howitt “*Social Impact Assessment and Resource Development*”
- ²³ Vanclay and Esteves, *New directions*: 6-7
- ²⁴ Vanclay and Esteves, *New directions*: 14-15
- ²⁵ Larsen and Mamosso, “*Aid with blinkers*”, see Dean “*Governmentality*” more generally on neoliberal discourses and “market” solutions to social and political problems
- ²⁶ Aguilar-Støen and Hirsch, “*Environmental Impact Assessments*”; Li, “*Documenting accountability*”. See also O’Faircheallaigh and Corbett “*Indigenous participation*”.
- ²⁷ E.g. Kirsch, “*Anthropology and advocacy*”, ²⁷ Hale, “*Resistencia para que?*”, Lawrence, “*Shifting responsibility*”
- ²⁸ Howitt, “*Reframing resilient landscapes*”: 2
- ²⁹ Callon, “*Introduction*”; Rose, “*Powers of freedom*”
- ³⁰ Barry, “*Political situations*”: 330
- ³¹ Coombes et al. “*Indigenous geographies I*”
- ³² Blaser, “*The Threat of the Yrmo*”: 18
- ³³ Viveiros de Castro, 2009, cf. Ludwig, “*Overlapping ontologies*”
- ³⁴ Blaser, “*Ontology and indigeneity*”: 53
- ³⁵ Howitt & Suchet-Pearson, “*Rethinking the building blocks*”
- ³⁶ Acuña, “*The politics of extractive governance*”
- ³⁷ Boliden’s international operations have received more scrutiny, for instance linked to the pending court case concerned with the dumping of toxic mineral waste in Chile in the 1970s (the Arica Victims KB v. Boliden Mineral AB case).
- ³⁸ Within the community there were different concerns regarding the impacts that the planned mine could have on, for instance, different winter groups. The CBIA sought to give voice to these differences, including through developing not one but two different scenarios in the case that a mine were to go ahead.

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- ³⁹ Skarin and Åhman, "Do human activity and infrastructure disturb"
- ⁴⁰ Kull et al., "The political ecology of ecosystem services"
- ⁴¹ e.g. Turi and Keskitalo, "Governing reindeer husbandry"
- ⁴² Hale, "Resistencia para que?"; Rundstrom, "Counter-Mapping"
- ⁴³ Lawrence & Åhrén, "Mining as Colonisation"
- ⁴⁴ Tarras-Walberg, "Social license to mine"
- ⁴⁵ see also Allard, *Two sides of the same coin*
- ⁴⁶ Howitt, "Local and non-specialist participation":31
- ⁴⁷ Note, however, that in a recent ruling by the Swedish Supreme Administrative Court, this planning praxis was challenged and it was deemed that the mineral concession application and EIA in question address all the relevant impacts, even those outside the concession area (Case number 2047-14.)
- ⁴⁸ See e.g. the Environmental Code: SFS1998:896 Ch. 3, §10.
- ⁴⁹ Larsen et al., "Kumulativa effekter av exploatering"
- ⁵⁰ See e.g. the Supreme Administrative Court decision HFD-443-11, Vapsten vs Nickelmountain.
- ⁵¹ Löf, "Challenging Adaptability":63
- ⁵² Anaya, "Report of the Special Rapporteur"
- ⁵³ County Board of Norrbotten and Sweco, "Ökad samverkan"
- ⁵⁴ Löf et al. "Rensköttsel och anpassningsmöjligheter", have undertaken a type of 'strategic' CBIA with the Sami community of Vilhemmina Norra, although this was not designed in response to one specific proposed development. The Laevas and Gabna Sami communities have also undertaken their own CBIAs for LKAB proposed mining operations in Svappavaara and Mertainen, though these assessments have been financed by LKAB, thus setting various limits on their scope and content.
- ⁵⁵ E.g. Bebbington et al. "Mining and social movements"
- ⁵⁶ Lindeström and Eriksson, "Laver – ansökan":80
- ⁵⁷ Boliden, "Bemötande":7
- ⁵⁸ Barry, "The anti-political economy":272; Rose, "Powers of freedom":155
- ⁵⁹ Michell and McManus, "Engaging Communities":451; O'Faircheallaigh and Corbett "Indigenous participation": 633
- ⁶⁰ Email correspondence to authors from Boliden, 2015-06-18.
- ⁶¹ Viviero de Castro, 2009, cf. Blaser, "The Threat of the Yrmo": 11
- ⁶² Benson and Kirsch, "Capitalism and the Politics"
- ⁶³ Coombes et al., "Indigenous geographies III": 851
- ⁶⁴ e.g. Howitt, *Local and non-specialist participation*
- ⁶⁵ Coombes et al. "Indigenous geographies III": 850
- ⁶⁶ Dean "Governmentality"
- ⁶⁷ E.g. Kirsch, "Anthropology and advocacy", ⁶⁷ Hale, "Resistencia para que?".
- ⁶⁸ Rose, "Powers of freedom": 280; Hale, "Resistencia para que?": 197