

Indigenous Archives in Sápmi: Renegotiating Ownership

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In Sweden, the management and ownership of Sámi archives are under debate. Unlike Finland and Norway, where Sámi archival infrastructures already exist, Sweden lacks such a framework and no institution is in charge. The issue of the Sámi archives was raised in a White paper on archives 2019 but led to no decisions. The central questions remain: Can the Swedish State assume responsibility for the Sámi archives, or shall the Sámi people or Sámi Parliament have full ownership? And how is such a Sámi archive best organized?

The ongoing work of the Sámi Truth Commission in Sweden put new emphasis on the matter. Early on, the Commission expressed concern about low levels of trust in Sweden among the Sámi population. It therefore recommended that testimonies collected as result of the Commission's work should not, as originally intended, be stored in the National Archives. The fear was that Sámis would opt out from participating when realising their stories would end up in a State institution. As of yet, there is no agreed alternative. Ájtte, a Sámi museum in Jokkmokk, was

suggested as a potential repository, but turned down by the government.

The question of ownership is critical in the current debate. This paper explores the concept of ownership in relation to Sámi archives. Are we speaking the same language when we discuss the ownership of archives? What does ownership of archives mean and why is it important? It reviews the legal frameworks regarding Sámi archives in Sweden and Norway, identifies key aspects for implementing the right of Sámi to maintain, control, protect and develop archives as part of their cultural heritage, and proposes some first steps for the Swedish National Archives as part of reconciliation efforts with Sámi.

Legal Frameworks Concerning Sámi Cultural Heritage in Sweden

According to the UN Declaration on the Rights of Indigenous Peoples "Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage."¹ The declaration does not use the term "ownership" of cultural heritage; instead using the verbs maintain, control, protect and develop.

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¹ UN General Assembly, Declaration on the Rights of Indigenous Peoples, adopted September 13, 2007, UN Doc. A/RES/61/295, article 31(1).

The Swedish State has obligations towards the Sámi people according to the Swedish Constitution. It states that the possibilities of the Sámi People to preserve and develop a cultural and social life of their own shall be promoted by the State.² This provision is quite wide which has led to differing interpretations. The Sámi Parliament has articulated their right to own the Sámi archives as an important part of the cultural autonomy of the Sámi. They also highlight the importance of safeguarding the communication about Sámi cultural heritage as it is rooted in their own history and values.³

Lawyer Marie B. Hagsgård, states that for Sámi people to maintain and develop their culture on equal terms with the social majority, special positive measures are needed to compensate for previous discrimination.⁴ However, what that could mean in the context of archives has never been discussed in Sweden.

This paper presents the legal frameworks for archives in Sweden, and attempts to figure out if there are any obstacles for implementing Hagsgård's proposal of compensatory measures for Sámi in an

archive context and it then considers what her statement might mean in practice.

Legal Frameworks Governing Public Archives

The fundamental laws governing archival activities in Sweden concern not ownership of the archives, but access to archives. A cornerstone for public archives in Sweden is the Freedom of the Press Act established in 1766.⁵ Sweden was the first country in the world to recognize that freedom of the press could not be fully realized without a law asserting the right to access public documents. This principle, known as the Principle of Public Access to Information, underpins the operations of the National Archives. It asserts that anyone, without having to provide identification or reasons, has the right to access public documents. On the basis of this law, archivists in Sweden have always been keen on treating every user equally and never differentiating between user groups when it comes to helping people to find what they are looking for.

Another law, the Administrative Procedure Act,⁶ defines the level of service

² Sweden, The Instrument of Government 1974, article 2.

³ Memorial to a White paper 2019 "Ansvar för samiskt kulturarv. Översyn över behovet att samla in, bevara och vetenskapligt bearbeta arkivmaterial med koppling till urfolket samerna och deras språk." Institutet för språk- och folkminnen och Sametinget. Ku2017/02544/LS och Ku2017/00478/KL.

⁴ [Långtifrån samiskt inflytande trots stöd av svensk lag och internationella konventioner - Samer.se](#) (2024)

⁵ Tryckfrihetsförordning (1949:105). 2 kap. Allmänna handlingars offentlighet.

⁶ Förvaltningslag (2017:900)

for official authorities regarding the public. It states that every authority shall provide information, guidance, advice, and other such assistance to individuals to the extent appropriate considering the nature of the matter and the individual's need for help. It also states that inquiries from individuals shall be answered as soon as possible.⁷

The interpretation of this act is currently under debate in the National Archives. A large inflow of inquiries puts strain on human resources, which are insufficient to meet the demand. The National Archives are therefore discussing whether to establish a minimum level of service and to introduce charges for additional services if a member of the public cannot specify the exact volume he or she needs.

The new interpretation of the Administrative Procedure Act will make it difficult for people interested in finding Sámi relevant documentation since that often is hidden in the archive catalogues due to old colonial structures. There are potentially tensions between the legal principles on the Sámi People's rights and the laws regulating Swedish archives, or at least in how the laws are interpreted.

The Sámi Archive in Norway: What Does Ownership Entail?

In Norway, there is a Sámi Archive which contains mainly private archives and has a unique organizational structure. It was established as a foundation run by Nordic Sámi Institute and the National Archives in 1995 but was transferred to the National Archives of Norway (Arkivverket) in 2005. Despite being part of Arkivverket, the Sámi Archive enjoys considerable autonomy and it is organizationally placed directly under the Director General. It operates under the Norwegian Freedom of Information Act⁸ (similar in many ways to the Swedish version) and there are no special regulations for accessing the archives beyond those applicable to the National Archives. The staff consists exclusively of individuals with Sámi linguistic and cultural competencies.

Following discussions with its director, Inga Marja Steinfjell, I conclude that these aspects are crucial to the Sámi Archive in Norway:

Ownership of the archival holdings: An agreement with the National Archives states that if the Sámi Archive were ever to be dissolved, the archival holdings would not revert to the State. That is important for

⁷ Förvaltningslag (2017:900) § 6 and 7.

⁸ Lov 19. mai 2006 nr. 16 om rett til innsyn i dokument i offentlig verksemd (offentleglova). Act relating to the right of access to documents held by public authorities and public undertakings (Freedom of Information Act).

those who deliver their private archives. Another important factor is that the Sámi can decide about their archives' acquisition plans.

Being in control of the archive building is important: It is important that Sámi have physical control over the material and who uses it as well as ensuring that the building is a safe place to visit. There are significant emotional aspects to ownership.

To be in charge of communication and the service in the reading room: That the staff have cultural and linguistic competences is important to be able to help the users to find the information they need. An investigation run by the Sámi Archive on metadata showed that none of the Sámi individuals interviewed had used the National Archives digital catalogue to find materials. Instead, they had all relied on advice from archivists they spoke with at the Sámi Archive⁹.

To be in charge of outreach: It is important to ensure correct and relevant communication when reaching out to the

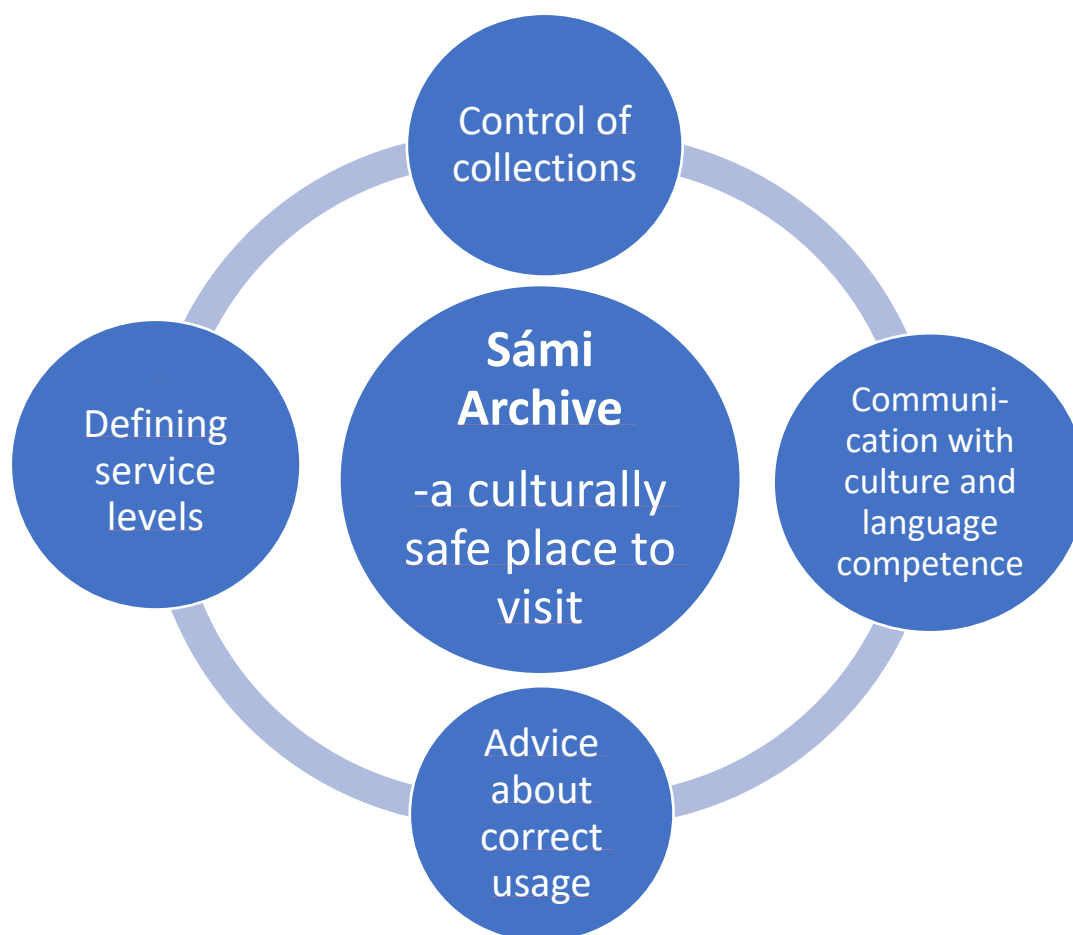
public. Competence in Sámi culture and language is also crucial here.

To secure Indigenous cultural and intellectual property rights: To avoid misuse of historical facts and reinforcing stereotypes about Sámi, there is a need for guidelines for using and publishing Sámi archival documents. The archival staff need to be sensitive to this and share their expertise. Today the issue of data sovereignty and the rights of Indigenous Peoples are also high on the agenda in Norway.

To inform about copyright: In the Sámi society, conceptions of ownership over intellectual property, such as copyright, are different than in mainstream Western legal systems, as it often involves collective ownership. That is for example the case with *joik* (Sámi traditional songs). Copyright law is not always a good fit and ownership of *joik* can only be controlled by members of the Sámi as a collective.

The most important factors for a relatively independent Sami Archive can be summed up in this model – a physical archives building with an intellectual and emotional barrier around it.

⁹ Sluttrapport Samiske metadata interressentanalyse 2023, prosjektleder Espen Joranger, Arkivverket, Norge. Unpublished.



A conceptual model of factors defining a Sámi archive as a culturally safe space

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A new view of ownership

As we debate the possibility of building a Sámi Archive in Sweden, it is essential to recognize that ownership is about more than physical possession. Ownership of a Sámi archive entails communication, cultural competence, accessibility, intellectual control of the holdings, and has an emotional aspect. While awaiting the establishment of a Sámi Archive in Sweden, I suggest that emphasis is put on improving accessibility to archives that are already represented in archival institutions in Sweden, especially in the National Archives. Accessibility is a cornerstone of

Swedish archival law and an important factor in the process of fulfilling the rights of Sámi as an Indigenous People.

It is a problem that documentation of the Sámi People's rights, culture and history, stored in the National Archives of Sweden is difficult to access due to a lack of cultural competence within the institution and inadequate metadata and catalogues.

I suggest therefore that the National Archives establish a tight cooperation with the Sámi Parliament and start working together on the issue of access. The Sami Parliament could provide Sámi cultural competence that would help the National

Archives with archival descriptions and tracking Sámi relevant information in the archives. They could also support communication with Sámi users, which would be one form of reconciliation between the Swedish State and Sámi. It also complies with Hagsgård's interpretation of Swedish law. When the Sámi Parliament one day gets funding for creating their own Sámi Archive, the National Archive could help with training in archival methods and sharing of technical infrastructure.

This idea requires the separation of the ownership of archives from the

management of them. The National Archives would still be the owner but the Sámi Parliament would be in charge of the management.

The National Archives and the Sámi Parliament need to strengthen and share their different competencies. Cooperation will open doors and may increase trust between Sámi and the state. Ownership of archives is more than just owning a building and the holdings; working on the intellectual and cultural accessibility could be a crucial first step in Sweden.